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**Official Report
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(Hansard)**

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(Hansard)**

PH-15

**Standing Committee
on Procedure
and House Affairs**

Subcommittee report

Committee business

**Comité permanent
de la procédure
et des affaires de la Chambre**

Rapport du sous-comité

Travaux du comité

1st Session
43rd Parliament

Tuesday 16 May 2023

1^{re} session
43^e législature

Mardi 16 mai 2023

Chair: Jennifer K. French
Clerk: Christopher Tyrell

Présidente : Jennifer K. French
Greffier : Christopher Tyrell

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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 16 May 2023

Mardi 16 mai 2023

The committee met at 0902 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Ms. Jennifer K. French): Good morning, members. The Standing Committee on Procedure and House Affairs will now come to order. We have a few things on our agenda for consideration this morning, and the first on that list is the consideration of a subcommittee report. Could I ask that someone read it into the record and move its adoption? Mr. West.

MPP Jamie West: Your subcommittee on committee business met on May 9, 2023, and recommends the following:

(1) That the Chair, on behalf of the committee, write to the director of broadcast and recording services at the Legislative Assembly of Ontario to bring his attention to MPP Collard's letter related to the television broadcast system and to request a response;

(2) That the Chair, on behalf of the committee, write to the House leaders of the recognized parties to request that a motion be presented to the House to authorize travel outside of Ontario and for the committee to meet during the summer adjournment at the call of the Chair;

(3) That the Chair, on behalf of the committee, write to the House leaders of the recognized parties to request that a motion be presented to the House to authorize permanent members of the Standing Committee on Procedure and House Affairs, the committee Clerk and the research officer to attend the legislative summit of the National Conference of State Legislatures in Indianapolis, Indiana, from August 13 to 16, 2023;

(4) That in relation to the committee's study of the lifespan of and deficiencies with the building systems in the legislative precinct and the need for rehabilitation and restoration, the research officer compile a list of potential witnesses for the committee's consideration with expertise in the following categories: accessibility and equity, community and business groups (community engagement), education and tourism, heritage groups, historical groups;

(5) That members of the committee be allowed to sit at any seat in the committee room regardless of party affiliation. I move adoption for approval.

The Chair (Ms. Jennifer K. French): Mr. West has moved the adoption. Is there any debate or discussion of these points? Any questions, comments? Mr. Oosterhoff.

Mr. Sam Oosterhoff: What would expertise in equity look like? It's part of the motion, so I'm just wondering what is actually meant by that.

The Chair (Ms. Jennifer K. French): Mr. West.

MPP Jamie West: I believe the intent was to ensure that we're opening for discussion from a variety of people, and one of the conversations we had is, we don't know what we don't know—so having the opportunity for people to come forward to talk about what a more equitable place would look like, without specifying specifically what that was. It was sort of a broad term to capture that ability.

The Chair (Ms. Jennifer K. French): Further discussion of these?

I might add myself to the list. Seeing as some of the interest that is being received from the broader community around the study and this Legislature—is it possible even to consider an additional category there that is the Queen's Park grounds or some wording about the property and grounds, or when it says "expertise," "experience and expertise"? Does that speak to what you were questioning or—not to assume.

Mr. Sam Oosterhoff: I just found that word very vague, unless there's a particular—I was thinking, are we looking to ensure that—obviously, the Indigenous communities engagement, we talked about that, and I would understand they would be an equity-seeking group, of course, and deserving, but I'm just wondering how broad that becomes. I don't have a problem with having different voices around the table. That's great. It's just that sometimes it can be so broad that it becomes vague and meaningless. That was just my concern.

The Chair (Ms. Jennifer K. French): Mr. Harris?

Mr. Mike Harris: Just to address some of MPP Oosterhoff's concerns: When we had had our subcommittee meeting, MPP West and I, we wanted to make sure that there was a very broad range of individuals who would be able to come and have deputations and be part of our consultations. Part of that conversation was around, let's just say, some of the statues and monuments on the ground and making sure that we're able to get all groups represented to make sure that we're making the best choices as we make recommendations to the House going forward. Is it a bit of a broad word? Sure. But I think we want to make sure that we're not leaving anybody out. All members of the committee are well aware that there are a lot of different voices—sometimes they get drowned out, MPP Oosterhoff—that I

think it's very important are represented here, so we should have an excellent opportunity to be able to hear from those folks, as well.

The Chair (Ms. Jennifer K. French): And if I may add some clarity, point (4) is not about people deposing or people making submissions. Point (4) is specific to the research officer who works with us compiling a list of potential witnesses. So this is where the researcher would put together a list—much as he had done of Indigenous partners that was the initial list for the committee to reach out, and then that was sort of the jumping-off point. So this was a matter of the research officer compiling that initial list so that perhaps the committee could approach them—whereas there's part of the process we don't have on this list about inviting and involving the broader public to communicate with the committee. So I think this was that initial step for clarity.

Mr. McGregor?

Mr. Graham McGregor: I agree with the kind of buckets of witnesses that we're looking at. I just want to confirm—the list will be compiled of all these groups. Will the committee be deciding which groups that we—or will that be a subcommittee decision? Is that the committee or the subcommittee?

The Chair (Ms. Jennifer K. French): Much like the original list that was put together, that research report that came from research with Indigenous groups in the province—it was a short report. I think the subcommittee was expecting something similar. And the committee can make its decisions based on—“These are established groups in the broader province. Do we choose to reach out to them?”

Ms. Bell.

Ms. Jessica Bell: This is a request to the research officer. There are residents' associations who live and play and use the grounds that often live in the condos along Bay. They've been very interested in the quality of the grounds and making sure that the green space is maintained. So I'm going to send a list to the research officer for you to consider.

The Chair (Ms. Jennifer K. French): I know that there was discussion—I think there will be today—about how we capture the interest across the province in a way that is organized and manageable by the committee.

Any further discussion about these points? Mr. West?

MPP Jamie West: Chair, did I hear a request for a friendly amendment earlier?

The Chair (Ms. Jennifer K. French): It was an idea, but I do think that perhaps it's better suited for the inviting community involvement, as I reminded myself this was the research report, so I will—

MPP Jamie West: Okay.

The Chair (Ms. Jennifer K. French): Mr. West?

MPP Jamie West: Just on point (2), where it says about the committee meeting during the summer adjournment, we don't know if there are going to be any meetings required, so the idea isn't—we wouldn't meet every week. It's just to leave it open in case there's something that comes up that would be time-sensitive. I want to respect people's time in their constituency, their ridings.

0910

The Chair (Ms. Jennifer K. French): And everyone is fine with sitting in a different seat? I will not be sitting in a different seat.

Mr. Graham McGregor: I sit on that side anyway.

The Chair (Ms. Jennifer K. French): Okay. In that case, are members ready to vote on the subcommittee report? All those in favour? All those opposed? The report is adopted.

COMMITTEE BUSINESS

The Chair (Ms. Jennifer K. French): We do have other items to discuss this morning. I believe that all members had seen the National Conference of State Legislatures conference invitation. We don't have that in front of us, but as per the subcommittee report, you can see that the dates are in Indianapolis, Indiana from August 13 to 16. It was decided at the subcommittee that all sitting members on the standing committee be able to attend, should they so choose.

Does anyone have any questions about that before we move it? Mr. Harris.

Mr. Mike Harris: I just wanted to say, especially for new members and anyone who has not had an opportunity to attend this conference, it's great. You make a lot of life-long acquaintances and friendships. You get to learn a little bit about how other provinces—the last time I was there, Quebec and Alberta were also part of it, along with representatives from every statehouse in the US. It was really neat to see a little bit more about how they do business versus how we do business. It's certainly something that I think we should attend. Obviously, if you have other commitments, that's fine. I remember last time that we went, there were a couple of people who came in the day after we had got there. You usually travel a day or so on the front end or the back end to make sure that you're able to maximize your time at the conference. I highly recommend it. Anybody who's able to attend, please join us.

The Chair (Ms. Jennifer K. French): If you need to check your schedule or make decisions, then obviously our Clerk will be reaching out to the committee to answer any questions, and if you are able to go, let him know.

We have a draft—yes, Mr. West?

MPP Jamie West: I just wanted to say that Toronto will be hosting the Council of State Governments East on August 20 to 23, and this may be an opportunity to meet people who will be coming there. I forget how many years it has been since we were hosting, but we will be hosting the CSG this year.

The Chair (Ms. Jennifer K. French): So it's going to be a busy time in August.

Yes, Mr. Harris?

Mr. Mike Harris: The other thing I think that we had talked about in subcommittee was trying to organize a bit more of an in-depth tour to the Indiana statehouse to be able to check out what's going on around there, colleagues. I remember last time we went to Nashville, they did organize a tour with the broader group. I think doing that would be fine, but trying to set up something on the side

where we can go a little bit more in depth would be helpful, as well. I'll rely on the Clerk for that.

Thanks, Chris.

The Chair (Ms. Jennifer K. French): We do have a draft budget that we can hand out to committee. It does need to be adopted and approved. It can be done today or it can be done on Thursday, when we're back—all of us, together.

I will add some context, because this was new information for me. I wasn't sure why this particular committee had been invited specifically to this conference. But I guess, historically speaking, the predecessor to this committee has always been that touchpoint for them. They have always invited this committee that was the committee of the Legislative Assembly—and that is why the specific invitation for this group.

Members all have the budget in front of them, and I am going to hand it over to clerk Chris.

The Clerk of the Committee (Mr. Christopher Tyrell): Just in general and to build on what Mr. Harris said a little bit earlier, the legislative summit of the NCSL is something that the committee in various iterations has been attending for over 20 years now. It's an opportunity for legislators and committee staff to interact with their counterparts from across the US and several other countries. There are a large number of business sessions available for members to attend, and a few of the meetings are specifically aimed at the international delegates—which would be this committee.

The subcommittee report that was just adopted indicated that all members and committee staff should be eligible to attend. For that to happen, we would first need the House to authorize the travel to and attending the conference. There was a request for a letter to the House leaders in that subcommittee report, so I will prepare that for the Chair to send to the House leaders.

The second piece is that we would need to approve a budget to submit to the Board of Internal Economy for its approval, which I have just handed out to all members here. The budget is not asking for any additional funds. This is funding that already comes out of the committee's global envelope budget. But because it is an expense that's kind of over and above our regular spending, we need the board to approve us spending that amount of money.

Taking a quick look at the budget, we never want to go over budget, so we always use—for example, for airfare, we always estimate booking a fully refundable, fully transferable ticket. If you book your own air travel, it will definitely be less than the amount quoted in here. We budgeted for four nights. As Mr. Harris said, it sometimes makes sense to come in a day earlier or stay a day later, so the four nights would allow you to either arrive a day before the conference or leave a day after the conference. Everything that was in US dollars has been converted into Canadian dollars, and that is using the Bank of Canada exchange rate as of yesterday.

I am happy to answer any questions members may have about the budget.

The Chair (Ms. Jennifer K. French): Is there any discussion? I'm going to need someone to move this. Mr. Harris.

Mr. Mike Harris: I move that the committee approve a budget in the amount of \$57,120.63 for the committee and staff to attend the annual meeting of the National Conference of State Legislatures, and that the final budget be submitted to the Speaker and the Board of Internal Economy for their approval.

The Chair (Ms. Jennifer K. French): Mr. Harris has moved the motion. Is there any discussion or debate? In that case, are members ready to vote? All those in favour? All those opposed? It has been adopted.

I don't believe there is anything further with the budget, but for further discussion this morning is the Web form. As we had been discussing or mentioning earlier, there's a lot of interest from the broader public and from various groups about the restoration of Queen's Park. And so the Web form—as members are familiar, we have available online committee sign-ups so that people can communicate their interest to be involved in committee, but we have different opportunities for what that looks like. We discussed it briefly at the subcommittee but wanted to have a broader conversation around opening the doors, so to speak, to receiving requests to either appear or to make written submissions on the topics in the subcommittee report. This would be a chance that people can click that they're interested in the study and perhaps be more specific if there's an area of engagement or of particular interest—and then that gives us a chance over the summer, if we are able to get that set up, that it can be collecting. The committee can make decisions around presentations, scheduling, all of that, and how that's organized at a later time. But I know that we're probably all receiving some interest at this time—and having a place to put it was the discussion.

Discussion? Mr. Harris.

0920

Mr. Mike Harris: Just for the benefit of committee members: During the discussions we had in subcommittee, we had talked about, again, having the ability to sit, if need be, for a meeting or two over the summer, but the intent was to try to do as much in the background over that time—have legislative research compile a list of folks we're looking to see, make sure that we build out, like the Chair said, the Web form appropriately to be able to have people then say, "Yes, I'm interested in what this is going to look like going forward." I don't want to scare anybody and think that we're going to be stuck here rather than being in our constituencies over the summer. I just wanted to make that point clear.

For the benefit of the Legislative Assembly staff and the Clerks, I think the more that we can do on the front end to get things ready for the back end, when things really do start to heat up and we are having a lot of folks coming through and deputations—being able to set some of that groundwork now, I think, is very important as we move forward. I think we all agreed on that during subcommittee. I just wanted to fill you guys in a little bit on what that plan looked like.

The Chair (Ms. Jennifer K. French): Mr. McGregor.

Mr. Graham McGregor: For members of the public who won't be called—because I presume with the amount of interest that's going to come through, not everyone can come to testify at committee, and that's a reasonable assumption, I think—will there be a written opportunity for them, and will that be included on the website as well, for them to give written feedback?

The Chair (Ms. Jennifer K. French): Clerk?

The Clerk of the Committee (Mr. Christopher Tyrell):

The way our Web form is set up, members of the public would be able to select the study, saying that they want to participate in some way, shape or form. They're given the option of either submitting written material only or making a request to appear with an option to also send written material. Any person who is interested in participating in the study by appearing before committee can indicate that. They can also attach a written submission so the committee, at the very least, would get the written submission. If the committee decides it wants to select that person to come before the committee, it would have that option when those decisions are made at a time in the future.

The Chair (Ms. Jennifer K. French): The only other thing that I would add is that committee members have seen that we were sent a letter from the Board of Internal Economy with an ask for this committee to focus, as we do the restoration work and the study, on the statue of Sir John A. Macdonald and its installation. This might be an opportunity—as already there is interest specific to the statue, perhaps there's an opportunity as we're opening up the Web form. While that is about the restoration and the study specifically, this is where I wondered if we could ensure that there is a sub-choice, as we had seen over here with accessibility and equity, but also having the opportunity for folks to weigh in about the grounds—so perhaps grounds and monuments. I know that there are trees on the property. There are various statues and thoughtful memorials and monuments that are going to require some consideration, ultimately, with the grounds work. So it fits and might be an opportunity. That's what I was thinking of adding. Also, not on this list—but as you know, we have already been working to connect with Indigenous groups to have that initial conversation. That work is ongoing, but that will also be an opportunity for the Web form as well. It's not missing from the list; it has just been handled in another report.

Do any members have any thoughts, or is that okay? Clerk?

The Clerk of the Committee (Mr. Christopher Tyrell):

Just for clarity: The four items in the subcommittee report would potentially be the four categories on the Web form. As you mentioned the Indigenous groups—there was a research report that was put together. We are reaching out to the four that were indicated. But would the committee want that to be another category on the website for the public to submit, or is that just a potential topic of discussion moving forward with just the four groups that were previously identified?

The Chair (Ms. Jennifer K. French): Mr. Harris.

Mr. Mike Harris: I suggest we leave it as is for now, colleagues, and then if we feel that we need to open that

up a little bit more as we move forward—we want to respect the fact that we've had some good conversations so far with the Indigenous groups that we've reached out to, and we certainly want to make sure, as we've had discussions in the past, that we are speaking to the right individuals who represent as many different diverse communities as possible.

The Chair (Ms. Jennifer K. French): Mr. Harris, can you just clarify, when you were saying the four—so also not adding in the grounds and—

Mr. Mike Harris: Oh, I see what you mean. Sorry, I thought you were talking about—

The Chair (Ms. Jennifer K. French): He needs four or the four groups from the committee that—

Mr. Mike Harris: No, sorry. I meant these four. If you wanted to add in the grounds, that's fine, yes.

The other thing is, we've got the park right across the street too. That falls into the precinct, so there's definitely going to be some discussion about what that's going to look like, as construction happens, and trying to see how accessible that's going to be. Obviously, there's not a lot of room for equipment etc., around here, so I think we're going to have to really put our heads together and look at what that's going to look like as well. I know MPP Bell—that's part of what we wanted to have—some of the ratepayers, business, other folks that will be impacted by the construction to be able to come and have their opinions heard. I think it's very important.

But, sure, if you want to add in an extra point on the grounds, I personally don't have a problem with that. I don't know if we need to amend the report.

The Chair (Ms. Jennifer K. French): We would need the committee's okay to add something like the grounds and monuments, for example, because you raised some additional pieces that I think would fit there. Is the committee okay with that addition? Okay.

So then back to clarifying: You were saying the four Indigenous groups that we were reaching out to—

Mr. Mike Harris: As far as the Indigenous component goes, I think it's incumbent upon us to follow through with the groups that we have initially reached out to. Let's get some opinions from them first, and then I think we can open it to the broader public from that point going forward.

The Chair (Ms. Jennifer K. French): Is there any other discussion about the Web form? The Clerk and the team has the go-ahead to set that up, then, so that is something that can be working in the background over the summer to give people a chance to weigh in?

Yes, Mr. Oosterhoff? If you have something on a different subject, go ahead.

Mr. Sam Oosterhoff: I was just wondering at what point the committee is planning on starting to think about where we're going to be moving the Legislature to, now that we're at the stage where the restoration act is moving forward and we have a lot of those pieces starting to move. I'm just wondering at what point the committee is going to start looking around at options.

The Chair (Ms. Jennifer K. French): Mr. Harris?

Mr. Mike Harris: Just to give a little bit of background on where we're at from a Queen's Park secretariat point of

view on that, we're currently working with some of our partners here—of course, the Legislative Assembly, the Ministry of Infrastructure and Infrastructure Ontario—to start looking a little bit deeper at selecting some sites. There are a few that I think could fit the bill.

Committee members, it might be handy to have myself appear or maybe we could have the minister or staff come and give us a little bit more of an in-depth briefing specifically on that point rather than just batting it back and forth—it might be a little bit more concise. I know we've all been looking for a little clarity in that, so perhaps we could set that up.

Mr. Sam Oosterhoff: I would appreciate that.

The Chair (Ms. Jennifer K. French): I'm just hearkening back to when we had the minister present and that there had been discussion from the committee about giving the secretariat a chance to establish itself and to figure out how these pieces can fit together to move things forward. I can't imagine that would happen before the summer recess, but that's strictly speculation.

0930

Mr. Sam Oosterhoff: One hundred per cent. My question was not so much like, "Oh, we need to have it figured out. We need to know by the summer where it is"—but just a timeline for when we should start having those conversations about where it is. So if it's a year from now that we know, that's fine. That doesn't bother me at all; it could be two years from now. But it would be good for us to have an idea of, "We need to know by X and X date in order"—I'm just thinking back to, when we were in Ottawa, how they had to have that domino effect; they had to move this out to do this, and there were so many pieces that they had to do before they were able to move it out. I think that we have to be cognizant of how quickly time moves. We're already a quarter through this term. So it goes quick.

The Chair (Ms. Jennifer K. French): Mr. Harris.

Mr. Mike Harris: I guess the question that I have, and I'd like to hear from you folks—and this is maybe me putting my ministry hat on a little bit more than being a committee member. What do you envision the committee's role is in helping to select a site? My understanding of it would be more like, "Here are some of the things that, as members, we think are very important"—and being able to speak as a committee on behalf of the broader base of the membership, rather than what staff need, what is going to be needed from a security standpoint etc., etc. Is that a fair assumption, colleagues? I want to be able to narrow the scope of, when we do present, how we present it.

The Chair (Ms. Jennifer K. French): Mr. West.

MPP Jamie West: To this point: When the minister came to speak with the committee, one of the things I was hoping for is—I would assume in the fall, because their secretariat has just been established. But if we could get a scope of work explaining the process and detailing—it sounds cliché, but we're building the plane while it's in the air—and so having that idea of what stages for the domino effect that MPP Oosterhoff talked about have to come into place and in what ways the committee assists the ministry or secretariat.

The Chair (Ms. Jennifer K. French): Mr. McGregor.

Mr. Graham McGregor: I definitely want to make sure we're in a place where the committee at least gives advice. I'm open to feedback on whether we should approve or not—but the last thing I'd want is IO and the secretariat to have a great idea about how they would want to build a building and then not have parliamentary feedback on exactly what a parliamentarian would need. I think, at a minimum, as long as the committee is able to give regular advice and check-ins of, from the secretariat—"This is what we're doing. What do you think?" and some level of granularity. I'd also think it might be helpful—if it's helpful during that process, I think the committee should even consider doing that in closed session where appropriate, just to avoid any sensationalism or any—we're pointing out different spots and causing more ruckus than we might need to make. But I think—

Mr. Mike Harris: Especially from a security standpoint.

Mr. Graham McGregor: —from a security standpoint, from a contractual standpoint, sensitivity. With these things, my concern is always that if we take our eye off the ball, we're going to look at something a year from now and be like, "Well, this is great for staff and this is great for whoever, but as a regular parliamentarian who needs a room to make a private call or needs somewhere to read my notes or needs separation from public"—all the various things that we've talked about—

Interjection.

Mr. Graham McGregor: Regular touchpoints where we can, at a minimum, give advice would be super helpful.

I took the GO train this morning, Mike—to your parking comment.

The Chair (Ms. Jennifer K. French): I'm going to jump in, if I may.

Next week is a constituency week, but the following week it would be likely that the committee will need to meet as there is a private bill that has been referred to the committee. I'm getting a sense that there is interest in a specific discussion about location and requirements. Perhaps the Clerk can connect with members to see if there is interest in having a meeting the week after next, when we're back, to discuss this more fully—because this morning, in the interest of time, I want to make sure that Ms. Kuzyk has a chance to present. If members are okay that we table that for now—is that okay? Or are there final thoughts on this? Mr. Oosterhoff?

Mr. Sam Oosterhoff: The point I would make, which I think we've talked about in passing before, is, there's an inherent tension that's happening and that's going to continue to happen throughout this process, where we have an oversight role but we don't have a managerial, directive role. I think that's really important. Having been someone who was a subcontractor on different things, it's really, really annoying when they are directing every little micro-manage-y thing. I know this is on a far broader scale, but there's going to be some tension there, and how we walk through that as a committee I think is going to be challenging. I just want to flag that, because I know we all want to state what requirements are needed, but once we let that

out we have to have some leniency as well around the broad strokes.

The Chair (Ms. Jennifer K. French): This committee will be able to chart its own course. We're not beholden to the secretariat, for example. I get a sense that we'd like to work not at cross purposes and not be too out of step, but at the same time this committee can choose what it pursues.

Mr. Mike Harris: Madam Chair, I think the other thing that we need to remember is that this committee is not here solely to deal with what is happening with the Queen's Park restoration project. We have on here Ms. Collard's interest in seeing what's happening with broadcasting. There are a lot of other things that the committee, I think, will be doing over the next few years in tandem with this, so let's not get too solely focused on the one thing. Obviously, it's a large project and it's certainly something that we all want to be very involved with, but there are a lot of other things I think this committee will be tasked with, and also things that we can look at doing on our own volition. So let's not lose sight of that. I think it's important that we always keep that in the back of our mind.

The Chair (Ms. Jennifer K. French): All members would have received the draft report on regulations filed in 2021 from the committee Clerk. That has been sent to all members. We have with us today the registrar, Ms. Tamara Kuzyk. Ms. Kuzyk will give this committee an overview on regulations in the province of Ontario. This will form a knowledge base for our review of this draft report. On Thursday afternoon, we will be reviewing that report comprehensively.

We will hand the floor over to Ms. Kuzyk, to walk us through everything about regulations in the province of Ontario.

Welcome.

Ms. Tamara Kuzyk: Thank you for the opportunity to speak to you today about regulations.

I am the registrar of regulations. Just to give you a sense of what that entails, I am a legislative drafter with the Office of Legislative Counsel, which is part of the Ministry of the Attorney General. The registrar is an appointed position. It's always a legislative drafter, and it has a substantive aspect, so part of my role is to assist in the drafting and preparation of regulations as needed. It also has a procedural aspect. The office of the registrar is the office where all Ontario regulations are indexed and filed, and it also oversees the publication of regulations. I'll get into those functions later on in the presentation.

Maybe just in the interests of time, I'll skip over the presentation overview. We'll be going through it before we know it. So I'll just start with the basics.

What are regulations? The Legislature may, by making an act, delegate some of its law-making authority to another person or entity, and it can do this in various ways. It can give a person an order-making authority or a decision-making authority, but the most frequent or common way of doing it is to grant a regulation-making authority. So the regulation is the exercise of that delegated law-making authority. It is by definition legislative in nature. It's also subordinate to the act under which it's made. It cannot exist

outside of the confines of that act, and it is governed by the Legislation Act, which is a wonderful act that governs Ontario statutes and regulations.

Just to give an example of what a regulation-making authority looks like, the Bees Act has a provision respecting beekeeping reporting requirements. Section 23 requires beekeepers to make returns in such a manner and at such times as the regulations prescribe. This is a punting of the law-making authority to a regulation-maker. Accompanied by this would be the actual regulation-making authority, which is granted to the Lieutenant Governor in Council. The act specifies who can make the regulations and the scope of the reg-making authority—which, in this case, is fairly narrow, just prescribing the returns that are required to be made. Then, the exercise of the regulation-making authority is set out in regulation 57. You can see it there: "Every beekeeper shall provide ... a return stating..." So you will always have the act setting the foundation for how the regs are going to fit in, the actual delegation of the law-making authority and the reg-making authority, and then the exercise of the reg-making authority in the regulation itself.

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Regulations do all sorts of things. They do "regulate," but they do more than regulate. Court rules are regulations. Fire codes, minister's zoning orders, child support guidelines, student grants—all of these things and many more besides are done by the exercise of a regulation-making authority. Similarly, not everything that regulates is a regulation. There are many other instruments that exist. Municipal bylaws are a big category. Directives and guidelines, ministers' order-making authorities, can constrain people, can be enforceable requirements, but are not, legally speaking, regulations.

Regulations can deal, as I mentioned, with a number of different subject matters. There's also a great variety in their breadth, in what they can do and how much they can do, and that will depend on how much the Legislature delegates. The scope of the reg-making authority can be quite narrow, like we saw in the Bees Act example prescribing requirements for making returns, or it can be very broad. It can set out significant aspects of a statutory scheme. There are reg-making authorities that permit the establishment of corporations. They can govern regulated professions in a significant way. It really comes down to how much the Legislature chooses to delegate in the enactment of the reg-making authority. However, foundationally, there is no authority to make regulations that are unconstitutional, that contravene—ha, oh, well; spoiler—the Human Rights Code or that are outside of the authority of an act. Again, they are subordinate instruments.

Who can make them? As you saw in the Bees Act example, the act will always specify who has the reg-making authority. Typically, it's the Lieutenant Governor in Council. It can also be a minister. That can sometimes be only subject to LGC approval, so sometimes there's a two-step requirement. Also, the reg-making authority can be given to other persons or bodies. Usually, in that case, it would usually be only subject to LGC or minister approval.

Some examples of reg-making bodies that are non-governmental are the court rule committees who make the civil court rules; the governing bodies of some professional organizations like architects, the law society or engineers; and Tarion is an example of a regulation-making body.

Regulations fall into three main categories. You'll have your new stand-alone parent regulation. Then you'll have amending regulations; all they do is change existing regulations. Then you'll have revoking regulations that only get rid of one or more other regulations. The key thing to remember when you see a number of regulations made is that most of them will be amending regulations or revoking. They won't be new stand-alone regs. They'll just be doing something to an existing regulation. Anything that gets done to a regulation—making it, changing it, getting rid of it—has to be done by another regulation.

Just to show you some numbers, I took a look at 2022. Just under 600 regulations were made. You can see under 20% of those were new stand-alone regs. The vast majority were amending regulations, just changing things that already existed. Of the new regulations, interestingly enough—

Mr. Sam Oosterhoff: Jess, write that down.

Interjections.

The Chair (Ms. Jennifer K. French): It's going to be a long report on Thursday.

Sorry, Ms. Kuzyk. Go ahead. We digress.

Ms. Tamara Kuzyk: No, not at all.

Mr. Mike Harris: You have plus or minus in there too, Jess, so you can massage the numbers—

Interjections.

The Chair (Ms. Jennifer K. French): Order. Please continue.

Ms. Tamara Kuzyk: I do point out the minister's zoning orders because they are an emerging category of new regulation and they were a significant number of the regulations made in 2022.

Ontario has just under 2,200 current stand-alone regulations at the moment.

Some related matters, just a couple of them—bilinguality. Unlike acts, which are required, as you know, to be introduced and enacted in English and French, there is currently no requirement for regulations to be made bilingually. There is a requirement for the Attorney General to cause unilingual regulations to be translated, as appropriate. That has been going on for years. That's an ongoing endeavour that our office is engaged in. At this point, over half of Ontario regulations are bilingual. The vast majority of new regulations, basically, most new regulations—it's the default to make them bilingual.

Interjection.

Ms. Tamara Kuzyk: MZO's are not bilingual. It's important to keep in the background the fact that English and French versions of laws, statutes and regulations are equally authoritative.

Finally, I mentioned the office's role in indexing, filing and publishing regulations. A regulation is made by having the reg-maker sign it and date it, but it has to be filed with the office of the registrar, otherwise it will have no legal effect. The requirement to do that creates a centralized

indexing and filing office in Ontario. That filed regulation is official law.

Once a regulation is filed, there is a requirement under the Legislation Act to ensure that it's promptly published on e-Laws and in the Ontario Gazette. The e-Laws publication will often be the same day of filing. If not the same day, then it will be the next business day, if it's a really late filing, but typically it's a pretty quick turnaround. Our office is responsible for preparing regulations for publication and getting them onto e-Laws and into the Gazette.

That is the end of my presentation. I welcome any questions.

The Chair (Ms. Jennifer K. French): Ms. Bell?

Ms. Jessica Bell: I'm curious about the requirement that regulations are not required to be bilingual. What act would need to be changed to make it a requirement?

Ms. Tamara Kuzyk: Amendments were enacted to the French Language Services Act, which is where the requirement for bilingual acts are. Those amendments are not yet enforced. I'd have to pull it up to get the exact wording, but they provide for a reg-making authority, oddly enough, to require Ontario regulations to be bilingual. They're enacted; they have not yet come into force. No regulations have been made yet under that authority, but the Legislature has taken steps in that direction.

The Chair (Ms. Jennifer K. French): Mr. Harris?

Mr. Mike Harris: From an Ontario perspective, what would go into having that done? How long would it take? What would we need to do? Is more staffing required? I don't know—if you can maybe give a bit more background as to what that might look like for us specifically.

Ms. Tamara Kuzyk: That's probably a question for the Ministry of Francophone Affairs. It's their minister who has responsibility for that statute, I believe, so they would be the ministry that would, presumably, be tasked with developments in that area.

The Chair (Ms. Jennifer K. French): Ms. Bell?

Ms. Jessica Bell: Would it be possible for you to send that information to us—just the amendments that need to be proclaimed—so we could take a look at it?

Ms. Tamara Kuzyk: Absolutely.

Ms. Jessica Bell: Thank you.

Ms. Tamara Kuzyk: If I was savvier, I could probably just throw them up on the screen, but I'd have to unshare and share.

The Chair (Ms. Jennifer K. French): Are there any further questions for Ms. Kuzyk?

Just a reminder to all members that this Thursday the committee will be meeting to consider this 12-page report, the draft report on regulations filed in 2021. As we know, this particular committee has taken the work of former committees and is responsible to consider these reports. I think it has been typically about a six-month cycle—but it has been quite some time. So if all members ensure to review this before Thursday, you may have questions at that time.

Will you both be joining us on Thursday? Okay.

Mr. Mike Harris: Madam Chair?

The Chair (Ms. Jennifer K. French): Mr. Harris.

Mr. Mike Harris: I don't recall seeing anything, at least that came to my inbox specifically, about any changes. I know there was a notice that came that said that legislative counsel would be here to present, but I don't remember seeing anything specific about what is outstanding or if there is anything, indeed, we are evaluating. I may have missed it, or maybe—

The Chair (Ms. Jennifer K. French): It was circulated to all members, but it is available—we can recirculate. We'll make sure that folks know—

Mr. Mike Harris: Would the Clerk, if he wouldn't mind, send me another copy of that, please?

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

Having served for four years of private bills years ago, it is a significant report that is best reviewed before Thursday. But we will take the time required on Thursday to consider

this, ask questions and do whatever is involved as a committee.

Ms. Gallagher Murphy?

M^{me} Dawn Gallagher Murphy: Ms. Kuzyk, I just wanted to say that your presentation was very informative. Not being a lawyer, that was very informative. Is it possible to get a copy of your presentation?

Ms. Tamara Kuzyk: Sure, I'd be happy to. I'll send it to Chris for circulation.

M^{me} Dawn Gallagher Murphy: That would be great. Thank you so much.

The Chair (Ms. Jennifer K. French): Thank you very much for joining us and sharing that with us.

As there is no further business, this committee is adjourned until Thursday, May 18, in committee room 151.

The committee adjourned at 0952.

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