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**Official Report
of Debates
(Hansard)**

Monday 9 May 2016

**Journal
des débats
(Hansard)**

Lundi 9 mai 2016

**Standing Committee on
Social Policy**

Waste-Free Ontario Act, 2016

**Comité permanent de
la politique sociale**

Loi de 2016 favorisant
un Ontario sans déchets

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 9 May 2016

Lundi 9 mai 2016

The committee met at 1402 in committee room 1.

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations? Mr. Hatfield?

Mr. Percy Hatfield: I would take great pleasure in nominating the member from Hamilton Mountain, this lady next to me—

Miss Monique Taylor: What's her name?

Mr. Percy Hatfield: —Monique Taylor, to be our Acting Chair.

The Clerk of the Committee (Mr. Katch Koch): Miss Taylor, do you accept the nomination?

Miss Monique Taylor: I do.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations? There being no further nominations, I declare Miss Taylor duly elected as Acting Chair of the Committee.

WASTE-FREE ONTARIO ACT, 2016

LOI DE 2016 FAVORISANT
UN ONTARIO SANS DÉCHETS

Consideration of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

The Acting Chair (Miss Monique Taylor): Good afternoon. We are here to resume consideration of Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002. We left off at schedule 1, section 33.3, with the PC caucus.

Mr. Lorne Coe: I move that subsection 33(3) of schedule 1 to the bill be amended by striking out “promptly after submitting it to the minister” at the end and substituting “on the same day it is submitted to the minister”.

I defer to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: Essentially, this amendment would require the authority to release the business plan to the public on the day that it's provided to the minister rather than having a more open-ended requirement. It would be provided promptly after submitting it to the minister. This amendment comes forward in the spirit of improving accountability and transparency.

The Acting Chair (Miss Monique Taylor): Any further discussion?

Mrs. Amrit Mangat: No comments.

The Acting Chair (Miss Monique Taylor): No comments? Are the members ready to vote? Okay. All those in favour? All those opposed? Motion lost.

Shall schedule 1, section 33, carry? Carried.

Schedule 1, section 34, and schedule 1, section 35, have no changes. Shall we lump them together? Okay. Shall schedule 1, section 34, and schedule 1, section 35, carry? Carried.

Schedule 1, new section, 35.1: The Conservatives have given us a motion.

Ms. Lisa M. Thompson: Motion 31.4?

The Acting Chair (Miss Monique Taylor): Motion 31.4.

Mr. Lorne Coe: I move that schedule 1 to the bill be amended by adding the following section:

“Authority is a public sector body

“35.1 The authority is a public sector body for the purposes of the Ombudsman Act.”

I defer to my colleague.

Ms. Lisa M. Thompson: Essentially, to sum up, this would subject the authority to the oversight of the Ombudsman. Again, it's all in the spirit of improving accountability and transparency.

The Acting Chair (Miss Monique Taylor): Committee members, I am ruling this amendment out of order as it is, in my opinion, beyond the scope of the bill.

Interjection.

The Acting Chair (Miss Monique Taylor): I appreciate your indulgence, committee.

We'll move on to schedule 1, section 35.2: the Conservatives again, with 31.5.

Mr. Lorne Coe: I move that schedule 1 to the bill be amended by adding the following section:

“Authority is an institution

“35.2 The authority is an institution for the purposes of the Freedom of Information and Protection of Privacy Act.”

I defer to my colleague.

Ms. Lisa M. Thompson: Again, in the spirit of accountability and transparency, this would subject the authority to freedom of information.

The Acting Chair (Miss Monique Taylor): Committee members, I am ruling this amendment out of order as it is, in my opinion, beyond the scope of the bill.

Mr. Percy Hatfield: Chair?

The Acting Chair (Miss Monique Taylor): Yes, Mr. Hatfield?

Mr. Percy Hatfield: Just for the record, I was going to support both of those.

The Acting Chair (Miss Monique Taylor): Okay. Thank you, Mr. Hatfield.

I don't see any changes to section 36, section 37, section 38 and section 39. Shall we group these together? Okay. Shall schedule 1, section 36, section 37, section 38 and section 39, carry? Carried.

Schedule 1, section 40: The Conservatives have a motion, 31.6.

1410

Mr. Lorne Coe: I move that section 40 of schedule 1 to the bill be amended by adding the following subsection:

“Same

“(1.1) The amount referred to in subsection (1) shall not exceed 1 per cent of the amount collected by the authority in subsection 41(1) in the current fiscal year.”

I defer, Madam Chair, through you, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: Again, this is where accountability is really important. This amendment would limit the amount of money that the minister can take from the authority's revenue to 1%. We can't let the authority become a proverbial piggy bank for a cash-strapped government. The idea of having an authority is to have a dedicated agency, with dedicated funds, to collect data and monitor compliance. We don't want to see the government abuse this power under this subsection, so we believe the amount the government should be able to take from the authority should be limited to 1%.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mrs. Amrit Mangat: No debate.

The Acting Chair (Miss Monique Taylor): No debate? Shall we vote?

Ms. Lisa M. Thompson: Yes. Can it be recorded, please, Chair?

The Acting Chair (Miss Monique Taylor): Yes.

Ms. Lisa M. Thompson: Thank you.

The Acting Chair (Miss Monique Taylor): Ms. Thompson has asked for a recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): I find the motion lost.

Shall schedule 1, section 40, carry? Carried.

Schedule 1, section 41: The Conservatives have motion 31.7.

Mr. Lorne Coe: I move that subsection 41(2) of schedule 1 to the bill be struck out and the following substituted:

“Setting fees

“(2) In setting the fees, costs and charges described in clause (1)(a), the authority shall specify their amounts, or the method for determining them, and shall publish that information on the registry.”

Thank you, Madam Chair, and, through you, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: In the spirit of accountability and transparency once again, this amendment would require the authority to post on the registry the amounts and the method for determining fees, costs and charges.

The Acting Chair (Miss Monique Taylor): Any further debate? Shall we vote?

Ms. Lisa M. Thompson: A recorded vote, please.

The Acting Chair (Miss Monique Taylor): Ms. Thompson has asked for a recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

The next motion is Conservative again, 31.8.

Mr. Lorne Coe: I move that section 41 of schedule 1 to the bill be amended by adding the following subsection:

“Limitation

“(4.1) No fee, cost or charge may be set under this subsection unless,

“(a) the impact on consumers and taxpayers is fully considered;

“(b) the amount of the fee, cost or charge is reasonable; and

“(c) the fee, cost or charge reasonably relates to the objects of this act or the performance of the authority's duties and the exercise of its powers under this act.”

Thank you, Madam Chair, and, through you, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This particular amendment would protect taxpayers and consumers by ensuring that any fee or cost the authority sets is reasonable. We would hope that the government would support such a sensible amendment to protect taxpayers and consumers, all the while strengthening accountability.

Just to recap, this amendment would require the authority to ensure that no fee, cost or charge can be set unless it is reasonable and the authority considers its impact on taxpayers and consumers.

I'd ask for a recorded vote, please.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson. Any further debate? Shall we move ahead to the vote? A recorded vote, please.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Government motion, section 41: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 41 of schedule 1 to the bill be struck out and the following substituted:

“Fees

“41(1) For the purpose of recovering its costs, the authority may,

“(a) set and collect fees, costs or other charges due to the authority related to the performance of its duties and exercise of its powers under this act or any other act in accordance with processes and criteria established by the authority;

“(b) require persons to pay the fees, costs and charges described in clause (a); and

“(c) provide for the refund or credit of all or part of a fee, cost or charge described in clause (a).

“Setting fees

“(2) In setting the fees, costs and charges described in clause (1)(a), the authority may specify their amounts or the method for determining them.

“Limitations, requirements

“(3) Subsection (2) is subject to any limitations or requirements that may be prescribed in connection with fees, costs or charges, or the portions thereof, that are related to amounts payable under section 40.”

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The Acting Chair (Miss Monique Taylor): Thank you.

Mrs. Amrit Mangat: No, there is more.

The Acting Chair (Miss Monique Taylor): Oh, sorry, Mrs. Mangat.

Mrs. Amrit Mangat: “Establishment and publication of fees, etc.

“(4) The following rules apply with respect to the establishment and publication of the fees, costs and charges described in clause (1)(a), the processes and criteria described in that clause and the requirements described in clause (1)(b):

“1. Before establishing, amending or replacing a fee, cost, charge, process, criterion or requirement, the authority shall engage in public consultation and shall post the proposed new or amended fee, cost, charge, process, criterion or requirement on the registry for public comment for at least 45 days.

“2. After public consultation and posting under paragraph 1, the authority shall publish the final version of the new or amended fee, cost, charge, process, criterion or requirement on the registry and a description of how the authority considered public comments in determining the final version.

“3. The fee, cost, charge, process, criterion or requirement is not effective until the later of,

“i. 30 days after its publication under paragraph 2, and

“ii. the day specified by the authority.

“4. The authority shall ensure that every fee, cost, charge, process, criterion or requirement that has been replaced by a new or amended one remains available to the public on the registry.

“Payment of fees

“(5) A person who is required under clause (1)(b) to pay a fee, cost or other charge shall pay it to the authority, at the times specified by the authority.

“Legislation Act, 2006, Part III

“(6) Part III of the Legislation Act, 2006 does not apply to powers exercised by the authority under this section.”

The Acting Chair (Miss Monique Taylor): Thank you, Mrs. Mangat. Any debate?

Mrs. Amrit Mangat: Yes, please. Chair, I would only like to submit that the proposed legislation includes a combination of measures to monitor the authority's operations with a view to efficiency and cost-effectiveness. So I will support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further debate? Are the members ready to vote? All in favour? All opposed? The motion is carried.

Shall schedule 1, section 41, as amended, carry? Carried.

Schedule 1, section 42: Shall it carry? Carried.

Schedule 1, section 43: a Conservative motion.

Mr. Lorne Coe: I move that subsection 43(2) of schedule 1 to the bill be amended by adding the following clause:

“(a.1) whether the authority acted outside of its mandate or exercised powers it does not have;”

Through you, Chair, I will defer to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: This amendment simply strengthens accountability by ensuring that the Auditor General reviews any attempts by the authority to overstep its legal powers. This requirement is to investigate

whether the authority has acted outside of its mandate or it has exercised powers that it did not have.

I'd ask for a recorded vote, please.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson.

Any further debate? Are the members ready to vote?
Recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 43, carry? Carried.

Schedule 1, section 44: PC motion 44(1.1).

Ms. Lisa M. Thompson: In terms of motion 32.2?

The Acting Chair (Miss Monique Taylor): Oh, sorry. Motion 32.2.

1420

Ms. Lisa M. Thompson: Yes, we withdraw that.

The Acting Chair (Miss Monique Taylor): So we'll move on with Conservative motion 32.3.

Ms. Lisa M. Thompson: We'll withdraw that.

The Acting Chair (Miss Monique Taylor): Then we will move on to another new one: 32.4. Mr. Coe.

Mr. Lorne Coe: I move that section 44 of schedule 1 to the bill be amended by adding the following subsection:

"Tabling of report

"(1.1) The minister shall lay a copy of the report before the Legislative Assembly as soon as reasonably possible after receiving a copy from the authority."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Chair, I'm very pleased to share with you that we were able to work with the government and the team associated with working and strengthening this motion on arriving at 32.4, and we are pleased to have the government members' support on this very important amendment to give people's representatives the opportunity to review the report.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are the members ready to vote?

All in favour? It's carried unanimously.

NDP motion number 33: Mr. Hatfield.

Mr. Percy Hatfield: I move that paragraph 2 of subsection 44(2) of schedule 1 to the bill be struck out.

The Acting Chair (Miss Monique Taylor): Any debate? Are members ready to vote?

All in favour? All opposed? The motion is lost.

We'll move on to government motion number 34.

Mrs. Amrit Mangat: I move that paragraph 2 of subsection 44(2) of schedule 1 to the bill be amended by

striking out "year" at the end and substituting "fiscal year".

This amendment is required to ensure consistency between the English version and French version of the legislation, so I support it.

The Acting Chair (Miss Monique Taylor): Any debate? Are the members ready to vote?

All in favour? It's unanimous. That motion is carried.

PC motion 34.1: Mr. Coe.

Mr. Lorne Coe: I move that subsection 44(2) of schedule 1 to the bill be amended by adding the following paragraph:

"3.1 A detailed summary of the financial costs that the authority's activities have imposed on brand holders, as defined in section 59, owners or operators of waste management systems, municipalities, consumers and taxpayers."

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This particular amendment recognizes that businesses have already invested significant time as well as resources into developing green solutions that would reduce waste and increase diversion rates.

The idea behind the motion is to help highlight the additional costs that businesses would have to shoulder because of the implementation of Bill 151. We're aware that it's critical that the government and the public are aware of the impact that this legislation will have on business, and how much business is doing to support green initiatives in general.

The Acting Chair (Miss Monique Taylor): Any further debate? Mr. Hatfield.

Mr. Percy Hatfield: I will be supporting all of the amendments in this section because I believe they are important and are useful in keeping enforcement in the minister's hands.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mr. Lorne Coe: Recorded vote, please, Chair.

The Acting Chair (Miss Monique Taylor): Recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 44, as amended, carry? Carried.

Section 45, we have no changes. Section 46, we have no changes. Are the members ready to vote?

All in favour of schedule 1, section 45 and section 46?
Carried.

Schedule 1, section 47: PC motion 34.2.

Mr. Lorne Coe: I move that section 44 of schedule 1 to the bill be amended by adding the following subsection:

“Tabling of report

“(1.1) The minister shall lay a copy of the report before the Legislative Assembly”—

Ms. Lisa M. Thompson: Just a second.

The Acting Chair (Miss Monique Taylor): One moment, please.

Mr. Lorne Coe: On the wrong one. Sorry about that.

The Acting Chair (Miss Monique Taylor): Okay. Would you like to begin again please, Mr. Coe?

Mr. Lorne Coe: All right. We’ve got it now.

I move that subsection 47(1) of schedule 1 to the bill be struck out and the following substituted:

“Inspectors

“(1) The registrar may appoint provincial officers designated under the Environmental Protection Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act, the Pesticides Act or the Safe Drinking Water Act, 2002, as inspectors for the purpose of enforcing this act.”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: In a nutshell, our party has faith in the well-trained officers who already work at the Ministry of the Environment and Climate Change. We do not want the government to sideline these officers and create a whole new enforcement branch of waste cops at the authority. We know that the talented men and women at the ministry’s enforcement branch are truly up to the job and it would be the right thing for the government to give them a chance to carry out the enforcement provisions under this particular act. We strongly believe enforcement under this proposed act should not be outsourced to a third-party group, but rather, let’s leave the work with the qualified officers already with the Ministry of the Environment and Climate Change.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield.

Mr. Percy Hatfield: We believe that the act is only as good as the enforcement of the act. To enforce it, we need ministry inspectors. It keeps the enforcement provisions within the ministry in the minister’s hands. We will be supporting this section.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Can we have a recorded vote?

The Acting Chair (Miss Monique Taylor): We’ve been asked for a recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 34.3.

Mr. Lorne Coe: I move that section 47 of schedule 1 to the bill be struck out and the following substituted:

“Inspectors

“47.(1) The minister may appoint provincial officers designated under the Environmental Protection Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act, the Pesticides Act or the Safe Drinking Water Act, 2002, as inspectors for the purpose of enforcing this act.

“Certificate of appointment

“(2) The minister shall issue to every inspector a certificate of appointment.

“Limitation on authority

“(3) The minister may, in the appointment of an inspector, limit the inspector’s authority in such manner as he or she considers necessary or advisable.”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: This amendment would remove the reference to the registrar and instead require the minister to appoint inspectors. Again, just to reiterate very strongly, we have faith in our well-trained officers who are already in the enforcement branch at the Ministry of the Environment and Climate Change. We strongly believe enforcement under this proposed act should not be outsourced to a third-party group because we have the qualified officers already on staff. We know that the talented men and women are up to the job. We do not want the government to sideline these officers and create a whole new enforcement branch of waste cops to police recycling bins and garbage cans across the province.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mr. Percy Hatfield: Yes. I agree with what has just been stated by the opposition. I agree we have trained and qualified ministry inspectors whose expertise is very valuable. They should be retained in this section. We should not be contracting out their jobs.

The Acting Chair (Miss Monique Taylor): Anything further? Are members ready to vote?

Mr. Lorne Coe: Recorded vote, please, Chair.

The Acting Chair (Miss Monique Taylor): I’ve been asked for a recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 34.4.

1430

Mr. Lorne Coe: I move that subsection 47(2) of schedule 1 to the bill be struck out.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Simply, we do not want the authority to undertake enforcement. We want the ministry's officers to be responsible for the environment.

The Acting Chair (Miss Monique Taylor): Any further debate? The members will now be ready to vote?

Mr. Lorne Coe: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 34.5.

Mr. Lorne Coe: I move that subsection 47(3) of schedule 1 to the bill be amended by striking out "registrar" and substituting "minister".

To my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we want the ministry's officers to be responsible for enforcement. We can't stress strongly enough that we do not want the authority to undertake enforcement.

The Acting Chair (Miss Monique Taylor): Further debate? The members are ready to vote?

Ms. Lisa M. Thompson: Can we have a recorded vote, please?

The Acting Chair (Miss Monique Taylor): A recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

We'll move to PC motion 34.6.

Mr. Lorne Coe: To my colleague, Chair.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: We'll withdraw this one.

The Acting Chair (Miss Monique Taylor): Okay. We'll move on to PC motion 34.7.

Ms. Lisa M. Thompson: We'll withdraw this one as well.

The Acting Chair (Miss Monique Taylor): Then we will move on to schedule 1—

The Clerk of the Committee (Mr. Katch Koch): We need to carry the section.

The Acting Chair (Miss Monique Taylor): Sorry. Yes, we need to carry that. Excellent.

Shall schedule 1, section 47, carry? I've heard a no.

All those in favour? All those opposed? Carried.

Schedule 1, section 48: NDP motion 35. Mr. Hatfield?

Mr. Percy Hatfield: Because of previous votes, I would like to withdraw this.

The Acting Chair (Miss Monique Taylor): PC motion 35.1.

Mr. Lorne Coe: I move that section 48 of schedule 1 to the bill be amended by striking out "section 45, 46 or 47" and substituting "section 45 or 46".

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would remove the requirement that inspectors must be employees of the authority.

The Acting Chair (Miss Monique Taylor): Any further debate on this?

Ms. Lisa M. Thompson: Can I have a recorded vote, please?

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Let's move on to PC motion 35.2.

Mr. Lorne Coe: I move that section 48 of schedule 1 to the bill be amended by adding the following subsection:

"Same, inspectors

"(2) A person shall not be appointed under section 47 unless he or she is a public servant employed under part III of the Public Service of Ontario Act, 2006."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: This particular amendment would prevent the minister from allowing the authority to

outsource enforcement, and force government to let its own officers enforce the law.

My voice is going. Ahem.

Might I ask for a recorded vote, please?

The Acting Chair (Miss Monique Taylor): Yes. A recorded vote has been requested. Any further debate? A recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has been lost.

Shall schedule 1, section 48, carry? The motion is carried.

Schedule 1, section 49—

Interjection.

The Acting Chair (Miss Monique Taylor): Didn't we do it?

Schedule 1, section 48, carried.

Schedule 1, section 49, NDP motion: Mr. Hatfield.

Mr. Percy Hatfield: Madam Chair, because of the results of previous votes, I would like to withdraw this motion.

The Acting Chair (Miss Monique Taylor): Thank you.

Shall schedule 1, section 49, carry? Carried.

Okay. Schedule 1, section 50, PC motion 36.1.

Mr. Lorne Coe: I move that subparagraph 3 ii of subsection 50(2) of schedule 1 to the bill be amended by striking out "or any other act" at the end.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: This amendment would remove part of one of the purposes of the registry, which is to provide any information under any other act. Requiring information to be posted under any other act goes beyond the purpose of the registry, so we would move this for support.

The Acting Chair (Miss Monique Taylor): Any further discussion? Members are ready to vote? All those in favour? All those opposed? The motion has lost.

PC motion 36.2.

Mr. Lorne Coe: I move that subsection 50(3) of schedule 1 to the bill be struck out and the following substituted:

"Organization, form

"(3) The registry shall be,

"(a) made accessible to the public; and

"(b) organized in a manner and kept in the form that the registrar may determine."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: Again, this amendment is all about increasing transparency and would allow consumers and taxpayers to understand the costs associated with the impacts of waste diversion policies. Thank you, and I'd ask for a recorded vote.

The Acting Chair (Miss Monique Taylor): Any further debate? Okay. Recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 50, carry? Carried.

Schedule 1, section 51, has no changes. Shall it carry as is? Section 51 is carried.

Schedule 1, section 52, PC motion 36.3.

Mr. Lorne Coe: I move that section 52 of schedule 1 to the bill be amended by adding the following subsection:

"Commercially sensitive information

"(4) The registrar shall, in accordance with the regulations, ensure that commercially sensitive information is protected when the authority posts information on the registry."

And through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would ensure the registrar has a legal responsibility to protect commercially sensitive information that the authority posts on the registry because it's very important in the spirit of competitiveness of Ontario's industries to ensure that commercially sensitive information is not released.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: A recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Shall schedule 1, section 52, carry? Carried.

Schedule 1, section 53, government motion 37.

Mrs. Amrit Mangat: I move that subsection 53(1) of schedule 1 to the bill be amended by adding “including information collected under this act or under any other act” at the end.

The Acting Chair (Miss Monique Taylor): Thank you. Any discussion? Ms. Mangat.

Mrs. Amrit Mangat: Chair, this amendment proposed is intended to assist the government’s policy development and oversight in implementing the legislation, so I support this motion.

The Acting Chair (Miss Monique Taylor): Any further discussion? The members are ready to vote? All those in favour? All those opposed? The motion is carried.

Shall schedule 1, section 53, as amended, carry? Carried.

Schedule 1, section 54, PC motion 37.1: Mr. Coe.

Mr. Lorne Coe: I move that paragraph 2 of subsection 54(2) of schedule 1 to the bill be amended by striking out “or” at the end of subparagraph i, by adding “or” at the end of subparagraph ii and by adding the following subparagraph:

“iii. acted outside of its mandate or exercised powers it does not have.”

Through you to my colleague.

1440

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: If the minister appoints an administrator to assume control over the authority, this amendment would require the administrator to report if the authority has indeed acted outside of its mandate or exercised powers that it does not have.

The Acting Chair (Miss Monique Taylor): Any further debate? The members are ready to vote? All those in favour? All those opposed? The motion has lost.

Shall schedule 1, section 54, carry? Carried.

Okay, we can group some together here: schedule 1, section 55, section 56, section 57, section 58 and section 59. Are the members okay with grouping those together? Okay.

Shall schedule 1, section 55, section 56, section 57, section 58 and section 59 carry? Carried.

Schedule 1, section 60, PC motion 37.2.

Mr. Lorne Coe: I move that section 60 of schedule 1 to the bill be amended by adding the following subsection:

“Restriction

“(1.1) A regulation may not designate a class of materials unless,

“(a) the minister has prepared a report on the proposed designation that considers,

“(i) the economic benefits of designating the class of materials,

“(ii) the environmental benefits of designating the class of materials,

“(iii) the financial costs the designation will likely impose on brand holders, municipalities, consumers and taxpayers,

“(iv) the impact of similar designations in other provinces and territories;

“(b) the report has been published on the registry under the Environmental Bill of Rights, 1993 for public comment for a period of at least 10 days.”

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This is a critically important amendment and one that we sincerely hope that the government will approve. In fact, this amendment would require the government to follow much of the requirements in its own regulatory policy, which it more often than not fails to adhere to. But, set that aside, businesses, municipalities and taxpayers deserve to know what financial costs they will face as a result of regulations under this particular bill. With a focus on harmonization, we need to determine if these regulations will complement or conflict with similar policies with other Canadian jurisdictions.

Chair, this amendment just makes sense. It’s for the good of our province and hard-working taxpayers.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: A recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Shall schedule 1, section 60, carry? Carried.

Schedule 1, section 61, PC motion 37.3.

Mr. Lorne Coe: I move that paragraph 2 of subsection 61(1) of schedule 1 to the bill be struck out.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This is a particular amendment that I’m very interested in, given my background. I feel strongly that the government should not be meddling in the private sector. It’s not the role of government to tell any company how to design its packaging or its products. The minister, in particular, should never set prescriptive requirements that tie the hands of entrepreneurs or innovators.

Instead, the government should be setting desired outcomes and let the ingenuity of the private sector find the best way to achieve those outcomes. We’ve been very clear in this.

I would ask for a recorded vote, please.

The Acting Chair (Miss Monique Taylor): Any further debate?

Shall the motion carry? It's a recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Government motion number 38. Ms. Mangat.

Mrs. Amrit Mangat: I move that paragraph 6 of subsection 61(1) of schedule 1 to the bill be struck out and the following substituted:

"6. Reporting, auditing and record keeping, as described in section 72."

Chair, I think there are a number of responsibilities that the government could require a producer to meet. This is in regard with that recommendation. I support this motion.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mr. Percy Hatfield: Recorded vote.

Ayes

Dhillon, Fraser, Hatfield, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion carries.

Government motion 39.

Mrs. Amrit Mangat: I move that subsections 61(3), (4) and (5) of schedule 1 to the bill be struck out and the following substituted:

"Commercial connection

"(3) For the purposes of subsection (2), a person who has a commercial connection to a product in a designated class means a person who,

"(a) imports, wholesales, leases or retails the product, or is otherwise involved in the product's distribution; or

"(b) meets the prescribed conditions.

"Same, determination

"(4) For the purposes of subsections (1) and (2), the regulations may specify a person or may set out a method for determining who the person is.

"Exclusion, person providing services

"(5) A person does not have a commercial connection to a product by virtue only of the fact that the person provides services to someone who is required to carry out responsibilities under this part in respect of the product.

"Limitation

"(6) A regulation shall not require a person mentioned in subsection (1) or (2) to carry out responsibilities under this part in respect of material in a designated class unless,

"(a) the person is the brand holder of a product in the class that is marketed to a consumer in Ontario, including through the Internet, using a catalogue order system, using a telephone order system, or by a similar remote sales method;

"(b) the person markets a product in the class to a consumer in Ontario, including through the Internet, using a catalogue order system, using a telephone order system, or by a similar remote sales method; or

"(c) the person satisfies the prescribed criteria."

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further debate? All those in favour? Unanimous. Carried.

Shall schedule 1, section 61, as amended, carry? Carried.

Schedule 1, section 62, government motion 40.

Mrs. Amrit Mangat: I move that clause 62(1)(c) of schedule 1 to the bill be amended by striking out "the person first uses transport packaging in the class" and substituting "the person first causes transport packaging in the class to be used".

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: Yes. The proposed legislation sets up a producer responsibility approach that makes producers responsible for the end-of-life management of the products and packaging they put into Ontario's markets. That's why I'm supporting this clause.

The Acting Chair (Miss Monique Taylor): Any further debate? All those in favour? All those opposed? Carried.

Shall schedule 1, section 62, as amended, carry? Carried.

Schedule 1, section 33, PC motion 40.1.

Ms. Lisa M. Thompson: Actually, there's motion 26.14—26.4, sorry.

Miss Monique Taylor: Okay. We're going to go back to section 62. One moment, please, until we get the numbers together. It's an add-in.

PC motion 26.4—

Ms. Lisa M. Thompson: Yes, correct.

The Acting Chair (Miss Monique Taylor): —was stood down. Ms. Thompson.

Ms. Lisa M. Thompson: We'll withdraw it.

The Acting Chair (Miss Monique Taylor): Withdraw? Thank you. Then we can move ahead to PC motion 40.1.

Ms. Lisa M. Thompson: We'll withdraw that as well.

The Acting Chair (Miss Monique Taylor): Withdraw. Okay. Shall schedule 1, section 63, carry? Carried.

Schedule 1, section 64, PC motion 40.2.

Ms. Lisa M. Thompson: We withdraw.

The Acting Chair (Miss Monique Taylor): Withdraw. Government motion 41.

1450

Mrs. Amrit Mangat: I move that paragraph 3 of section 64 of schedule 1 to the bill be struck out and the following substituted:

“3. Reporting, auditing and record keeping, as described in section 72.”

I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further debate? All those in favour? All those opposed? Carried.

PC motion 41.1.

Mr. Lorne Coe: I move that section 64 of schedule 1 to the bill be amended by adding the following subsection:

“No other responsibilities

“(2) For greater certainty, persons referred to in subsection (1) are not required to carry out any responsibilities under this part other than those listed in subsection (1).”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: The addition of this new subsection to 64 would ensure that the government can only require companies that are not grant holders to register, keep records, report and promote waste diversion.

The Acting Chair (Miss Monique Taylor): Any debate? Are the members ready to vote? All those in favour? All those opposed? The motion is lost.

Shall schedule 1, section 64, as amended, carry? Carried.

Schedule 1, section 65: PC motion 41.2.

Mr. Lorne Coe: I move that section 65 of schedule 1 to the bill be amended by adding the following subsection:

“No duplication

“(2) The minister shall ensure that the activities of persons who are carrying out a responsibility under this part in respect of the same product do not duplicate each other.”

Through you to my colleague.

Ms. Lisa M. Thompson: With every new layer of red tape, Ontario industries become increasingly burdened and uncompetitive. We can't continue to let this happen. We've seen all along how this government regulates. It sets new rules that conflict with programs and rules that other ministries have.

This particular amendment would ensure that the responsibility of companies to divert waste does not duplicate each other. We need to be preventative in this regard and have a preventative action to ensure that government does not create unnecessary regulatory burden.

The Acting Chair (Miss Monique Taylor): Thank you very much. Any further debate? All those in favour?

Ms. Lisa M. Thompson: Can I have a recorded vote, please?

The Acting Chair (Miss Monique Taylor): Recorded vote request.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 65, carry? Carried.

Schedule 1, section 66: PC motion 41.3.

Mr. Lorne Coe: Withdraw, please, Chair.

The Acting Chair (Miss Monique Taylor): Withdrawn. PC motion 41.4.

Mr. Lorne Coe: We'll stand down until we vote on section 67, please, through you, Chair.

The Acting Chair (Miss Monique Taylor): Unanimous consent to stand down? Everybody's fine with that? Okay, then we'll move on to government motion 42.

Mrs. Amrit Mangat: I move that paragraphs 2, 3 and 4 of subsection 66(2) of schedule 1 to the bill be struck out and the following substituted:

“2. A description of how the person is fulfilling or plans to fulfill the person's responsibilities under this part.

“3. The name of anyone the person retains to arrange for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to the person's responsibilities under this part and a description of the arrangements that person is retained to provide.

“4. The name of anyone the person retains to operate a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to the person's responsibilities under this part and a description of the services that person is retained to provide.

“5. Other information in respect of activities the person engages in that affect resource recovery or waste management in Ontario.”

The Acting Chair (Miss Monique Taylor): Thank you. Any debate?

Mrs. Amrit Mangat: This proposed legislation sets out the list of obligations—

The Acting Chair (Miss Monique Taylor): Sorry, Ms. Mangat, I just have to interrupt. Reread paragraph 5, please.

Mrs. Amrit Mangat: Okay.

“5. Other information in respect of activities the person engages in that affect resource recovery or waste reduction in Ontario.”

The Acting Chair (Miss Monique Taylor): Thank you very much. You can go ahead with your debate.

Mrs. Amrit Mangat: Chair, this proposed legislation sets out a list of obligations that producers may be required to meet. That's why I'm supporting this.

The Acting Chair (Miss Monique Taylor): Any further debate? All those in favour? All those opposed? The motion is carried.

Government motion number 43.

Mrs. Amrit Mangat: I move that subsection 66(4) of schedule 1 to the bill be amended by adding the following paragraphs:

“3. The name of anyone the person retains to arrange for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this part and a description of the arrangements that person is retained to provide.

“4. The name of anyone the person retains to operate a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this part and a description of the services that person is retained to provide.

“5. The name of anyone who retains the person in respect of responsibilities under this part and a description of the services the person is retained to provide.”

Chair, I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you very much. Any further debate? All those in favour? All those opposed? Motion carried.

So we’re going to go back to PC motion 41.4—

Interjections.

The Acting Chair (Miss Monique Taylor): Okay, so we’ll leave that for now, and we’ll move on to schedule 1, section 67: PC motion 43.1.

Mr. Lorne Coe: Through you, Chair, we’ll withdraw.

Mrs. Amrit Mangat: Chair?

The Acting Chair (Miss Monique Taylor): Yes, Ms. Mangat?

Mrs. Amrit Mangat: I think we tied your motion 24.6 with 67, right?

Ms. Lisa M. Thompson: We’re not quite there yet.

Mrs. Amrit Mangat: Oh, okay.

The Acting Chair (Miss Monique Taylor): We’ll move on to PC motion 43.2.

Mr. Lorne Coe: I move that subsection 67(2) of schedule 1 to the bill be amended by adding the following paragraph:

“3. The regulation must be consistent with the Consumer Packaging and Labelling Act (Canada).”

Through you to my colleague. Thank you.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, coming from a background of processing, particularly milk, I can’t stress enough how important food safety is. Food packaging is federally regulated by the CFIA, the Canadian Food Inspection Agency. Its mandate is to ensure that food sold in Canada is safe for Canadians.

I question, Chair, how the Liberals are going to work out regulatory overlap, duplication and conflicts with federal rules concerning food safety when they attempt to

regulate the design of products and packaging. I think the straight-up answer is they just don’t know, and that’s why we need this particular amendment to pass.

Just to revisit, this amendment would require that any regulations that the government establishes to control the design and packaging must be consistent with the federal Consumer Packaging and Labelling Act.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote is requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has lost.

We’ll move on to government motion 44.

Mrs. Amrit Mangat: I move that subsection 67(2) of schedule 1 to the bill be struck out and the following substituted:

“Limitation

“(2) The following limitations apply to a regulation under subsection (1):

“1. A person’s responsibility for reducing waste applies only in respect of the material with which the person is associated within a designated class.

“2. A person shall not be prescribed as being responsible for reducing waste unless the person,

“i. is a brand holder of a product,

“ii. supplies convenience packaging that displays a brand the person holds, or

“iii. causes the use of transport packaging that displays a brand the person holds.”

1500

The Acting Chair (Miss Monique Taylor): Any further discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? All those opposed? The motion is carried.

PC motion 44.1: Mr. Coe.

Mr. Lorne Coe: I move that subsection 67(3) of schedule 1 to the bill be amended by striking out “take steps to design material” in the portion before clause (a) and substituting “consider designing material”.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: I think this is a thoughtful amendment in that this amendment would allow the minister to require companies to consider a different design of their materials, rather than to take steps to

design their materials in particular. Again, I feel really strongly, and I know the PC Party of Ontario does as well, that the government in no way should be meddling with the private sector in this regard. It's not the role of government to tell any company how to design its products or packaging.

We need to make sure we're not burdening the shoulders of our innovators, and, rather, set our desired outcomes and step aside and let them innovate to achieve those particular desired outcomes. The minister should not be setting prescriptive requirements that tie the hands of entrepreneurs and innovators.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote is requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

We move on to PC motion 44.2. Mr. Coe.

Mr. Lorne Coe: I move that subsection 67(3) of schedule 1 to the bill be struck out.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would strike out 67(3) altogether, which is the government's power to regulate the design of products and packaging. You don't know the expense and the red tape that this will burden our innovators, entrepreneurs and businesses with. In no way should government be meddling with the private sector in this regard. Instead, we should be focused, as a government, as collective legislators, in setting desired outcomes, and letting the ingenuity of our marketplace and our private sector find the best way to achieve those outcomes.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote.

The Acting Chair (Miss Monique Taylor): A recorded vote is requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 44.3: Mr. Coe.

Mr. Lorne Coe: I move that section 67 of schedule 1 to the bill be struck out and the following substituted:

“Responsibility to reduce waste

“67.(1) The minister may issue a policy statement to encourage a person mentioned in section 61 or 62 to reduce the amount of waste generated in connection with material in a designated class at the end of the material's life in accordance with the policy statement.

“Limitation

“(2) The following limitations apply to a policy statement under subsection (1):

“1. A person shall not be issued a policy statement unless the person,

“i. is the brand holder of a product in a designated class, or

“ii. supplies convenience packaging or transport packaging that displays a brand the person holds.

“2. A person can only be issued a policy statement in respect of the material with which the person is associated within a designated class.

“Design of product and packaging

“(3) Without limiting the generality of subsection (1), a policy statement may encourage a person with a waste reduction responsibility in respect of a designated class to consider designing material in the class so as to,

“(a) increase the material's reusability and recyclability;

“(b) reduce or eliminate any impact the material may have on the recyclability of other materials in the class;

“(c) reduce the amount of waste generated at the end of the product's or packaging's life;

“(d) reduce or eliminate the use of any substance in the material; or

“(e) increase the use of recovered resources in the making of the material.”

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: I think it has become abundantly clear that we have significant problems with section 67. We would prefer to see it completely struck from this bill, but if the government continues to insist on trying to regulate the design of products and packaging, this particular amendment instead would see the minister in a position to issue a policy statement to encourage the reduction of waste connected with designed material.

Again, just to be very clear, we would prefer to see section 67 completely struck from this bill, but if this government is intent on moving forward—we don't want to burden our innovators and the folks who provide the jobs on the street with an unnecessary regulatory burden. It would allow this government to utilize what they've put in place with this particular bill: policy statements to encourage the reduction of waste associated with designed material.

We're trying to work within the framework that they've already established here. I think it would bode well to support this particular amendment, showing that we're more interested in the outcomes and that we favour freeing up the hands of our small businesses, processors and entrepreneurs to innovate to meet the desired outcomes.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield.

Mr. Percy Hatfield: Chair, through you, just for clarification, I thought I heard the member say that it was a policy statement she favoured.

Ms. Lisa M. Thompson: Yes, I will clarify that. Last week we clearly objected to the use of policy statements; right? In this regard, we're noting that if section 67 goes through as the government intends, it's going to be very burdensome. It could throw off the harmonization of product development and design across Canada in terms of packaging and, as I mentioned, product design.

Given that policy statements are already passed and in place, instead of being so heavy-handed with section 67, this government might consider issuing one of the already-voted-for and supported government concepts of policy statements so that the minister could encourage people to adopt their product design and packaging via a policy statement that's already approved. It's the lesser of the two evils, if you will.

Mr. Percy Hatfield: Thank you for that clarification.

The Acting Chair (Miss Monique Taylor): Any further debate? Are members ready to vote? All those in favour?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): Recorded vote.

Ms. Lisa M. Thompson: Sorry.

The Acting Chair (Miss Monique Taylor): That's okay.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has been lost.

PC motion 44.4.

Ms. Lisa M. Thompson: We'll withdraw that, Chair.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 67, as amended, carry? The section has been carried.

We're going to backtrack to some motions that have been stood down, if you will just bear with us for a moment, please.

We'll start with 18.1. It's a PC motion.

Ms. Lisa M. Thompson: We're going to withdraw that.

The Acting Chair (Miss Monique Taylor): Okay, it's withdrawn.

We'll now need to vote on schedule 1, section 10.

1510

The Clerk of the Committee (Mr. Katch Koch): As amended.

The Acting Chair (Miss Monique Taylor): It's not amended.

The Clerk of the Committee (Mr. Katch Koch): That's later. It's not part of section 10.

The Acting Chair (Miss Monique Taylor): Okay. So schedule 1, section 10: Shall it carry, as amended? Carried.

It's all right. You're a genius, Katch. We'll wait for you.

He is a genius, this man—how he keeps up.

So 24.6—

Ms. Lisa M. Thompson: We'll withdraw.

The Acting Chair (Miss Monique Taylor): —has been withdrawn.

Does schedule 1, section 12, as amended, carry? Carried.

The government had one in there, so I figured that one carried. Yes, so they just carried, as amended.

PC motion 26.5.

Ms. Lisa M. Thompson: We withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 17, as amended, carry? Carried.

So that's today's, and then we're done.

PC motion 41.4.

Ms. Lisa M. Thompson: Withdraw.

The Acting Chair (Miss Monique Taylor): That's withdrawn.

So shall schedule 1, section 66, as amended, carry? Carried.

Now we're caught up. Good stuff. We're on a roll, folks.

Schedule 1, section 68, PC motion 44.5: Ms. Thompson?

Ms. Lisa M. Thompson: We'll withdraw, please.

The Acting Chair (Miss Monique Taylor): Withdrawn.

Government motion number 45.

Mrs. Amrit Mangat: I move that subsection 68(3) of schedule 1 to the bill be amended by striking out "the system does not impose a charge" and substituting "no charge is imposed".

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: Yes, Chair. This amendment is to ensure that consumers can participate. So I support this motion.

The Acting Chair (Miss Monique Taylor): Any further debate? The members are ready to vote? All in favour? All those opposed? The motion is carried.

Shall schedule 1, section 68, as amended, carry? Motion carried.

Schedule 1, section 69, PC motion 45.1: Ms. Thompson?

Ms. Lisa M. Thompson: We withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

NDP motion number 46: Mr. Hatfield?

Mr. Percy Hatfield: I move that subclause 69(2)(a)(i) of schedule 1 to the bill be struck out and the following substituted:

“(i) reused,”

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: I favour it.

The Acting Chair (Miss Monique Taylor): All those in favour? All those opposed? Motion carried.

NDP motion number 47.

Mr. Percy Hatfield: I move that section 69 of schedule 1 to the bill be amended by adding the following subsection:

“Same, disposal

“(2.1) A regulation made for the purposes of subsection (1) shall provide that,

“(a) a person responsible for managing material is required to dispose of any portion of the material that is not reused or recycled; and

“(b) the disposal must not, unless necessary, involve the removal of the material from Ontario.”

The Acting Chair (Miss Monique Taylor): Any debate? No? The members are ready to vote? All those in favour? All those opposed? The motion is lost.

Shall schedule 1, section 69, as amended, carry? Carried.

Schedule 1, section 70. PC motion 47.1.

Mr. Lorne Coe: Withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Withdraw. Thank you, Mr. Coe.

Shall schedule 1, section 70—oh, we can group it with section 71, if it’s okay with the members. Okay.

Shall schedule 1, sections 70 and 71, carry? Carried.

Schedule 1, section 72. PC motion 47.2.

Mr. Lorne Coe: Withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Withdraw. Thank you.

PC motion 47.3.

Mr. Lorne Coe: Withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Thank you.

Government motion number 48.

Mrs. Amrit Mangat: I move that the French version of subsection 72(3) of schedule 1 to the bill be amended by striking out “l’évaluation” and substituting “la vérification”.

This motion is necessary, Chair, to ensure consistency between the English version of that and the French version of that, so I support this motion.

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Carried unanimously.

PC motion 48.1.

Mr. Lorne Coe: I move that section 72 of schedule 1 to the bill be amended by adding the following subsection:

“Commercially sensitive information

“(4.1) The authority shall, in accordance with the regulations, ensure that any commercially sensitive information that is in the report referred to in subsection (4) is protected.”

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: Well, Chair, I would hope that the vote for this is unanimous as well because, clearly, it’s very important to the whole competitive nature of Ontario’s industry to ensure that commercially sensitive information is not released. It’s a good amendment.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 72, as amended, carry? Carried.

Schedule 1, section 73, government motion number 49.

Mrs. Amrit Mangat: I move that section 73 of schedule 1 to the bill be amended by adding “and a person who is required by a regulation made under this part to refrain from doing a thing shall refrain from doing it” at the end.

This amendment is about making compliance and enforcement more robust, so I support it.

The Acting Chair (Miss Monique Taylor): Any further debate? Mr. Hatfield.

Mr. Percy Hatfield: Could I just ask the government side to give me a more complete explanation of this, please?

The Acting Chair (Miss Monique Taylor): Ms. Mangat?

1520

Mrs. Amrit Mangat: This motion is to clarify that the regulation may also prohibit persons from engaging in prohibited activities related to this act and that carrying out the prohibited activity would be a breach of this regulation. That’s why we are supporting it.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield, are you okay?

Mr. Percy Hatfield: Thank you.

The Acting Chair (Miss Monique Taylor): Okay.

All those in favour? All those opposed? Motion carried.

Shall schedule 1, section 73, as amended, carry? Carried.

Schedule 1, section 74: PC motion 49.1.

Mr. Lorne Coe: Through you, Chair, withdraw.

The Acting Chair (Miss Monique Taylor): Thank you. Government motion 50.

Mrs. Amrit Mangat: I move that section 74 of schedule 1 to the bill be struck out and the following substituted:

“Requirements for agreements

“74(1) This section applies to the following persons:

“1. A person mentioned in section 61 or 62 who is required to carry out responsibilities under section 68 or 69.

“2. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this act.

“3. A person who operates a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act and provides services in relation to another person’s responsibilities under this part.

“Same

“(2) A person to whom this section applies shall ensure that any agreement to which the person is a party related to the provision of services by a person described in paragraph 2 or 3 of subsection (1) contains provisions requiring the parties to submit to arbitration any dispute that has arisen or may arise between them that cannot be or has not been resolved through mediation.”

The Acting Chair (Miss Monique Taylor): Ms. Mangat, can you please repeat number 2?

Mrs. Amrit Mangat: Of 74?

The Acting Chair (Miss Monique Taylor): Of 74.

Mrs. Amrit Mangat: Okay, thank you.

“2. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this part.”

The Acting Chair (Miss Monique Taylor): Thank you very much.

Mrs. Amrit Mangat: I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I support it, as well.

The Acting Chair (Miss Monique Taylor): Thank you, Mr. Hatfield. Yes, Ms. Thompson?

Ms. Lisa M. Thompson: For the record, the PCs do, as well.

The Acting Chair (Miss Monique Taylor): Very good, excellent. All those in favour? Unanimous. It’s passed.

Shall schedule 1, section 74, as amended, carry? Carried.

Schedule 1, section 75: Government motion 51.

Mrs. Amrit Mangat: I move that the heading before subsection 75(1) of schedule 1 to the bill and subsection 75(1) be struck out and the following substituted:

“Prohibition on Marketing Prescribed Material

“Prohibition on marketing prescribed material

“75(1) No person shall market material in a designated class to a person in Ontario if the material has been prescribed for the purposes of this section.”

The Acting Chair (Miss Monique Taylor): Thank you. Discussion?

Mrs. Amrit Mangat: Chair, this motion broadens the scope of enforcement of the new producer responsibility model, so I support this.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: For the record, the PC Party of Ontario supports this motion.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield.

Mr. Percy Hatfield: Why, thank you, Chair. It gives me ample opportunity at this time to expound on this. I would just like to say that I support it, as well.

The Acting Chair (Miss Monique Taylor): Thank you, Mr. Hatfield.

All those in favour? Carried unanimously.

Shall schedule 1, section 75, as amended, carry? Carried.

There are no changes to section 76. Shall section 76 carry? Carried.

Schedule 1, section 77: NDP motion 52.

Mr. Percy Hatfield: Because we’re all in the spirit of co-operation and moving right along, I shall withdraw this motion.

Ms. Lisa M. Thompson: We were going to support that.

Mr. Percy Hatfield: The other stuff that we voted on earlier puts it out of order.

Ms. Lisa M. Thompson: Fair enough, fair enough.

The Acting Chair (Miss Monique Taylor): So that’s withdrawn.

Government motion number 53.

Mrs. Amrit Mangat: I move that section 77 of schedule 1 to the bill be amended by adding the following subsection:

“Provincial offences officers

“(2) For greater certainty, nothing in subsection (1) affects the designation of provincial offences officers under subsection 1(3) of the Provincial Offences Act.”

Interjection.

Mrs. Amrit Mangat: Sorry. We withdraw it.

The Acting Chair (Miss Monique Taylor): Okay, withdrawn.

Shall schedule 1, section 77, carry as is? Carried.

Schedule 1, new section 77.1, NDP motion number 54: Mr. Hatfield.

Mr. Percy Hatfield: Because the Liberals withdrew the last one, I'll withdraw this one.

The Acting Chair (Miss Monique Taylor): Thank you very much.

Shall schedule 1, section 77.1, as amended, carry—no? One moment, please.

Interjection.

The Acting Chair (Miss Monique Taylor): That whole section is withdrawn. Okay, committee?

We're moving on to schedule 1, section 78, government motion number 55.

Mrs. Amrit Mangat: I move that clause 78(2)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) a person who arranges for the establishment or operation of a waste disposal site or waste management site within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this part; or”

The Acting Chair (Miss Monique Taylor): Sorry, you're going to have read it again, Ms. Mangat.

Mrs. Amrit Mangat: All of it?

The Acting Chair (Miss Monique Taylor): Yes, please.

Mrs. Amrit Mangat: I move that clause 78(2)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) a person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this part; or”

The Acting Chair (Miss Monique Taylor): Thank you very much. Any discussion? All those in favour? Unanimous. Carried.

Shall schedule 1, section 78, as amended, carry? Carried.

Schedule 1, section 79, government motion number 56.

Mrs. Amrit Mangat: I move that paragraph 2 of subsection 79(1) of schedule 1 to the bill be struck out and the following substituted:

“2. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this part.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? Carried unanimously.

Shall schedule 1, section 79, as amended, carry? Carried.

We're going to group a bunch together. Is it okay if we group them together? Everybody's happy with that? Okay.

Schedule 1, section 80, section 81, section 82, section 83, section 84 and section 85: Shall they carry? Carried.

Schedule 1, section 86, government motion number 57.

Mrs. Amrit Mangat: I move that clause 86(3)(a) of schedule 1 to the bill be struck out and the following substituted:

“(a) remedying a contravention of part III or IV of this act or the regulations made in respect of those parts;”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you. All those in favour?

Mr. Percy Hatfield: I had a question.

The Acting Chair (Miss Monique Taylor): Sorry, Mr. Hatfield. Please go ahead.

Mr. Percy Hatfield: I very well may support it as well, but I just want to hear the reason why it's here.

1530

Mrs. Amrit Mangat: The motion clarifies that compliance orders can only be issued by the resource productivity and recovery authority to remedy a contravention related to the producer responsibility approach.

The Acting Chair (Miss Monique Taylor): Okay?

Mr. Percy Hatfield: Thank you.

The Acting Chair (Miss Monique Taylor): All in favour? Carried unanimously.

Shall schedule 1, section 86, as amended, carry? Carried. Thank you.

Schedule 1, section 87, NDP motion number 58: Mr. Hatfield.

Mr. Percy Hatfield: Thank you, but I believe, because of the decisions made earlier on previous motions, that this motion will be withdrawn.

The Acting Chair (Miss Monique Taylor): Okay, withdrawn.

Shall schedule 1, section 87, as is, carry? Carried. Excellent.

Section 88 has no changes. Shall schedule 1, section 88, carry? Carried. Thank you.

Schedule 1, section 89, NDP motion: Mr. Hatfield.

Mr. Percy Hatfield: As I've stated previously, Chair, we tried something earlier that didn't pass, and therefore the subsequent clauses are to be withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you.

Government motion number 60.

Mrs. Amrit Mangat: I move that subsections 89(1), (2) and (3) of schedule 1 to the bill be struck out and the following substituted

“Administrative penalties

“(1) An administrative penalty may be imposed under this section for one or more of the following purposes:

“1. To ensure compliance with this act and the regulations.

“2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this act or of the regulations.

“Order by registrar or deputy registrar

“(2) The registrar or a deputy registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the authority if the registrar or deputy registrar is of the opinion that the person has contravened,

“(a) subsection 41(5),

“(b) a requirement under subsection 50(4) to file information, reports, records or documents that are complete and accurate,

“(c) subsection 68(3),

“(d) subsection 71(1)”—

The Acting Chair (Miss Monique Taylor): Oh. Sorry, Ms. Mangat, can you please repeat that?

Mrs. Amrit Mangat: Which one?

The Acting Chair (Miss Monique Taylor): Number (d).

Mrs. Amrit Mangat: “(d) subsection 71(1)”—

The Acting Chair (Miss Monique Taylor): Okay, hold on. We have a discrepancy. We have “subsection 75(1).”

Mrs. Amrit Mangat: “(d) subsection 75(1);”—

The Acting Chair (Miss Monique Taylor): Thank you.

Mrs. Amrit Mangat: Yes. That’s what I said.

“(e) section 79; or

“(f) a provision of this act or of the regulations that is prescribed for the purposes of this section.

“Same

“(3) An order may be issued under subsection (2),

“(a) to a person required to pay a fee under subsection 41(5);

“(b) to a person required under part IV to carry out a responsibility under that part;

“(c) to a person who fails to respond to an inquiry made under section 79;

“(d) to a person prohibited from marketing a product under subsection 75(1); or

“(e) to a prescribed person.”

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Mangat. Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? Carried unanimously.

NDP motion number 61: Mr. Hatfield.

Mr. Percy Hatfield: Not to be repetitive, but I withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

NDP motion number 62.

Mr. Percy Hatfield: I move that section 89 of schedule 1 to the bill be amended by adding the following subsection:

“Municipal cost recovery

“(6.1) The authority shall use administrative penalties collected under this section to compensate municipalities for costs incurred by them as a result of this act or any instrument made under it.”

The Acting Chair (Miss Monique Taylor): Thank you. Discussion?

Mr. Percy Hatfield: I believe that we have all heard the presentations by the Association of Municipalities of Ontario. I know they are represented in the audience here this afternoon. We have talked at length at various times during the hearings on this bill about the subsidy that municipalities have to pay towards the cost of the blue box/red box recycling system.

It is the feeling of AMO, and indeed the feeling within the New Democratic Party, that the municipal tax base should not be used to subsidize producer responsibility. Without this section, the government would be saying to the municipalities, “We listened to you, but we didn’t really hear you, because we’re still going to make you subsidize the cost of producer responsibility.”

This section means that the authority would use any of the penalties that are collected, any of the money that comes in, to give back to the municipalities so that they don’t have to raise municipal taxes for the extra cost that they incur by providing this service for the producers. If it’s producer responsibility, the producer should pay the full cost to the municipal tax base for doing this service on their behalf.

The Acting Chair (Miss Monique Taylor): Any further discussion?

Mr. Percy Hatfield: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): Recorded vote is requested.

Ayes

Hatfield.

Nays

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Thompson.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Shall schedule 1, section 89, as amended, carry? Carried.

Schedule 1, section 90, NDP motion number 63: Mr. Hatfield.

Mr. Percy Hatfield: I’m still trying to recover from the last vote, Chair. I don’t know if my heart will take it. But just in case it won’t, I’ll withdraw this one.

The Acting Chair (Miss Monique Taylor): Thank you very much.

Shall schedule 1, section 90, carry? Carried.

Schedule 1, section 91, NDP motion number 64: Mr. Hatfield.

Mr. Percy Hatfield: Chair, I’m going to withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

Shall schedule 1, section 91, carry? Carried.

Schedule 1, section 92, government motion number 65.

Mrs. Amrit Mangat: I move that section 92 of schedule 1 to the bill be amended by adding “for a reason described in subsection 100(4)” after “was not effective”.

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you. All those in favour? Carried unanimously.

Shall schedule 1, section 92, as amended, carry? Carried.

We can group a few together. We can group from 93 to—oh, just 93 and 94. Okay?

Shall schedule 1, section 93 and section 94, carry? Carried.

Schedule 1, section 95, NDP motion number 66: Mr. Hatfield.

Mr. Percy Hatfield: This motion is withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you. Shall schedule 1, section 95, carry? Carried.

Can we group 96 and 97 together? Everybody’s fine with that?

Shall schedule 1, section 96 and section 97, carry? Carried.

Schedule 1, section 98, NDP motion number 67: Mr. Hatfield.

Mr. Percy Hatfield: In order to give all the people in the committee this afternoon with an open mind another opportunity, I move that section 98 of schedule 1 to the bill be amended by adding the following subsection:

“Municipal cost recovery

“(9.1) Fines collected in relation to convictions for offences referred to in subsection (1) shall be used to compensate municipalities for costs incurred by them as a result of this act or any instrument made under it.”

The Acting Chair (Miss Monique Taylor): Thank you, Mr. Hatfield. Committee members, I am ruling this motion out of order as, in my opinion, the motion before the committee can be characterized as a money bill motion. 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.

1540

Mr. Percy Hatfield: I’m shattered. Shattered.

The Acting Chair (Miss Monique Taylor): Sorry, Mr. Hatfield.

So that is gone, and we will move on to government motion 68.

Mrs. Amrit Mangat: I move that subsections 98(12) and (13) of schedule 1 to the bill be struck out and the following substituted:

“Limitation

“(12) A proceeding under this section shall not be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer designated under the Provincial Offences Act.”

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? Carried unanimously.

Shall schedule 1, section 98, as amended, carry? Carried.

Schedule 1, section 99, NDP motion number 69.

Mr. Percy Hatfield: This motion is withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you.

Government motion number 70.

Mrs. Amrit Mangat: I move that subsection 99(5) of schedule 1 to the bill be amended by striking out “subsections 98(6) to (10)” and substituting “subsections 98(6) to (12)”.

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Motion carried.

Shall schedule 1, section 99, as amended, carry? Carried.

Schedule 1, section 100, government motion number 71.

Mrs. Amrit Mangat: I move that subsection 100(4) of schedule 1 to the bill be amended by striking out “accident or illness” at the end and substituting “accident, disability or illness.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support this.

The Acting Chair (Miss Monique Taylor): All those in favour? Carried unanimously.

Shall schedule 1, section 100, as amended, carry? Carried.

Schedule 1, section 101, NDP motion number 72.

Mr. Percy Hatfield: As stated previously, because of decisions made at earlier clauses, this motion is withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you.

Shall schedule 1, section 101, carry? Carried.

Schedule 1, section 102: Shall it carry? Carried.

Schedule 1, section 103, PC motion 72.1.

Mr. Lorne Coe: I move that section 103 of schedule 1 to the bill be amended by adding the following subsection:

“Limitation on regulations

“(1.1) A regulation may not be made under this act unless,

“(a) the minister has prepared a report on the proposed regulation that considers,

“(i) the economic benefits of the regulation,

“(ii) the environmental benefits of the regulation,

“(iii) the financial costs the regulation will likely impose on brand holders, municipalities, consumers and taxpayers,

“(iv) the impact of similar regulations in other provinces and territories; and

“(b) the report has been published on the registry under the Environmental Bill of Rights, 1993 for public comment for a period of at least 10 days.”

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: This is a critically important amendment, because it would require the government to conduct a cost-benefit assessment of each of the regulations. Businesses and taxpayers alike in Ontario expect the government to consider the impacts of regulations automatically, but with this Liberal government we've seen that that hasn't always been the case. So this amendment would correct it, and again, it would in fact require the government to follow much of the requirements in its own regulatory policy, which it more often than not fails to adhere to.

Chair, this amendment makes sense. It's good for our province and hard-working taxpayers, and the government should set politics aside and do the right thing by supporting this particular amendment.

I'd ask for a recorded vote.

The Acting Chair (Miss Monique Taylor): Any further discussion? A recorded vote has been requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

We move on to PC motion 72.2. Mr. Coe.

Mr. Lorne Coe: I move that subsection 103(2) of schedule 1 to the bill be struck out.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: Chair, a key part of the discussion with regard to waste diversion policy has been the need for harmonization. We all have recognized, actually, in speaking with stakeholders and looking at all aspects of this particular bill, the need to have consistent rules across the province. However, this subsection, if it stands unamended, will allow the government to have different regulations for different areas in Ontario. It has the potential to create a regulatory nightmare for brand holders and waste management companies, which are working hard to increase recycling rates. We believe that this subsection should be removed from the bill because of that.

The Acting Chair (Miss Monique Taylor): Any further discussion? A recorded vote?

Ms. Lisa M. Thompson: Sure, yes.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has been lost.

Motion number 73: NDP, Mr. Hatfield.

Mr. Percy Hatfield: Before I speak to this motion, I must ask legislative counsel or the Clerk to advise me of what we did with motion 1.1. Did we establish the municipal advisory body?

The Clerk of the Committee (Mr. Katch Koch): It was lost.

Mr. Percy Hatfield: It was lost.

The Clerk of the Committee (Mr. Katch Koch): It was defeated.

Mr. Percy Hatfield: Since it was lost, I will withdraw this motion.

The Acting Chair (Miss Monique Taylor): Thank you very much. Shall schedule 1, section 103, carry? Carried.

Schedule 1, section 104, PC motion 73.1: Mr. Coe.

Mr. Lorne Coe: Through you, Chair, we will withdraw.

The Acting Chair (Miss Monique Taylor): PC motion 73.2.

Mr. Lorne Coe: Through you, Chair, we will withdraw.

The Acting Chair (Miss Monique Taylor): Motion 73.3.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Motion 73.4.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): And 73.5.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 104, carry? Carried.

Schedule 1, section 105, government motion 74: Ms. Mangat.

Mrs. Amrit Mangat: I move that the French version of clause 105(i) of schedule 1 to the bill be amended by striking out "prescrire" at the beginning and substituting "traiter de".

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? Carried unanimously.

Shall schedule 1, section 105, as amended, carry? Carried.

Schedule 1, section 106, PC motion 74.1.

Mr. Lorne Coe: I move that clause 106(1)(a) of schedule 1 to the bill be struck out.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Sure. This particular amendment would remove the minister's regulatory authority to change the number of appointed members on the authority.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All those in favour? All those opposed? The motion is lost.

PC motion 74.2: Mr. Coe.

Mr. Lorne Coe: I move that clause 106(1)(b) of schedule 1 to the bill be struck out.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson.

Ms. Lisa M. Thompson: Again, in keeping with the previous amendment, this particular one would remove the minister's regulatory authority to change the number of elected members on the authority.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All those in favour? All those opposed? Motion lost.

PC motion 74.3: Mr. Coe.

Mr. Lorne Coe: We withdraw.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 106, carry? Carried.

Schedule 1, section 107, government motion 75.

Mrs. Amrit Mangat: I move that section 107 of schedule 1 to the bill be amended by striking out "for the purposes of part IV" in the portion before clause (a).

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Motion carried.

Shall schedule 1, section 107, as amended, carry? Carried.

Schedule 1, section 108, government motion 76: Ms. Mangat.

1550

Mrs. Amrit Mangat: I move that clauses 108(1)(c) and (d) of schedule 1 to the bill be struck out and the following substituted:

"(c) prescribing provisions of this act or the regulations for the purposes of clause 89(2)(f);

"(d) prescribing persons to whom an order may be issued for the purposes of clause 89(3)(e);"

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? The motion is carried.

NDP motion number 77: Mr. Hatfield.

Mr. Percy Hatfield: It's withdrawn.

The Acting Chair (Miss Monique Taylor): It's withdrawn.

NDP motion number 78: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 108 of schedule 1 to the bill be amended by adding the following subsection:

"Same

"(3) Regulations governing administrative penalties shall ensure that the amount of an administrative penalty, however determined, exceeds the anticipated cost of compliance by the person who is required to pay the penalty."

The Acting Chair (Miss Monique Taylor): Any discussion?

Mr. Percy Hatfield: It just makes non-compliance more expensive.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? All those opposed? The motion is lost.

Shall schedule 1, section 108, as amended, carry? Carried.

Shall schedule 1, section 109, carry? Carried.

Schedule 1, section 110, NDP motion number 79: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 110(1) of schedule 1 to the bill be amended by striking out "subsections (2)" and substituting "subsections (1.1)".

The Acting Chair (Miss Monique Taylor): Any discussion?

Interjection.

The Acting Chair (Miss Monique Taylor): One moment, please.

Sorry, Mr. Hatfield. This one is out of order. It refers to a motion that was previously defeated, motion 14.

Mr. Percy Hatfield: My mistake.

The Acting Chair (Miss Monique Taylor): No worries. We'll move on, then, to your next motion, number 80.

Mr. Percy Hatfield: Well, if 79 was out of order, 80 must be out of order too.

The Acting Chair (Miss Monique Taylor): Thank you very much—unless you wanted to put it on the record. Would you like to put it on the record?

Mr. Percy Hatfield: No. I'll just say it's out of order. I just want to move things along so we can get on to the substantive issues.

The Acting Chair (Miss Monique Taylor): We're on a roll.

Ms. Thompson?

Ms. Lisa M. Thompson: Chair, with all due respect, I would like to ask for a 15-minute break.

The Acting Chair (Miss Monique Taylor): Let us finish schedule 1. We're almost at the end of schedule 1, so we'll just finish that off and then it will be perfect timing.

Ms. Lisa M. Thompson: Thank you very much.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 110, carry? Carried.

Shall schedule 1, section 111, carry? Carried.

Shall schedule 1, as amended, carry? Carried.

Well done.

We shall take a 15-minute recess and resume back at 4:10.

The committee recessed from 1555 to 1618.

The Vice-Chair (Mr. Jagmeet Singh): Committee is resumed. I hope you didn't miss me too much. Good afternoon, everyone.

Before we are in a position to continue, we're just making sure that the new amendments are put into the packages appropriately. Just to confirm, everyone did receive a copy of the new amendments? I see everyone is nodding their head. Excellent.

We'll just need a couple more minutes to arrange those new amendments into our package and then we'll be ready to proceed. I just wanted to give you that heads-up so you knew what was going on and that it wasn't any sort of delay. We're ready to move ahead, but just need

to make sure that these amendments are entered into our package.

Okay. So we're in a position to deal with motion 81 at this point. This is a government motion dealing with schedule 2, section 1.

I recognize Mrs. Mangat to move the motion.

Mrs. Amrit Mangat: I move that clause 1(c) of schedule 2 to the bill be amended by adding "and industry funding organizations" after "waste diversion programs".

The Vice-Chair (Mr. Jagmeet Singh): Is there any discussion on this motion? Yes.

Mrs. Amrit Mangat: I support this motion so that there is an orderly transition of the existing programs. That's why I'm supporting this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: We support this amendment, Chair, because it follows the very positive PC plan that we launched nearly four years ago to overhaul the province's waste diversion policies.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion? Seeing none, are we prepared to vote? Seeing a yes—

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ayes

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Tabuns, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Seeing none, the motion passes.

We are now in a position to deal with schedule 2, section 1, as amended. Is there any discussion on the section as a whole? Seeing none, are we prepared to vote on this section? Yes? Shall schedule 2, section 1, as amended, carry? All those in favour? All those opposed? The section carries.

Now, with schedule 2, sections 2, 3 and 4, there are no amendments. Shall we bundle those together and deal with the vote in its entirety? Okay. Is there any debate on schedule 2, sections 2, 3 and 4—and 5 as well? No debate?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Oh, there is a motion. Sorry. Just to be clear, this is on 2, 3 and 4 only. Yes? Okay. There's no debate. So shall sections 2, 3 and 4 carry? Those sections are carried.

Now we're dealing with schedule 2, section 5. There is a PC amendment: motion 81.1. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 5 of schedule 2 to the bill be struck out and the following substituted:

"Duties

"Minister's duties

"5(1) The minister shall,

"(a) oversee the operation by industry funding organizations of waste diversion programs for designated wastes in accordance with this act, and monitor the effectiveness and efficiency of those programs;

"(b) monitor the effectiveness of industry stewardship plans continued under section 36 or approved under section 37;

"(c) exercise powers and perform duties in relation to compliance with and enforcement of this act;

"(d) oversee the orderly winding up of industry funding organizations and the winding up of waste diversion programs, in full or in respect of a designated waste, in accordance with this act;

"(e) seek to enhance public awareness of and participation in waste diversion programs;

"(f) seek to ensure that waste diversion programs operated under this act affect Ontario's marketplace in a fair manner;

"(g) determine the amount of money required by the industry funding organizations to carry out their responsibilities under this act; and

"(h) establish a dispute resolution process for,

"(i) disputes between an industry funding organization and a municipality with respect to payments to the municipality under a waste diversion program, and

"(ii) disputes between an industry funding organization and a person in respect of the application of rules made by the industry funding organization under section 33 or regulations made by the Lieutenant Governor in Council under subsection 73(4).

"Authority's duties

"(2) The authority shall,

"(a) exercise the powers and perform the duties that, as of the day before section 21 of the Resource Recovery and Circular Economy Act, 2015 comes into force, were exercised and performed by Waste Diversion Ontario with respect to a waste diversion program approved by the minister under the old act; and

"(b) exercise the powers and perform the duties given to the authority with respect to a waste diversion program under this act."

Through you, Chair, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Ontario's Waste Diversion Act has been stalled at 25% for far too long. This only points to the WDO failure, which has proven to be incompetent. It can't be trusted with the complex and important task of phasing out eco tax programs, and so we've brought forward this amendment to ensure that the windup is done properly and that the ministry should oversee each aspect and report back to the House on its progress. We hope the government members opposite believe enough in the hard-working men and women at the ministry to give them the opportunity to oversee the windup.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? No? No debate? Are we in a position to vote on this amendment?

Ms. Lisa M. Thompson: Yes. Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Ayes

Coe, Thompson.

Nays

Fraser, Dhillon, Mangat, McGarry, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion fails.

We now move to motion 81.2—oh, sorry, before we do that—

Mr. Lorne Coe: Through you, Chair, I'll withdraw that motion, please.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, before we deal with that motion—I'll have you do that in just a brief moment—we are in a position to deal with schedule 2, section 5. Before we deal with the vote, is there any debate on schedule 2, section 5? Seeing none, shall we vote on this section? Yes? Shall schedule 2, section 5, carry? Carried.

Now we can move to schedule 2, section 6. I recognize Mr. Coe to deal with motion 81.2.

Mr. Lorne Coe: We withdraw 81.2, through you, please.

The Vice-Chair (Mr. Jagmeet Singh): Withdrawn. Thank you, sir.

Now we move to government motion 82. Nope, sorry, I apologize. There's another motion, PC motion 81.3. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 6(2) of schedule 2 to the bill be amended by adding the following paragraph:

"3.1 Information about any plans the authority has approved during the previous fiscal year to wind up an industry funding organization, and information about their implementation."

Through you to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Just a moment's indulgence, if you could bear with us while we have a quick break.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): Okay, sorry. Just to clarify, based on the way the next motion is, motion 82, your motion is not out of order in the sense that it's not allowed, but it's not in the best effective order because if 82 passes, it will effectively wipe out—if your motion did pass, that would wipe it out.

My suggestion is perhaps to just stand down motion 81.3 briefly, and we deal with 82 and come back to 81.3, if you don't mind. It will allow for the committee to have your 81.3 added in.

Ms. Lisa M. Thompson: Okay. We will agree to stand down 81.3 until 82 is dealt with.

The Vice-Chair (Mr. Jagmeet Singh): Yes. Is everyone okay with that? The way it works, it gives the committee an opportunity to actually allow for 81.3 to be added in, if the committee chooses to do so. There's unanimous consent to stand down 81.3? Yes. Excellent. It's stood down.

We'll deal now with government motion 82. I recognize Mrs. Mangat.

Mrs. Amrit Mangat: I move that subsection 6(2) of schedule 2 to the bill be struck out and the following substituted:

"Contents

"(2) The information mentioned in subsection (1) shall include the following:

"1. A description of any consultations undertaken during the previous fiscal year by the authority under this act or otherwise, and a summary of the results of the consultations.

"2. Information about waste diversion programs operated under this act during the previous fiscal year, including information about any changes to the programs.

"3. Information about any plans the authority has approved during the previous fiscal year to wind up a waste diversion program in full or in respect of a designated waste, and information about their implementation.

"4. A summary of compliance and enforcement activities carried out under this act during the previous fiscal year.

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"5. A copy of every report an industry funding organization has provided to the authority under section 30 in respect of the previous fiscal year.

"6. A copy of every report a person responsible for the operation of an industry stewardship plan has provided to the authority under section 40 in respect of the previous fiscal year.

"7. A copy of the report submitted by Brewers Retail Inc. under subsection 69(3) in respect of the previous year."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Mrs. Amrit Mangat: No comment.

The Vice-Chair (Mr. Jagmeet Singh): No comments or debate? Anyone else, in terms of any comments or debate? Seeing none, are we in a position to vote on this amendment?

Mrs. Amrit Mangat: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Yes? Excellent. All those in favour of motion 82? All those opposed? The motion is carried.

Now we can deal with 81.3, the motion that has been stood down. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 6(2) of schedule 2 to the bill be amended by adding the following paragraph:

"3.1 Information about any plans the authority has approved during the previous fiscal year to wind up an industry funding organization, and information about their implementation."

Through you to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would require the authority to include progress updates on the windup of any IFOs, industry funding organizations. As you might recall, Chair, our party has long championed a plan to increase recycling and reduce waste through innovation and competition among businesses in the private sector. Our plan was very clear: We would set measurable and achievable recycling targets for businesses, establish environmental standards, monitor outcomes, and enforce the rules. Our approach has been based on the understanding that businesses can advance innovation and improve efficiency much more effectively than government ever could.

In all sincerity, actually, this has been a long time coming. It's good to see the government has borrowed many of our ideas to increase recycling and create economic growth and they've permeated throughout Bill 151.

I am pleased to have the government's support on this critically important amendment to include progress updates on the windup of industry funding organizations, IFOs, in the authority's annual report. It speaks to and bodes well for accountability as well.

Thank you so much.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Thompson.

The Acting Chair (Miss Monique Taylor): All those opposed? Carried.

Shall schedule 2, section 6, as amended, carry?

Interjections.

The Acting Chair (Miss Monique Taylor): Oh, we missed one. Sorry about that, folks.

Government motion 83.

Mrs. Amrit Mangat: I move that paragraph 2 of subsection 6(3) of schedule 2 to the bill be amended by striking out the portion before subparagraph i and substituting the following:

"2. The information and reports described in subsection (2), with the following modifications:"

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: Chair, this amendment ensures that there is no gap in information relating to waste diversion programs, so I support it.

The Acting Chair (Miss Monique Taylor): All those in favour? All those opposed? Carried.

Shall schedule 2, section 6, as amended, carry? Carried.

If we can, with the allowance of the committee, group 7, 8 and 9 together—we're okay with that?

Interjections: Agreed.

The Acting Chair (Miss Monique Taylor): Shall schedule 2, section 7, section 8 and section 9 carry? Carried.

Oh, and schedule 10? Carried. Thank you.

Interjection.

The Acting Chair (Miss Monique Taylor): I'm sorry. Schedule 2, section 10: Carried? Carried. Thank you very much.

Schedule 2, section 11, NDP motion number 84: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 11(1) of schedule 2 to the bill be struck out and the following substituted:

"Blue box program payments to municipalities

"(1) The waste diversion program for blue box waste must provide for payments to municipalities to be determined in a manner that results in the total amount paid to all municipalities under the program being equal to the applicable percentage of the total actual costs incurred by those municipalities, less the total actual revenue generated for those municipalities, as a result of the program.

"Same

"(1.1) For the purposes of subsection (1), cost and revenue amounts shall be determined on the basis of information submitted by the municipalities through the Municipal Datacall developed under the old act, and verified by the authority."

Chair, the bill historically has had a vagueness that has resulted in real problems for municipalities—disputes over amounts owed. Municipalities, through AMO, have expressed their concern that they're paying far more for waste management than one would, on the face of it, think they should have to pay. This amendment is meant to correct those problems.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? All those opposed? The motion is lost.

Government motion number 85. Mrs. Mangat.

Mrs. Amrit Mangat: I move that section 11 of schedule 2 to the bill be struck out and the following substituted:

"Blue box program payments to municipalities

"11. (1) The waste diversion program for blue box waste must provide for payments to municipalities to be determined in a manner that results in the total amount paid to all municipalities under the program being equal to the applicable percentage of the total net costs incurred by those municipalities as a result of the program.

"Same

"(2) For the purposes of subsection (1), the applicable percentage is 50 per cent or such greater percentage as is prescribed by the regulations for the purposes of this subsection.

"Change by minister

“(3) The minister may, if he or she considers it advisable in the public interest for the purposes of this act, change the waste diversion program for blue box waste to determine the total annual amount that shall be paid to municipalities under the program in respect of the period specified in the change.

“Consultation

“(4) Before making a change described in subsection (3), the minister shall consult with Stewardship Ontario and representatives of municipalities.

“Application of Environmental Bill of Rights, 1993

“(5) Section 16 of the Environmental Bill of Rights, 1993, and the other provisions of that act that apply to proposals for regulations, apply with necessary modifications to a change under subsection (3) and, for that purpose, the change is deemed to be a proposal under consideration in the ministry for a regulation under a prescribed act.

“Effect of change under subs. (3)

“(6) A change described in subsection (3) has the same effect as a change approved by the minister under section 12 or 13.

“Retroactive effect

“(7) A change to the waste diversion program for blue box waste under subsection (3) may be retroactive to a date that is no earlier than January 1 in the year before the change is made, but in no case shall the change be retroactive to a date that is earlier than January 1, 2016.

“Conflict

“(8) If there is a conflict between a change made by the minister to the waste diversion program for blue box waste under subsection (3) and a change resulting from a wind-up plan approved under section 14 in respect of the program, the minister’s change prevails.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: This motion provides a new power for the minister if he or she considers it is advisable in the public interest, so I support it.

The Acting Chair (Miss Monique Taylor): All those in favour—oh, I’m sorry. Ms. Thompson, did you want to say something?

Ms. Lisa M. Thompson: I did. I just want to add to the point that the minister’s changes would be subject to the EBR, the Environmental Bill of Rights registry, and we appreciate that very much.

The Acting Chair (Miss Monique Taylor): Thank you. Ready to vote? Okay. All those in favour? Carried unanimously.

Shall schedule 2, section 11, as amended, carry? Carried.

Schedule 2, section 12, NDP motion number 86. Mr. Tabuns.

Mr. Peter Tabuns: I’ll withdraw, Chair.

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The Acting Chair (Miss Monique Taylor): Number 87? NDP?

Mr. Peter Tabuns: Unfortunately, I have to withdraw this as well.

The Acting Chair (Miss Monique Taylor): Shall schedule 2, section 12, carry? Carried.

Schedule 2, section 13, NDP motion number 88: Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Acting Chair (Miss Monique Taylor): Number 89: Mr. Tabuns?

Mr. Peter Tabuns: I move that subsection 13(2) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(2) The authority and the industry funding organization designated for the waste diversion program shall consult about any proposed change with,

“(a) representatives of municipalities,

“(b) representatives of persons who are designated under rules made by an industry funding organization under section 33 or regulations made under subsection 73(4) as stewards in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the authority and the industry funding organization consider to be affected by the proposed change.”

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Carried.

Shall schedule 2, section 13, as amended, carry? Carried.

Schedule 2, section 14: PC motion 89.1.

Mr. Lorne Coe: Through you, Chair, we’ll withdraw.

The Acting Chair (Miss Monique Taylor): Motion 89.2.

Mr. Lorne Coe: Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Motion 89.3.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Government motion number 90.

Mrs. Amrit Mangat: Chair, we withdraw.

Interjections.

The Acting Chair (Miss Monique Taylor): Oh, I don’t have it. Sorry about that.

Now 89.4, a PC motion.

Mr. Lorne Coe: I move that subsections 14(1) and (2) of schedule 2 to the bill be struck out and the following substituted:

“Winding up

“(1) An industry funding organization that receives a written direction from the minister under this section to wind up a waste diversion program in full or in respect of a designated waste shall develop a plan in accordance with this section and shall submit it to the authority for approval.

“Direction re winding up industry funding organization

“(1.1) A direction under this section to wind up a waste diversion program in full may also require the industry funding organization to develop a plan for

winding itself up in accordance with any provisions of the Corporations Act that are prescribed to apply to it.

“Discretionary direction

“(1.2) The minister may, at any time, direct an industry funding organization to wind up a waste diversion program in full or in respect of a designated waste, subject to subsection (1.3).

“Mandatory direction

“(1.3) The minister shall direct an industry funding organization to wind up a waste diversion program in full if,

“(a) material prescribed as a designated waste to which the program applies is also prescribed under the Resource Recovery and Circular Economy Act, 2015 as material in a designated class within the meaning of that act; and

“(b) a regulation under the Resource Recovery and Circular Economy Act, 2015 imposes one or more of the responsibilities mentioned in part IV of that act in respect of the material.

“Same, timing

“(1.4) A direction under subsection (1.3) shall be made within 90 days after a regulation described in clause (1.3)(b) is filed with the registrar of regulations in accordance with part III (Regulations) of the Legislation Act, 2006.

“Same

“(1.5) Subsection (1.4) applies regardless of whether any provision of the regulation described in clause (1.3)(b) that imposes a responsibility in respect of the material is in force.

“Application of subs. (1.3)

“(1.6) Subsection (1.3) applies with respect to,

“(a) the waste diversion program for municipal hazardous or special waste;

“(b) the waste diversion program for used tires; and

“(c) the waste diversion program for waste electrical and electronic equipment.

“Non-application of subs. (1.3), ss. 12 and 13

“(2) On and after the day the minister makes a direction to wind up a program in full, subsection (1.3) and sections 12 and 13 do not apply to the program.”

Chair, our plan was clear: We wanted to see measurable, to see achievable recycling targets for businesses, and establish environmental standards, and monitor outcomes and enforce the rules. We see here that the government has borrowed some of the concepts, and it's reflected in this particular amendment.

I'll defer to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: If people think back to 2012, they'll know very well that the PC Party of Ontario unveiled our waste diversion plan to increase recycling and create good, well-paying jobs in the recycling sector. Our approach very much has been based on the understanding that businesses can advance innovation and improve efficiency much more effectively than government ever could, and because of that, we've been clear

that we would totally scrap Ontario's eco tax programs and recycling cartels.

Again, to revisit, this amendment would ensure that there are timelines in place to phase out the government's eco tax programs. We're pleased that the government has worked with us to create more certainty around the phase-out of eco tax programs, and I'm pleased to share with the committee today that we have the government's support for this critically important amendment to phase out eco taxes and wind up Ontario's industry funding organization.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Tabuns, Thompson.

The Acting Chair (Miss Monique Taylor): Carried.

Mr. Peter Tabuns: Chair?

The Acting Chair (Miss Monique Taylor): Yes.

Mr. Peter Tabuns: I made an error earlier with my motion 87. I should have moved that instead of withdrawing it. I would like to ask the committee for unanimous consent to reopen, I believe, section 12 and then re-vote on this and then vote again on section 12.

The Acting Chair (Miss Monique Taylor): Is there unanimous consent? Yes.

Mr. Peter Tabuns: Thank you, members of the committee.

The Acting Chair (Miss Monique Taylor): Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 12(2) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(2) The authority and the industry funding organization designated for the waste diversion program shall consult about any proposed material change with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated under rules made by an industry funding organization under section 33 or regulations made under subsection 73(4) as stewards in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the authority and the industry funding organization consider to be affected by the proposed material change.”

This is meant to ensure that there's proper consultation, when there are changes, with municipalities and other affected parties.

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? The motion is carried.

Mr. Peter Tabuns: Then, I think section 12 has to be voted on, as amended.

The Acting Chair (Miss Monique Taylor): Yes. Shall schedule 2, section 12, as amended, carry? Carried.

We had another addition. It will be PC motion 89.5.

Mr. Lorne Coe: I move that subsections 14(3) and (4) of schedule 2 to the bill be amended by striking out “under subsection (1)” wherever it appears.

This amendment is intended to remove the reference under subsection (1), now that we’ve amended section 14 to create a timeline for the phase-out of eco taxes.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: Again, we’d just like to echo the fact that we’ve worked with the government to achieve this timeline to phase out eco taxes, and we certainly appreciate their support in doing so.

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The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? Carried unanimously.

Government motion number 90.

Mrs. Amrit Mangat: Chair, I withdraw.

The Acting Chair (Miss Monique Taylor): Withdrawn. Thank you.

PC motion 90.1. Ms. Thompson.

Ms. Lisa M. Thompson: We withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

PC motion 90.2.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

PC motion 90.3.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

NDP motion number—oh, wait, hold on. We have another addition, PC motion 90.4.

Mr. Lorne Coe: I move that subsection 14(9) of schedule 2 to the bill be amended by striking out “under subsection (1)” at the end.

Here again, it’s the same intent as I earlier spoke to. The balance of comment will be to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, just to provide clarity, the amendment is to remove the reference “under subsection (1)” now that we have amended section 14 to create the timeline to phase out the eco tax.

The Acting Chair (Miss Monique Taylor): Any further discussion? All in favour? Carried unanimously.

NDP motion 91.

Mr. Peter Tabuns: I move that section 14 of schedule 2 to the bill be amended by adding the following subsection:

“Same

“(5.1) A timeline for a program, or part of it, to cease operation shall not provide for a cessation date that is

later than December 31 of the year after the year in which this section comes into force, and may not be extended past that date.”

The idea here is to move forward the process of the transition.

The Acting Chair (Miss Monique Taylor): Any further debate? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Just for the record, I’d like to have it noted that the PC Party of Ontario supports this amendment because it would limit the amount that the minister could extend the timeline for windup plans.

The Acting Chair (Miss Monique Taylor): Anything else? Are the members ready to vote? All those in favour? All those opposed? The motion has lost.

Government motion number 92.

Mrs. Amrit Mangat: Chair, I withdraw.

The Acting Chair (Miss Monique Taylor): Thank you. Government motion 92.1 is an addition?

Mrs. Amrit Mangat: Yes. I move that subsections 14(7) and (8) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(7) In developing the plan, the industry funding organization shall consult with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated as stewards under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the industry funding organization considers to be affected by the winding up.

“Consultation

“(8) In assessing the plan, the authority shall consult with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated as stewards under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the authority considers to be affected by the winding up.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: This motion is replacing the previous one, so I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. Are members ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 14, as amended, carry? Carried.

Schedule 2, section 15, government motion 93.

Mrs. Amrit Mangat: I move that section 15 of schedule 2 to the bill be amended by adding the following subsection:

“Prohibition re: use of money, other assets

“(6) An industry funding organization shall not deal with money or any other asset other than in a way that is

consistent with the purpose of an industry funding organization described in subsection (5).”

The Acting Chair (Miss Monique Taylor): Any discussion?

Ms. Lisa M. Thompson: We like this particular amendment because it makes it clear that industry funding organizations—IFOs—are prohibited from using eco tax revenues for any other purpose than to perform the duties of an IFO. We like the way this has been cleaned up.

The Acting Chair (Miss Monique Taylor): Ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 15, as amended, carry? Carried.

Schedule 2, section 16, government motion 94: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 16(3) of schedule 2 to the bill be amended by striking out “after” and substituting “on and after”.

The Acting Chair (Miss Monique Taylor): Any discussion? Are members ready to vote? All those in favour? All those opposed? Carried.

Shall schedule 2, section 16, as amended, carry? Carried.

If the committee would allow, we can group quite a few of these together. We can go from schedule 2, section 17, all the way through to schedule 2, section 29. Okay? We’ll go through them.

Shall schedule 2, section 17, section 18, section 19, section 20, section 21, section 22, section 23, section 24, section 25, section 26, section 27, section 28 and section 29, carry? Carried.

Schedule 2, section 30, government motion 95: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsections 30(1) and (2) of schedule 2 to the bill be struck out and the following substituted

“Annual report, industry funding organization

“(1) Each industry funding organization shall, not later than April 1 in each year,

“(a) prepare a report in accordance with this section on its activities during the previous fiscal year; and

“(b) provide a copy of the report to the authority and make the report available to the public.

“Contents

“(2) The report shall include the following:

“1. Information about each waste diversion program operated during the previous fiscal year.

“2. Information about,

“i. material changes to a waste diversion program that were developed and implemented under this act during the previous fiscal year, and

“ii. steps taken to develop and implement a plan approved under section 14.

“3. Audited financial statements for the industry funding organization and a copy of the auditor’s report on the organization under subsection 29(2).

“4. A description of any consultations undertaken by the industry funding organization during the previous

fiscal year under this act and a summary of the results of the consultations.”

Chair, keeping in mind that transparency is fundamental, I’m supporting this.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All in favour? Any opposed? Carried.

Shall schedule 2, section 30, as amended, carry? Carried.

If we can group a few together again, let’s see how far we can go. We can start at 31 and—

The Clerk of the Committee (Mr. Katch Koch): Just 31.

The Acting Chair (Miss Monique Taylor): Oh, just 31; you’re right. There we go. That’s why we do it together.

Ms. Lisa M. Thompson: Team effort.

The Chair (Miss Monique Taylor): Team effort.

Shall schedule 2, section 31, carry? Carried.

Schedule 2, section 32, NDP motion number 96: Mr. Tabuns.

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Mr. Peter Tabuns: I move that subsection 32(2) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(2) In operating the program, the industry funding organization shall consult with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) as stewards in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the industry funding organization considers to be affected by the operation of the program.”

Chair, we’re just making sure that consultation in this area is thorough and is open to those who are most directly affected.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? All those opposed? Carried.

Shall schedule 2, section 32, as amended, carry? Carried.

So if we can group from section 33 to section 42—is everybody in favour of doing that? Okay, perfect. Shall schedule 2, section 33, section 34, section 35, section 36, section 37, section 38, section 39, section 40, section 41 and section 42 carry? Carried. Great stuff.

Schedule 2, section 43, government motion number 97: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 43(2) of schedule 2 to the bill be amended by adding the following paragraph:

“4. The industry funding organization has dealt with money or another asset in any way other than in accordance with subsection 15(6).”

Chair, this motion strengthens the authority's oversight role, so I support it.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote?

Interjection.

The Acting Chair (Miss Monique Taylor): Oh, sorry, Ms. Thompson.

Ms. Lisa M. Thompson: We just want to be on record as saying that if the government needs to appoint an administrator to facilitate the windup of a waste diversion program and an IFO, this amendment would require that the administrator has dealt with the eco tax revenues in a way that follows the rules under this particular act, so we're supporting it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? Carried unanimously.

The Clerk of the Committee (Mr. Katch Koch): My pen is dead.

The Acting Chair (Miss Monique Taylor): Dead pen. We have to wait for Katch. There's no moving on without Katch.

Okay. Shall schedule 2, section 43, as amended, carry? Carried.

I guess we can group some more again. We can do from 44 to 47, if everybody's okay with that. Okay. Shall schedule 2, section 44, section 45, section 46 and section 47 carry? Carried.

Schedule 2, section 48, government motion number 98.

Mrs. Amrit Mangat: I move that paragraphs 3 and 4 of subsection 48(2) of schedule 2 to the bill be struck out and the following substituted:

"3. A person retained by an industry funding organization to operate all or part of an approved waste diversion program.

"4. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this act.

"5. The owner or operator of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act.

"6. A person operating an industry stewardship plan."

This amendment clarifies the language, so I'm in support of it.

The Acting Chair (Miss Monique Taylor): Any further discussion? Mr. Coe.

Mr. Lorne Coe: Chair, through you, we'll be supporting this particular motion, because what it does is ensure the proper definitions are used for owners and operators of waste management systems. But more particularly, it applies to who is subject to an inspection by the authorities and enforcement officers, so this is a good amendment. We'll support it.

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All in favour? Any opposed? Carried.

Shall schedule 2, section 48, as amended, carry? Carried.

Schedule 2, section 49, government motion 99.

Mrs. Amrit Mangat: I move that paragraphs 3 to 5 of subsection 49(1) of schedule 2 to the bill be struck out and the following substituted:

"3. A person retained by an industry funding organization to operate all or part of an approved waste diversion program.

"4. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this act.

"5. The owner or operator of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act.

"6. A person operating an industry stewardship plan.

"7. A director, officer, employee or agent of a person described in paragraphs 1 to 6."

Chair, this amendment ensures that others who provide a broad range of services—for example, legal, administrative or accounting services—are not included. I support this motion.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: We would just like to add that this section applies to compelling a response to an inquiry by an inspector. It's making sure that they follow up and they respond to and account for their actions, so we support this as well.

The Acting Chair (Miss Monique Taylor): Great. All those ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 49, as amended, carry? Carried.

We can group a few together again. If we can go from 50 to 55; is everybody in agreement with that? Shall schedule 2, section 50, section 51, section 52, section 53, section 54 and section 55 carry? Carried.

Schedule 2, section 56, government motion 100: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsections 56(1), (2) and (3) of schedule 2 to the bill be struck out and the following substituted:

"Administrative penalties

"(1) An administrative penalty may be imposed under this section for one or more of the following purposes:

"1. To ensure compliance with this act and the regulations.

"2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this act or of the regulations.

"Order by registrar or deputy registrar

"(2) The registrar or a deputy registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the authority if the registrar or deputy registrar is of the opinion that the person has contravened,

“(a) subsection 14(1);
 “(b) section 30;
 “(c) section 31;
 “(d) a rule made by an industry funding organization under section 33;
 “(e) subsection 33(8);
 “(f) section 34;
 “(g) subsection 35(2);
 “(h) subsection 35(3);
 “(i) section 40;
 “(j) subsection 41(2);
 “(k) section 49;
 “(l) subsection 69(3); or
 “(m) a provision of the regulations.
 “Same
 “(3) An order may be issued under subsection (2),
 “(a) to an industry funding organization;
 “(b) to a person designated as a steward;
 “(c) to a person operating an industry stewardship plan; or
 “(d) to Brewers Retail Inc.”

Chair, these tools would be used at the discretion of the authority to ensure that outcomes are met. I'm supporting this.

The Acting Chair (Miss Monique Taylor): Any further discussion? Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, this section applies to administrative penalties. One aspect in particular makes it very clear that it's to ensure compliance and to prevent a person from deriving a benefit from a contravention. As a consequence, we'll be supporting this amendment.

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All in favour? Carried unanimously.

Shall schedule 2, section 56, as amended, carry? Carried.

I think we can group again, from sections 57 to 62, if everyone is in agreement?

Interjection.

1710

The Acting Chair (Miss Monique Taylor): Oh, we've got two in the middle. Never mind. So it's just 57 and 58. Everybody is okay with that? Okay.

Shall schedule 2, section 57 and section 58, carry? Carried.

Schedule 2, section 59, government motion 101: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 59 of schedule 2 to the bill be amended by adding “for a reason described in subsection 67(4)” after “was not effective”.

Chair, this amendment ensures fairness, so I'm in favour of it.

The Acting Chair (Miss Monique Taylor): Any further discussion? All in favour? All opposed? Carried.

Shall schedule 2, section 59, as amended, carry? Carried.

We can group 60, 61 and 62. Everybody is okay with that? Okay.

Shall schedule 2, section 60, section 61 and section 62 carry? Carried.

Schedule 2, section 63, government motion 102: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 63 of schedule 2 to the bill be struck out and the following substituted:

“Powers of tribunal

“63. A hearing by the tribunal shall be a new hearing and the tribunal may,

“(a) confirm or revoke the order that is the subject matter of the hearing; or

“(b) vary the order, but it may only vary the amount of a penalty if it considers the amount to be unreasonable.”

Chair, this motion clarifies the tribunal's jurisdiction, so I'm in support of this.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All in favour? Any opposed? Carried.

Shall schedule 2, section 63, as amended, carry? Carried.

Shall schedule 2, section 64, carry? Carried.

Schedule 2, section 65, government motion 103: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 65(1) of schedule 2 to the bill be amended by striking out the portion before paragraph 1 and paragraph 1 and substituting the following:

“(1) An industry funding organization is guilty of an offence if it contravenes one of the following provisions or a provision of the regulations:

“1. Subsection 14(1) or (12).

“1.1 Subsection 15(6).”

The Acting Chair (Miss Monique Taylor): Discussion?

Mrs. Amrit Mangat: Chair, it is important that the authority has appropriate compliance and enforcement tools, so I support this motion.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we'll be supporting this particular amendment because it makes it very clear that it is an offence to use eco tax revenue for anything other than the purposes laid out in this act. So that was a good one.

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All in favour? Unanimous. Carried.

Government motion 104: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 65(2) of schedule 2 to the bill be struck out and the following substituted:

“Stewards

“(2) A person designated as a steward under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) is guilty of an offence if the person contravenes one of the following provisions:

“1. A rule made under section 33.

“2. Section 34.

“3. A provision of the regulations.”

The Acting Chair (Miss Monique Taylor): Discussion?

Mrs. Amrit Mangat: Chair, I support it. This motion also deals with that the authority has appropriate compliance and enforcement tools.

The Acting Chair (Miss Monique Taylor): Mr. Coe.

Mr. Lorne Coe: Through it, as I read the amendment—and I’m seeking some clarity, through the reader—what I’m seeing it as saying to stewards is that they’ll be guilty of an offence for contravening a provision of the regulations without specifically spelling out what those provisions are.

So perhaps you can provide a little bit more clarity and rationale for this amendment, because that’s the interpretation I’ve taken in reading it. Through you, Chair, please.

The Acting Chair (Miss Monique Taylor): Ms. Mangat.

Mrs. Amrit Mangat: Chair, this motion ensures that the proposed legislation is appropriately applied to all persons who may be charged with an offence—no, sorry. I withdraw. I’m so sorry. What’s your question?

Mr. Lorne Coe: In my reading of the amendment, the interpretation that I’ve taken—

Mrs. Amrit Mangat: Do you want me to read it again?

Mr. Lorne Coe: If you would, please. That would be helpful.

Mrs. Amrit Mangat: Okay. The whole amendment?

Mr. Lorne Coe: What I would like to hear, through you, Chair, is the rationale for the amendment, because the interpretation that I’ve taken, and that my colleague has taken as well, is that it’s saying that the stewards will be guilty of an offence for contravening a provision of the regulations without spelling out what those provisions are. That’s the interpretation that I’ve taken. Through you, Chair, I’m looking for the clarity for the rationale.

Mrs. Amrit Mangat: Chair, this amendment is consistent with the previous motion to broaden the scope of the offence provisions for a steward from prescribed provisions and regulations to any provisions in the regulations.

Mr. Lorne Coe: Right. Thank you, Chair. I’ve received the explanation.

The Acting Chair (Miss Monique Taylor): Thank you. Are members ready to vote? All those in favour? All those opposed? Carried.

Government motion number 105: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 65(11) of schedule 2 to the bill be amended by striking out “against a person described in subsection (1), (2) or (3)”.

The Acting Chair (Miss Monique Taylor): Discussion? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Again, given the previous amendment that was voted upon, without spelling out exact provisions, we think that it’s a worry. We caution about how this amendment appears to make the limitation on commencing a proceeding against a steward

apply more generally, especially when, earlier, we raised our flag of concern because the provisions haven’t been properly spelled out. We just wanted to provide that feedback to you.

Mrs. Amrit Mangat: Okay. This motion ensures that the proposed legislation is appropriately applied to all persons who may be charged with an offence.

Ms. Lisa M. Thompson: Okay.

The Acting Chair (Miss Monique Taylor): Okay. Are members ready to vote? All in favour? All opposed? The motion is carried.

Shall schedule 2, section 65, as amended, carry? Carried.

Shall schedule 2, section 66, carry? Carried.

Schedule 2, section 67, government motion 106: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 67(4) of schedule 2 to the bill be amended by striking out “accident or illness” at the end and substituting “accident, disability or illness”.

The Acting Chair (Miss Monique Taylor): Discussion? Are members ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 67, as amended, carry? Carried.

We may be able to group a couple together here, if it’s okay with the committee. Grouping section 68 through to section 72: Is that good? Okay. Shall schedule 2, section 68, section 69, section 70, section 71 and section 72, carry? Carried.

Schedule 2, section 73, government motion 107: Ms. Mangat.

Mrs. Amrit Mangat: I move that clause 73(1)(l) of schedule 2 to the bill be struck out and the following substituted:

“(l) governing the authority’s requests for information from industry funding organizations;”

The Acting Chair (Miss Monique Taylor): Discussion?

Mrs. Amrit Mangat: Chair, the proposed legislation provides the authority with a mandate to oversee the existing waste diversion programs and the windup of the existing ones in an orderly fashion.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All in favour? All opposed? Carried.

Government motion 108: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 73(3) of schedule 2 to the bill be struck out.

1720

The Acting Chair (Miss Monique Taylor): Any discussion? All in favour? All opposed? Carried.

Shall schedule 2, section 73, as amended, carry? Carried.

We can group some together again: 74 to 76. Is everybody okay with that?

Shall schedule 2, sections 74 to 76, carry? Carried.

Schedule 2, section 77, government motion 109: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 77 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 14(1.1) of this act is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.

Chair, this motion is related to other motions in this package which refer to the Corporations Act, so this is not necessary, and I’m in favour of it.

The Acting Chair (Miss Monique Taylor): One moment, please.

Interjections.

Mrs. Amrit Mangat: Chair, point of order.

The Acting Chair (Miss Monique Taylor): Yes, Ms. Mangat?

Mrs. Amrit Mangat: I don’t mean that I have to withdraw this motion. I don’t withdraw. I’m talking about the explanation of the amendment. I don’t withdraw. Do you want me to read it again?

The Acting Chair (Miss Monique Taylor): It’s up to counsel.

Ms. Pauline Rosenbaum: Sure.

Mrs. Amrit Mangat: I move that section 77 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 14(1.1) of this act is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.

The Acting Chair (Miss Monique Taylor): Debate? All those in favour? Any opposed? Carried.

Shall schedule 2, section 77, as amended, carry? Carried.

Schedule 2, section 78, government motion 110: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 78(1) of schedule 2 to the bill be struck out and the following substituted:

“Commencement

“(1) Subject to subsections (1.1) to (5), the act set out in this schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

“Same

“(1.1) Subsection 77(0.1) comes into force on the later of the day subsection 14(1.1) of this schedule comes into force and the day subsection 4(1) of the Not-for-Profit Corporations Act, 2010 comes into force.”

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All those in favour? Any opposed? Carried.

Shall schedule 2, section 78, as amended, carry? Carried.

Schedule 2, section 79: Shall it carry? Carried. Excellent.

Shall schedule 2, as amended, carry? Carried.

We’re just going to do a quick check here, to make sure they’ve got everything that was put aside.

Interjections.

The Acting Chair (Miss Monique Taylor): Okay, we’re ready to move on.

Section 1: Are there any comments or debate? Shall section 1 carry? Carried.

Any comments on section 2? Shall section 2 carry? Carried.

Comments on section 3? Shall section 3 carry? Carried. Very good.

Shall the title of the bill carry? Carried.

Shall Bill 151, as amended, carry? Carried.

Shall I report Bill 151, as amended, to the House? Thank you.

Was there any discussion or comments from committee members? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: I just want to recognize that this has been a long time coming. This is the third attempt to bring through a Waste-Free Ontario Act. There have been two other kicks at the proverbial can and, using that baseball analogy, three strikes and you’re out. I think there are some people breathing a sigh of relief.

But in all seriousness, the PC Party of Ontario unveiled our plan in 2012 to increase recycling and create good, well-paying jobs in the recycling sector. Our plan was very clear: We would set measurable and achievable recycling targets for businesses, establish environmental standards, monitor outcomes and reinforce the rules.

We raise some flags of caution. We really worry about the unnecessary burden of what seems to be an increased level of bureaucracy with regard to the waste cops that will be created through this particular passing of the bill. We reserve the right to put the government on notice, saying that we’re going to watch how this type of initiative will play out. We’re hopeful there isn’t a lot of extra burden in terms of financial burden placed on our brand holders, our producers, our municipalities etc. in that regard.

We also would like to raise a flag on behalf of stakeholders we met, with regard to policy statements. We encourage the government to pay heed to the many stakeholders who share that common concern of how policy statements can be sprung upon them and also prove to be a burden.

Another flag that we heard time and again was the manner in which the makeup of the authority would rest in the hands of the minister with regard to the appointment of five, who then in turn will move forward and elect six people to join them on the authority.

The PC Party of Ontario would like to reserve the right to put the government on notice that we’re going to be watching. We want to make sure that this whole approach is very much done in such a manner that moves the industry and the whole intent and purpose of this bill forward and doesn’t prove to be a handcuff to stakeholders.

Just to close, we would like to share our appreciation and recognize the government in working with us to uphold something that we feel is very needed, in this third kick at the can, and that’s a timeline to eliminate

eco taxes. Certainly, it's critically important to include progress updates on the windup of the industry funding organizations in the authority's annual report as well.

Thanks very much for that.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson. Yes, Ms. Mangat?

Mrs. Amrit Mangat: Chair, I would like to thank all members of the committee for their co-operation and

their insight. It's all working together that we can achieve the ultimate goal of what is best for the citizens.

Thank you.

The Chair (Miss Monique Taylor): Thank you very much. In the spirit of working together and doing so well, you do not have to come to this committee tomorrow. We are adjourned.

The committee adjourned at 1733.

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