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Standing Committee on Procedure and House Affairs

Queen's Park Restoration
Act, 2023

1st Session
43rd Parliament
Tuesday 9 May 2023

Comité permanent de la procédure et des affaires de la Chambre

Loi de 2023 sur la restauration
de Queen's Park

1^{re} session
43^e législature
Mardi 9 mai 2023

Chair: Jennifer K. French
Clerk: Christopher Tyrell

Présidente : Jennifer K. French
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON PROCEDURE
AND HOUSE AFFAIRS**

**COMITÉ PERMANENT
DE LA PROCÉDURE
ET DES AFFAIRES DE LA CHAMBRE**

Tuesday 9 May 2023

Mardi 9 mai 2023

The committee met at 0903 in committee room 1.

**QUEEN'S PARK RESTORATION
ACT, 2023**

**LOI DE 2023 SUR LA RESTAURATION
DE QUEEN'S PARK**

Consideration of the following bill:

Bill 75, An Act to enact the Queen's Park Restoration Secretariat Act, 2023, and to make certain amendments to the Legislative Assembly Act and the Freedom of Information and Protection of Privacy Act / Projet de loi 75, Loi édictant la Loi de 2023 sur le Secrétariat de la restauration de Queen's Park et apportant certaines modifications à la Loi sur l'Assemblée législative et à la Loi sur l'accès à l'information et la protection de la vie privée.

The Chair (Ms. Jennifer K. French): Good morning, everyone. Welcome back to the Standing Committee on Procedure and House Affairs. We're here this morning to consider Bill 75, An Act to enact the Queen's Park Restoration Secretariat Act, 2023, and to make certain amendments to the Legislative Assembly Act and the Freedom of Information and Protection of Privacy Act. We are here for clause-by-clause consideration.

Are there any preliminary comments on the bill, overall, before we begin consideration? MPP Oosterhoff.

Mr. Sam Oosterhoff: I just want to say it's a good bill.

The Chair (Ms. Jennifer K. French): Thank you for your thoughtful comments.

If there's no further consideration—okay.

Is there unanimous consent to stand down sections 1 through 3 of the bill in order to deal with the schedules first? Yes.

There are no amendments to sections 1 through 15, inclusive, of schedule 1. In that case, we will bundle them and consider them as one. Is there any discussion or debate on sections 1 through 15? Seeing none, are we ready to vote? All those in favour of sections 1 through 15 of schedule 1? All right, that is passed. All those opposed? So it's still passed.

Now, shall schedule 1 carry? That is carried.

Okay, there are no amendments to sections 1 and 2 of schedule 2 to the bill, so I'm going to go ahead and bundle that if there's no objection. Is there any discussion?

Debate? Seeing none, in that case, are members ready to vote on sections 1 and 2 of schedule 2? All right. All those in favour? All those opposed? Sections 1 and 2 of schedule 2 are carried.

There's a government amendment: government amendment number 1. Is someone going to move that amendment? MPP Rae.

Mr. Matthew Rae: I move that schedule 2 to the bill be amended by adding the following section:

"2.1 Subsection 103(2) of the act is repealed and the following substituted:

"Mandate

"(2) The Legislative Protective Service is responsible for all matters with respect to the physical protection and security of the legislative precinct and in relation to the business of the Legislative Assembly and its members, including,

"(a) controlling access to and from the precinct;

"(b) preserving and maintaining the public peace;

"(c) protecting life and property;

"(d) protecting the legislative process; and

"(e) carrying out other responsibilities, as directed by the Speaker."

The Chair (Ms. Jennifer K. French): The proposed amendment is out of order because it seeks to amend a section of a parent act—in this case, the Legislative Assembly Act—that is not before the committee. As Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice, "An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill."

MPP Jamie West: Chair, in the spirit of non-partisanship, I'll move a UC to have this added.

The Chair (Ms. Jennifer K. French): Okay. Mr. West is seeking unanimous consent to consider this amendment, despite it being out of order. Do we have unanimous consent? Okay. In that case, is there any debate or discussion on the proposed amendment? Mr. Rae.

Mr. Matthew Rae: I believe my colleagues across the way have also been briefed by the government House leader's office, but this motion, just for the record, would provide flexibility by expanding the LPS mandate and allowing the Speaker to direct the LPS to carry out other responsibilities as needed, specifically when we decant, obviously, to a new location. It's physically attached to

this location, so once, if, we get to that point, giving that prerogative to the Speaker would help facilitate that.

The Chair (Ms. Jennifer K. French): Any further discussion or debate? In that case, are members ready to vote on government amendment 1? Okay. All those in favour? All those opposed? The amendment is carried.

Section 2.2, government amendment number 2: Is there a mover? Mr. Rae.

Mr. Matthew Rae: I move that schedule 2 to the bill be amended by adding the following section:

“2.2 Section 103.0.1 of the act is repealed and the following substituted:

“Legislative Protective Service role outside the legislative precinct

“103.0.1. In addition to anything it does under section 103, the Legislative Protective Service may provide for the physical protection and security of any premises or area outside the legislative precinct in accordance with either,

“(a) an agreement between the Speaker and the owner or occupier of the premises or area; or

“(b) a written directive of the Speaker issued pursuant to subsection 103.0.2(2).”

0910

The Chair (Ms. Jennifer K. French): The proposed amendment is out of order because it seeks to amend a section of a parent act that is not before the committee. As Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice, “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.” So that’s out of order.

Mr. McGregor has his hand up.

Mr. Graham McGregor: I would just request unanimous consent for us to consider the amendment.

The Chair (Ms. Jennifer K. French): Mr. McGregor is seeking unanimous consent to consider government amendment 2. Okay.

In that case, is there any discussion or debate? Mr. Rae.

Mr. Matthew Rae: Thank you again to the committee for unanimous consent to consider this motion. Motion 2 just builds off of motion 1. It would expand on that. It’s essentially, again, going back to what I referred to in my earlier remarks: the ability of the LPS to operate out of the physical boundaries of the current legislative precinct when we choose to decant in the future. It gives the Speaker that directive and oversight to direct the LPS going forward.

The Chair (Ms. Jennifer K. French): Further debate or discussion? In that case, are members ready to vote on government amendment number 2? All those in favour? All those opposed? That amendment is carried.

Next, we have government amendment number 3. Mr. Rae.

Mr. Matthew Rae: I move that schedule 2 to the bill be amended by adding the following section:

“2.3(1) Section 103.0.2 of the act is amended by adding the following subsection:

“Guidelines, directives or authorizations made public

“(2.1) The Speaker may, in the Speaker’s sole discretion, make any guidelines, directives or authorizations issued pursuant to this section publicly available in whole or in part.”

“(2) Subsection 103.0.2(4) of the act is repealed and the following substituted:

“Status as peace officers

“(4) The Sergeant-at-Arms and such employees in the Legislative Protective Service as the Speaker may select are peace officers for the purpose of carrying out their duties as authorized by the Speaker in writing, subject to any conditions or restrictions the Speaker may impose on the authorization.”

The Chair (Ms. Jennifer K. French): The proposed amendment is out of order because it seeks to amend a section of a parent act that is not before the committee. As Bosc and Gagnon noted on page 771 of the third edition of House of Commons Procedure and Practice, “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

Mr. West.

MPP Jamie West: I would seek unanimous consent to consider this amendment.

The Chair (Ms. Jennifer K. French): Okay. Mr. West is seeking unanimous consent to consider government amendment 3. Okay, it would seem that he has it. Good.

Debate or discussion? Mr. Rae.

Mr. Matthew Rae: Thank you again to the committee for unanimous consent on this. It’s great to be working together. Again, motion 3 is similar to motions 1 and 2, allowing the Speaker and giving him the discretion, when we decant in the future to whatever location is decided, of just detaching the LPS from that physical location and moving them to the next location and giving the Speaker the authorization to make this publicly available in motion 3, which alludes to that, Chair.

The Chair (Ms. Jennifer K. French): Is there any further debate or discussion? Mr. West.

MPP Jamie West: I’m probably going to say similar things to MPP Rae. I feel that on the committee, we understand what’s going on because we’ve had the briefing and time to digest it and have conversations.

For Hansard and anyone watching this live: This expands the area that our protective services are allowed, because, as we know, when we decant or when they have lay-down areas or as we need to occupy different buildings—it allows our protective services to protect those areas, as well. I’m just trying to get people up to speed if they just happen to be tuning in or reading Hansard, to understand why we’re doing this—it isn’t a blanket statement of anywhere they want to go; it will be as the project proceeds and as required to protect the people and the property of the precinct.

The Chair (Ms. Jennifer K. French): Further debate or discussion? In that case, are members ready to vote? All those in favour of government amendment 3? All those opposed? The amendment is carried.

There are no amendments to sections 3 through 6, inclusive, of schedule 2 to the bill. Is there any debate or discussion on sections 3, 4, 5 and 6? Seeing none, are members ready to vote on sections 3 through 6, inclusive, of schedule 2 to the bill? All those in favour? All those opposed? Sections 3 through 6, inclusive, of schedule 2 to the bill are carried.

Shall schedule 2, as amended, carry? Carried.

We've reached government amendment 4. Mr. Rae.

Mr. Matthew Rae: This is my last amendment, so I'll stop talking afterward.

I move that section 1 of schedule 3 to the bill be amended by striking out subsection 65(17) of the Freedom of Information and Protection of Privacy Act and substituting the following:

“Queen's Park restoration records

“(17) This act does not apply to records prepared by the assembly with respect to the Queen's Park restoration project until 20 years after the Queen's Park Restoration Secretariat Act, 2023, is repealed.”

The Chair (Ms. Jennifer K. French): Seeing as how this amendment is in order, is there any debate or discussion? Mr. Rae.

Mr. Matthew Rae: I'm glad at least one of our amendments is in order today.

The rationale behind this motion from the government side is, it would just clarify the scope of the proposed exclusions as we discussed in our deliberations around the bill, ensuring that documents prepared by the assembly itself, and not specifically the Office of the Assembly, would be protected in that aspect during these restorations and the 20 years after that. The proposed amendment in this motion does not impact the ability of individuals in the public to request records prepared by an institution, including the proposed Queen's Park secretariat, via the normal process for the freedom-of-information requests.

The Chair (Ms. Jennifer K. French): Is there any further discussion or debate? Mr. West.

MPP Jamie West: It's my understanding, as well, with the amendment that the public will still have access to the financial bidding process, costs and things. This is more about protecting internal conversations and ensuring that

the work of legislation and people who aren't elected officials or conversations can be protected—their privacy—because they don't live in the public the way that we do. But the information that I think most people would be concerned about is the bidding process, the amounts awarded, who has the bid; that sort of thing would all be available through FIPPA.

The Chair (Ms. Jennifer K. French): Further debate or discussion? In that case, are members ready to vote on government amendment 4? All those in favour? All those opposed? Government amendment 4 is carried.

Shall schedule 3, section 1, as amended, carry? Okay, that is carried.

Schedule 3, section 2: There are no amendments. Is there any debate or discussion? Seeing none, are members ready to vote? All those in favour? All those opposed? Schedule 3, section 2, carries.

Shall schedule 3, as amended, carry? I see that is carried.

We originally stood down sections 1 to 3, so we'll go back to that. Section 1: Is there any discussion or debate on section 1 of the bill? In that case, are members ready to vote? All those in favour? All those opposed? Section 1 carries.

Section 2: Is there any debate or discussion? Seeing none, are members ready to vote? All those in favour? All those opposed? Section 2 carries.

Section 3, the short title: Is there any debate or discussion? Seeing none, are members ready to vote? All those in favour? All those opposed? The short title, section 3, carries.

Shall the title of the bill carry? I see that is carried.

Shall Bill 75, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Okay, carried, and I will do that.

We have come to the end of our time, but I see Mr. Oosterhoff would like to—

Mr. Sam Oosterhoff: Will there be a translation in both languages? I'm just making sure.

The Chair (Ms. Jennifer K. French): Yes.

If there's nothing further, this committee is adjourned.

The committee adjourned at 0922.

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