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**Standing Committee on
Finance and Economic Affairs**

Plan to Build Ontario
Together Act, 2019

1st Session
42nd Parliament

Wednesday 4 December 2019

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

Loi de 2019 sur le plan
pour bâtir l'Ontario ensemble

1^{re} session
42^e législature

Mercredi 4 décembre 2019

Chair: Amarjot Sandhu
Clerk: Julia Douglas

Président : Amarjot Sandhu
Greffière : Julia Douglas

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

Wednesday 4 December 2019

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Mercredi 4 décembre 2019

The committee met at 0900 in committee room 1.

**PLAN TO BUILD ONTARIO
TOGETHER ACT, 2019**

**LOI DE 2019 SUR LE PLAN
POUR BÂTIR L'ONTARIO ENSEMBLE**

Consideration of the following bill:

Bill 138, An Act to implement Budget measures and to enact, amend and repeal various statutes / Projet de loi 138, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter, à modifier ou à abroger diverses lois.

The Chair (Mr. Amarjot Sandhu): Good morning, everyone. We're assembled here today for clause-by-clause consideration of Bill 138, An Act to implement Budget measures and to enact, amend and repeal various statutes.

Julia Hood from legislative counsel is here to assist us with our work should we have any questions for her. A copy of the numbered amendments filed with the Clerk is on the desk. The amendments are numbered in the order in which the sections and schedules appear in the bill.

Are there any questions before we start? Ms. Shaw.

Ms. Sandy Shaw: Thank you, Chair. I would like, just as a point of information or reference, to go back to the moment that this bill was time-allocated. Just so I'm clear on the timelines, maybe we can get the Clerk to go over the point that this bill was time-allocated in the House; the notification for committee, what that notification time frame was; the time frame from the end of deputation on Monday to when amendments were due. If you could, for the record, so that we're clear, explain the timelines for all of that.

The Clerk of the Committee (Ms. Julia Douglas): The time allocation motion was carried in the House on November 26, following question period, during deferred votes. It set the deadline that the request to appear would be for 2 p.m., Thursday, November 28; that the list of interested presenters be sent to each member of the subcommittee by 3 p.m. on Thursday, November 28; that the deadline for written submissions was set for Monday, December 2, at 6 p.m.; and that the deadline for filing amendments would be Tuesday, December 3, at noon.

It also set the times when the committee would be allowed to meet to consider this bill: that the committee would be authorized to meet for public hearings on Monday, December 2, from 9 to 10:15 a.m. and 2 to 6 p.m.; and that the committee would be authorized to meet for clause-by-clause today, Wednesday, December 4, from 9 to 10:15

a.m. and 2 to 6 p.m., and Thursday, December 5, from 9 to 10:15 a.m. and 2 p.m. to 9 p.m.

Ms. Sandy Shaw: Thank you for that. Just to be clear, from the time that this bill was sent to committee, how many hours were people given notice that they had to give notice they wanted to speak before the committee?

The Clerk of the Committee (Ms. Julia Douglas): If you want a copy of the time allocation motion, I'd be happy to provide you with one. It has everything written out on the timelines in there.

Ms. Sandy Shaw: So was it 48 hours?

The Clerk of the Committee (Ms. Julia Douglas): It would have been following routine proceedings on the 26th until—let me see, the deadline for requests to appear was 2 p.m. on November 28. Yes, the deadline was 2 p.m. on Thursday, November 28.

Ms. Sandy Shaw: So less than 48 hours. If you want to give me a copy of that, that would be helpful, so that I can ask some questions about the timeline.

The Clerk of the Committee (Ms. Julia Douglas): Sure. Yes. You're welcome to use mine.

Ms. Sandy Shaw: Thank you. I appreciate that.

So that I understand, so we're clear for the record, once this bill was time-allocated, people had less than 48 hours to make their intention known that they wanted to appear before the committee and that when the committee did meet, which was Monday—

Mr. David Piccini: If I may, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): Mr. Piccini.

Mr. David Piccini: Mr. Chair, this information was public as of last week. If members of the committee didn't choose to view it when it was made public over a week ago—

Ms. Sandy Shaw: Is this a point of order, Chair?

Mr. David Piccini: —when the time allocation was—

The Chair (Mr. Amarjot Sandhu): Is it a point of order?

Mr. David Piccini: It is. I would suggest that they do their homework further in advance and we can get on with the business of today.

The Chair (Mr. Amarjot Sandhu): Mr. Piccini, can you specify what the point of order is?

Mr. David Piccini: Yes. My point of order is, this time allocation motion was filed over a week ago, at which point all of this information that the member opposite is requesting was made public, so perhaps we could move on with the important work we have to do today.

The Chair (Mr. Amarjot Sandhu): This is not a valid point of order while we're in clause-by-clause. We'll start considering clause-by-clause.

Ms. Sandy Shaw: Thank you, Chair. So when we did have deputations this Monday, that was from 9 a.m. to 10:15 a.m., and then from 2 p.m. to 6 p.m. By my calculations, that was five and a half hours that we gave people the opportunity to come to present before the committee on a finance bill, an important bill. It's the finance minister's bill, so my understanding is that this is an important bill and we would want to allow people the opportunity to weigh in on this. But after those five and a half hours, when deputations ended, on Monday at 5 p.m. or 6 p.m.—pardon me. When deputations ended at 6 p.m., then the deadline to file amendments was noon the next day. My question is, is that—

Mr. Kaleed Rasheed: Mr. Chair, point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: Mr. Chair, with all due respect to the member opposite, there was an opportunity during the debate in the House about time allocation, and we had plenty of time for the debate. I believe that, right now, as per your earlier point that this meeting is about clause-by-clause—shouldn't we be discussing clause-by-clause rather than going into time allocation, which we already debated in the House? Thank you, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): Thank you. Although it's not a valid point of order, I agree that we are here to consider clause-by-clause. Also—

Ms. Sandy Shaw: Yes, but I think it's really quite important that we understand the process and that we read into the record the process, so that we are in fact clear that this is the process that the government is—

Mr. Kaleed Rasheed: Point of order, Chair.

Ms. Sandy Shaw: Do I have the floor?

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: Again, with all due respect, this is about clause-by-clause and nothing to do with time allocation, so us talking about time allocation we already debated in the House—

Mr. David Piccini: On the record.

Mr. Kaleed Rasheed:—on record; everything is there. So why are we having this conversation right now? Shouldn't we be discussing clause-by-clause here, with all due respect to the members over here? Thank you, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): Thank you. I'll remind the members that at this point the comments they are bringing to the committee should be related to clause-by-clause.

Ms. Sandy Shaw: Okay. I appreciate that, Chair. Now we're doing clause-by-clause and we are here to consider amendments that would have come out of—I mean, that's the due process: People come and they depute to the committee. They had five and a half hours to do depute, and then at that point the government can consider the testimony from the people who came, and from there, if they were intending to take into consideration what the testimony was of the people who came forward, at that point they would make amendments that we should be considering today in this clause-by-clause committee meeting. Is that correct, Chair?

The Chair (Mr. Amarjot Sandhu): I'll again remind the members that these comments—again, if you can tie that to the clause-by-clause?

Ms. Sandy Shaw: Yes. I'm talking about the clause-by-clause. So now, the deadline to file amendments that we would be considering today in clause-by-clause was yesterday at noon. Is that correct, Chair?

The Chair (Mr. Amarjot Sandhu): Yes.

Ms. Sandy Shaw: Just so we're clear: From 6 p.m., the time the hearings ended on Monday, to 18 hours later—12 of which were between 6 p.m. and 6 a.m. in the morning—that's when the time we had to put amendments—

Mr. Kaleed Rasheed: Point of order, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: Again, Mr. Chair, with all due respect, if this was a huge concern to the members opposite about the amendments, then why weren't the amendments brought forward to the committee at the time when we were discussing the amendments? Why now? Again going back to my earlier point, this should be clause-by-clause conversation and not about the amendments.

Mr. Stan Cho: Chair, we've said the same thing three times.

Mr. Kaleed Rasheed: This is the third time I am making a point of order, Mr. Chair.

Ms. Sandy Shaw: And it's the third time you've been ruled out of order, so keep it up.

Mr. Kaleed Rasheed: No, what I'm saying is, let's be on topic rather than us going off on something—

Ms. Sandy Shaw: Chair, are you ruling on this?

The Chair (Mr. Amarjot Sandhu): Can you please direct your questions through the Chair?

0910

Mr. Kaleed Rasheed: I'm saying, Mr. Chair—

The Chair (Mr. Amarjot Sandhu): I will remind the members that the time allocation bill has already been passed by the House. We are gathered here today for clause-by-clause consideration, so we will start with that.

Ms. Sandy Shaw: Thank you, Chair, but I am not talking about time allocation. I am talking about clause-by-clause. I'm talking about the amendments that are before us at this meeting that we're here to discuss.

The Chair (Mr. Amarjot Sandhu): The comments have to be on the bill.

Ms. Sandy Shaw: Are these amendments to the bill that we're here to discuss, the clause-by-clause and the amendments?

The Chair (Mr. Amarjot Sandhu): The members will have an opportunity to debate on the bill in the House.

Ms. Sandy Shaw: Excuse me, Chair. We're talking about the amendments that are before us today in this committee that are related to the bill. We didn't have the amendments in the House.

Mr. Stan Cho: There was plenty of time to file amendments. There was a normal amount of time allocated for the amendments.

Ms. Sandy Shaw: We're talking about your amendments that you filed yesterday at noon.

Mr. Sol Mamakwa: How "plenty"?

Mr. Stan Cho: You had time to file.

The Chair (Mr. Amarjot Sandhu): Yes, we're here to debate amendments today in the committee, not on the time allocation bill.

Ms. Sandy Shaw: Chair, I would like to make myself perfectly clear: You keep saying time allocation, but I am not.

The Chair (Mr. Amarjot Sandhu): No, we're here to debate the amendments. That's what—

Ms. Sandy Shaw: We're here to talk about the clause-by-clause meeting that we're having today and I'm here to talk about the amendments to the bill. Is that not what we're discussing today?

The Chair (Mr. Amarjot Sandhu): Yes, we are discussing the amendments today.

Ms. Sandy Shaw: Chair, the words "time allocation" are something that you're talking about, not me.

Mr. David Piccini: Point of order, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): Mr. Piccini?

Mr. David Piccini: Mr. Chair, again, we outlined the time allocation. This was discussed in the House, on record. Again, we have a rigorous schedule here in the House. All of us stay up late and work very hard. Mr. Chair, because the members opposite can't get their act together to file amendments, it's not our problem. We have filed amendments, given the times that were laid out, as per work with stakeholders on this bill, so I would like, Mr. Chair, for you to please commence with clause-by-clause.

The Chair (Mr. Amarjot Sandhu): Thank you. I'll allow MPP Shaw to finish her comments, and then we'll start with the clause-by-clause.

Ms. Sandy Shaw: Thank you, Mr. Chair. I would have to say, with all due respect, speaking about not getting your act together, we have 24 amendments here from the government on a bill that they put forward—24 amendments to a substantial schedule in the bill that they submitted at noon yesterday, and we are here, in less than 24 hours, again, to debate these amendments.

So I would like it on record that this is not due process. This is not democracy. If these amendments were serious and important, we would have had due time to review them. These are serious, technical amendments. There are 24 amendments that the government is making to their own bill. I am here to make sure that this is what the government is putting forward.

Mr. Stan Cho: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Cho?

Mr. Stan Cho: Thank you, Mr. Chair. To the member opposite's argument right now, that is precisely what we are here to do today, is to talk about those very amendments, so if we could proceed with that. It has now been 15 minutes of debating irrelevant material, at this point.

The Chair (Mr. Amarjot Sandhu): Can we start with the clause-by-clause now?

Interjection: Yes.

Ms. Sandy Shaw: Well, I'd just like to finish my comments, that, in addition, I would like to ask the government side—at committee we heard from the Mississauga Board of Trade. We heard from the city of Toronto. We heard from Leafly Canada. We heard from the Ontario Public

Service Employees Union. We heard from the Ontario Council of Hospital Unions. We heard from the Investment Industry Association of Canada. We heard from the Alliance for Healthier Communities. We heard from the Consulate General of Egypt in Montreal and the Canadian Egyptian Heritage Organization. We heard from the Ontario Co-operative Association. We heard from the Federation of North Toronto Residents' Associations. And, Mr. Chair, we received numerous deputations that were sent to us, not the least of which were comments by the Information and Privacy Commissioner of Ontario on Bill 138.

So my question is: Am I to understand that having had all those deputations from significant stakeholders in Ontario, the government's only amendments that they are putting forward are their own amendments to their own bill? Is that correct, Chair?

Mr. Stan Cho: Chair, a point of order.

The Chair (Mr. Amarjot Sandhu): MPP Cho?

Mr. Stan Cho: The deputations and stakeholder consultations are precisely why there are amendments being put forward. We've listened to the people of Ontario and the various stakeholders involved, and this is why we're putting forward those very amendments. That is exactly what we are here to discuss and to talk about. So if we could get to that relevant and very important work, Mr. Chair, it would be very appreciated. Thank you.

The Chair (Mr. Amarjot Sandhu): Is there any further debate?

Ms. Sandy Shaw: Yes. My final comment would be—

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: Thank you for that, MPP Cho, but it's my understanding here that these amendments really are substantially to only one schedule. I did not see any—

Interjection.

Ms. Sandy Shaw: Substantially to one schedule. I, personally, did not have any comments or deputations at committee, or written, on the schedules that they're amending.

The Chair (Mr. Amarjot Sandhu): Any further questions or comments? MPP Rasheed.

Mr. Kaleed Rasheed: Mr. Chair, I think we should start schedule 1. Let's get on it. Thank you, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): Thank you.

As you will notice, Bill 138 is comprised of three sections and 40 schedules. In order to deal with the bill in an orderly fashion, I would suggest that we postpone the first three sections in order to dispose of the schedules first. This allows the committee to consider the contents of the schedules before dealing with the sections on the commencement and short title of the bill. We would return to the three sections after completing consideration of the schedules.

Is there unanimous consent to stand down the three sections and deal with the schedules first? Agreed? Agreed.

Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration.

Interjection.

The Chair (Mr. Amarjot Sandhu): Since we have already done that, we will move to schedule 1.

Schedule 1: There are no amendments to sections 1 to 26 of schedule 1. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Ms. Sandy Shaw: Sorry, which sections?

The Chair (Mr. Amarjot Sandhu): Sections 1 to 26 of schedule 1. Agreed? Agreed. Are the members prepared to vote? Shall schedule 1, sections 1 to 26, inclusive, carry? Carried.

Shall schedule 1 as a whole carry? Is there any debate? Carried.

We'll now move to schedule 2. There are no amendments to sections 1 to 33 of schedule 2. I therefore propose that we bundle these sections. Is there agreement? Agreed. Are the members ready to vote? Shall schedule 2, sections 1 to 33, inclusive, carry? Carried.

Shall schedule 2 as a whole carry? Are the members ready to vote? All those in favour, please raise your hand. All those opposed? Carried.

We'll move to schedule 3 now. There are no amendments to sections 1 to 3 of schedule 3. I therefore propose that we bundle these sections. Is there agreement? Agreed. Are the members ready to vote? Shall schedule 3, sections 1 to 3, inclusive, carry? All those in favour, please raise your hand. All those opposed? Carried.

Shall schedule 3 as a whole carry? Are the members ready to vote? All those in favour? All those opposed? Carried.

Schedule 4, section 1: I see there is a government amendment in section 1 of schedule 4. Mr. Roberts.

Mr. Jeremy Roberts: I move that section 1 of schedule 4 to the bill be amended by striking out paragraph 2 of subsection 4(4) of the Cannabis Licence Act, 2018 and substituting the following:

"2. The person and its affiliates, as defined by the regulations, may not between them hold more than one retail store authorization or such other number of retail store authorizations as may be prescribed."

0920

The Chair (Mr. Amarjot Sandhu): Is there any debate? Ms. Shaw.

Ms. Sandy Shaw: Yes, I have a question about this amendment. Is it correct, Chair, that this is an amendment that, rather than in legislation, gives cabinet, I suppose, the ability to clarify this when they make regulations? Is that correct?

The Chair (Mr. Amarjot Sandhu): Any further debate?

Ms. Sandy Shaw: Did I get an answer to my question, Chair?

The Chair (Mr. Amarjot Sandhu): It's more of a policy question. It's not up to the Chair to choose.

Mr. Piccini?

Mr. David Piccini: The member opposite is correct.

Ms. Sandy Shaw: Thank you.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Mamakwa.

Mr. Sol Mamakwa: I'm just wondering how this amendment in this piece of legislation will impact on-reserve cannabis stores.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Piccini.

Mr. David Piccini: To the member opposite: I know the government has been engaging with a number of different First Nations groups, as the regulations and/or what happens on their land are separate from this legislation. I know that, personally speaking, I'm working with the Anishinabek Nation right now on some of the regulations that we're looking to impose on the sale of cannabis on reserves, but this is separate from that.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote? Shall the amendment carry? Carried.

Shall schedule 4, section 1, as amended, carry? All those in favour, please raise your hand. All those opposed? Carried.

We now move to schedule 4, section 2. Is there any debate?

Mr. Jeremy Roberts: I believe we can bundle sections 2 and 3, Chair.

The Chair (Mr. Amarjot Sandhu): Mr. Roberts has proposed that schedule 4, sections 2 and 3, be bundled. Is there agreement?

Ms. Sandy Shaw: Isn't there an amendment, though, that we're discussing?

The Chair (Mr. Amarjot Sandhu): No, not to 2 and 3. Is there agreement? Agreed.

Shall schedule 4, sections 2 and 3, carry? All those in favour, please raise your hand. All those opposed? Carried.

We now move to schedule 4, section 4. I see there is a government amendment to section 4 of schedule 4. Mr. Roberts.

Mr. Jeremy Roberts: I move that section 4 of schedule 4 to the bill be amended by striking out clause 49(1)(d.1) of the Cannabis Licence Act, 2018 and substituting the following:

"(d.1) for the purposes of subsection 4(4),

"(i) specifying licences or classes of licences,

"(ii) providing that proposed cannabis retail stores may be located on or within sites or locations other than the site set out in the licence, as specified by the regulations, for the purposes of paragraph 1 of that subsection,

"(iii) specifying a different number of retail store authorizations, and defining 'affiliate', for the purposes of paragraph 2 of that subsection,

"(iv) prescribing additional restrictions for the purposes of paragraph 3 of that subsection;"

The Chair (Mr. Amarjot Sandhu): A motion has been moved by Mr. Roberts. Is there any debate? MPP Shaw.

Ms. Sandy Shaw: Yes, I have some questions on this amendment. Could I get some clarification on whether we're talking about retail stores that will be allowed at the location of producers? Is that what this is amending?

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: No. I had a question, Chair.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: It says, "specifying a different number of retail store authorizations, and defining 'affiliate', for the purposes of paragraph 2." Where can I find the definition of "affiliate" in this legislation?

The Chair (Mr. Amarjot Sandhu): Any further debate?

Ms. Julia Hood: This amendment is complementary to the one that preceded it.

The Chair (Mr. Amarjot Sandhu): I'll recognize Julia Hood from legislative counsel.

Ms. Julia Hood: This amendment is complementary to the one that preceded it, so if you look at that motion, you'll see the use of that term "affiliate" there because that amended subsection 4(4).

The Chair (Mr. Amarjot Sandhu): Any further debate?

Ms. Sandy Shaw: Yes.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: Maybe it's in the legislation or in the act already, but how am I to understand if this is amending the legislation such that producers can now have stores at their location? Where would I find that information?

Ms. Julia Hood: This provision is setting out regulation-making powers.

Ms. Sandy Shaw: So we won't know the details of this until which time the government uses this enabling legislation to create regulations? Is that correct, Chair?

The Chair (Mr. Amarjot Sandhu): Any further comments?

Ms. Sandy Shaw: Yes.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: I will just point out again that these amendments, which are substantial, were only received at noon yesterday, so, really, we've had not even 24 hours to consider these amendments. I do appreciate any information that the government side is willing to put forward on the amendments that they, themselves, put forward on their own bill.

The Chair (Mr. Amarjot Sandhu): Are the members ready to vote? Shall the amendment to section 4 of schedule 4 carry? Are the members ready to vote? All those in favour, please raise your hand. All those opposed? Carried.

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

There are no amendments to sections 5 to 7 of schedule 4. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are the members ready to vote? Shall schedule 4, sections 5 to 7, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 4, as amended, carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Shall schedule 4, as amended, carry? Carried.

0930

We move to schedule 5 now. There are no amendments to sections 1 to 4 of schedule 5. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are the members ready to vote? Shall schedule 5, sections 1 to 4, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 5 carry? Is there any debate? All those in favour? All those opposed? Carried.

We move to schedule 6 now. There are no amendments to sections 1 to 2 of schedule 6. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are

the members ready to vote? Shall schedule 6, sections 1 to 2, carry? All those in favour? All those opposed? Carried.

Shall schedule 6 carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Carried.

We move to schedule 7 now. I don't see any amendments to sections 1 to 4 of schedule 7. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are the members ready to vote? Shall schedule 7, sections 1 to 4, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 7 as a whole carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Carried.

We now move to schedule 8. I don't see any amendments to sections 1 to 18 of schedule 8. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are the members ready to vote? Shall schedule 8, sections 1 to 18, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 8 as a whole carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Carried.

We'll move to schedule 9. There are no amendments to sections 1 to 3 of schedule 9. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are the members ready to vote? Shall schedule 9, sections 1 to 3, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 9 as a whole carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Carried.

We'll move to schedule 10 now. There are no amendments to sections 1 to 2 of schedule 10. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Are the members prepared to vote? Shall schedule 10, sections 1 and 2, carry? All those in favour? All those opposed? Carried.

Shall schedule 10 as a whole carry? Is there any debate? MPP Shaw.

Ms. Sandy Shaw: This is a schedule that we had significant deputation on, the changes to the Development Charges Act. I think it's important for the record to know that we had quite a number of deputations in person related to this schedule from none other than the city of Toronto and the Mississauga Board of Trade. They came to the standing committee to depute about some of the changes that are being made to the development act.

I'd also like mention that we received, as a committee, numerous written submissions from organizations concerned about changes to the Planning Act. We had testimony from the township of Wilmot, the corporation of the city of Barrie, and more people from the city of Toronto. We had the director from the office of the controller talking about the development act. We had a substantial written submission from the Municipal Finance Officers' Association of Ontario—quite a detailed submission. We had a deputation, again, from the general manager of the office of the chief administrative officer of

the city of Guelph. We also received quite a number of written submissions—perhaps they weren't able to get in on the five and a half hours the government allotted—from the region of Peel, again, from the city of Mississauga. We had a deputation from the chief financial officer from the city of Cambridge.

I guess what I would like to comment on is, these were received by us on Monday, and these are substantial submissions that highlight significant concerns from municipalities across the province of Ontario. I did my homework—and it took me quite some time to go through these. What they raise here are concerns that I think we should be taking more time to consider, considering that these are our municipal partners.

I suppose what I find difficult to believe or to understand is that the government side has given themselves enough time to consider these submissions—because clearly, they were busy creating their own amendments to the own bill. So my question is, how is it that these submissions from such significant partners, municipal partners like the region of Peel, that represent a lot of people—the region of Peel represents Brampton, as you know; it represents Mississauga. Halton is represented in some of these deputations. How is it that we have no amendments put forward that address the concerns that we have from the municipalities about how these changes to the Development Charges Act will impact them significantly?

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: I respect what the member opposite is saying. Again, the member did have an opportunity to propose amendments, but I would respectfully ask the Chair—these comments have to be specific to the schedule, not hypothesize on what amendments should or shouldn't be on this. I respectfully ask that we continue.

The Chair (Mr. Amarjot Sandhu): Thank you. That's not a valid point of order, but I will remind the members to keep their comments relevant to the clause-by-clause.

Ms. Sandy Shaw: Well, respectfully, my comments are directly to the clause-by-clause. My comments are directly to schedule 10, which makes significant changes to the Development Charges Act, and my comments are specifically to submissions that we received, for example, from the city of Barrie—it says, "Re: Bill 138 (schedules 10 and 31)," which we're discussing right now. So I don't see, Chair, how I'm not discussing the clause-by-clause on the schedules that are right before us.

My comments still stand. If we were having a truly meaningful consultation with the community, it boggles my mind that we could have written submissions and presentations in person from people who represent millions and millions of taxpaying Ontarians concerned about how schedule 10 will impact their residential tax base and how this is going to have significant negative impacts on the revenue for municipalities, and yet we do not have before us an amendment from the government that addresses the concerns of these municipalities.

Mr. Kaled Rasheed: Point of order, Chair.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaled Rasheed: Mr. Chair, again, with all due respect to the member opposite, they had the opportunity to bring amendments, to file amendments. Now, we are just wasting our time by going on something which is—they should have brought forward—if they had so much concern about this schedule, then they should have brought their amendment forward.

The Chair (Mr. Amarjot Sandhu): This is not a point of order. Is there any further debate?

Mr. Kaled Rasheed: No, Mr. Chair. I think you should carry on—

The Chair (Mr. Amarjot Sandhu): Are the members ready to vote—

Ms. Sandy Shaw: I believe I have the floor.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: Thank you, MPP Rasheed. I think what you are doing is highlighting the error in your way of rushing amendments through the House and rushing—

Mr. Kaled Rasheed: Point of order, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaled Rasheed: Again, with all due respect, I think the member opposite is not understanding that she should have brought the amendments forward. If they haven't brought the amendment forward, I don't understand the reason for us having this debate. If there was an amendment, yes, we could debate, but there's no amendment, so we should just—

The Chair (Mr. Amarjot Sandhu): Again, it's not a valid point of order. Is there any further debate?

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Ms. Sandy Shaw: Yes, I have the floor, I believe.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: With all due respect to the member, there is not enough polish in the world to put a shine on this piece of legislation. So if the member was truly concerned about making sure that amendments to a schedule, schedule 10, that has alarmed the municipalities—they would have given more time for consideration of these amendments. There would have been more time to consider—I mean, really, look at these submissions that we had from municipalities all across Ontario. The Association of Municipalities of Ontario expressed their concern with this government.

I would just like to ask yet again: Is it the government's position that, based on all of this testimony and all these submissions, they are not moving an amendment to schedule 10 to address the concerns of these municipalities?

The Chair (Mr. Amarjot Sandhu): Any further debate?

Mr. Stan Cho: Yes, Chair.

The Chair (Mr. Amarjot Sandhu): MPP Cho.

Mr. Stan Cho: To the member opposite, this is clearly a tactic at stalling for time. Chair, we listened to all the deputations. We read all of the submissions that were given, and I believe we've had the equal amount of time, Mr. Chair. At this point, we see no amendments from the opposition. They've had the same amount of time to put forward their arguments in writing. They have failed to do so, and now is not the time to put forward those arguments, Mr. Chair. We are here to get through the amendments.

I'd respectfully request that we get back to the business at hand, because everybody's time in here is valuable.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Shaw.

Ms. Sandy Shaw: Thank you, Chair. Respectfully, everyone's time is valuable, including all of the people of Ontario who wrote to this committee, took the time and the concern to write to the committee, took the time to depute and give us their hard-felt considerations and advice to amend this bill.

It is my role as an MPP to listen and to make sure that we are not just having a meaningless consultation, that the government in fact is taking these concerns seriously. It is my considered opinion that it's unreasonable to expect that less than 12 hours to consider deputations and make reasoned amendments is anything other than optics on the part of the government. This is not meaningful. It was simply a check-the-box exercise on the part of the government.

The Chair (Mr. Amarjot Sandhu): Any further debate?

Mr. Stan Cho: Chair, may I?

The Chair (Mr. Amarjot Sandhu): MPP Cho.

Mr. Stan Cho: Chair, with respect, when we concluded the committee on Monday, we listened very intently on the government side to every stakeholder who presented to this committee and took their concerns very seriously, and as soon as the committee was completed, we got right to work and, as a result of that, we came up with 24 considered, measured amendments to what we are debating today, and the NDP has failed to do so.

Now is not the time to rag the puck, Mr. Chair, and continue that debate. That time is over. So we'd like to respectfully request that we continue.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: This time, it's not a point of order, Mr. Chair. But if they had so much concern, they should have brought the amendment forward. But you know what? I think we are just having this debate—

Ms. Sandy Shaw: How is this—

The Chair (Mr. Amarjot Sandhu): I will remind the members not to speak over each other, please.

Mr. Kaleed Rasheed: No, I'm addressing you, Mr. Chair.

Ms. Sandy Shaw: Excuse me, Mr. Chair. I have the floor and asked what the point of order is.

Mr. Kaleed Rasheed: I said "Mr. Chair."

Mr. David Piccini: No, you don't.

Mr. Kaleed Rasheed: It was not a point.

Ms. Sandy Shaw: What's your point of order, then?

Mr. Kaleed Rasheed: No, it's not a point of order. It's debate—

The Chair (Mr. Amarjot Sandhu): You finished your comments, so I'm going to give the government side an opportunity to finish their comments.

Is there any further—

Mr. Kaleed Rasheed: My comment, Mr. Chair, is that the amendments were not brought forward from their end and we should just carry on with the schedule and everything. Again, we are just debating something that was not brought forward by them.

The Chair (Mr. Amarjot Sandhu): Is there any further debate? MPP Vanthof.

Mr. John Vanthof: Thank you very much. I have a short comment. When the deputations were done, I believe there was 18 hours, if my math is correct—

Ms. Sandy Shaw: From 6 p.m.

Mr. John Vanthof: Regarding MPP Cho's comment that the government worked diligently and the government has much more resources at their disposal than the opposition; I'm not disputing that—

Ms. Sandy Shaw: So they worked through the night?

Mr. John Vanthof: Considering that most of those hours were beyond work time, so unless the government works 24 hours a day—

Mr. David Piccini: Yes, we do.

Mr. John Vanthof: Considering that the member, Mr. Piccini, just said that the government works 24 hours a day, it will be interesting if we do an FOI on the overtime that you've done on the 18 hours. You have the power to do this. We're just questioning the actual—there's a difference between power and responsibility. To say that you've really diligently looked at these proposals, these deputations, actually in six waking hours, I have to put on the record that I question that. That's my comment.

The Chair (Mr. Amarjot Sandhu): Thank you. Is there any further debate? MPP Shaw.

Ms. Sandy Shaw: I'd like to make sure for the record that we have MPP Cho's response to the municipalities that have submitted all of these concerns, in person and written, that they took the time, between 6 p.m. in the evening and noon the next day, to consider their input and did not put forward any amendments to address the concerns of the municipalities. I think that should be reflected in the record.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: I would like to put on record—why was there no amendment submitted by the opposition? I just want to be on record.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: I would just echo what my colleague said. We would love to have debated those amendments, but since the members opposite didn't put them forward, we can't. The business of governing isn't easy, and if the members opposite hope to govern one day, then you've got to get down to work and propose amendments that we could debate, listening to those stakeholders, but you didn't do that. So, don't hold the government to fault for listening to stakeholders, for working beyond hours. I know it's something difficult, when you're unionized, to work beyond hours, but we did, and don't hold us to fault for working hard, listening to stakeholders and getting down to the business of governing.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: You know, while I appreciate MPP Piccini's snark, this is not what the government is expected to do. The government is expected to take a meaningful and reasonable amount of time to consider amendments to your very own legislation, and it is our opinion,

as Her Majesty's loyal opposition, that this entire bill should be withdrawn.

This has been put forward as a bill stemming from the fall economic statement, and I defy the government to find anything in here that reflects what this should be. There's nothing in here that speaks to finance or economy. In fact, this is really a health care bill in disguise. Rather than make amendments to a significantly flawed and misleading piece of legislation, we're here to vote down the entire bill. Thank you very much, Chair.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Shall schedule 10 as a whole carry? All those in favour? All those opposed? Carried.

We'll move to schedule 11 now. There are no amendments to sections 1 to 3 of schedule 11. I therefore propose that we bundle these sections. Is there agreement?

Interjections: Yes.

Mr. Jeremy Roberts: Do we have to do the final—the preamble?

The Chair (Mr. Amarjot Sandhu): Is there any debate?

The Clerk of the Committee (Ms. Julia Douglas): The preamble, we'll do after.

The Chair (Mr. Amarjot Sandhu): It will be after that. Is there any debate?

Interjection: No.

The Chair (Mr. Amarjot Sandhu): Are the members ready to vote?

Shall schedule 11, sections 1 to 3, inclusive, carry? All those in favour? All those opposed? Carried.

Schedule 11 preamble: Is there any debate? Are the members ready to vote? Shall the schedule 11 preamble carry? All those in favour? All those opposed? Carried.

Shall schedule 11 as a whole carry? All those in favour? Any debate?

Interjection: No.

The Chair (Mr. Amarjot Sandhu): All those opposed? Is there debate?

Ms. Sandy Shaw: Is this schedule 11 we're discussing?

The Chair (Mr. Amarjot Sandhu): Schedule 11, yes. MPP Shaw.

Ms. Sandy Shaw: Thank you. This is the schedule that's discussing creating Egyptian Heritage Month in July. Is that what we're discussing here?

The Chair (Mr. Amarjot Sandhu): Yes.

Ms. Sandy Shaw: Well, if there's any bright light in this bill that is just a dog's breakfast of the government's inability to get legislation right in the first place, creating a new Egyptian Heritage Month in July is an important schedule, and we support this schedule.

We had deputations yesterday that I really appreciated hearing from. We had deputations on this schedule from the Consulate General of Egypt in Montreal and we had a deputation from the Canadian Egyptian Heritage Organization, and I commend them for coming to committee and I commend them for describing the experience of Egyptian Canadians in Ontario. Their story is important for us to understand, and it's important for us to celebrate. I com-

mend the MPP for putting this schedule forward. It is important that we do recognize the contributions that have been made to the prosperity of Ontario.

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This will be the schedule that we will be supporting in this, as I said, extremely flawed piece of legislation.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: I'd like a recorded vote, please.

The Chair (Mr. Amarjot Sandhu): A recorded vote. Shall schedule 11 carry?

Ayes

Bailey, Stan Cho, Mamakwa, Piccini, Rasheed, Roberts, Shaw, Vanthof.

The Chair (Mr. Amarjot Sandhu): It is accordingly carried.

We now move to schedule 12. There are no amendments to sections 1 to 2 of schedule 12. I therefore propose that we bundle these sections. Is there an agreement? Great. Are the members prepared to vote? Shall schedule 12, sections 1 and 2, carry? All those in favour? All those opposed? Carried.

Shall schedule 12, as a whole, carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Carried.

We move to schedule 13 now. There are no amendments to sections 1 to 3 of schedule 13. I therefore propose that we bundle these sections. Is there agreement? Is there any debate? Are the members prepared to vote? Shall schedule 13, sections 1 to 3, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 13, as a whole, carry? Is there any debate? All those in favour? All those opposed? Carried.

We move to schedule 14 now. There are no amendments to sections 1 to 5 of schedule 14. I therefore propose that we bundle these sections. Is there an agreement? Is there any debate? MPP Vanthof.

Mr. John Vanthof: Thank you. I would have enjoyed and been honoured to have this debate in the House, but I didn't have that opportunity. It has been said many times in the House that this gasoline tax—basically, an aviation tax rebate—is going to benefit northerners. That remains to be seen.

It's always a good thing, paying less tax for aviation fuel. The proof will be if, a year from now, a ticket to Sioux Lookout is actually cheaper than today, because there is nothing in this bill that actually induces, forces or suggests to airline carriers and to freight carriers to actually pass this savings through to northern consumers, who—I'm sure the member from Kiiwetinoong could speak much better to this than me and likely will—are paying exorbitant prices, not only for personal travel, but for their food and for their daily essentials of life. Making aviation fuel cheaper? Good. But, again, there's nothing in this bill that actually protects the people of the north, that this gesture

by the government will actually translate into a more affordable standard of life for northerners.

At one point, I was at an agriculture reception and Minister Hardeman brought up that we are lucky in Canada—which we are; we are incredibly fortunate in Canada—that we pay below 20% of our gross income on food. In my response, I said—and he had just been to Japan, rightfully so, spreading the good news about Ontario. In Japan, it's 40%, so we were so lucky in Ontario to only spend 20%. My reply was that there are First Nations in our province who, I would suggest, pay more than 40% for their daily food intake—40% of their income. This is being touted as help for them. It very well could be. I'm not denying that, but there's nothing in this legislation that guarantees that this will be passed through—absolutely nothing. And that is a huge problem, because simply the idea of “trickle down is going to work; make the top pay less, and that will trickle down”—that is not always the case. In fact, I would suggest that it's very rarely the case.

It has been said over and over in the House—and I can name the minister, Minister Phillips, specifically—that this was going to certainly benefit all northerners: “Why would northerners vote against a bill that contained this?” There is actually no protection that this gas-tax rebate will actually filter down to northerners. That's the problem with this.

There are all kinds of other things that you could do that would directly filter down to them. The government could've put in this bill something to protect them. They could've actually given us the time to develop something, because this would take a consultative process with northerners, true northerners. I'm from central Ontario; I'm talking about true northerners. That's one big issue with this bill.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Mamakwa.

Mr. Sol Mamakwa: Just to kind of reflect on schedule 14 regarding the Gasoline Tax Act for aviation fuel: I'm not sure. For me, it's not enough. When I fly to Thunder Bay to get here, I pay \$400 for my flight on Porter. If I hop on a flight to Thunder Bay to Sioux Lookout, it's \$550 to about \$600. If I go further to my home community, it's another \$600.

I know that in one of my communities, the community of Fort Severn, which is the most northerly community, today they pay \$4.19 per litre for gas. They have to fly it up from Pickle Lake. I know, across the table, everyone in this room: You guys would be crying if you guys paid that much for gas. I know people in Ontario, in general, if gas is at \$1.50, Ontario pretty much does not accept that.

So when we talk about it just not being far enough to be able to do that, then there's no real assurance that at the end of the day, that person who travels out to get a medical appointment—I'm not sure if the savings will be passed on. There's no assurance on that. I think that it's good, yes, but at the end of the day, for that patient travelling out from Big Trout Lake to have an appointment in Thunder Bay, are those savings going to be passed down to them? I don't think so. That's what I mean by: I don't think it's enough.

I know that even the cost of food—when we talk about a loaf of bread, we pay \$5 or \$6 per loaf of bread, and \$15 to \$19 for a four-litre bag of milk. There's no way all of you in this room would ever pay that amount, but you guys have highways that you travel through. Airports are our highways, but we have to pay for them to get that service, to get that health care, to get that food. We have to pay for that travel. You guys just travel to a highway that's paid for by the provincial government. That's not the case for us. It's very different. It's just not going far enough.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote? Shall schedule 14, sections 1 to 5, inclusive, carry? All those in favour? All those opposed? Carried.

Shall schedule 14, as a whole, carry? Is there any debate? Are the members ready to vote? All those in favour? All those opposed? Carried.

We'll move to schedule 15 now. I see there's a government amendment to schedule 15, subsection 1(2). MPP Roberts.

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Mr. Jeremy Roberts: I move that subsection 1(2) of schedule 15 to the bill be amended by striking out the definitions of “billing number” and “billing privilege” in section 1 of the Health Insurance Act and substituting the following:

“‘billing number’ means the unique identifying number issued by the general manager to a physician, practitioner or health facility that has been granted a billing number by the general manager under section 16.2; (numéro de facturation)”

The Chair (Mr. Amarjot Sandhu): A motion has been moved by MPP Roberts. Is there any debate? Are the members ready to vote? Amendment to subsection 1(2) of schedule 15: All those in favour? All those opposed? Carried.

Shall schedule 15, section 1, as amended, carry? All those in favour? All those opposed? Carried.

We'll move to section 2 of schedule 15. I see there's an amendment. MPP Roberts.

Mr. Jeremy Roberts: I move that section 2 of schedule 15 to the bill be amended by striking out subsections 2(7) and (8) of the Health Insurance Act and substituting the following:

“Deemed terms

“(7) The Lieutenant Governor in Council may make regulations providing for provisions that shall be deemed to be included in arrangements made under clause (2)(a) that require reporting of physician payments to individual physicians from remuneration provided under such arrangements, and which shall be deemed to be included in arrangements entered into before the regulations were made and before this subsection came into force.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Seeing none, are the members ready to vote? Shall section 2 of schedule 15 carry—shall the amendment to the section carry? All those in favour? All those opposed? Carried.

Shall schedule 15, section 2, as amended, carry? All those in favour? All those opposed? Carried.

We'll move to schedule 15, section 3. I see there's a government notice for section 3. Any debate? Are the members ready to vote? Shall section 3 carry? All those in favour? All those opposed? Carried.

Mr. Stan Cho: No, we opposed it.

The Chair (Mr. Amarjot Sandhu): The amendment is lost, sorry.

Mr. Jeremy Roberts: I believe we just voted it down, Chair.

The Chair (Mr. Amarjot Sandhu): I just want to clarify that schedule 15, section 3, is lost.

I don't see any amendments to sections 4 to 7 of schedule 15. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Is there any debate? Are the members ready to vote? Shall schedule 15, sections 4 to 7, inclusive, carry? All those in favour? All those opposed? Carried.

Are there any amendments to section 8 of schedule 15? MPP Roberts.

Mr. Jeremy Roberts: I move that section 8 of schedule 15 to the bill be amended by striking out subsection 15(4) of the Health Insurance Act and substituting the following:

"Billing number

"(4) A physician may only submit claims for payment to the plan, or receive payments from the plan pursuant to an arrangement under clause 2(2)(a), and an insured person may only submit claims for payment to the plan that have been presented by a physician, if the physician has been granted a billing number by the general manager."

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote? Shall the amendment to section 8 of schedule 15 carry? All those in favour? All those opposed? Carried.

Shall schedule 15, section 8, as amended, carry? All those in favour? All those opposed? Carried.

We'll move to schedule 15, section 9. I see there is an amendment to section 9 of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that section 9 of schedule 15 to the bill be amended by striking out subsection 15.1(4.1) of the Health Insurance Act and substituting the following:

"Billing number

"(4.1) A practitioner may only submit claims for payment to the plan, or receive payments from the plan pursuant to an arrangement under clause 2(2)(a), if the practitioner has been granted a billing number by the general manager."

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote? Shall the amendment to section 9 of schedule 15 carry? All those in favour? All those opposed? Carried.

Is there any debate on section 9 of schedule 15? Seeing none, are the members ready to vote? Shall schedule 15, section 9, as amended, carry? All those in favour? All those opposed? Carried.

We'll move to schedule 15, section 10. Is there any debate? Are the members ready to vote? Shall schedule 15, section 10, carry? All those in favour? All those opposed? Carried.

We'll move to schedule 15, section 11. I see there is an amendment to section 11 of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that section 11 of schedule 15 to the bill be amended by striking out section 15.3 of the Health Insurance Act and substituting the following:

"Billing number—health facilities

"15.3 A health facility may only submit claims for payment to the plan, or receive payments from the plan pursuant to an arrangement under clause 2(2)(a), if the health facility has been granted a billing number by the general manager."

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote? Shall the amendment to section 11 of schedule 15 carry? All those in favour? All those opposed? Carried.

Is there any debate on section 11 of schedule 15? Are the members ready to vote? Shall schedule 15, section 11, as amended, carry? All those in favour? All those opposed? Carried.

Is there any debate on schedule 15, section 12? Are the members ready to vote? Shall schedule 15, section 12, carry? All those in favour? All those opposed? Carried.

We'll go to schedule 15, section 13 now. I see there is a government amendment of section 13 of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that section 13 of schedule 15 to the bill be amended by striking out section 16.2 of the Health Insurance Act and substituting the following:

"Billing numbers

"16.2 Subject to an application process set out in the regulations, if any, the general manager shall grant a billing number to a physician, practitioner or health facility."

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote? Shall the amendment to section 13 of schedule 15 carry? All those in favour? All those opposed? Carried.

Is there any debate on section 13 of schedule 15? Seeing none, are the members ready to vote? Shall schedule 15, section 13, as amended, carry? All those in favour? All those opposed? Carried.

We'll move to schedule 15, section 14. I see there is a government amendment, section 14 of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that section 14 of schedule 15 to the bill be amended by striking out "billing privileges" wherever it appears in subsections 17.1(1) and (2) of the Health Insurance Act and substituting in each case "a billing number".

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote? Shall the amendment to section 14 of schedule 15 carry? All those in favour? All those opposed? Carried.

Is there any debate on section 14 of schedule 15? Are the members ready to vote? Shall schedule 15, section 14, as amended, carry? All those in favour? All those opposed? Carried.

We'll move to schedule 15, section 15. I see there is a government amendment to section 15 of schedule 15. MPP Roberts.

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Mr. Jeremy Roberts: I move that section 15 of schedule 15 to the bill be amended by striking out “billing privileges” in subsection 17.2(1) of the Health Insurance Act and substituting “a billing number”.

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Shall the amendment to section 15 of schedule 15 carry? All those in favour? All those opposed? Carried.

Is there any debate on section 15 of schedule 15? Are the members ready to vote? Shall schedule 15, section 15, as amended, carry? All those in favour? All those opposed? Carried.

We’ll move to schedule 15, section 16 now. I see there is a government amendment to subsection 16(1) of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that subsection 16(1) of schedule 15 to the bill be amended by striking out “billing privileges” in subsection 17.3(5) of the Health Insurance Act and substituting “a billing number”.

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Shall the amendment to subsection 16(1) of schedule 15 carry? All those in favour? All those opposed? Carried.

Is there any debate on subsection 16(1) of schedule 15? Are the members ready to vote? Shall schedule 15, section 16—*Interjection.*

The Chair (Mr. Amarjot Sandhu): Just to clarify, it’s section 16 of schedule 15. Are the members ready to vote?

Shall schedule 15, section 16, as amended, carry? All those in favour? All those opposed? Carried.

We’ll move to schedule 15, section 17 now. I see there is a government amendment to subsection 17(1) of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that subsection 17(1) of schedule 15 to the bill be amended by striking out section 18 of the Health Insurance Act and substituting the following:

“Payment of accounts

“18(1) The general manager shall determine all issues relating to accounts for insured services in accordance with this act and shall make the payments from the plan that are authorized under this act.

“Practitioners and health facilities, refuse to pay

“(2) The general manager may refuse to pay a claim for payment for an insured service submitted by a practitioner or health facility or may pay a reduced amount in the following circumstances:

“1. If the general manager is of the opinion that all or part of the insured service was not in fact rendered.

“2. If the general manager is of the opinion that the nature of the service is misrepresented, whether deliberately or inadvertently.

“3. For a service provided by a practitioner, if the general manager is of the opinion, after consulting with a practitioner who is qualified to provide the same service, that all or part of the service was not therapeutically necessary.

“4. For a service provided by a health facility, if the general manager is of the opinion, after consulting with a

physician or practitioner, that all or part of the service was not medically or therapeutically necessary.

“5. If the general manager is of the opinion that all or part of the service was not provided in accordance with accepted professional standards and practice.

“6. In such other circumstances as may be prescribed.

“Practitioners and health facilities, reimbursement

“(3) The general manager may require a practitioner or health facility to reimburse the plan for an amount paid for a service if, after the payment is made, the general manager is of the opinion that a circumstance described in subsection (2) exists.

“Exception

“(4) Despite subsection (3), the general manager shall not require a practitioner to reimburse the plan if the sole reason for requiring the reimbursement is that a circumstance described in paragraph 3 or 5 of subsection (2) exists.

“Notice, practitioners and health facilities

“(5) The general manager shall give notice to a practitioner or health facility of a decision to refuse to pay for a service, to pay a reduced amount or to require that the plan be reimbursed.

“Physicians, refusal to pay

“(6) Under any of the following circumstances, the general manager may, with respect to a claim for payment for an insured service submitted by a physician, refuse to pay the claim, pay a reduced amount with respect to the claim, pay for the service the general manager considers to have been provided and not the service described in the claim that was submitted, or, with respect to payment for an insured service that has been made to a physician, request a hearing by the appeal board:

“1. If the general manager is of the opinion that any or all of the following apply:

“i. all or part of the service was not in fact rendered,

“ii. the service has not been rendered in accordance with the conditions”—

The Chair (Mr. Amarjot Sandhu): I apologize, but we are looking at the time on the clock. It’s 10:15.

This committee stands in recess until 2 p.m. today, when we will continue the clause-by-clause consideration of Bill 138.

The committee recessed from 1015 to 1400.

The Chair (Mr. Amarjot Sandhu): Good afternoon, everyone. The Standing Committee on Finance and Economic Affairs will now reconvene. We are here for clause-by-clause consideration of Bill 138, An Act to implement budget measures and to enact, amend and repeal various statutes.

We’re going to start from where we left off, with government motion number 12, subsection 17(1) of schedule 15 to the bill. For clarity, MPP Roberts, if you could please read the motion from the start.

Mr. Jeremy Roberts: Thank you, Mr. Chair. I would be absolutely delighted to start from the start again. It was a riveting motion, if I recall.

I move that subsection 17(1) of schedule 15 to the bill be amended by striking out section 18 of the Health Insurance Act and substituting the following:

“Payment of accounts

“18(1) The general manager shall determine all issues relating to accounts for insured services in accordance with this act and shall make the payments from the plan that are authorized under this act.

“Practitioners and health facilities, refuse to pay

“(2) The general manager may refuse to pay a claim for payment for an insured service submitted by a practitioner or health facility or may pay a reduced amount in the following circumstances:

“1. If the general manager is of the opinion that all or part of the insured service was not in fact rendered.

“2. If the general manager is of the opinion that the nature of the service is misrepresented, whether deliberately or inadvertently.

“3. For a service provided by a practitioner, if the general manager is of the opinion, after consulting with a practitioner who is qualified to provide the same service, that all or part of the service was not therapeutically necessary.

“4. For a service provided by a health facility, if the general manager is of the opinion, after consulting with a physician or practitioner, that all or part of the service was not medically or therapeutically necessary.

“5. If the general manager is of the opinion that all or part of the service was not provided in accordance with accepted professional standards and practice.

“6. In such other circumstances as may be prescribed.

“Practitioners and health facilities, reimbursement

“(3) The general manager may require a practitioner or health facility to reimburse the plan for an amount paid for a service if, after the payment is made, the general manager is of the opinion that a circumstance described in subsection (2) exists.

“Exception

“(4) Despite subsection (3), the general manager shall not require a practitioner to reimburse the plan if the sole reason for requiring the reimbursement is that a circumstance described in paragraph 3 or 5 of subsection (2) exists.

“Notice, practitioners and health facilities

“(5) The general manager shall give notice to a practitioner or health facility of a decision to refuse to pay for a service, to pay a reduced amount or to require that the plan be reimbursed.

“Physicians, refusal to pay

“(6) Under any of the following circumstances, the general manager may, with respect to a claim for payment for an insured service submitted by a physician, refuse to pay the claim, pay a reduced amount with respect to the claim, pay for the service the general manager considers to have been provided and not the service described in the claim that was submitted, or, with respect to payment for an insured service that has been made to a physician, request a hearing by the appeal board:

“1. If the general manager is of the opinion that any or all of the following apply:

“i. all or part of the service was not in fact rendered,
“ii. the service has not been rendered in accordance with the conditions and limitations set out in this act and the regulations, or

“iii. There is an absence of a record described in subsection 17.4(1), (2) or (3).

“2. If the general manager is of the opinion that the nature of the service is misrepresented, whether deliberately or inadvertently.”

Ms. Sandy Shaw: You’re not done yet.

The Chair (Mr. Amarjot Sandhu): One more page.

Mr. Jeremy Roberts: “3. If the general manager is of the opinion, after consulting with a physician, that all or part of the service was not medically necessary.

“4. If the general manager is of the opinion that all or part of the service was not provided in accordance with accepted professional standards and practice.

“5. In such other circumstances as may be prescribed.

“Notice, physicians

“(7) Where the general manager is of the opinion that a circumstance described in subsection (6) exists and has made a decision to refuse to pay for a service or pay a reduced amount to a physician for a service, or to pay for the service the general manager considers to have been provided and not the service described in the claim, the general manager shall notify the physician of the decision and the action taken.

“Physicians, post-payment

“(8) Where the general manager has made a payment to a physician for a service and the general manager is, after providing the physician with the opportunity to provide written submissions, of the opinion that a circumstance described in subsection (6) exists and that reimbursement to the plan is required, the general manager may give notice to the appeal board requesting it to hold a hearing and at the same time give notice of the request for the hearing to the physician.

“Not a decision

“(9) For greater certainty, a refusal to pay under section 17.5 is not a decision for the purposes of this section.”

The Chair (Mr. Amarjot Sandhu): Thank you. A motion has been moved by MPP Roberts. Is there any debate? MPP Shaw?

Ms. Sandy Shaw: I think it might be a point of order, and I hope it doesn’t mean that you have to read this from the top—that’s not my intention—but when you talked about, under (6), there was 1, 2 and then the third one: “If the general manager is of the opinion, after consulting with a physician, that all or part of the service was not medically necessary.” You said “or.” I understand why you might say that, but is it either/or of these two provisions? I think we just want to make sure that we’re clarifying what actually you mean there.

Mr. Jeremy Roberts: Sorry, which section?

Ms. Sandy Shaw: It’s on page 3 of 3, at the top, between number 3 and number 4. I understand why you said it, because you’ve said a lot this morning, but you did say “or” and it’s not written here.

Mr. Jeremy Roberts: “If the general manager is of the opinion, after consulting with a physician, that all or part of the service was not medically necessary.”

Ms. Sandy Shaw: Right. So you did say “or.” Just to make sure, there’s no “or” in this. It makes a difference, I would say.

Mr. Stan Cho: I see the “or.”

Ms. Sandy Shaw: Where is the “or”? I don’t see it here.

Mr. Sol Mamakwa: Between 3 and 4.

Mr. Jeremy Roberts: There is no “or” between 3 and 4.

Mr. Sol Mamakwa: But you said it. All she’s saying is that you said it.

Ms. Sandy Shaw: You did say it. I can imagine why, because it’s a lot, but you did say it.

The Chair (Mr. Amarjot Sandhu): Just to clarify for the members, there is no “or” between 3 and 4.

Ms. Sandy Shaw: Thank you.

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Sorry, MPP Piccini?

Mr. David Piccini: I just wanted to put on the record that the government had, before this, no means of recuperating overbilling. As per the Auditor General’s report, this amendment and recommendation stays consistent with ensuring we have a method, but gives physicians the opportunity to appeal should the general manager deem them to have overbilled, and gives an appeal opportunity with physician representation. I just wanted to put that on the record, just for clarification. I think it’s a sound amendment.

The Chair (Mr. Amarjot Sandhu): MPP Shaw?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote. Are the members ready to vote?

Shall the amendment to subsection 17(1) of schedule 15 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Seeing none opposed, the motion—the amendment, sorry—is accordingly carried.

I will move to government motion 13, on subsection 17(1) of schedule 15.

MPP Roberts?

Mr. Jeremy Roberts: I move that subsection 17(1) of schedule 15 to the bill be amended by striking out section 18.0.2 of the Health Insurance Act and substituting the following:

“Debt

“18.0.2 A requirement to reimburse the plan created by a decision of the general manager under subsection 18(3) creates a debt owed to the crown in right of Ontario in the amount set out in the decision of the general manager, and a requirement to reimburse the plan created by a decision of the appeal board creates a debt owed to the crown in right of Ontario in the amount set out in the decision of the appeal board.”

The Chair (Mr. Amarjot Sandhu): Is there any debate?

Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote. Are the members ready to vote?

Shall this amendment to subsection 17(1) of schedule 15 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It is accordingly carried.

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Shall schedule 15, section 17, as amended, carry? Is there any debate? Are the members ready to vote? All those in favour—

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): The section is accordingly carried.

We’ll move to schedule 15, section 18 now. Is there any debate?

Mr. Jeremy Roberts: I believe, Mr. Chair, we can bundle section 18 and section 19.

The Chair (Mr. Amarjot Sandhu): Is there agreement to bundle section 18 and section 19?

Ms. Sandy Shaw: Excuse me, Chair—

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: Section 18 and 19 of schedule 15?

The Chair (Mr. Amarjot Sandhu): Yes, right.

Ms. Sandy Shaw: Thank you.

The Chair (Mr. Amarjot Sandhu): Shall schedule 15, sections 18 to 19 carry? Are the members ready to vote? All those in favour?

Ms. Sandy Shaw: Recorded—

The Clerk of the Committee (Ms. Julia Douglas): Unfortunately, it’s already been called.

The Chair (Mr. Amarjot Sandhu): Sorry. All those opposed? Carried.

We’ll move to schedule 15, section 20. I see there is an amendment. MPP Roberts.

Mr. Jeremy Roberts: I move that section 20 of schedule 15 to the bill be amended by striking out sections 18.2 and 18.3 of the Health Insurance Act and substituting the following:

“Recovery from requesting physician

“18.2 If the general manager is of the opinion that a service performed by a physician, practitioner, health facility or independent health facility is not medically necessary, and that service was requested by a physician other than the one who performed the service, the general manager may give notice to the appeal board of a request to

hold a hearing and at the same time give notice to the physician who requested the provision of the service.

“Interest

“18.3 Where the general manager has required reimbursement under section 18, interest accrues on the amount that is required to be paid commencing on the date of the general manager’s decision at the rate for postjudgment interest provided for under section 127 of the Courts of Justice Act.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall the amendment to subsection 20 of schedule 15 carry—

The Clerk of the Committee (Ms. Julia Douglas): Just to be clear, MPP Shaw did request a recorded vote before.

The Chair (Mr. Amarjot Sandhu): Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): The amendment to subsection 20 of schedule 15 is carried.

Shall schedule 15, section 20, as amended, carry? Are the members ready to vote? All those in favour—

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It’s accordingly carried.

We’ll move to schedule 15, section 21 now. Is there any debate? Are the members ready to vote?

Interjection.

The Chair (Mr. Amarjot Sandhu): Schedule 15, section 21.

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote. Are the members ready to vote? Shall schedule 15, section 21, as amended—

Interjections.

The Chair (Mr. Amarjot Sandhu): Just to clarify: Shall schedule 15, section 21, as a whole, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It’s carried.

We’re now moving to schedule 15, section 22. I see there’s an amendment. MPP Roberts.

Mr. Jeremy Roberts: I move that section 22 of schedule 15 to the bill be struck out and the following substituted:

“22(1) Sections 20 and 21 of the act are repealed and the following substituted:

“Hearing by appeal board

“20(1) The following persons may request a hearing by the appeal board:

“1. A person who has applied to become or continue to be an insured person, in respect of the review of a decision of the general manager refusing the application.

“2. An insured person who has made a claim for payment for insured services, in respect of the review of a decision of the general manager refusing the claim or reducing the amount so claimed to an amount less than the amount payable by the plan.

“3. A physician, in respect of a decision of the general manager referred to in subsection 18(7).

“4. The general manager, where the general manager has formed an opinion under subsection 18(8) or section 18.2.

“5. A person who has been required to reimburse the plan under section 18.0.1, in respect of the review of the decision of the general manager requiring the reimbursement.

“Notice of request

“(2) A person or physician requesting a hearing under paragraph 1, 2, 3 or 5 of subsection (1) shall file a notice of the request within 30 days after receiving notice of the decision of the general manager.

“Powers of appeal board

“21(1) If a person requests a hearing under section 20, the appeal board shall appoint a time for and hold the hearing and following the hearing may, by order, direct the general manager to take such action as the appeal board considers the general manager should take in accordance with this act and the regulations.

“Extension of time for hearing

“(2) The appeal board may extend the time for the giving of notice by a person requesting a hearing under this section, either before or after expiration of such time, where it is satisfied that there are apparent grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the appeal board may give such directions as it considers proper consequent upon the extension.

“Certain hearings

“(3) Despite section 13 of the Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998, a hearing under paragraph 3 or 4 of subsection 20(1) shall be heard and decided as provided for in schedule 1.

“Interest payable by the plan

“(4) If the appeal board has concluded that an amount is payable by the plan to a physician in a hearing under paragraph 3 of subsection 20(1), interest calculated at the rate for postjudgment interest provided for under section 127 of the Courts of Justice Act accrues from the date that the claims were submitted in accordance with this act and regulations.

“Interest payable to the plan

“(5) If the appeal board has concluded that an amount is payable to the plan by a physician in a hearing under paragraph 4 of subsection 20(1), interest calculated at the

rate for postjudgment interest provided for under section 127 of the Courts of Justice Act accrues from the date of the request for a hearing by the general manager.

“Transitional

“(6) Where a request for a hearing had been made to the Physician Payment Review Board before the coming into force of subsection 22(1) of schedule 15 to the Plan to Build Ontario Together Act, 2019 and a hearing is not underway, a panel of the appeal board shall deal with the hearing under this section, with any necessary modification.”

“(2) Subsection 21(6) of the act, as enacted by subsection (1), is repealed.”

The Chair (Mr. Amarjot Sandhu): A motion has been moved by MPP Roberts. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall the amendment to section 22 of schedule 15 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It is accordingly carried.

Is there any debate on schedule 15, section 22? Seeing none, are the members ready to vote? Shall schedule 15, section 22—

Interjection.

The Chair (Mr. Amarjot Sandhu): Recorded vote?

Ms. Sandy Shaw: Yes.

The Chair (Mr. Amarjot Sandhu): Shall schedule 15, section 22, as amended, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It is accordingly carried.

We’ll move to schedule 15, section 23 now. I see there is a government amendment for section 23 of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that section 23 of schedule 15 to the bill be struck out and the following substituted:

“23. Section 24 of the act is amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), a party may not appeal from a decision or order of the appeal board respecting a matter heard under paragraph 3 or 4 of subsection 20(1).”

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The Chair (Mr. Amarjot Sandhu): Is there any debate? Seeing none, are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It’s accordingly carried.

Is there any debate on schedule 15, section 23, as amended? Seeing none, are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

Mr. Amarjot Sandhu: It’s accordingly carried.

We’ll move to schedule 15, section 24 now. Is there any debate on schedule 15, section 24? Seeing none, are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We’ll move to schedule 15, section 25 now. I see there is a government amendment. MPP Roberts.

Mr. Jeremy Roberts: Thank you, Mr. Chair—a mercifully short amendment.

I move that section 25 of schedule 15 to the bill be struck out and the following substituted:

“25. Subsection 27.2(2) of the act is repealed.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Seeing none, are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 15, section 25, as amended? No debate? Recorded vote?

Ms. Sandy Shaw: Yes.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

There are no amendments to sections 26 to 28 of schedule 15. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We’ll move to schedule 15, section 29 now. I see there is a government amendment. MPP Roberts.

Mr. Jeremy Roberts: I move that subsection 29(2) of schedule 15 to the bill be struck out and the following substituted:

“(2) Paragraph 4 of section 38.1 of the act is repealed.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Seeing none, are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It’s accordingly carried.

Is there any debate on schedule 15, section 29, as amended? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We’ll move to schedule 15, section 30 now. I see there is an amendment. MPP Roberts.

Mr. Jeremy Roberts: I move that section 30 of schedule 15 to the bill be amended by adding the following subsection to section 39.4 of the Health Insurance Act:

“Exception

“(2) This section does not authorize the publication by the general manager or the minister of information concerning an opinion that the general manager has formed under subsection 18(8) or section 18.2, or a hearing that the general manager has requested in connection with such an opinion.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 15, section 30, as amended? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We move to schedule 15, section 31 now. Any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We move to schedule 15, section 32. I see there is a government amendment. MPP Roberts?

Mr. Jeremy Roberts: I move that subsection 32(1) of schedule 15 to the bill be amended by adding the following subsection to section 41 of the Health Insurance Act:

“Physicians

“(4.1) Despite anything else in this section, only a reviewer who is a physician may enter a place for the purpose of conducting an inspection to ensure compliance with this act and the regulations by a physician.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 15, section 32, as amended? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

I don’t see any amendments to sections 33 to 35 of schedule 15. I therefore propose that we bundle these sections. Agreed? Agreed. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We move to schedule 15, section 36. I received a government amendment. MPP Roberts?

Mr. Jeremy Roberts: I move that section 36 of schedule 15 to the bill be struck out and the following substituted:

“36. Schedule 1 to the act is repealed and the following substituted:

““Schedule 1

“Physician Payment Review Process

“Definitions

“1. In this schedule,

““review panel” means a panel selected under subsection 2(1); (“comité de révision”)

““the act” means the Health Insurance Act. (“la loi”)

“Request for a hearing, general

“2(1) When the appeal board receives a notice that requests a hearing under paragraph 3 or 4 of subsection 20(1) of the act and proof of service of the notice, the chair of the appeal board or, in his or her absence, a vice chair

shall select a panel in accordance with section 4 to hear and determine the matter before it.

“Timing

“(2) A panel selected under subsection (1) shall conduct the hearing in a timely manner within the prescribed time, if any, and shall make an order with written reasons within 30 business days of the close of submissions, or, if another time has been prescribed, within that time.

“Parties

“(3) The parties to a hearing under subsection (1) are the general manager and the physician or physicians named in the notice that requests a hearing.

“Order of appeal board

“(4) An order of a review panel is for all purposes an order of the appeal board.

“Period of review

“3. The physician under review shall only be required to reimburse the plan for services provided in a period that is no more than 24 months in duration and that commenced no more than five years before the general manager’s request for a review.

“Panels

“4. A review panel shall consist of three members of the appeal board selected as follows:

“1. The chair of the appeal board or, in his or her absence, a vice chair shall select the members of the panel that will conduct the hearing and determine the matter before it. The chair or the vice chair may be a member of a panel.

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“2. One of the members must be a physician, but no more than one.

“3. At least one member must be a member of the Law Society of Ontario who is licensed to practise law in Ontario as a barrister and solicitor.

“4. The chair or vice-chair of the appeal board, as the case may be, shall designate one of the members of the review panel as the chair of the panel.

“Hearing by review panel

“5. A review panel shall hear and determine the matter before it.

“Orders

“6(1) The review panel may, as an order of the appeal board, make any order that it considers appropriate, including, without being limited to, any one or more of the following:

“1. An order determining the proper amount, if any, to be paid to the physician in accordance with the act and the regulations for the service provided, and requiring that the general manager pay the account in the amount set out in the order or that the physician reimburse the plan in the amount set out in the order.

“2. An order that, in the future, the physician submit claims for insured services to the plan or to insured persons in accordance with the order of the appeal board.

“3. An order that the physician’s entitlement to submit claims for insured services to the plan or to receive payments from an insured person cease or be suspended for a period of time provided for in the order.

“Additional orders

“(2) The general manager may enter in evidence before the review panel a random sample of claims submitted by the physician to the plan in respect of a fee code during the period of review and, in addition to any other order it may make under subsection (1), the review panel may, in circumstances that it considers appropriate, order that the general manager calculate the amount to be reimbursed for that fee code for that period, or a portion of that period, by assuming the results observed in the random sample are representative of all the claims during the period in question, where the review panel determines that,

“(a) the physician is liable to reimburse the plan; and

“(b) the sample was random and had a reasonable confidence interval.

“Effect of suspension, etc.

“(3) If a physician is the subject of an order under paragraph 3 of subsection (1), all insured services rendered by him or her during the period the order is in effect are deemed to be insured services payable at nil.”

The Chair (Mr. Amarjot Sandhu): A motion has been moved by MPP Roberts. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Yes, recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 15, section 36, as amended? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We now move to schedule 15, section 37. I see there’s a government amendment. MPP Roberts.

Mr. Jeremy Roberts: I move that subsection 37(2) of schedule 15 to the bill be amended by adding the following subsection to section 11.1 of the Ministry of Health and Long-Term Care Act:

“Exception

“(2) This section does not authorize the publication by the minister of information concerning an opinion that the general manager has formed under subsection 18(8) or section 18.2 of the Health Insurance Act, or a hearing that the general manager has requested in connection with such an opinion.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Seeing none, are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

There's an amendment, government motion 23, on subsection 37(4) of schedule 15. MPP Roberts.

Mr. Jeremy Roberts: I move that subsection 37(4) of schedule 15 to the bill be amended by striking out subsection 12(2) of the Ministry of Health and Long-Term Care Act and substituting the following:

“Deemed provisions

“(2) The Lieutenant Governor in Council may make regulations providing for provisions that shall be deemed to be included in agreements made under this act that require reporting of physician payments to individual physicians from remuneration paid under such agreements, and which shall be deemed to be included in agreements entered into before the regulations were made and before subsection 37(4) of schedule 15 to the Plan to Build Ontario Together Act, 2019 came into force.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly, carried.

Is there any debate on schedule 15, section 37, as amended? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Ms. Sandy Shaw: Point of order, Chair?

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: Thank you. Just for clarification, did we vote on schedule 15, section 37, as amended? I may have missed that, but I didn't—

The Chair (Mr. Amarjot Sandhu): Yes, we did.

Ms. Sandy Shaw: As amended, we did that? Okay.

The Chair (Mr. Amarjot Sandhu): Yes.

We'll move to schedule 15, section 38. I see there's a government amendment. MPP Roberts.

Mr. Jeremy Roberts: Thank you, Mr. Chair. I'm delighted to move this amendment.

I move that subsection 38(1) of schedule 15 to the bill be struck out and the following substituted:

“38(1) Subsections 7(1) and (3) of the Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998 are repealed and the following substituted:

“Composition

“(1) The board shall be composed of at least 20 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister of Health.

“Lawyer members

“(2) At least three members of the board must be members of the Law Society of Ontario who are licensed to practise law in Ontario as barristers and solicitors.

“Physician members

“(3) At least three members of the board must be legally qualified medical practitioners, but the majority of the members of the board must not be legally qualified medical practitioners.”

The Chair (Mr. Amarjot Sandhu): Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

Is there any debate on schedule 15, section 38, as amended? Are the members ready to vote?

Shall schedule 15, section 38, as amended, carry? All those in favour? All those opposed? Carried.

There are no amendments to sections 31 to 41 of schedule 15.

Interjection.

The Chair (Mr. Amarjot Sandhu): Oh, sorry. I apologize. There are no amendments to sections 39 to 41 of schedule 15. I therefore propose that we bundle these sections. Is there an agreement?

Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 15, as amended? MPP Shaw.

Ms. Sandy Shaw: My colleague MPP Mamakwa is also going to speak to this.

I just want to reiterate what I was saying this morning. These are substantial amendments to the government's own bill. I would just like to have it on the record that these technical amendments are very substantial, and I would just say that, really, the government—it underscores that this government seems to be rushing through legislation without giving people the proper time to consider technical amendments. I would say that it follows in the pattern of this government not seeming to want to have meaningful consultation on legislation or on amendments that impact people's lives very directly.

Again on the record, if the government is in such a hurry to move legislation through the House, they might want to get it right the first time. That is my comment on this bill, which is essentially a health care bill.

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The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Cho.

Mr. Stan Cho: Thank you, Chair. I'd like to put it on the record that the amendments that the government has tabled today have come from extensive consultations from this process and listening to the stakeholders and the deputations, as well as the written submissions. It's a sign of the system working, and the government will always listen to the people of Ontario. I just wanted to put that on the record, so thank you.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Mamakwa.

Mr. Sol Mamakwa: As my colleague said, on the significant amendments to schedule 15: Where I come from, in the fly-in communities, physician services are very limited. I know that in my home community of Kingfisher Lake, there are about maybe 500 or 600 people that live in that community. We get physician services for about five days per week. Out of those five days, one day is travel and another day is travel back, so that's three days.

When we look at some of the access to physician services, I don't know if this government listens to Indigenous people. I don't know if they listen to physicians in the north. In my region, there is a physician group called Sioux Lookout Regional Physician Services Inc. It's a group of physicians that provide physician services in the north. Right now, we are funded to have 54 FTEs for the year, but I know that a few months ago, they only had about 20 signed up to fill those positions. The reason why I share that is that when we look at some of the measures on how the bill—it's not a lot of physicians who want to. You have to be a northerner. You have to be a person who likes the north to be able to provide that service in the north.

I know that sometimes to try to provide physician services in the north, we have to get physicians from Toronto to do a 12-hour shift at emerg. That's not acceptable. Sometimes, me being here and listening to some of these changes, I don't know how it's going to impact the people in the north, the actual impact of physician services in the north. Right now, we can't even recruit the 54 FTEs that we have. There are certain factors that affect that, so I just wanted to share that.

Again, when you say, "We listen to people," for me, I don't agree with that comment. We in the north, we as First Nations, as Indigenous people sometimes are not treated the same way you treat other people. I think that's because we are small communities. We should still matter to Ontario. We should still matter to the government. When I ask questions, when I ask a response, people say good words, but words are not good enough.

For me, I think we just want to have equitable access to physician services. I'm not sure if this will do it. When we talk about, say, 33,000 people who live in northern Ontario, specialty services are nonexistent. When we talk about different specialty services that we have, we have to travel all the way down to Thunder Bay, Winnipeg or as far as Toronto just to get that service. I'm not sure what the impact will be. Meegwetich.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 15, as amended, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

We'll move to schedule 16 now. There are no amendments to sections 1 to 3 of schedule 16. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members ready to vote? Shall schedule 16, sections 1 to 3, inclusive, carry? All those in favour? All those opposed? Seeing none, it's accordingly carried.

We move the to schedule 16 preamble. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall the schedule 16 preamble carry?

Ayes

Bailey, Stan Cho, Mamakwa, Piccini, Rasheed, Roberts, Shaw.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 16 as a whole? MPP Shaw.

Ms. Sandy Shaw: I just would like to commend the government. In rushed legislation, in an omnibus bill that really is a health care bill masking as I don't know what—because most of these changes don't flow from the fall economic statement—this would be one of the bright lights in this entire piece of legislation.

It is important, and we support always recognizing the contribution that different cultures have made to our community, especially when we talk about communities that are as significant as the Hellenic community across Ontario. I'm glad we have a month, in fact. It's great that they have an entire month, and I'm looking forward to celebrating with this community.

I support this schedule; we all support this schedule. It really is the only thing in this legislation that really, really resonates with the people of Ontario.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 16 as a whole carry?

Ayes

Bailey, Stan Cho, Mamakwa, Piccini, Rasheed, Roberts, Shaw.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 17 now. There are no amendments to sections 1 to 2 of schedule 17. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

Mr. Amarjot Sandhu: Shall schedule 17, sections 1 and 2, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 17 as well? Shall schedule 17 carry? All those in favour? All those opposed? Carried.

We'll move to schedule 18 now. There are no amendments to sections 1 through 9 of schedule 18. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 18, sections 1 to 9, inclusive, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 18 as a whole? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 18, as a whole, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.
MPP Shaw?

Ms. Sandy Shaw: Do we have a scheduled recess? I don't have the agenda in front of me. Do you have a scheduled recess?

The Chair (Mr. Amarjot Sandhu): No, we don't have a scheduled recess.

Ms. Sandy Shaw: But we can call for one at any time, I believe?

The Chair (Mr. Amarjot Sandhu): It's possible to do a recess, but we have to do an agreement with the members. All the members need to agree.

1450

A recess can be requested by the members before a vote under standing order 129(a).

Schedule 19: There are no amendments to sections 1 to 27 of schedule 19. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 19 as a whole? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We move to schedule 20 now. There are no amendments to sections 1 to 7 of schedule 20. I therefore propose that we bundle these sections. Is there an agreement? Agreed. Is there any debate? MPP Shaw.

Ms. Sandy Shaw: I'm just curious as to if the government—we've already had a Supply Act passed recently, so what is the requirement—why does the government need additional authorization for spending when they've just passed the interim Supply Act?

The Chair (Mr. Amarjot Sandhu): Is there any further debate?

Ms. Sandy Shaw: So I can take it to mean that when they passed the interim Supply Act, they didn't give themselves enough money to keep the lights on? Because we just passed the Supply Act not that long ago. But I'll leave that—

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members prepared to vote? Shall schedule 20, sections 1 to 7, inclusive, carry? All those in favour?

Interjection.

The Chair (Mr. Amarjot Sandhu): I already ordered the vote. All those opposed? Carried.

Is there any debate on schedule 20 as a whole? Are the members ready to vote? Shall schedule 20, as a whole, carry? All those in favour? All those opposed? Carried.

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): If you want a recorded vote, you will have to ask before I call for a vote.

Ms. Sandy Shaw: I was indicating, but you were looking over at the government side.

The Chair (Mr. Amarjot Sandhu): No, you need to speak.

Ms. Sandy Shaw: I was looking to be recognized.

The Chair (Mr. Amarjot Sandhu): We'll move to schedule 21 now. There are no amendments to sections 1 to 24 of schedule 21. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 21, as a whole? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to—

Interjection.

The Chair (Mr. Amarjot Sandhu): The House is resuming, actually, I think.

Ms. Sandy Shaw: That's not a vote?

The Chair (Mr. Amarjot Sandhu): No. We'll move to schedule 22 now. There are no amendments to sections 1 to 108 of schedule 22. I therefore propose that we bundle these sections. Is there agreement? Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 22, sections 1 to 108, inclusive, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 22 as a whole? No debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 22 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 23 now. There are no amendments to sections 1 to 4 of schedule 23. I therefore propose that we bundle these sections. Is there agreement? Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 23, sections 1 to 4, inclusive, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 23 as a whole? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 23 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We will now move to schedule 24. There are no amendments to sections 1 to 4 of schedule 24. I therefore propose that we bundle these sections. Is there an agreement? Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 24, sections 1 to 4, inclusive, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 24? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 24 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 25 now. There are no amendments to sections 1 to 2 of schedule 25. I therefore propose that we bundle these sections. Is there agreement? Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 25, sections 1 and 2, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 25 as a whole? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 25, as a whole, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 26 now. There are no amendments to sections 1 to 3 of schedule 26. I therefore propose that we bundle these sections. Is there an agreement? Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 26, sections 1 to 3, inclusive, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 26 as a whole? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 26 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 27 now. There are no amendments to sections 1 to 2 of schedule 27. I therefore propose that we bundle these sections. Is there an agreement? Is there any debate? Are the members ready to vote?

1500

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 27, sections 1 and 2, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 27? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 27 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 28 now. There are no amendments to sections 1 to 3 of schedule 28. I therefore propose that we bundle these sections. Is there agreement? Agreed. Is there any debate? Are the members ready to vote? Shall schedule 28, sections 1 to 3—

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): It's too late now. Whenever I ask, "Are the members ready to vote?" please speak up so that I can ask for a recorded vote.

Shall schedule 28, sections 1 to 3, inclusive, carry? All those in favour? All those opposed? Carried.

Is there any debate on schedule 28 as a whole? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 28 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 29 now. There are no amendments to sections 1 to 5 of schedule 29. I therefore propose that we bundle these sections. Is there an agreement?

Ms. Sandy Shaw: No.

The Chair (Mr. Amarjot Sandhu): There's not an agreement. We have to go section by section. We'll go to schedule 29, section 1 first. Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 29, section 1 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll now move to schedule 29, section 2. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 29, section 2 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 29, section 3. Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 29, section 3 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 29, section 4. Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 29, section 4 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 29, section 5. Is there any debate? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 29, section 5 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 29 as a whole? Are the members prepared to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 29 as a whole carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 30 now. There are no amendments to sections 1 to 10 of schedule 30. I therefore propose that we bundle these sections. Is there an agreement?

Ms. Sandy Shaw: No.

The Chair (Mr. Amarjot Sandhu): There is not an agreement, so we have to go section by section.

We'll move to schedule 30, section 1. Is there any debate? MPP Shaw.

Ms. Sandy Shaw: I have a lot to say about schedule 30, and I'm hoping the government will feel the same about this. These are substantial changes that the government is making to the Personal Health Information Protection Act, PHIPA. My comments will continue to be that this is a bill that was intended to be a finance bill, but in fact, what we have are schedules that are making significant changes to health care in the province of Ontario. I imagine that, had people understood that in the province of Ontario, substantial changes to the way people's personal health information could be shared and used are buried in what's purporting to be a finance bill, when, in fact, it has nothing to do with finance, especially schedule 30—I can't imagine that the government side, that their constituents, if they knew that you were moving a schedule that gives extraordinary access and powers to the minister herself, to Ontario health teams, to collect, use and disseminate their personal health data, without any provisions at all in the legislation around who can access this data, how it can be used, how it can be packaged; perhaps we're talking about selling this health care data. My guess is that the people of Ontario would be horrified to hear that this government is rushing this legislation to such a degree that, rather than put in legislation the protections that people expect when it comes to their personal data, let alone their health data, this government thinks it's adequate to give themselves, through legislation, extraordinary powers, and that the details about how people's personal health information will be protected will be defined at a later date through regulation.

I do have to say that I took a technical briefing with the ministry. I had a lot of questions. The ministry still owes me quite a number of answers on this very important issue

with regard to people's personal health information. I haven't had those answers yet. One question that I did ask, very specifically, in that technical briefing: What are the protections? What are the provisions? What are the limitations on who can share people's health data?

The government, through my technical briefing, had no answers to that; no answers at all. They didn't say that there were going to be protections. In fact, they went to great lengths to discuss how they were talking about protocols, and I assumed we were talking about protocols for sharing the most sensitive data that people can imagine: their health care data. But, in fact, they were talking about IT protocols. They were talking about ways to ensure that their IT systems were able to share data. But yet, in that technical briefing, there were no answers that would give people of the province of Ontario any reassurance that this government is thinking about the kinds of provisions that need to be here when this is a bill that is saying, "We are going to disclose your personal health information."

This is incredibly invasive. It's incredibly worrying. I think that if the government sees fit to disseminate health care data, then perhaps to assure the people that you haven't rushed this through—you had a bill, Bill 74, upending our health care system. You could've had that in the bill—didn't happen. You could've had substantial consultation—substantial. I don't mean the five and a half hours at committee that you gave to this entire bill; I mean substantial consultation with the people of Ontario on what you're intending to do with their personal health data. I would say that it's very concerning if you couple these broad powers that they're giving themselves with the government's modernization strategy and commercialization-of-data strategy, it paints a very worrying picture for the people of Ontario.

Don't get me wrong; I understand that health data can be used to improve outcomes for people. A digital strategy could perhaps be used to help folks in the Far North, like MPP Mamakwa has described. But put it in the bill. Put those provisions in the legislation. Don't create broad, sweeping powers through enabling legislation where, at a later date, through regulation, you may or may not determine who is allowed to see, access, disseminate and perhaps sell our personal health information.

1510

I find it hard to believe that the government side even understands these schedules, because if you did understand the intention of them, if you did understand the broad, invasive scope that you are giving to yourselves as a government, I can't imagine how you could explain this to your constituents.

People don't like when you give away their data. I think this government is under the mistaken notion that people's health data belongs to the government. People's health information belongs to them. That's an important concept and an important principle that you have omitted in this entire schedule.

This is a government that took pains to travel Bill 132—it was a quite a red tape dog-and-pony show—but you have not travelled a finance bill that flows from your fall

economic statement that you're purportedly so proud about. You haven't travelled this bill, yet buried in this bill is a schedule that opens up the ability for the government to share our data with who? Really, there are no limitations on this.

I would be very surprised if this government hasn't heard from stakeholders expressing their severe reservations. I know that there were articles in the *Globe and Mail* previous to this. I know that the Privacy Commissioner has serious concerns.

I would just have to say to the government: You managed to come up with 24 amendments—from, if I were to understand, MPP Piccini—from 6 p.m. on the Monday, when our hearings ended, until noon the following day. You were able to come up with 24 amendments to your own legislation—again, health care amendments—but you're absolutely silent in ensuring that this bill and this schedule clarifies, without a sliver of doubt to the people in the province of Ontario, that you're not planning to sell their health care information.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 30, section 1 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Schedule 30, section 2: Is there any debate? MPP Shaw?

Ms. Sandy Shaw: My question would be to the government side because I have heard from MPP Cho, who said that this government always listens and that they consult. My question would be: Which Ontarian asked for this schedule? Which Ontarian asked the government to allow them to access their personal health data and share it broadly? Was that part of your consultation?

It's beyond troubling. In this day and age you would think that the government would be moving a schedule that would enhance people's protection of their data. You would think that they would understand we've had significant data breaches in Ontario, in North America and around the world, and people are concerned about this.

It would seem to me that, rather than move a schedule that in fact loosens people's privacy protection, they would be doing what everybody else in the world is doing, which is moving legislation that enhances the protection of people's personal information, most particularly their health information.

I can't imagine a more personal, more sensitive set of data, which the government actually calls a valuable data set, which is very interesting. They talk about how they can move the economy by using this data. I can't imagine a more sensitive set of information or how it's going to be used. I can't imagine, if you have a young child and you take your child to the doctor, that you now cannot feel assured that the information about the concerns that you

raise about your children won't be shared. There's nothing in this bill that says who's going to get this information or for what purpose.

I'm on record saying that this is flawed legislation. There's nothing more disturbing, there's nothing more egregious than this schedule, which makes substantial changes to the Personal Health Information Protection Act. This is our highest responsibility: to ensure that people's privacy is maintained, particularly at a time when they're vulnerable; particularly at a time when they're seeking medical advice, mental health advice; particularly at a time when people are struggling to make sure they can access health insurance. How can we be assured—it's certainly not in this legislation—that this data won't be shared with insurers and that this won't impact people's ability to have health coverage, drug benefit coverage? There's nothing—nothing—in this act. It's just broad, sweeping powers that you are giving to yourselves—to do what with? We don't know. But I suppose this is, "Just trust us. We'll get it right"—because that has worked so well so far; I mean, you've rolled back so many things that you've made mistakes on. This isn't an area that you should be fooling around with.

I've asked you to withdraw the entire bill. I can imagine that's quite a stretch goal, but I certainly think it would be the ethical thing for the government side to withdraw schedule 30 and do extensive consultation with the people of Ontario, meaningful consultation, so that people are giving you informed consent on how you are giving yourselves power to share their health data. Burying it in legislation and then putting in regulation to come down the road, where people will have a very difficult time—how will people in the province of Ontario have an impact on the regulations that you determine around sharing their health data? They hardly have an opportunity to come to committee to talk about this now, let alone when it goes through regulation.

I can't even understand why I have to make the case. In fact, the government should be making the case. It's the government's responsibility to protect the people of Ontario, to protect their personal information, their data, to protect their access to insurance. I can't believe it has to be the opposition that's pointing this out. It's certainly not just the opposition; people have serious privacy concerns.

Yet again, I would ask the government: Do the right thing here. Withdraw this entire schedule and have meaningful consultation. Inform people about what you are planning to do with their sensitive health information.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

Nays

Mamakwa, Shaw.

The Chair (Mr. Amarjot Sandhu): The motion is accordingly carried.

We move to schedule 30, section 3 now. Is there any debate? MPP Shaw.

Ms. Sandy Shaw: Yes. It's going to be a long afternoon.

You don't have to take my word for it. The government doesn't take advice from the loyal opposition; they don't really take advice from anybody. But I think that perhaps the government might be interested in taking some advice from the Information and Privacy Commissioner who wrote to this committee and expressed serious concerns about the changes in schedule 30 are making to our Personal Health Information Protection Act.

1520

Let me just highlight some of the things we received in a submission from Brian Beamish, who is the commissioner. I think it's important that we understand that these are significant concerns and they're not just coming from myself or the opposition; these are coming from independent officers of the Legislature whose job it is to alert us to significant, serious concerns concerning legislation and schedules such as this.

The overarching comments have to say this: "The Ontario government is in the process of transitioning the delivery of publicly funded health care to Ontario Health teams and of amalgamating various provincial health agencies into a super-agency—Ontario Health. Schedule 30 to Bill 138 would create several regulation-making powers governing how Ontario Health and Ontario Health teams can collect, use and disclose personal health information."

Again, reiterating what I said, that you are not putting this in legislation, you're just giving yourselves broad powers to make regulations down the road that will give you expansive powers to do what you will with our health data.

I think it is important that we understand that the IPC, the Information and Privacy Commissioner of Ontario, says in the submission, "The IPC is concerned that the breadth of the proposed regulation-making power could potentially authorize the making of regulations permitting the commercialization ... of Ontarians' health information." These are words we hear a lot in the House—"modernization," "digitization," "commercialization of data."

I would say that the government has done some work on understanding—creating economic benefits of data and it's really concerning that if we look at what we're doing in schedule 30, and if we look at some of the language in this paper, it says here that the paper the government put out "is seeking input on how we can create economic benefits in relation to data." It goes on to say, "We aim to better understand how we can support businesses to unlock the commercial value of data."

My question is: When we talk about the commercial value of data, are you talking about the value of people's personal health information? That certainly is valuable. That is certainly valuable data, but it doesn't belong to the government to sell, to commercialize, to monetize, but I suppose if schedule 30 passes, it will. You will think that you own

this data, and you will think that you have the power to use people's personal health data in any way you see fit.

My guess is, people in the province of Ontario—not just Ontario, Canada and around the world will look on this as more than a step backwards. This will be chilling to people around the world that we have a government in Ontario that thinks in fact that people's health data is a way to make money.

It goes on to say in the government's own paper, "Businesses that can access large amounts of data and leverage it effectively can scale quickly to occupy dominant market positions."

Are we talking about medical services, people who are providing medical instruments, for-profit companies that are developing medical devices? Are we talking about people who are providing health care insurance? Who are we talking about and who is the government talking about when they say that this is a way for companies to occupy dominant market positions?

All across North America there are people who are significantly concerned about data breaches and misuse of data. I fail to understand why this government is making it easier for data breaches to happen, why it's making it easier for people's personal privacy to be invaded, why this government is making it easier for businesses to profit off of our health care data.

Mr. Chair, if it's not already quite clear, I think that it's important that we are aware that the privacy commissioner has significant concerns, which they have shared with the government. Yet the government has not moved any amendments to this schedule, let alone withdrawn this entire schedule to reassure people that their data is not going to be used. Really, are we talking about profiting off of people's health care data? That certainly seems to be what is in the government's own paper on creating economic benefits with data, and it would seem, if you connect the dots, that now they've given themselves broad, sweeping powers to share this data with whomever. I think this is something that is significantly worrying.

The government side has an option, an opportunity, to set this right. They have an opportunity to withdraw this schedule and ensure that people have an opportunity to weigh in on this. You have a majority. You get everything passed. You get all your time allocation bills passed. You've just passed a motion grabbing extensive powers for yourselves in the Legislature, amending standing orders that have worked for years and years for other governments with majorities, so I don't understand what you're afraid of. I don't understand why you're afraid to take the time to ensure that we protect the people of Ontario when it comes to something as significant as their personal health data.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 30, section 3, carry?

Ayes

Bailey, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 30, section 4. Is there any debate?

Ms. Sandy Shaw: Oh, yeah.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: The Information and Privacy Commissioner has a lot to say, and we haven't heard from the other side, but the privacy commissioner, Brian Beamish, had this to say: "The transition to Ontario health teams has the potential to undermine the protection of personal health information in the custody or control of custodians—because an Ontario health team is not, in and of itself, a custodian. And, as currently worded, schedule 30" has potential to give Ontario health teams "authority to collect, use and disclose patient information. As non-custodians"—we're talking about Ontario Health teams—"they may not be subject to the rules established by PHIPA nor to oversight by" the Information and Privacy Commissioner.

That's remarkable. What you're saying is that you're passing legislation around health data that gives Ontario health teams—which are what, who? I mean, we have Ontario health teams opening and we don't even know who is signing agreements with the Ontario health teams and the province. Let's be frank. Our health care system was hanging by a thread after 15 years of Liberals and it has now been plunged into chaos with the changes that you are trying to make. It has been upended. People are still trying to access health care; there are still people in hallways. It's only getting worse. But instead of focusing on that, you were focusing on a schedule that will allow you to make some money, to reduce the deficit, by using people's health information.

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I think that it's important to know that the Information and Privacy Commissioner goes on to say, "The IPC is therefore significantly concerned with the possibility that non-custodians be able to participate in Ontario health teams and not be subject to the same privacy obligations ... under PHIPA. Going forward, the government must ensure that only custodians are permitted to collect, use and disclose personal health information as part of Ontario health teams, unless there is a comprehensive privacy framework that applies equivalent obligations on non-custodian participants in the teams."

But this legislation doesn't do that. There is nothing in this legislation that does that. It's basically open season on people's data and health information. How is that right? How can this be something that this government is supporting?

It would seem, at the very least, that the government should be providing a reason why it intends to make access to people's personal health information available to anyone at Ontario health agencies or within Ontario health teams. What is the reasoning? It's not in the legislation. There is no protection.

Mr. Robert Bailey: How do you expect to improve it?

Ms. Sandy Shaw: MPP Bailey said that it's to improve health care, and those are laudable goals. But you can improve health care while protecting people's privacy at the same time. They're not mutually exclusive. In fact, it's my feeling that you will put at risk people's equitable access to health care and health coverage, for example, if their health history somehow is shared with health care insurers. So how, MPP Bailey, is it going to improve people's health care if, all of a sudden, they're denied health care coverage, insurance coverage, because of information that's contained in their personal health data?

I agree, MPP Bailey, that we need to improve health care in the province of Ontario. People are not getting the care they need. But this sweeping legislation is not going to do that.

I would ask the government side: Have they actually taken the time to read the comments from the Information and Privacy Commissioner? Did you have a chance to do that when you were working overtime from 6 p.m. until noon the next day? You certainly had time to forward your amendments. I would just ask the government side: Have you considered the comments of the Information and Privacy Commissioner? Hearing no answer, I assume that they haven't. I can only assume that the government side has not taken the time to read the significant warnings that are coming from the Information and Privacy Commissioner.

The Information and Privacy Commissioner goes on to say that the wording in this schedule is "overly broad." Boy, is that underselling it. I mean, that is an understatement if ever I heard one.

The commissioner suggested amendments to the government that the government has not moved. Can we be clear again that the Information and Privacy Commissioner is an independent officer of the Legislature put in place to do exactly what we are doing here: protecting people's information and people's privacy? I would ask the government side: Have you taken time to consider the comments from the Information and Privacy Commissioner? So that's a resounding silence.

The Information and Privacy Commissioner goes on to say—in addition to the proposed amendments to improve legislation, which is what amendments are about—"Lastly, going forward, the proposed prohibition on re-identification should be brought into force as part of a comprehensive series of amendments that address de-identification." It's not in here. It's not in the legislation. So I guess you're saying to the people of Ontario, "Trust us." We are giving Ontario health teams, which are not custodians—we're not even sure who they are. We're just saying that they have unlimited, unfettered access to your health care data.

You're also saying, in fact, that the reason we're doing that is because these are valuable data sets. You are saying that because, in fact, your own data says, "Ontario's government holds vast amounts of data that can help businesses develop new products and services."

Mr. Kaleed Rasheed: Point of order, Chair.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: Mr. Chair, it seems like the member is engaging in needless repetition of the same things over and over and over again. As per standing order 23(c), it just seems like we are hearing the same debate.

The Chair (Mr. Amarjot Sandhu): Members are allowed to use their time, 20 minutes' time, but I'll remind the members not to repeat their comments over and over again. Thank you.

Ms. Sandy Shaw: Thank you, Chair—

Mr. Kaleed Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: I'm just hearing—so section 1, 2, 3—I'm just hearing the same thing over and over again. If there's something new that the member would like to present that's different—

The Chair (Mr. Amarjot Sandhu): I'll remind the members again, yes, don't repeat their comments over and over again, please. Thank you.

Ms. Sandy Shaw: Thank you, Chair. So what MPP Rasheed has called “needless” and “repetitive”—I would say that the people of Ontario would be grateful that at least an elected official is taking the time to ask questions about what you are doing with their personal health information. What you call “needless,” MPP Rasheed, and “repetitive” is what our job is. It's what your job should be, but you are failing to do that.

The Chair (Mr. Amarjot Sandhu): I remind the members to direct their questions through the Chair, please.

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: I think the member opposite has eloquently voiced her concerns on privacy. Again, I'd refer the Chair to standing order 23(c), in which repetition is to be avoided. The member has adequately articulated her concerns, and they're duly noted and we appreciate it.

The Chair (Mr. Amarjot Sandhu): I'll again remind the members that their comments have to be relevant to a specific section.

Ms. Sandy Shaw: Thank you, MPP Piccini, for again calling the comments of the privacy commissioner “repetitive.” In my opinion, these are something that are very salient, and so I will move on to some of the other comments that are relative to this schedule that were submitted to this committee, specifically so that we could raise this and discuss this to improve this legislation.

What the privacy commissioner—and I'm assuming that the government, because they were silent, hasn't had the opportunity or taken the time to read the comments, so reading them into the record might be helpful for the government side. What the privacy commissioner said is that changes to the schedule are “particularly important given the IPC's broader concern about the commercialization of Ontarians' health information, and the potential for this to occur with de-identified information.”

They have a note of caution about commercialization, and this is the IPC's submission on Bill 138: “The commercialization of personal data by government is an increasing concern to the public. This concern remains even if attempts to de-identify the data are made prior to the

government's sale of the data to private corporations”—selling health care data to private corporations.

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“This issue is exacerbated when the discussion turns to personal health information. In the course of seeking health care, Ontarians provide this information to their health care providers. Even if de-identified, the government or health care provider does not ‘own’ this data. Ultimately, it remains the information of the patient. The sale of health information by the government, without complete transparency and public consultation and support, is unacceptable.”

When the comments from the Information and Privacy Commissioner of Ontario say that this is unacceptable, it would be my sentiment that the government should be taking this under advisement.

They go on to say, “As a result, the IPC is concerned that the breadth of the proposed regulation-making powers in schedule 30 could potentially authorize regulations permitting the commercialization or monetization of Ontarians' health information. While the IPC understands that this is not the stated purpose”—because it's not in the bill—“any move towards the commercialization of Ontarians' health information, without proper public discussion and support, would be opposed by this office.”

Interjections.

Ms. Sandy Shaw: Chair, I've been having a hard time hearing.

The Chair (Mr. Amarjot Sandhu): I will remind the members that loud private conversations are not encouraged in the committee, so please avoid them.

MPP Shaw.

Ms. Sandy Shaw: Thank you, Chair.

The Information and Privacy Commissioner goes on to state: “If the government is considering giving Ontario Health the ability to sell health data to private interests, this must be done transparently and with specific amendments to PHIPA itself. This will allow for the required public debate on this controversial issue to take place.”

I'd like to repeat that. These are not my words; these are the words of the Information and Privacy Commissioner, who has said, “This will allow for the required public debate on this controversial issue to take place.” Otherwise stated, we haven't had required public debate on the sharing of health care data, and in fact, this is a controversial issue. These are comments made by the privacy commissioner that the government has not addressed and hasn't spoken to.

We know of data breaches that have happened in Ontario. We know that there were significant incidents where health care data has been sold. For example, Project Nightingale in the States: We have an instance where there was a secret transfer of the personal medical data of up to 50 million Americans from one of the largest health care providers in the US to Google. The scheme, first reported by the Wall Street Journal, involves a transfer to Google of health care data held by Ascension, the second-largest health care provider in the US. The data is being

transferred with full personal details, including name and medical history, and can be accessed by Google staff.

These are the kinds of scenarios that you would think the government would be going out of their way to ensure don't happen in the province of Ontario. Yet they have this loosely worded, lazy schedule that gives themselves extraordinary powers. There's nothing in here that gives protections to the people of Ontario, that says they are going to ensure their data doesn't get sold for profit.

In California, the Department of Motor Vehicles is making \$50 million a year selling drivers' personal information. My question to the government would be: Is this what the government intends to do: sell people's personal information? Is this what I would call your "non-tax" revenue generation scheme?

Interjections.

Ms. Sandy Shaw: Should I stop, Chair?

The Chair (Mr. Amarjot Sandhu): Any further comments?

Ms. Sandy Shaw: Yes. I'm just wondering if we're still continuing to have sidebar conversations.

I think it's really important to know that the minister, referencing these PHIPA changes—it was Minister Elliott—said, "This will allow the market to better respond to the needs of our health care system and make it easier for businesses of all sizes to compete in Ontario's digital health economy."

Is this to say that the Minister of Health is saying that it's the market that is going to respond to the health care needs of Ontarians? Really, there is nothing in this bill that assures us that this information won't be used by third parties, such as insurers or marketers, who are using our data for profit. MPP Bailey: I agree with you. This data has potential to improve health outcomes. I agree with you, but it has to come side by side, coupled with protections that are not in this schedule—not in this legislation at all.

Thank you, Chair. I'll yield the mike.

The Chair (Mr. Amarjot Sandhu): Thank you. Any further comments? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please, Chair.

The Chair (Mr. Amarjot Sandhu): Shall schedule 30, section 4, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): All those opposed? It's accordingly carried.

We'll move to schedule 30, section 5. Is there any debate? Are the members ready to vote?

Interjection.

The Chair (Mr. Amarjot Sandhu): Debate? MPP Shaw.

Ms. Sandy Shaw: You know, I think the government has mistaken when—we've had recent reports that say that Ontarians want access to their personal health information. That has been made clear. They are looking for their own health information. They want access, for example, to their immunization record and their medical charts. They don't

want the government to have that. They certainly don't want the government to have that without their consent, and this is what you're doing. It's very troubling.

This is a super-agency, Ontario Health, a super-bureaucracy, that doesn't report to the Legislature—is already unaccountable in the Legislature. There are no provisions that Ontario Health will be not-for-profit for delivery of services. In fact, everything would indicate that we're opening up health care delivery to more privatization in the province, yet you want to give Ontario Health teams access to personal health information, with no restrictions.

Really, what you have in here is a provision that they can access personal health information even if it's not within the provision of care. You can go to the doctor, you can access health care, and this data could be shared even if it's not connected to providing care for your concerns that took you to the doctor in the first place. What provisions are in this bill to make sure that not only the data is de-identified but that people give consent that their data is going to be used for purposes beyond which we don't know? What provisions are in this legislation that talk about data breaches, that talk about if we have privacy that's violated?

We've heard from the Information and Privacy Commissioner that under this legislation, if people's privacy is violated, the Ontario Health teams that have done that—released private information; violated your privacy—are not covered by the act and they're not covered by the purview of the Information and Privacy Commissioner. I don't know who in the province of Ontario wouldn't be horrified to learn this. I can only hope that this is yet another oversight on the part of the government to rush legislation through the House.

Again I ask the government: Why are you plowing ahead with this when it's so risky? Why are you plowing ahead with this when you have a majority? You have the ability to pass legislation—good legislation—that has been travelled, that has given meaningful opportunities for people to weigh in on whether or not they want you to sell their personal health information.

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We do support moves to digital health that improve people's health outcomes, but we don't support using data for profits. We are calling on the government not to loosen rules around protecting people's data; we're asking you to strengthen them. That's what people all around the world are doing. There are all kinds of instances where there are data breaches, so I would call on the government to remove this schedule, or at the very least move amendments that clarify these troubling concerns about what the government will do if there are violations and data breaches when, as the privacy commissioner has said, they are not covered under his act or PHIPA.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote.

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 30, section 5, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

We'll move to schedule 30, section 6. Is there any debate? MPP Shaw?

Ms. Sandy Shaw: I would ask about this schedule specifically: How does this schedule refer directly to the custodians of health data? Or how in these schedules is there reference to, under PHIPA, custodians of data?

The Chair (Mr. Amarjot Sandhu): Any further debate?

Ms. Sandy Shaw: Yes, further debate.

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: I'm assuming that means that government side does not know, understand or perhaps care whether people who are allowed to use this data are considered custodians under the legislation the protects their data.

I think that it's very troubling that the government has put this in this bill, but they're calling this an economic bill. This is the fall economic statement, so does that mean that the provisions making data accessible for profit are a form of economic development? Because we know that the government has called this a "high value data set"—

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini?

Mr. David Piccini: I know this won't be a point of order, but we'll respond to the member opposite. She asked a question of government. Ontario health teams, as we integrate health care deliver—it's of benefit to the patient, of course, but also of benefit to the overall economy to deliver health care in a more efficient and effective manner, that follows the patient in an integrated manner.

Of course one cares about the privacy and data, and I would invite the member to join me on Friday for my OHT announcement, and to sit down—we'll have our 13 partners at the table—to discuss why it matters—

The Chair (Mr. Amarjot Sandhu): I apologize. That's not a point of order. The member can answer that question when it's his time of debate.

MPP Shaw?

Ms. Sandy Shaw: Thank you, Chair. I appreciate MPP Piccini, again, sharing your laudable goals about improving health outcomes for the people of Ontario, because right now we know that the people of Ontario are getting substandard care and hallway medicine. We know all of this.

My point specifically, MPP Piccini—it seems to me that you didn't address this—is that Ontario health teams are not considered custodians of health data under the act. So my question is: What limitations and what provisions are there, and what information can be shared? The privacy commissioner was very clear about that.

There are discussions about how in other countries—Europe's General Data Protection Regulation, which is considered a global benchmark for privacy legislation, has strict limits on the processing of health data, and requires

explicit consent from individuals for data processing. There is nothing in this schedule that talks about individuals. You don't talk about patients; you don't talk about the people who hold the data, which are the people who own the data. You talk about economic development, you talk about high value sets, but you don't discuss protections for individuals.

People really need to be able to know how their data is being used. So changes to PHIPA, which you are basically doing through regulation, creating Ontario health teams and giving them a pass so they don't have to fall under any privacy legislation—I mean, they need to be balanced with where we're going in the province. People have a right to know how their data is being used, and they need to have an opportunity to opt out.

My question again is: Does the government side not understand how upset and concerned people are about how our data is being used? I don't understand why the government would pass legislation—or even propose legislation, for that matter—that opens up people's health care data with no limitations. Has the government considered that these data sets could be used to profile individuals—there's no protection that says they can't be used for that purpose—or communities, for that matter, entire communities where, perhaps, people don't want to go to provide medical services because perhaps when we privatize services, they're not the cream of the crop? These aren't the communities where they're going to be able to have fee-for-service health care provision, so it may be easier to stay outside. "You know what? That's a community where we're not going to operate, because we can't make a profit there." Has the government considered how the release of this data, the sharing of this data, the monetization of this data is going to affect the services they receive, let alone considerations about they will affect people's insurance premiums? Has the government considered that, or is it just something that's not a concern to the government?

It's certainly a concern to the people of Ontario. Again, the privacy commissioner is explicit. I actually find it quite remarkable that the Information and Privacy Commissioner used some of the language that they've used—"raised concerns about the commercialization of Ontarians' health data"—and has asked for specific examples of how you plan to use this.

These are significant questions. These are significant, significant risks to the people of Ontario. Again, I ask the government to withdraw this schedule from the bill, do right by your constituents and protect them—protect their health data, protect their private information. Don't open the door—the back door, by the way, because they don't even know you're doing this—to selling off their health information. It's really—it's beyond—I don't know what word I want to say that's parliamentary, but it's unethical; it is disrespectful to the people of Ontario. It's not what we are here to do. We weren't elected to sell off information for a profit. We're here to ensure that we protect people over profits, not sell off information for a quick buck.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote. Shall schedule 30, section 6, carry?

Ayes

Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

We move to schedule 30, section 7. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

MPP Mamakwa?

Mr. Sol Mamakwa: Could we get a five-minute break?
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The Chair (Mr. Amarjot Sandhu): Is there agreement? MPP Mamakwa has put forward a motion asking for a five-minute break. No, no agreement.

MPP Shaw.

Ms. Sandy Shaw: I'd also like to call for a five-minute break. It's good that the government can move in and out, because they have so many members on their side—it's really inconsiderate. So I also would like to call for a five-minute break. I think it would just be the decent thing to do.

The Chair (Mr. Amarjot Sandhu): Is there an agreement? MPP Piccini.

Mr. David Piccini: Will we bundle the rest of the sections?

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Ms. Sandy Shaw: I'm not making a deal. This is not Monty Hall Let's Make a Deal. I don't get to go to the washroom unless I agree to bundle the schedules?

The Chair (Mr. Amarjot Sandhu): The Chairman has asked for agreement on a break for five minutes. Is there agreement? No.

We'll move to schedule 30, section 8 now. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

Ayes

Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 30, section 9. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

We'll move to schedule 30, section 10. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Is there any debate on schedule 30 as a whole? MPP Shaw.

Ms. Sandy Shaw: I find it remarkable that we've gone though—Clerk, how long have we been discussing schedule 30?

The Clerk of the Committee (Ms. Julia Douglas): We didn't time that.

Ms. Sandy Shaw: So I'm going to say that there was an hour of discussion on something as significant as how the government is treating people's personal health information, and we haven't heard a peep out of the government side. We did hear them turn down our request to have a break, which is the first time they took the opportunity to raise their voice. It's good to know that they're opposed to giving people bathroom breaks, but there's nothing the government side has to say about—

Mr. Kaled Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaled Rasheed: With all due to the member opposite, you can't make those comments. It's a point of order.

The Chair (Mr. Amarjot Sandhu): I will once again remind all the members to keep your focus on the schedule. Let's debate on the schedule.

MPP Shaw.

Ms. Sandy Shaw: I would just end by saying that this government—let's be perfectly clear: The government side had nothing to say about this schedule. They didn't have anything to say about weighing in to ensure that their constituents, the people of Ontario, can be reassured that their health care data won't be sold to marketers, to insurance companies. They were silent on this issue.

It's my hope that in fact, we don't see breaches of patients' data. Of course that's my hope. There's nothing in schedule 30—the government didn't say anything to reassure us that they would, in fact—even at the point of making regulations, they could have said, "Yes, we are giving ourselves, through this enabling legislation, huge, broad, sweeping powers to use your data, the people of Ontario, as we see fit, but rest assured, when we come to making the regulations, we'll put in some protections, some limitations, some provisions."

But, no. They sat silent when we raised the issue that, in fact, by passing this schedule, Ontario Health teams, and whoever is associated with an Ontario Health team, are not covered by any privacy legislation. How is that possible? How is it possible that MPPs could sit silently when the privacy commissioner raised this, others have raised this—significant concerns—the opposition has raised this, that you have left your constituents completely

unprotected? Their data is now open season, and you've said nothing.

My best guess is that when the people of Ontario understand what you've done here today, they will make their feelings known. It will be, at that point, too late for you to listen because you will have already rammed this legislation through the House. It's a shameful way to treat constituents. It's a mistake—

Mr. Kaleed Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: With all due respect to the member opposite, she can't make those comments, like "shameful" and words like those. Again, with all due respect to the member opposite—

The Chair (Mr. Amarjot Sandhu): Thank you. I will remind the members again to please keep their comments respectful and use parliamentary language.

Ms. Sandy Shaw: Thank you, Chair. But I would say, if MPP Rasheed was so concerned about the impact that this bill has, he would speak to it.

The Chair (Mr. Amarjot Sandhu): Please direct all your comments through the Chair.

Ms. Sandy Shaw: If MPP Rasheed was so concerned about schedule 30, he would read his comments into the record.

Mr. Kaleed Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: It's a direct attack on a member—point of order.

The Chair (Mr. Amarjot Sandhu): Again, I would remind all the members to please keep your comments through the Chair.

Ms. Sandy Shaw: Chair, thank you. Each MPP here has had an opportunity to make comments about schedule 30. They have had an opportunity to have their comments read into the record so that constituents could understand what they have done in their role as an elected MPP to protect their health care data.

It's fine that the members opposite would like to raise points of order, saying that what I'm doing is repetitive and needless, but I disagree. What they call repetitive, I call democracy in action.

Mr. Stan Cho: Point of order, Chair.

The Chair (Mr. Amarjot Sandhu): MPP Cho.

Mr. Stan Cho: I'm just curious to which specific wording in the subsection or referring to the schedule as a whole MPP Shaw's comments are referring to here. This is an opposition that has had zero amendments put forward. I've heard the argument several times that they are here to debate this matter, but having nothing in writing certainly—just curious which specific subsection we're referring to.

The Chair (Mr. Amarjot Sandhu): This is not a valid point of order. Any further debate?

Ms. Sandy Shaw: I'll just conclude my comments that, again, if MPP Cho raises a point of order, which was ruled out of order—I'm glad to hear that he has piped up for the first time in this debate.

Mr. Kaleed Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: Chair, with all due respect to the member opposite, I feel like this is becoming a personal attack on the members of my team over here and, unfortunately, this will be, with all due respect, unacceptable. You cannot attack my team over here.

The Chair (Mr. Amarjot Sandhu): I would remind the members once again to be respectful to each other, please. Please don't name the members of the opposite side. MPPs, direct any questions through the Chair, please. MPP Shaw.

Ms. Sandy Shaw: Yes. I'm concluding, I suppose, that these numerous points of order are maybe, perhaps, sensitive for the government side. We are talking about the personal health information of the constituents of all of us. Points of order about comments that may or may not agree with the government's point of view don't help us move legislation that does what we're supposed to do here in the province of Ontario: protect people.

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So I can only conclude by saying, based on the government side not answering questions as to the intention and the scope of the use of data, that it is the government's intention to monetize, commercialize, sell and use our personal health information.

Mr. Kaleed Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaleed Rasheed: Again, Mr. Chair, it seems like she—with all due respect, the member opposite is attacking the government.

Ms. Sandy Shaw: It's my job.

Mr. Kaleed Rasheed: With all due respect, that's not—it's a constructive conversation, not an attack on—

Mr. David Piccini: Point of order.

Mr. Kaleed Rasheed: I have been saying all along, with all due respect, to the member opposite—

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): One at a time, please.

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini. I think that currently we are—let me deal with MPP Rasheed's point of order first. I will remind the member once again not to impute motives to the government side.

MPP Piccini?

Mr. David Piccini: That was my point of order. It was to imputing motive and to stick to the topic at hand. Thank you.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Mamakwa.

Mr. Sol Mamakwa: I just want to ask for a five-minute break.

The Chair (Mr. Amarjot Sandhu): Is there agreement? No. Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 30 as a whole carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

Mr. Sol Mamakwa: I'm asking for a break, a five-minute break.

The Chair (Mr. Amarjot Sandhu): MPP Mamakwa has moved a motion for a five-minute break. Is there an agreement?

Interjection.

The Chair (Mr. Amarjot Sandhu): Under section 129(a) of the standing orders, immediately after a Chair has put a question on any motion, if a member requests that they want a break of up to 20 minutes, the Chair has to allow that after the vote.

Interjection.

The Chair (Mr. Amarjot Sandhu): It has to be after the question has been put, after the motion. When the Chair has put the question before the vote, you can ask for a break at that time.

Mr. Sol Mamakwa: What's that?

The Chair (Mr. Amarjot Sandhu): When the Chair has put the question before the vote, you can ask for a break at that time.

Ms. Sandy Shaw: Chair?

The Chair (Mr. Amarjot Sandhu): MPP Shaw.

Mr. Sol Mamakwa: You're lucky it's five minutes and not 20 minutes.

The Chair (Mr. Amarjot Sandhu): Before the vote, you can ask for a break.

So we'll move to schedule 31. There are no amendments to sections 1 to 5 of schedule 31. I therefore propose that we bundle these sections. Is there agreement?

Ms. Sandy Shaw: No.

The Chair (Mr. Amarjot Sandhu): No agreement? So we'll go section by section.

We'll go to schedule 31, section 1. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Is this the time when we can ask for a break?

The Chair (Mr. Amarjot Sandhu): Yes.

Ms. Sandy Shaw: We'd like to request a break, a recess, please.

The Chair (Mr. Amarjot Sandhu): How long are you asking for?

Ms. Sandy Shaw: Twenty minutes, please.

The Chair (Mr. Amarjot Sandhu): Pursuant to standing order 129(a), this committee is in recess for 20 minutes until 4:36.

The committee recessed from 1616 to 1636.

The Chair (Mr. Amarjot Sandhu): Welcome back. We'll start where we left off. We were voting on schedule 31, section 1. Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 31, section 1 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

We'll move to schedule 31, section 2. Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 31, section 2 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

Schedule 31, section 3: Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Shall schedule 31, section 3 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): Carried.

I'll move to schedule 31, section 4: Is there any debate? MPP Shaw?

Ms. Sandy Shaw: I have some questions to the government side. It was not that long ago that we had Bill 108. Just a few months ago, really, we had Bill 108. If we were going to make amendments to the Planning Act, we had that opportunity to move them then. I'm just curious. For whatever reason, the government ignored the opportunity to appeal their own bill—which they have done a lot today—and Bill 108.

I would suggest that perhaps there is a lot of concern and a lot of, uh—bewilderment; there's the word—on the part the municipalities across as to why, when you had Bill 108 just a few months ago, you didn't make those amendments now, but you are making significant amendments to the Planning Act in the fall economic statement bill, not the least of which are the—

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Mr. Chair, under standing order 23(f), a member cannot reflect upon any previous vote unless it is the member's intention to move that it be rescinded.

The Chair (Mr. Amarjot Sandhu): Thank you. I'll remind the member to keep their comments to this bill, Bill 138, clause by clause.

Ms. Sandy Shaw: Okay. Thank you, Chair. I will do that.

So we have a second bill that's amending the Planning Act: 108 and now Bill 138. The Plan to Build Ontario Together Act, which is, again, the fall economic statement, is making substantial changes to the Planning Act that municipalities have a lot of concerns about. AMO has said quite clearly, when it comes to schedule 31 of this bill—they're concerned about changes in schedule 10, which we've already dispensed with, and schedule 31, which is what we're talking about now.

I find it kind of ironic that we have the Association of Municipalities of Ontario—I mean, they represent almost 500 municipalities; I think it's 444 municipalities across Ontario—and they have substantial concerns about this schedule and have made requests to have it amended, and the government has not taken heed of their concerns.

In a statement from AMO regarding schedule 31 of this legislation, Bill 138, they write, “If passed, municipal community benefit charge calculations would become appealable through the Local Planning Appeal Tribunal (LPAT). This represents an additional administrative step for municipalities.”

By my mind, “additional administrative steps” literally means red tape. We know that we've had the government travel the bill addressing red tape, so I find it very curious that the government wouldn't be concerned with what AMO has to say about additional administrative steps, also known as red tape. You have a minister for red tape reduction. So when a municipality says that you're increasing red tape, it seems to me that that would be something that they would listen to.

AMO is really concerned about this. For example, they have asked for amendments to assure municipal governments that there's no below-water-table extraction without municipal agreement or indemnification. They said that without doing that, they have no alternative but to appeal to the LPAT to demonstrate due diligence on the part of municipalities, which I would recommend is something that the government might take into their vocabulary. They also say that this will greatly increase red tape and administrative burden for the LPAT and municipal governments—this is regarding the below-water-table extraction—not to mention delay decisions for aggregate businesses, which would risk new investment in the industry.

AMO has written to this government quite recently and said—well, I can understand that they support your idea of reducing red tape, and that they're not happy that this schedule 31 will, in fact, increase the cost for municipalities.

AMO goes on to say, “AMO remains concerned that development charge and community benefit charge revenue will be inadequate to support growth without additional support from existing property taxpayers.” I mean, the municipalities are warning that the changes you are making, the legislation that you are making, the downloading of costs to the municipalities, will be borne by property taxpayers. And as we know, there's only one taxpayer. As a government, you may try to move those down, but they all come out of one taxpayer's pocket, and AMO is saying that this change in schedule 31 will require additional support from existing property taxpayers. It's remarkable.

They go on to say, “As AMO has noted in its Bill 108 submission”—

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Mr. Chair, in standing order 23(d), it says that in the opinion of the Speaker, the member shall not refer at length to debates of the current session, or read

unnecessarily from verbatim reports of the legislative debates or any other document.

I think the member has read now verbatim excessively from this submission from AMO, and is in direct contravention of 23(d).

The Chair (Mr. Amarjot Sandhu): I'll remind the member once again to keep the comments relevant to the debate, and to avoid repetition.

Ms. Sandy Shaw: Was that a supported point of order?

The Chair (Mr. Amarjot Sandhu): It's just a general reminder to all the members.

Ms. Sandy Shaw: It's not a proper point of order. Thank you, Chair.

I do find it unusual that MPP Piccini would say that hearing from AMO would be considered excessive, because as AMO has noted in its submission—

Mr. Kaled Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaled Rasheed: With all due respect to the member opposite, Mr. Chair, it seems like it's imputing motive, or attacking my colleague here, directly and indirectly.

Interjection: It's 23(j).

Mr. Kaled Rasheed: Yes, 23(j)—imputes motive.

The Chair (Mr. Amarjot Sandhu): This is not a valid point of order. However, I will remind the members once again to be respectful to each other and not to mention the names of the members. Thank you.

MPP Shaw.

Ms. Sandy Shaw: Thank you, Chair. I won't mention the MPPs, but it is a matter of Hansard record that those comments were made by the member opposite.

If the government members are interested, I will continue on to highlight what AMO has identified as significant concerns they have with schedule 31 of this bill. They noted that “the methodology for calculating the community benefit charge is of vital importance to the successful financing”—

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Mr. Chair, again I would refer to standing order 23(d), which says:

“Reading from Hansard

“(d) In the opinion of the Speaker, refers at length to debates of the current session, or reads unnecessarily from verbatim reports of the legislative debates or any other document”—which has now been done excessively. Mr. Chair, I would refer again to section 23(d) and please ask that you rule on this.

The Chair (Mr. Amarjot Sandhu): Thank you. I will remind the member once again to keep your comments relevant to schedule 31 and not to read from a paper.

Ms. Sandy Shaw: Point of clarification: so not to read from the submission that was given to this committee by AMO?

The Chair (Mr. Amarjot Sandhu): I'll remind the member not to read at length, so keep comments relevant to schedule 31.

Ms. Sandy Shaw: Thank you, Chair. I would just make sure that the government side understands that AMO

wrote to the government specifically regarding schedule 31, so this is very, very relevant to the bill that's before us. If the government is concerned that their comments are excessive, I can move on.

We received substantial, numerous submissions that came—we had some presentations at committee. We had the city of Toronto, we had the city of Mississauga—who shared exactly the same concerns that are raised by AMO. Subsequent to committee hearings completing after five and a half hours, we received substantial written submissions. Now, I understand that the government doesn't want me to excessively read some of these comments. I can only assume that means that they read them and took them into consideration when they moved this schedule and did not make amendments to this.

But I think it's important to note that the Municipal Finance Officers' Association of Ontario took the time write to the committee a very lengthy, thorough, detailed and pointed submission. In fact, it was more than 22 pages long of suggestions to this committee on things they could do to amend schedule 31 so that there weren't undue burdens passed down to municipalities and to the property taxpayers of Ontario. We in the opposition are concerned about undue increases to property taxes based on changes to schedule 31.

1650

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Mr. Chair, under section 23(c), it calls on members not to persist in needless repetition or raising matters that have been decided during the current session. The members now, by rough count—this is the sixth time they've brought up property taxes.

The Chair (Mr. Amarjot Sandhu): The member can still refer to the submission. But I will again caution the member just to avoid reading at length or reading unnecessarily from verbatim reports.

Ms. Sandy Shaw: I appreciate the member opposite—it is true that I've brought up property taxes six times, and the government side hasn't mentioned it once. That's something that should be of concern to the people of the province of Ontario.

If I could continue to provide what I consider valid input to making this legislation better, from the Municipal Finance Officers' Association of Ontario: We're talking about the ability to appeal community benefit charges—

Interjection.

Ms. Sandy Shaw: Is there a point of order? Okay—by the bylaws that creates, as they described it, significant risk for municipal revenues. These are the people who oversee the finances for municipalities across the province—444 municipalities, representing tens of millions of taxpayers in Ontario. They are saying that this change in schedule 31 creates significant risk for municipal revenues. If this is not something that concerns the government, I find that very distressing.

They also wrote to us that these changes represent an administrative burden; we've heard this. This is red tape. They said clearly in their presentation and in their written

submission that schedule 31 undermines revenue predictability.

Ultimately, the municipal finance officers say that it could negatively affect the supply of housing. That's a really concerning comment, because we know that we have a housing crisis in the province of Ontario. At AMO, we heard from delegation after delegation—small municipalities, large municipalities—that they have a homelessness problem. In Oshawa, they have people camping out on the streets, and yet, when the people who are in charge of these municipalities, who are on the front line of the housing crisis in the province of Ontario, say that schedule 31 could negatively impact the supply of housing—it seems to me that that is a remarkable statement the government might want to take into consideration when they put forward this legislation.

If we're not going to look at the controllers and the financiers of the municipalities across the province, if their input is not something that is of concern to the government, we have some other submissions that we all heard. We heard from the city of Toronto. I don't understand what we're doing here. I don't understand why we're moving schedule 31 when the city of Toronto, Cambridge, the region of Peel—numerous submissions from the region of Peel—the city of Mississauga, the region of York, the township of Wilmot, have all written to say that schedule 31 will essentially result in increases to property taxes. What is the government doing? The government talks about wanting to put money into taxpayers' pockets, but these municipalities are saying that you are taking money out of taxpayers' pockets with these changes.

It just confounds me as to why the government doesn't want to listen to municipalities that are charged with running communities all across Ontario and have nothing but the best interests of their residents. They're trying to help you move good legislation, but we have just silence on the part of the government.

The city of Toronto essentially said that these "CBCs bylaws"—these community benefit bylaws—"will be new, untested, and introduced at the same time across the entire province." They "expect a deluge of appeals, and municipal recoveries" will be "in limbo for years." I mean, this is chaos. We are actually creating chaos at a municipal level, when what we are supposed to be doing in the province of Ontario is creating stability for municipalities, which in turn creates stability for the people who live in municipalities.

The city of Toronto has said that "The risk to municipal revenues will reduce municipal ability to provide infrastructure to new residential development," which they say "is in no one's interest." And I couldn't agree more. Yet again, the city of Toronto is saying that what you're doing here—I mean, they're the experts. They're saying that this is not going to help the housing shortage; it's going to create problems. You already have Bill 108, so really, why is a new appeal right—why is that necessary? It just "creates new problems." We've heard time and time again about the problems that it's creating.

Cambridge talked to us, and they are echoing the concerns we've heard from the Municipal Finance Officers'

Association and the city of Toronto. They are simply saying that they “also note ... the region of Waterloo with respect to freezing or deferring development charge payments” essentially—again, “Both have the potential to create delays”—yes, that’s your red tape—“and undermine the predictability of revenue generation.” That’s insane.

The region of Peel—I don’t know how many submissions we got from the region of Peel. Madam Clerk, how many submissions did we get from different folks in the region of Peel?

The Clerk of the Committee (Ms. Julia Douglas): We don’t track that.

Ms. Sandy Shaw: I’m going to say 15. We had a stack like this of people from the region of Peel expressing their serious concerns. They again talk about “significant revenue risks ... in the form of delays and decreases in amounts payable, and increased administrative costs for municipalities....” Really, it’s true. They say these costs “undermine the goal of revenue neutrality for the new CBC regime.”

The notion that development pays for development, if it was ever even believed—but it’s not. This bill ensures that development is going to cost residential taxpayers money. It’s going to be money out of their pockets based on the changes you’re making here. Really, it’s just not going to be adequate for municipalities not only to not have to pass down these tax increases to their residents—they’re talking about recovering the costs of infrastructure. I think we all know that when there is development, municipalities have to pay the costs of the infrastructure to support development.

In an ideal—or idealized—world, development would pay for development, and it doesn’t happen. But now we have created a situation where we’ve gone essentially from bad to worse, which I would really say would be the theme for Ontario since June 2018.

The city of Mississauga—it’s important that we take the time here at clause-by-clause, because if we don’t do it now, when do we take the time to debate and to consider submissions? Serious submissions, well-thought-out submissions, submissions that were submitted from all across the province—these are staff from the city of Mississauga, from the city planning department, referencing Bill 138. The staff have concerns with this proposed process, because they’re saying, “Meeting this timeline will be difficult given that all municipalities are in a similar situation and there’s a limited pool of” people “available to assist with the development of the CBC bylaws.”

1700

We heard yesterday from deputants who said there is a significant risk—there’s going to be a gap when one set of charges is relieved and municipalities are able to enact bylaws to cover the cost of development. So there’s potential to be a period during which developers will have no obligations, no parkland dedication fees, no community benefits fees, no development charges at all.

How can that be? How can we be proposing legislation that will provide this gap during which taxpayers in the province of Ontario will be required not only to pay additional taxes but essentially will be paying the freight

for developers during the time where there is a gap when developers can potentially not have to pay anything for the development?

Your ideology aside, I can’t help but think that this is just an error—because you rushed this through the House—that you didn’t intend. I would like to believe that the government did not intend to create a huge window during which developers will not be required to pay a cent to municipalities in development charges, but the municipalities during that period will be required to foot the bill. When I say that municipalities are footing the bill, you know that I’m talking about taxpayers who are going to be footing the bill.

The city of Mississauga is saying that—don’t take it from me, because I know you won’t. But the city of Mississauga represents a lot of people. You have a lot of members who come from the city of Mississauga. I think that they would be quite distressed to hear that the government is proposing legislation that will require property taxpayers in the city of Mississauga to cover the freight for developers.

The region of York had a different concern. They have similar concerns, but they also said that they believe that the appeal rights should not apply to a community benefits bylaw. So have we considered that? Have we considered the costs, again to taxpayers, of having to spend all this time at LPAT? Again, the proposed appeal system could lead to revenue uncertainty for municipalities. They believe—and I would like to believe this as well—that that’s an unintended consequence of the appeals process, that there could be delays in the development process as more cases are brought before the LPAT.

Unintended consequences: That’s what we’re here as legislators to avoid. That’s why we debate bills and we don’t time-allocate bills: because we want to get legislation right. That’s why we have meaningful consultation. You toured Bill 132, but you didn’t take the time to tour a bill that upends people’s personal health information, you didn’t take the time to tour a bill that municipalities are telling you will be nothing but red tape, delays and costs to their taxpayers. What are we here to do, if we’re not here to make sure that people have an opportunity to weigh in on this legislation?

The township of Wilmot—I have to be honest with you; I’ve probably not been to the township of Wilmot. But I can imagine—if they’ve taken the time to write to this committee, my guess is that their concerns are significant. They have significant concerns, but one of the things we might want to consider at this committee is that they say, “Staff are of the view that individual municipal councils should determine whether alternative payment arrangements for certain types of development are appropriate based on local circumstances and needs. In addition, freezing the development charge at an earlier date would reduce the amount of DCs collected by municipalities to fund new infrastructure, resulting in delayed construction of infrastructure or additional growth-related debt for capital works that must be in place prior to development occurring.... Finally, freezing the development charge at site

plan or zone change will require significant additional administration and coordination efforts by municipalities.”

My guess is, the township of Wilmot has better things to do serving their constituents than writing to you about your legislation that’s making their lives more difficult. My guess is, they have better things to do than spend hours at LPAT, paying for lawyers—I mean, this is a government that doesn’t seem to mind using lawyers. They seem to be quite happy to use taxpayers’ dollars to go to court on any old thing.

But my guess is, the people of the province of Ontario who live in municipalities don’t want to see their tax dollars going to lawyers and legal fees in challenges at LPAT. I imagine that the people in municipalities across the province would like to see their tax dollars going to roads, going to housing, going to infrastructure. I’m from Hamilton West–Ancaster–Dundas. We have had a significant environmental contamination catastrophe: 24 billion litres of sewage flowed into Cootes Paradise, which is, really, a protected wetland.

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini?

Mr. David Piccini: Thank you, Mr. Chair. Under standing order 23(b), the member has to direct speech to the motion or amendment at hand.

The Chair (Mr. Amarjot Sandhu): Standing order 23(a)?

Mr. David Piccini: Standing order 23(b)(i).

The Chair (Mr. Amarjot Sandhu): The member is to keep your comments relevant to the section we’re discussing now.

Ms. Sandy Shaw: Absolutely. What we have here are comments from municipalities about this schedule impacting their ability to pay for infrastructure. The city of Hamilton, as do other municipalities across Ontario, has huge infrastructure deficits in the billions. In Hamilton, it’s in the billions. Every one of us, as MPPs, hear from our municipalities—

The Chair (Mr. Amarjot Sandhu): I’m sorry to cut you off. Each member has 20 minutes allotted for the debate, and you’ve reached that time limit.

Is there any further debate?

Ms. Sandy Shaw: Point of order, Chair: So 20 minutes per schedule, or 20 minutes per section?

The Chair (Mr. Amarjot Sandhu): Twenty minutes per time to speak.

Ms. Sandy Shaw: Okay, thank you, Chair.

The Chair (Mr. Amarjot Sandhu): Are the members ready to vote on this? Any further debate?

Ms. Sandy Shaw: Can I be recognized again? As I was saying, the municipalities are writing to you to say that they have significant infrastructure backlogs in the billions of dollars. When we talk about infrastructure, we’re talking about roads; we’re talking about sewers. They’re writing to you about this schedule 31, saying that you are going to make it more difficult for them to deal with their infrastructure woes. What about bridges?

We have, in Hamilton, a combined sewer overflow that resulted in this, and if there were significant infrastructure dollars, perhaps we could be putting this money to better

use. Perhaps not just the city of Hamilton but municipalities all across Ontario—rather than spending money at LPAT appeals for lawyers or consultants, they could be putting these hard-earned tax dollars to work fixing infrastructure.

I don’t understand how the government has chosen not to listen to municipalities. We all live in municipalities. We were all elected in municipalities. We all have municipalities that have significant infrastructure deficits. It seems to me that, rather than wasting taxpayers’ dollars, we would make good use of them; we would get good value on each taxpayers’ dollar. But instead, we have legislation, we have a schedule, that has proposed not to listen to the municipalities. The city of Guelph wrote to us, and I think it would only be right that we take the time to debate the serious concerns from the city of Guelph. How many people live in the city of Guelph? They’re saying that what you’re doing here, for the people who live in the city of Guelph—your changes are going to cost taxpayers money.

1710

They say, “The proposal to make the community benefit charge calculation appealable to the LPAT represents a potential administrative burden for the city and other municipal governments as an appeal consumes staff time and resources.” Staff time and resources: Who pays for the staff time and the resources at municipalities? Taxpayers pay for this. So they’re saying, “You are wasting taxpayers’ dollars.” It seems to me that that’s something that a Conservative government would be concerned about. When municipalities are saying, “We’re here to protect taxpayers’ dollars. We’re here to protect waste and misuse of taxpayers’ dollars,” you’d think that the government would be listening. But all of these municipalities’ pleas for you to listen to them have fallen on deaf ears.

The city of Guelph also said, as we have heard before, that this “will have a financial impact on the municipality.” By that, they don’t mean a positive financial impact. They mean that they’re going to lose money because you’ve got a schedule that doesn’t take into consideration the needs of municipalities.

Interjections.

Ms. Sandy Shaw: Chair?

The Chair (Mr. Amarjot Sandhu): I’ll remind the members that loud private conversations are discouraged in the committee, so please be aware of that.

MPP Shaw, please proceed.

Ms. Sandy Shaw: We received a submission from the city of Barrie. I can only assume that the MPPs on the government side have looked at this. They have representatives from Barrie. I believe that the Attorney General is from that region. The city of Barrie wrote to the government to say, “Unfortunately, Bill 138 does not address other significant areas of concerns that have identified by many municipalities related to the fundamental structure of the proposed community benefits charges.” We’ve heard from them. We’ve heard all of these municipalities. This is just a select few. We’ve had more.

The city of Barrie has said, “It is anticipated that ... Bill 138 will impact the city with additional administrative and operational burdens, which may require council to increase property taxes.” They’re telling you what you’re doing is going to increase property taxes. It isn’t just average citizens who are concerned about their property taxes—which they are, by the way. These are municipalities that collect taxes. That is their source of revenue, and they use that to provide social housing, to provide child care, to provide seniors’ care, to provide public health, to fix their roads, fix potholes, and collect garbage.

Municipalities do a lot, and they are doing it with a shrinking revenue base. All power to them. They need all the help they can get. They don’t need you to taking things from bad to worse.

They say exactly what we’re trying to tell you. What they’re saying is that if they don’t increase property taxes, they’re going to have to “make decisions regarding the adjustment of city-wide service levels to fund community-oriented services, such as parkland, recreational centres, libraries”—I forgot about libraries—“and other community benefits necessary to build a livable community that are traditionally supported by growth-related revenues”—but you’re taking those revenues away from them.

They finish their plea to this government—this is the city of Barrie—by saying, “Should these matters not be appropriately understood and addressed in this legislative change, unintended consequences such as new development having fewer community-oriented services to support its residents and deferred overall investment and growth may result. It may also result in an overall reduction of service levels across existing communities as non-development-related funding is used to address shortfalls triggered by a loss of revenue related to growth”—a loss of revenue that is a direct result, a consequence, of schedule 31.

Again I say to the government: Are you listening? Are you listening to property taxpayers all across Ontario who are saying to you, “We can’t afford more property taxes”? People can hardly afford to pay their bills now. They have hydro bills that are going up in the province, not going down by 12%, as was promised by the Premier. Hydro rates are going up in the province. Taxpayers can’t afford these increases; many can’t afford to live in adequate housing. We had a gentleman today in the Legislature, a senior, a 90-year-old man, with no housing. Municipalities provide these services—

Interjections.

Ms. Sandy Shaw: Excuse me, Chair. Do I have the floor?

The Chair (Mr. Amarjot Sandhu): You can proceed.

Ms. Sandy Shaw: Well—

The Chair (Mr. Amarjot Sandhu): He’s just asking a question to the Clerk. You can proceed.

Ms. Sandy Shaw: It’s the sidebar conversations. I find it really rude that when we’re talking about the taxpayers of Ontario, the people who are asking you not to make changes that increase their taxes, the members opposite are not prepared to listen or to debate. It just shows that this is not a concern for them.

Interjections.

Ms. Sandy Shaw: Excuse me—

The Chair (Mr. Amarjot Sandhu): I’ll remind the members not to speak over each other, please.

Ms. Sandy Shaw: This heckling from across the floor is not actually—

The Chair (Mr. Amarjot Sandhu): Please don’t speak over each other.

MPP Shaw.

Ms. Sandy Shaw: Thank you.

This is a last-ditch effort on the part of New Democrats and the opposition to say that we are concerned about the impacts to property taxpayers. People can’t afford any additional cost burdens. They’re struggling as it is. This is a government that doesn’t seem to really be concerned when they hear from officials from all across municipalities that this schedule will cost taxpayers more. They’re saying the schedule is a waste of taxpayer dollars. They’re saying that taxpayer dollars are now going to go to lawyers. Taxpayer dollars are now going to go to consultants. Taxpayer dollars are not going to be directed to child care, to parks, to swimming, to recreation, to recycling or to garbage pickup; they’re going to go to the lawyers.

We know this is a government that loves to call in the lawyers and spend taxpayer dollars on legal challenges. They’ve got endless legal challenges. They’ve dedicated \$30 million to a legal challenge that will most likely be deemed unconstitutional. In fact, the municipalities have said that this will also be appealed in court, and you could end up now costing more taxpayer dollars in an appeal.

Interjection.

Ms. Sandy Shaw: Chair, I can hear that the government side is not interested in listening to this. It’s quite clear that they’re not interested in listening to the concerns of taxpayers across Ontario, living in municipalities across the province, who have written to this government and—

Mr. Kaled Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaled Rasheed: With all due respect, I don’t know what I have done over here that the member opposite is directly commenting on. I’m just getting up to grab a tea. That’s all I’m doing.

The Chair (Mr. Amarjot Sandhu): Not a valid point of order. Please, MPP Shaw.

Ms. Sandy Shaw: Thank you, Chair.

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Again, under standing order 23, the member is imputing motive.

1720

The Chair (Mr. Amarjot Sandhu): I’ll remind the member to please direct your questions through the Chair, and be respectful to each other, please.

Ms. Sandy Shaw: Thank you, Chair. So I can see this is a touchy point across the way, but I’m prepared to finish my comments here. I’m hoping that the constituents in our ridings—that MPPs will take the time to respond to emails. I know that we will. We’ve been responding to emails that

we're getting from concerned taxpayers in our municipalities. I know that in Hamilton people are saying that they cannot bear any more costs that are being downloaded by this government. I know that we're responding that we are taking this very seriously. I would hope that the government would listen to the concerns of the people of the province of Ontario.

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Under section 23(b)(i), the member has now moved beyond the question at hand and is now moving beyond the specific schedule. And the reason I bring that, Mr. Chair, is because the member is assuming who does or does not respond to emails. I don't believe that has anything to do with the specific schedule at hand.

I'm very glad you respond to your emails, though. That's very good. So do we.

The Chair (Mr. Amarjot Sandhu): I'll remind the member once again to keep your comments limited to the section of the schedule.

Ms. Sandy Shaw: Yes, I've been talking about schedule 31 for quite some time. I look forward to hearing the government's comments about how, in fact, schedule 31 will not increase costs for the residential taxpayers of Ontario. I'm looking forward to the government's comments on how they will respond to the concerns from AMO, from the municipality of Barrie, the cities of Toronto, Guelph—I'm looking forward to seeing what the government will say in response to these written submissions, these oral submissions, related to this schedule, because, as has quite clearly been made apparent to all of us on this committee, people are concerned about this. The government has an opportunity to show that they themselves are concerned by commenting on how they are going to ensure that these costs won't be downloaded to taxpayers.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Piccini.

Mr. David Piccini: Thank you, Mr. Chair. It's great to be able to talk to schedule 31, section 4. I was hoping to have a more robust debate on this specific schedule. I'm looking for an amendment on schedule 31, section 4, but unfortunately, the government didn't receive an amendment on schedule 31, section 4. An amendment to such a schedule would require putting pen to paper. I just feel it's regrettable that we don't have an amendment to this specific section of schedule 31.

The Chair (Mr. Amarjot Sandhu): Any further comments? MPP Shaw.

Ms. Sandy Shaw: Thank you, Chair. I would say it's regrettable that the government has moved schedule 31. What is truly regrettable is that this government themselves haven't moved an amendment to correct their own flawed legislation in face of the numerous concerns that were sent to us by municipalities, mayors, townships, reeves and wardens across this province. That is what is truly regrettable: that the government themselves thinks that it's someone else's responsibility to fix their own flawed legislation.

Mr. Kaled Rasheed: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Rasheed.

Mr. Kaled Rasheed: With all due respect, isn't this imputing motive right now?

The Chair (Mr. Amarjot Sandhu): This is not a valid point of order. However, I will remind the members again to respect each other, please, and be courteous. Any further debate? MPP Piccini.

Mr. David Piccini: The member opposite referenced, under schedule 31, section 4, a piece of flawed legislation. Again, talk on this is cheap. We would have liked to have seen a substantive amendment to this. The government has put forward a piece of legislation that's in the best interest of the taxpayers of Ontario, that's going to get more homes built, that's going to address an integrated, patient-centred health care system.

So if the member believes it's a flawed piece of legislation, I would suggest that she and her team put forward an amendment, but that would have required them to work beyond hours and address these specifics, and, I am sure I would say, "Read it before today," but unfortunately and regrettably, we haven't seen that.

The Chair (Mr. Amarjot Sandhu): Any further debate? MPP Shaw?

Ms. Sandy Shaw: MPP Piccini deals in snark, and that's not what we're here to do. I have read the legislation—

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): I remind the members to use parliamentary language.

MPP Rasheed?

Mr. Kaled Rasheed: Again, Mr. Chair, with all due respect, what that member opposite just said was unparliamentary, in my opinion.

The Chair (Mr. Amarjot Sandhu): I have already reminded the member to use parliamentary language. Thank you.

Mr. David Piccini: Point of order.

The Chair (Mr. Amarjot Sandhu): MPP Piccini?

Mr. David Piccini: Under section 23(h), on making allegations against another member, we've all listened to the members opposite speak for a number of minutes. They have not addressed anything to a specific number. I would just ask that—we are all adults here—and in the context of debate, which we're more than welcome to have, the member is more than welcome to speak to the specific schedules. I just reference this, through you, the Chair, under section 23(h)—and doesn't impute motive or make an allegation—

The Chair (Mr. Amarjot Sandhu): That's why I have reminded the member already to use parliamentary language.

Mr. David Piccini: Thank you.

The Chair (Mr. Amarjot Sandhu): Any further debate?

Ms. Sandy Shaw: My final comment would be, in fact, that this is the responsibility of the government to move amendments based on comments, contributions and concerns from the constituents and from municipalities. The government has not moved an amendment to change this legislation despite all we've read, heard and seen. You can't polish something that is not polishable. That's what I will say about this legislation. Thank you, Chair.

The Chair (Mr. Amarjot Sandhu): Any further debate? Are the members ready to vote? Shall schedule—

Interjection.

Mr. Sol Mamakwa: A break?

The Chair (Mr. Amarjot Sandhu): We've already asked for the vote.

Ms. Sandy Shaw: I would like a recorded vote, please.

The Chair (Mr. Amarjot Sandhu): Shall schedule 31, section 4, carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): All those opposed?

Interjection.

The Chair (Mr. Amarjot Sandhu): Just dealing with the vote for now.

The motion is accordingly carried.

Moving to schedule 31, section 5, now: Is there any debate?

Mr. Kaleed Rasheed: Sorry, schedule 31—

The Chair (Mr. Amarjot Sandhu): Schedule 31, section 5: Is there any debate?

Ms. Sandy Shaw: We're calling for a break.

Mr. David Piccini: Point of order, Mr. Chair.

The Chair (Mr. Amarjot Sandhu): The call for the break has to be at the same time when the Chair asks for a recorded vote. There will be the opportunity next time.

Interjection.

The Chair (Mr. Amarjot Sandhu): I've already asked the members to vote.

Ms. Sandy Shaw: So we're having a recorded vote.

The Chair (Mr. Amarjot Sandhu): Yes.

Ms. Sandy Shaw: Point of clarification: At what point do we request a break?

Interjection.

The Chair (Mr. Amarjot Sandhu): Yes.

Are the members ready to vote on schedule 31, section 5? Is there any debate? Are the members ready to vote?

Ms. Sandy Shaw: Break.

The Chair (Mr. Amarjot Sandhu): How long do you want?

Ms. Sandy Shaw: Five minutes, please.

The Chair (Mr. Amarjot Sandhu): Pursuant to standing order 129(a), MPP Shaw has requested a 20-minute break. So we'll be back at 5:50.

The committee recessed from 1730 to 1750.

The Chair (Mr. Amarjot Sandhu): Welcome back. We're going to start from where we left off, so we were voting on schedule 31, section 5. Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

Is there any debate on schedule 31 as a whole? Are the members ready to vote?

Ms. Sandy Shaw: Recorded vote.

The Chair (Mr. Amarjot Sandhu): Recorded vote. Shall schedule 31 carry?

Ayes

Bailey, Stan Cho, Piccini, Rasheed, Roberts.

The Chair (Mr. Amarjot Sandhu): It's accordingly carried.

We're moving to schedule 32 now. There are no amendments to sections 1 to 3 of schedule 32. I therefore propose that we bundle these sections. Is there agreement?

Ms. Sandy Shaw: No, sorry.

The Chair (Mr. Amarjot Sandhu): No agreement, so we'll go section by section.

Schedule 32, section 1: Is there any debate? MPP Shaw.

Ms. Sandy Shaw: Yes. I recognize that perhaps we're running out of time at committee but I do have a number of questions regarding litter day in Ontario. The preamble to the bill says, "Reducing litter is a priority in Ontario."

My question for the government would be: Is that a priority that is in the same category as climate change? Is this category of reducing litter at the same priority level as emissions? Is it the same priority as reducing greenhouse gases? While we all like to make sure that don't have litter on our streets, I would suggest that it's probably not the biggest priority concerning the environment in Ontario. I question the wisdom of a government that really has no climate change plan, a government that in fact has, for whatever meagre environmental protections we had, taken those away in the province. We've got a government that's cancelling green energy projects, actually paying \$231 million to cancel green energy projects. That's just for starters.

My feeling is that litter, while it's important that our streets are clean, in terms of environmental priorities—I'm shocked that the government has put a private member's bill into legislation when people are waiting desperately for a substantial move on addressing climate change.

The Chair (Mr. Amarjot Sandhu): MPP Cho.

Mr. Stan Cho: Thank you, and I'll pass it over to my colleague MPP Piccini when he's ready.

I do want to say on the record that this government takes climate change very seriously and protecting our environment extremely seriously. This is why we introduced this fall economic statement that included schedule 32, which is a symbolic day, a day to say, "Hey, litter contributes to the problems we have with our environment." It has been our attitude throughout much of the modern—throughout human existence that we have taken our environment for granted. We all carry that burden and that responsibility.

We have mental health day; we have multiple sclerosis awareness day. Yes, Chair, it's only a day but it represents the larger passion towards supporting a larger cause. This

schedule is about supporting that larger cause, to make sure that we are aware that we must protect our environment by not littering.

I would be happy to turn the floor over to my colleague here, MPP Piccini.

The Chair (Mr. Amarjot Sandhu): MPP Piccini.

Mr. David Piccini: Thank you, Mr. Chair. I think, absolutely, as a government, you're responsible for legislation, and we know that 1% of private members' bills actually pass. Embedding this private member's bill on a day of litter in schedule 32 of this specific act I think is excellent. I think it's great to see a government that's willing to put a private member's bill forward—the will of the members of the Legislative Assembly of Ontario—as in schedule 32 of this bill. We know that reducing litter is a priority in the government of Ontario. The amount of litter that gets diverted is marginal as compared to what ends up in landfills. That route, we know, releases methane. It was actually not me, but to briefly quote someone else, David Suzuki spoke about the need to compel society to act on reducing methane.

I know that climate change will define the contours of this century, so this day of litter, as specified in schedule 32, is important. I think it's troublesome, how we've seen the issue framed by the members opposite as a zero-sum game, defined by the select few. Too often, it demonizes the opponents. Well, I'm not going to demonize the opponents, because they're right to call for action on climate change, as do we in government, as members. Collectively, as a government, as per schedule 32 of this bill, this is but one step we are taking to address impacts and to address climate change.

I know that the member from Barrie–Innisfil, who put forward the piece of legislation embedded in schedule 32, represents a rural community much like mine. We have a lot of farmers. Agriculture, our industry—they're some of the best stewards of the land. It's their business. It's their livelihood. It's their land. So when we look to sustainable ways to protect our environment, we need not look any further than our agricultural community.

Speaking of being in a rural community, this day of litter is critical. I live along the 401, along Lake Ontario, and we've seen a significant uptake in the amount of litter in the Ganaraska River, on Lake Ontario. We're seeing municipalities already stepping up to the plate on this. Again, to be part of a government that's taking comprehensive action through schedule 32 here—we haven't seen that from a government before.

We spoke a lot about the importance of our municipalities today. To see Brighton and Alnwick-Haldimand in my community step up to the plate and be able to take action on litter independent of government was something I looked up to. When my colleague the member from Barrie–Innisfil introduced this Provincial Day of Action on Litter—which is the second Tuesday in May of each year—I received phenomenal feedback from our member municipalities. In fact, this year we're going to be inviting the Premier down. We're going to have all of our member municipalities participating in this. We're going to see action across our municipalities.

We saw Brighton take home the championship this year. We saw the most participation from residents in Alnwick-Haldimand. I'm pleased to see that the act set out in this schedule comes into force on the day of the Plan to Build Ontario Together Act. That's why I think it's important we embed it in this act, so that we actually pass the legislation to have a day of litter, which is so critical.

We know that 30% of our waste gets diverted, recycled; that's 70%, Mr. Chair, that ends up in landfills. As I mentioned, an amount of our greenhouse gas emissions comes from waste, mainly from landfills. Methane, it's estimated, is responsible for 25% of major changes to our climate in the world. We know that over 10,000 tonnes of plastic enters the Great Lakes each year; more than 80% of litter collected during volunteer cleanups along the Great Lakes is plastic.

So to see the government taking comprehensive action to reduce plastic waste, to have this day of litter, as put forward by my colleague, the member of provincial Parliament—again, I think what we've seen today is a lot of talk when it came forward to putting amendments. If the members opposite wanted to see more on schedule 32, it was a missed opportunity here to put forward an amendment. But what we did see was the member from Barrie–Innisfil actually putting forward a tangible piece of legislation with a private member's bill. Embedding it into schedule 32 of this bill is good governance. It is a member doing what they were elected to do: putting thoughts to paper, putting paper into legislation, as per schedule 32—

The Chair (Mr. Amarjot Sandhu): I apologize to cut you off. Looking at the time on the clock, it's 6 p.m.

This committee stands adjourned until 9 a.m. tomorrow. We'll resume clause-by-clause consideration of Bill 138.

Mr. Robert Bailey: In room 151?

The Chair (Mr. Amarjot Sandhu): In room 151. Thank you.

The committee adjourned at 1800.

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