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Thursday 20 April 2006

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des débats
(Hansard)**

Jeudi 20 avril 2006

**Standing committee on
the Legislative Assembly**

Good Government Act, 2006

**Comité permanent de
l'Assemblée législative**

**Loi de 2006
sur la saine gestion publique**

Chair: Bob Delaney
Clerk: Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 20 April 2006

Jeudi 20 avril 2006

The committee met at 1534 in committee room 1.

GOOD GOVERNMENT ACT, 2006

LOI DE 2006

SUR LA SAINE GESTION PUBLIQUE

Consideration of Bill 190, An Act to promote good government by amending or repealing certain Acts and by enacting one new Act / Projet de loi 190, Loi visant à promouvoir une saine gestion publique en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

The Chair (Mr. Bob Delaney): Let's call this committee meeting to order. This is the standing committee on the Legislative Assembly. We're here to consider Bill 190, An Act to promote good government by amending or repealing certain Acts and by enacting one new Act.

Mr. Peter Kormos (Niagara Centre): On a point of order, Mr. Chair: There are, as you know, a copious number of government amendments and NDP amendments which were drafted in co-operation with the government and in fact by the government. I don't know whether the Conservatives have amendments. But I really would ask for unanimous consent to have a legislative researcher from the caucus, Elliott Anderson, sit beside me so that we can do this in as orderly and prompt a manner as possible. Otherwise, I'll be fumbling papers and we'll be here till midnight.

The Chair: Do we have unanimous consent?

Mr. Mario Sergio (York West): Agreed.

The Chair: Agreed.

Mr. Kormos: Thank you, folks.

**ONTARIO SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS**

The Chair: Our first presentation today is the Ontario Society for the Prevention of Cruelty to Animals. Judy Marshall and Mike Draper, come on up. The procedure is really fairly simple and straightforward. Begin by stating your names for the purposes of Hansard. You'll have 20 minutes to present to us today. Should you not use your entire time, that portion of the time that remains will be divided among the three caucuses to ask you questions. Welcome to the committee. Please proceed at your leisure.

Mr. Michael Draper: Thank you, Mr. Chairman and committee members, for allowing us to be here. My name is Michael Draper. I'm the chief inspector of the Ontario SPCA. Beside me is Judy Marshall, our chief executive officer. I have a presentation that I did hand out earlier that you should all have a copy of, just to read off of.

Mr. Sergio: We do.

Mr. Draper: First, I just want to talk for a few minutes about the Ontario SPCA and what we are, to give you an introduction. I'm not sure if everyone here is aware of what our organization is and how we operate. We're a provincial charitable organization, formed in 1873, actually, so we've been around quite a long time. We have a legislative mandate to investigate animal cruelty across Ontario. We're a non-profit charitable organization dedicated to the protection of all animals. We operate through a branch structure, where we have 27 branches operating across Ontario, and 31 humane societies that are affiliated with us to enjoy investigative powers. Under the Ontario SPCA Act, which is Ontario's animal protection legislation, our investigators have police powers to enforce the act, as well as the Criminal Code and any other law or act in Ontario related to the welfare of animals.

On the next page, to give you an idea of how much work we do through our investigations department, I have some statistics for 2004. Unfortunately, 2005 is just being audited now. We investigated almost 16,000 complaints of cruelty and neglect in Ontario in 2004; issued 2,252 orders essentially forcing an owner to comply and provide medical treatment, housing or food for their animals; seized over 7,000 animals; had over 1,500 animals surrendered to our investigators; and laid 695 provincial and criminal charges.

The reason I'm here today to speak to you is that the Good Government Act has amendments to the Ontario SPCA Act in it. My understanding of the goal of the Good Government Act is that it is to improve effectiveness and efficiency through legislative reform. The Ontario SPCA strongly supports the amendments currently in Bill 190. That includes a provision related to our search warrants, allowing us to take more than one investigator or more than one veterinarian, as well as persons other than veterinarians, on to a property to affect a proper search warrant. For example, in a large puppy mill case, we may need additional drivers; in live-stock cases, livestock haulers; and that will allow that.

It also assists us by clarifying a five-day rule which is in the act. It sets out time limits. Currently, the five days could be interpreted to include weekends; now it will state five business days.

The last amendment that really helps us is, if we take action and remove a neglected animal from its owner, they can appeal to an independent tribunal. Through that, they simply need to write a letter to the Animal Care Review Board that says—the provisions related to that currently are very vague. This will clarify that they have to have reasons for the appeal stated in their appeal, to understand the nature of what they're appealing.

Unfortunately, what the act doesn't do, and what we're really here today to talk about, is that if this is a government bill to increase effectiveness and efficiency through legislative reform, we need some further amendments to the Ontario SPCA Act, which is Ontario's animal protection legislation, to really protect animals in this province. The additional amendments that the Ontario SPCA is requesting are consistent with other acts in Ontario, such as environmental legislation, labour legislation, agricultural legislation, as well as acts across Canada and other animal protection acts. Ontario has the weakest provincial law protecting animals in this country. Actually, the Yukon has a stronger piece of animal protection legislation than Ontario does.

1540

On the next page: What I want to talk to you about today are four simple considerations for this committee to better protect animals in this province. I realize you can't redraft our legislation, but I'm hoping you can consider some further amendments to really strengthen our ability to protect animals, make us more effective, as well as cut some of our costs.

The first is making it an offence to fail to comply with an inspector's order. Currently what happens in Ontario is that we can issue an order to compel an owner to provide, for example, medical treatment if the dog has a broken leg. Unfortunately, there's no offence if they fail to comply with that order. We can remove the animal to provide it medical care, but we can't hold the owner accountable for their actions in failing to take that action. Commonly, in legislation such as environmental legislation or health or labour legislation, it's an actual offence to fail to comply with an inspector's order. This would do a great deal of good for us and animals across Ontario.

The second thing I'm asking you to consider is an offence for obstructing an inspector; the third is amending the section in the act that protects dogs and cats in puppy mills, essentially breeding operations and expanding that to all dogs and cats; and lastly, a property tax relief exemption, essentially extending our property tax relief exemption to all of our affiliated humane societies in Ontario that are struggling financially right now.

I thought I would go through each one of these in more detail. The first recommendation we are asking you to consider is the failure to comply with an order: Make it an offence to fail to comply with an order. The Ontario

SPCA Act is the only act in Ontario that does not make failure to comply with an inspector's order some type of offence. It's very frustrating for our inspectors to go out there on a day-to-day basis and see neglected animals and not be able to hold people accountable. It's a revolving door: We remove the animal; they simply get a new one. We want to hold owners accountable for their actions when we issue an order for medical treatment so that they actually follow that order.

Creating an offence also encourages compliance. This will result in fewer animals removed by the society and a reduction in costs related to animal care to the society's budget. We're a non-profit, charitable organization. Although we're given a legislative mandate to protect animals in this province, we're only given \$119,000 a year by the province to do our job across Ontario. Therefore, by doing this you'll make us—

Mr. Kormos: Sorry, I didn't hear that. How much?

Mr. Draper: It's \$119,000 a year to provide animal protection services. That's for training our inspectors and agents, and for support.

Mr. Norm Miller (Parry Sound–Muskoka): Is that for the whole province?

Mr. Draper: That's correct.

Ms. Judy Marshall: That includes our affiliates as well. So for the \$119,000, we have to include training with our affiliates.

Mr. Draper: Yes. For that \$119,000, we provide training and support to all of our investigators as well as our affiliated humane society investigators. That would include Toronto Humane Society, London Humane Society, Windsor etc. So I'm really asking you to do something that every other piece of legislation currently does.

The second recommendation: It's critically important to protect our inspectors. In the last 18 months, our inspectors have been assaulted 36 times. I'm asking you to create an offence for obstructing an inspector. It's a dangerous world out there, and I'm asking you to make it an offence to obstruct our inspectors in the course of their duties. When we're executing search warrants, even though we have the police there, people are very ignorant sometimes and won't allow us to protect those animals. It's a very difficult job for our inspectors, and they do a great job. But if they're obstructed in doing their duties, and there's no offence and nothing we can do, the owner can simply say, "No, you can't come on. No, I'm not helping you. No, you're not coming into the barn." I'm asking you to consider making it an offence, like every other provincial act that employs inspectors, to obstruct those inspectors.

The third consideration: I'm asking you to really provide protection to all dogs and cats in Ontario. We have an amendment that went into place in 2002 related to dogs and cats kept for breeding or sale. As you may realize, that was to address the puppy mill problem, but the difficulty is that it's very difficult to prove that an animal is being bred and sold; it's a difficult standard of proof. We can prove the neglect, but we can't prove the standard for breeding for sale very often.

Dogs and cats—really, all animals, but today I'm only asking about dogs and cats—should be provided with an adequate standard of care in this province. It should be an offence to not provide veterinary medical care, to provide inadequate shelter and an animal freezes to death. None of those things are currently an offence in Ontario. Every other province actually has offences in their provincial animal protection legislation to do just that. This would be an easy change, essentially deleting some wording from the act to provide a much broader scope of animal protection in Ontario.

You can't imagine the amount of cruelty we see every day, and it's very, very frustrating. We seem to see a revolving door of repeat offenders. With the weakest law in the country, I'm quite jealous of Alberta or British Columbia, which have much stronger statutes that can take action in many of these cases where we can't.

The last recommendation I'm asking you for is something that our chief executive officer is going to speak to.

Ms. Marshall: Thank you, Mike. Recommendation 4 is a property tax exemption for the affiliated humane societies. Currently, the Ontario SPCA does have tax exemption from our property tax. Two years ago, we were paying corporate tax; we are now paying residential taxes. We did work with MPAC through the Ministry of Community Safety and Correctional Services and did get that tax exemption.

If you can realize, all of our organizations—our 27 branches and our 31 affiliated organizations—run their organizations by fundraising and depend on legacy dollars. What we were doing was taking that money from our donors and actually paying taxes to the government. That has really made a difference in terms of our budgeting process. Now we'd like to extend that request for tax exemption to our affiliated organizations as well.

Mr. Draper: Today, in summary, the amendments we're asking for are in many ways things that have already gone on for years in many other pieces of legislation in this province. Our act, the Ontario SPCA act, hasn't been substantially updated since 1969. These amendments would allow us to be more effective at protecting animals in this province. It will reduce costs to the Ontario SPCA by increasing compliance as well as reducing property taxes to our affiliated humane societies, and it will ensure that animals in Ontario receive the same or a similar level of protection as in other provinces.

Unfortunately—and I may well be criticized for this—I did put some pictures in here just to give you a sense of what our investigators see every day. I don't know how to express it without putting these in. You have to realize that the amount of cruelty we see on a daily basis is phenomenal. These are cases from only one inspector's case book, not ones that I had to look far for—some pretty serious cases. Many of these we can't act on very easily.

The Criminal Code, which we can lay out charges from, was written in 1892. The federal government has indicated that they're not willing to amend the Criminal

Code to provide better protection for animals. Because of that, since 1998, almost all the other provinces have increased the level of animal protection through provincial legislation.

Our act has been around since 1919. We really need some of these amendments to go through to help animals in Ontario. We're not asking you for a substantial redraft; just give us some abilities that other provincial inspectors have to address serious animal welfare issues in this province.

Thank you very much. I appreciate your time today.

The Chair: Thank you very much for coming in. We do have some time remaining for questions, about two and a half minutes a side, beginning with Mr. Miller.

Mr. Miller: Thank you very much for your presentation. Your recommendations look fairly reasonable to me. On the one that deals with property tax, I would want to know whether the municipalities have had any input on that one, because they probably would not be in favour if it means they're going to lose property tax dollars. Unless I had some assurance of how municipalities feel about it, then I wouldn't want to make a decision on the spot about it. The others, to me, at first glance, seem fairly reasonable. I don't know whether the government has had a chance to look at those and decide whether they're going to support them, because it will inevitably be the government that will decide whether those amendments will pass, me being but one vote over here on the opposition side.

1550

Mr. Draper: I don't think the municipalities individually have all been consulted, no. I guess our line on this one is that most other charities are exempted through—and I don't recall the name of the legislation that relates to all property tax. Unfortunately, humane societies don't really fall within there, for some reason. So this would be something that municipalities are used to because most other charities such as churches and other groups that have property don't pay these types of taxes to begin with.

Mr. Miller: Sorry, I only have two and a half minutes. Would there be another way of helping your financial situation? I gather that—

Ms. Marshall: There are many ways.

Mr. Miller: I gather that you've had an increased burden because of the passing of the Dog Owners' Liability Act. I sat in on the hearings, and the OSPCA people were generally not supportive of the bill and concerned with extra work to do and extra costs. It's early going, I guess, but is that happening? Is it providing extra costs? Instead of putting the burden on municipalities, obviously if the province funded you to take the responsibility for the extra work they're asking you do by legislation that the government just passed, it might make sense as well.

Ms. Marshall: Interesting comment. I'm trying to think of the best way to address this. A lot of the affiliates are actually working with the municipalities to try to get their taxes changed, but we do need the support

from the bigger body. Funding: Not only are we getting pressure due to the Dog Owners' Liability Act, we are, in turn, increasing our marketing, increasing our fund development, and every time we do that, there is another reaction from the public—they know about us—so then, of course, our costs go up. So it doesn't matter what we do, we're constantly defeated. We increase our marketing, our investigators get busier, but we don't have enough money to actually go out and hire additional inspectors and additional investigators because—we don't have that money. We're currently operating in a deficit position almost annually.

The Chair: Thank you.

Mr. Miller: Chair, are we that tight for time this afternoon?

The Chair: Yes. Mr. Kormos.

Mr. Kormos: Thank you very much, Ms. Marshall and Inspector Draper, for coming in today. You are the only affected body to have pored over this omnibus bill and identified amendments that are relevant to the work that you do, so I appreciate very much the work that you did getting there.

"Offence for failing to comply with an inspector's order": You said Alberta and BC have those offences?

Mr. Draper: We're the only province that has an order system; the rest have a general offence. If you allow your animal to be in distress, it creates an offence. We're not asking you to go down that further step. We're asking, if your animal is in distress and we go out and say, "Take it to a veterinarian," and you still don't, to make that an offence. It's one step apart from making allowing your animal to be in distress an offence.

Mr. Kormos: So it's not a judicial order, it's the direction of the inspector.

Mr. Draper: It's the direction, that's right. That's similar to the Environmental Protection Act or the Health Protection and Promotion Act.

Mr. Kormos: You've referred to "society investigators have police powers to enforce the act." Are you peace officers?

Mr. Draper: Yes, we are.

Mr. Kormos: So this is when you get down to "Offence for obstructing agent/inspector." Would an obstruction of you be tantamount to a Criminal Code obstruction of a police officer?

Mr. Draper: Yes and no. We've charged for obstruction before and have a conviction—

Mr. Kormos: Under the code?

Mr. Draper: —under the code. But the difficulty is really the interpretation by the crown. We have to be essentially enforcing the code, and if we're doing something under the act, the crown attorneys aren't really interested in prosecuting that as an obstruction. We've had that a lot in the past. This would clarify that and make it a provincial offence—

Mr. Kormos: Real fast, from a practical, pragmatic point of view, what constitutes an obstruction? Give us an example, real fast.

The Chair: I have to cut you off on that. Mrs. Van Bommel.

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Actually, I'd like to carry on with the obstruction question.

The Chair: Absolutely; go ahead.

Mrs. Van Bommel: I see here that it says, "while the agent or inspector is acting in the course of his or her duties," and you brought up farms and barns, but I see no mention here of biosecurity. So if a farmer were to stop you, obstruct you from entering his barn because he has concerns about his biosecurity practices, are you prepared to deal with those? Who's going to define the biosecurity, that the practices are satisfactory, and who assumes liability in the event that disease does enter the barn and you basically wipe out a herd or a flock?

Mr. Draper: We're certainly very cognizant of biosecurity. We have a standing order, which is a provincial policy related to biosecurity on farms. We've received training from the Ontario Ministry of Agriculture and Food and have consulted others. We're certainly very cognizant of concerns related to biosecurity on farms.

As well, unfortunately, if we did something negligent, certainly we'd be on the hook for it, I would admit that, yes, if we were acting irresponsibly. But we do have a biosecurity policy related to farms, as well as other animal endeavours that may need biosecurity. So we do have a policy, and we've received training from OMAF. Actually, every year OMAF sponsors two training courses on farm animals for us, a component of which is biosecurity. So we work very closely with the Ontario Ministry of Agriculture and Food's livestock technology division related to issues like that.

Mrs. Van Bommel: Thank you.

The Chair: Mr. Racco? No questions? Okay.

That concludes the time we have for your deputation. I want to thank you very much for coming in and for your very thoughtful deputation. You're welcome to stay for the balance of the committee's deliberation.

Mr. Draper: Thank you very much.

The Chair: David?

Mr. David Zimmer (Willowdale): Mr. Chair, I understand that our colleague Mr. Kormos asked for unanimous consent that he could have one of his assistants sit at the table to help this committee work through, and I'd like to do the same.

Mr. Kormos: As you should too, Mr. Zimmer.

The Chair: Do we have unanimous consent? Agreed.

Mr. Kormos: For the same obvious reasons as I wanted my assistant sitting beside me.

Mr. Zimmer: It will make things go much faster. This is Shawn Knights, my executive assistant.

Mr. Kormos: This is Elliot Anderson, member of OPSEU, and of course our research staff.

The Chair: As long as he's sitting there in his capacity as your researcher.

Mr. Kormos: With seniority rights, with guaranteed vacations, vacation pay, generous benefits—

The Chair: Thank you.

Prior to moving into clause-by-clause consideration, do we have unanimous consent to defer consideration of sections 1, 2 and 3 in order to consider the schedules of the bill? Agreed.

Mr. Zimmer: Mr. Chair, I have with me, from the Ministry of the Attorney General, John Gregory. I would ask him to sit at this table. He can give us technical assistance, if required, as we work our way through these matters.

The Chair: Thank you very much. Welcome, Mr. Gregory.

Are there any questions, comments or amendments to any section of the bill, and if so, to which section? Let's start with Mr. Miller.

Mr. Miller: I'd just like to ask about the amendments that were just recommended by the Ontario Society for the Prevention of Cruelty to Animals. I'm wondering if the government is giving consideration to any of these amendments and if they will be supporting them.

Mr. Zimmer: I wouldn't mind about a five-minute break just to organize my thoughts on that, if I could.

The Chair: Do we have agreement for a five-minute recess?

Mr. Zimmer: Not more than five.

The Chair: Not more than five. It now being one minute before 4, this committee will recess for precisely five minutes.

Mr. Zimmer: Thank you.

The committee recessed from 1600 to 1604.

The Chair: The committee will come back to order.

Mr. Zimmer.

Mr. Zimmer: These matters were just brought to everybody's attention this afternoon, just now as we heard them. We'd like an opportunity to think it through and see just what we want to do here. Having said that, and without making any commitments, on the first blush we see some merit in a number of these matters. So what's the process to potentially deal with these amendments later? We can't deal with them today, just technically. We're just not in a position to deal with the language and so on and so forth.

The Chair: The clerk advises that our alternatives are to move forward with consideration of the schedules and sections that don't deal with the proposed amendments and stand down those sections that do until a later date, or to postpone consideration of the bill until a later date.

Mr. Zimmer: Let's move ahead.

Mr. Kormos: The House leader's office may want to interrupt and whisper in your ear.

Mr. Zimmer: Let's deal with the bill today and we'll deal with these matters that you've raised, Mr. Miller, at a later time. But I assure you that we will do so.

Mr. Kormos: To be fair, we could always agree to get the bill into committee of the whole House for a period of time, should there be an interest in cleaning up things further. I should tell you it's our position, and I understand from my colleague the government House leader that, yes, if there's any further cleanup, we'll take care of

it in due course down the road. But I think Mr. Zimmer has received wise counsel.

The Chair: Shall we then go back to the original question: comments, questions and amendments to any section of the bill, and if so, to what section?

Mr. Zimmer: Can I move government motion 1? Everybody has that?

I move that the title to schedule A to the bill be struck out and the following substituted:

“Schedule A

“Ministry of Agriculture, Food and Rural Affairs.”

The Chair: All in favour? Carried.

Mr. Zimmer: Government motion 2:

I move that the definition of “tribunal” in subsection 1(1) of the Commodity Board Members Act, as set out in subsection 4(1) of schedule A to the bill, be struck out and the following substituted:

“‘Tribunal’ means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under the Ministry of Agriculture, Food and Rural Affairs Act. (‘Tribunal’)”

The Chair: Before we move just slightly out of order: Shall the title of schedule A, as amended, carry? Mr. Zimmer's last motion was to change the title of schedule A.

Mr. Kormos: If I may, we're going to approve the title before we've approved the balance of the schedule? The title has been amended. It seems to me then—that's interesting. I take your counsel, Chair. This is a novel situation because the title is amended. It's not like the title of a bill, which as you know, when we go through a bill process—

Mr. Sergio: We already did. Motion 1 deals with that, which has been approved. So I think we should go through all the other motions and then approve everything as amended.

Mr. Kormos: Don't challenge the Chair.

Mr. Sergio: I'm just saying—

Mr. Kormos: I'm trying to protect the Chair's integrity.

Mr. Sergio: Yes. I think that's normally the way we do it.

The Chair: The clerk advises that there is no procedural reason that the title of schedule A, as amended, could not carry. So we've amended the title. Shall the title of schedule A, as amended, carry? Carried.

Shall section 1, section 2 and section 3 of schedule A carry? Carried.

1610

Mr. Zimmer: I think I dealt with government motion 2. Do you want me to read it again?

The Chair: Please do.

Mr. Zimmer: I move that the definition of “tribunal” in subsection 1(1) of the Commodity Board Members Act, as set out in subsection 4(1) of schedule A to the bill, be struck out and the following substituted:

“‘Tribunal’ means the Agricultural, Food and Rural Affairs Appeal Tribunal continued under the Ministry of Agriculture, Food and Rural Affairs Act. (‘Tribunal’)”

The Chair: Shall the amendment carry? Carried.

Mr. Zimmer: Government motion 3—

The Chair: Before you go, shall section 4 of schedule A, as amended, carry? Carried.

Shall sections 5 through 8—

Mr. Kormos: A moment, please. I request that section 5 be addressed alone, without the inclusion of section 6.

The Chair: Would you wish to address section 5 at this time?

Mr. Kormos: I urge people, when section 5 is called for a vote, to reject section 5, subsections (1) and (2).

The Chair: Shall section 5 of schedule A carry? All those in favour of section 5 of schedule A?

Mr. Kormos: Recorded vote.

Mr. Zimmer: Hold it. If you play around like this, we'll be here forever.

Mr. Kormos: I'm not the one who said, "Carried." Please. Discipline.

The Chair: All those in favour of section—

Mr. Miller: Could we have an explanation of why Mr. Kormos wants to vote against this section?

Mr. Kormos: Yes. It's repugnant and objectionable and contrary to good policy.

The Chair: All those in favour of section 5 of schedule A? All those opposed? Section 5 of schedule A is defeated.

Shall section 6 of schedule A carry? Carried.

Shall section 7 and section 8 of schedule A carry?

Mr. Kormos: No. One moment, please. I'm suggesting that section 7 be dealt with alone.

The Chair: Shall section 7 carry? Carried.

Shall section 8 carry? Section 8 is defeated.

Section 9 of schedule A: Questions, comments or amendments?

Mr. Zimmer: I move that the definition of "local board" in subsection 21(1) of the Farm Products Marketing Act, as set out in subsection 9(3) of schedule A to the bill, be struck out and following substituted:

"'local board' means the Egg Board Farmers of Ontario; ('commission locale')"

The Chair: Just as a question of clarification, do you mean Egg Board Farmers of Ontario or Egg Farmers of Ontario?

Mr. Zimmer: Egg Farmers of Ontario.

The Chair: Thank you.

Shall the amendment carry? Carried.

Shall section 9 of schedule A, as amended, carry? Carried.

Shall section 10 of schedule A carry? Carried.

May I ask for block consideration of sections 11 through 16?

Mr. Kormos: No, sir. It's 11, 12 and 13.

The Chair: Shall sections 11, 12 and 13 of schedule A carry? Carried.

Is there any comment, debate or amendment on section 14?

Mr. Kormos: I move that subsections 14(1) to (9) of schedule A to the bill be struck out.

The Chair: Comments, questions and debate on Mr. Kormos's motion?

Mr. Miller: Could we get some explanation on what those subsections are about and why he wants them struck out?

Mr. Kormos: Of course. Those are subsections dealing with the Livestock Medicines Act, and the subsections, as proposed in the government's bill, are contrary to good public policy.

Mr. Miller: Could we have an explanation from the Ministry of Natural Resources or some staff?

The Chair: Would staff care to comment?

Mr. John Gregory: We did not bring staff from every ministry on this because we had expected to proceed relatively smoothly. At my discussions with the Ministry of Agriculture, frankly, they did not know, at the staff level, what was objectionable to the NDP about the provisions in this act that were proposed. There are some where we can guess; this one, no one at Agriculture was able to guess what the objection was. Sorry.

The Chair: Further comment, discussion or debate on the amendment? Shall the amendment carry? Carried.

Shall section 14 of schedule—

Mr. Kormos: I have a motion.

The Chair: Are there further comments, questions or amendments to section 14?

Mr. Kormos: I move that subsections 14(14) to (17) of schedule A to the bill be struck out.

The Chair: Are there any comments, questions or debate on the amendment?

Mr. Miller: Yes. An explanation about what these subsections are about. Since the government seems to be supporting these amendments being put forward by the NDP, if they can give some explanation as well, that would be appreciated.

Mr. Gregory: Again, the Minister of Agriculture was unable to give an explanation of what was objectionable about these provisions.

The Chair: Legislative counsel wishes a chance to comment on this.

Mr. Michael J.B. Wood: There is a further explanation provided in the explanatory note to the bill as to what the schedule—

Interjection: Sorry, I can't hear you.

Mr. Wood: There is a further explanation provided in the explanatory note to the bill as to what these amendments would do, so by defeating the amendments we don't make them and we leave the Livestock Medicines Act as it is presently in force in its present state.

The Chair: Further discussion? Shall the amendment carry? Carried.

Shall section 14 of schedule A, as amended, carry? Carried.

Are there any questions, comments or amendments to section 15?

Mr. Kormos: Chair, may I suggest that you call sections 15 and 16 for the same vote?

The Chair: Shall sections 15 and 16 of schedule A carry? Carried.

Mr. Kormos: Chair, may I request a two-minute recess, please?

The Chair: This committee will recess for two minutes.

The committee recessed from 1620 to 1623.

The Chair: The committee is back in session. Questions, comments and amendments to section 17 of schedule A?

Mr. Zimmer: I move that subsection 17(1) of schedule A to the bill be struck out.

The Chair: Carried? Carried.
Further amendments?

Mr. Zimmer: I move that the definition of “tribunal” in section 1 of the Milk Act, as set out in subsection 17(2) of schedule A to the bill, be struck out and the following substituted:

“‘Tribunal’ means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under the Ministry of Agriculture, Food and Rural Affairs Act. (‘Tribunal’)”

The Chair: Shall the amendment carry? Carried.

Are there further questions, comments or amendments to section 17 of schedule A?

Shall section 17 of schedule A, as amended, carry? Carried.

Questions, comments and amendments for section 18 of schedule A?

Mr. Zimmer: I move that subsections 18(1) and (2) of schedule A to the bill be struck out.

The Chair: Comments? Discussion?

Shall the amendment carry? Carried.

Further amendments?

Mr. Kormos: I move that the definition of “Tribunal” in section 1 of the Ministry of Agriculture, Food and Rural Affairs Act, as set out in subsection 18(3) of schedule A to the bill, be struck out and the following substituted:

“‘Tribunal’ means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under subsection 14(1) (‘Tribunal’)”

The Chair: Shall the amendment carry? Carried.

Mr. Zimmer: Trying to throw me off my game.

The Chair: Let’s do this carefully. There’s a lot of it. Further amendments?

Mr. Kormos: What are the two things that the public never wants to see being made?

The Chair: Sausage and laws.

Mr. Kormos: Yes.

Mr. Zimmer: I move that subsections 18(4), (5) and (6) of schedule A to the bill be struck out.

The Chair: Discussion? Shall the amendment carry? Carried.

Further amendments? Mr. Kormos, any further amendments to section 18 of schedule A?

Mr. Kormos: Nothing more to schedule A, sir.

The Chair: Further amendments?

Shall section 18 of schedule A, as amended, carry? Carried.

Permission to do block consideration of—

Mr. Kormos: No, sir; 19, please.

The Chair: Shall section 19 of schedule A carry? Carried.

Comments, discussion or amendments to section 20 of schedule A?

Mr. Kormos: If I may, I’m urging, I am exhorting government members to vote against section 20, as it is simply ill-conceived policy.

The Chair: Shall section 20 of schedule A carry? All those in favour of section 20? All those opposed? Section 20 is lost.

Shall section 21 of schedule A carry? All those in favour? All those opposed? I declare section 21 of schedule A lost.

Shall section 22 of schedule A carry? Carried.

Shall section 23 of schedule A carry? Carried.

Mr. Kormos: If I may, perhaps the Chair would want to call what I understand to be the balance of schedule A.

The Chair: Requesting permission to consider sections 24 through 57 of schedule A as a block: May sections 24 through 57 be considered as a block? Agreed.

Shall sections 24 through 57 of schedule A carry? Carried.

I’ll let the clerk catch up with you here.

Shall schedule A, as amended, carry? Carried.

Considering section 1 of schedule B: Are there any amendments to section 1 of schedule B?

1630

Mr. Kormos: I move that subsections 1(1), (2) and (3) of schedule B to the bill be struck out.

The Chair: Discussion or comments on the amendment? Shall the amendment carry? Carried.

Shall section 1 of schedule B, as amended, carry? Carried.

Mr. Kormos: Chair, if I may, I’m suggesting that you call section 2 through to section 8 of schedule B.

The Chair: Shall sections 2 through 8 of schedule B carry? Carried.

Are there any amendments to section 9 of schedule B?

Mr. Kormos: I move that subsections 9(2), (3), (4) and (5) of schedule B to the bill be struck out.

The Chair: Discussion on the amendment? Shall the amendment carry? Carried.

Further amendments to section 9 of schedule B? Shall section 9 of schedule B, as amended, carry?

Interjection: No.

The Chair: Is there any debate? All those in favour of section 9 of schedule B, as amended? All those opposed to section 9 of schedule B, as amended? I declare section 9 of schedule B, as amended, lost.

Are there any amendments to section 10 of schedule B? Shall section 10 of schedule B carry? I declare section 10 of schedule B lost.

Shall section 11 of schedule—

Mr. Kormos: Chair, I urge you to call sections 11, 12 and 13, please.

The Chair: Just before consideration of sections 11 through 13 of schedule B, as a point of clarification to Mr. Kormos, did you indeed intend to pass an amendment to section 9 of schedule B and defeat the amended section of schedule B?

Mr. Kormos: Yes. It was remarkable because what we did was strike out subsections (2), (3), (4) and (5), leaving only subsection (1), and then the government called our bet and raised us a subsection by saying, “We’ll fold the whole thing,” because they didn’t have a pair in their hand. Is that a fair analysis, sir?

Mr. Zimmer: No comment.

The Chair: I take it that means yes.

Mr. Kormos: Yes, sir. There’s liable to be a press release going out of the NDP caucus today saying, “New Democrats win 90% of the votes in committee today.” That would be a remarkable event.

The Chair: In order to clarify one point, the clerk’s table requests a brief recess.

Mr. Kormos: All right, sir. If this is a matter of the orderliness of doing something, I think we can address that. If it’s a matter of the orderliness of striking out subsections (2), (3), (4) and (5) of 9 and then voting against the remaining subsection 9(1), if that’s the question, I think we’re prepared, on unanimous consent, to overcome any obstacle by moving what in effect was 9(1) as an amendment.

The Chair: This committee will be in recess for five minutes.

The committee recessed from 1635 to 1643.

The Chair: The clerk’s office advises—and let the Chair put this before the committee—that with the defeat of section 9, as amended, the entire section is lost, including anything in the amendment. Is this the will of the committee, just for clarification?

Mr. Kormos: If I may, Chair, I believe that with unanimous consent we can overcome almost any barrier or hurdle. If the government requires unanimous consent to move an amendment amending schedule B by adding what was subsection 9(1) that was defeated—if that requires unanimous consent, we’re prepared to give unanimous consent or to revisit this after that motion is prepared. As we move down, we can come back.

The Chair: Do we have unanimous consent to reopen section 9 of schedule B? Agreed.

Further amendments to section 9 of schedule B?

Just again, for clarification purposes, in the reopening of section 9 of schedule B, is it unanimously agreed that Mr. Kormos’s amendment has carried? Agreed.

Mr. Zimmer: We’re saving 9(1). That’s what we want to do.

The Chair: Okay. Shall, then, section 9 of schedule B, as amended, carry? Okay. For clarification purposes, section 9 of schedule B, as amended, is no longer lost; it now carries? Agreed.

Mr. Kormos: If I may, Chair, we’ve effectively stricken a vote. We’ve rolled back a vote. We’ve reversed a vote on unanimous consent.

Mr. Zimmer: So we’ve done what we wanted to do.

Mr. Kormos: On unanimous consent.

Mr. Zimmer: Right.

The Chair: Shall we now move ahead with consideration of sections 11, 12 and 13 of schedule B? Shall sections 11, 12 and 13 of schedule B carry? Carried.

Mr. Kormos: I move that subsection 14(2) of schedule B to the bill be struck out.

The Chair: Discussion on the amendment? Shall the amendment carry? Carried.

Further amendments to section 14 of schedule B?

Shall section 14 of schedule B, as amended, carry? Carried.

Mr. Kormos: I move that subsections 15(1) and (2) of schedule B to the bill be struck out.

The Chair: Discussion on the amendment? Shall the amendment carry? Carried.

Further amendments to section 15 of schedule B?

Shall section 15 of schedule B, as amended, carry? Carried.

Mr. Kormos: I move that subsection 16(2) of schedule B to the bill be struck out.

The Chair: Carried.

Shall section 16 of schedule B, as amended, carry? Carried.

Mr. Kormos: Chair, if I may, I urge you to call section 17 through to section 22 to be dealt with in a block.

The Chair: Shall sections 17 through 22 of schedule B carry? Carried.

Questions, comments and amendments to section 23 of schedule B?

Mr. Kormos: I move that subsection 23(10) of schedule B to the bill be struck out.

The Chair: Questions, comments? Shall the amendment carry? Carried.

Further amendments to section 23 of schedule B?

Shall section 23 of schedule B, as amended, carry? Carried.

Shall section 24 of schedule B carry? Carried.

The Chair: Amendments to section 25 of schedule B?

Mr. Zimmer: I move that subsection 25(1) of schedule B to the bill be amended by striking out “subsections (2) to (9)” and substituting “subsections (3) to (8).”

The Chair: Discussion? Shall the amendment carry? Carried.

Further amendments?

Mr. Zimmer: I move that subsection 25(2) of schedule B to the bill be struck out.

The Chair: Discussion? Shall the amendment carry? Carried.

Further amendments?

Mr. Zimmer: I move that subsection 25(3) of schedule B to the bill be amended by striking out “Subsections 16(1) and (2) come” and substituting “Subsection 16(1) comes”.

The Chair: Shall the amendment carry? Carried.

Further amendments?

Mr. Zimmer: I move that subsection 25(8) of schedule B to the bill be amended by striking out “Section 2 and subsections 9(2) to (5) come” and substituting “Section 2 comes”.

The Chair: Shall the amendment carry? Carried.

Further amendments?

Mr. Zimmer: I move that subsection 25(9) of schedule B to the bill be struck out.

The Chair: Shall the amendment carry? Carried.

Further amendments?

Shall section 25 of schedule B, as amended, carry? Carried.

Shall schedule B, as amended, carry? Carried.

Mr. Kormos: Chair, I would invite you to call schedule C in its entirety and, by virtue of calling schedule C for a vote, the vote is on not just the title, but upon all of its contents: sections and tables.

1650

The Chair: Shall section 1, section 2, section 3, table 1, table 2, table 3 and table 4 of schedule C carry? Carried.

Shall schedule C carry? Carried.

Schedule D.

Mr. Kormos: Chair, if I may invite you to call sections 1 through 19 of schedule D.

The Chair: Considering sections 1 through 19, inclusive, of schedule D: Shall sections 1 through 19, inclusive, of schedule D carry? Carried.

Section 20 of schedule D: Questions, comments or amendments? Shall section 20 of schedule D carry? I declare section 20 of schedule D lost.

Shall section 21 of schedule D carry? Carried.

Shall schedule D, as amended, carry? Carried.

Mr. Kormos: Chair, I would invite you to call all of the contents of schedule E for a vote.

The Chair: Shall section 1, section 2, section 3, section 4 and section 5 of schedule E carry? Carried.

Shall schedule E carry? Carried.

Schedule F.

Mr. Kormos: Chair, I invite you to call sections 1, 2—my apologies. I invite you to call section 1 of schedule F, alone.

The Chair: Shall section 1 of schedule F carry? I declare section 1 of schedule F lost.

Do we have unanimous consent to stand down sections 2, 3, 4 and 5 of schedule F for consideration of any proposed amendments from today's presentation?

Mr. Kormos: I'd like to hear what the parliamentary assistant has to say about any possible intentions the government has, whether it's going to deal with it in this bill or deal with it later, once this bill has cleared committee.

Mr. Zimmer: We'll look at it later on.

The Chair: Okay.

Mr. Kormos: Just to clarify, Chair, I understand if we defer those sections, the bill can't be reported back to the House, then, until this committee has voted on those sections.

The Chair: That would be correct.

Mr. Zimmer: All right. Let's do it.

Interjection: So you're not standing them down?

Mr. Zimmer: We're not standing it down.

Mr. Miller: So you'd like to deal with these now. When, then, I might ask, would these possible amendments be dealt with? I'm in favour of reporting this back

to the Legislature; I'm just wondering how consideration might be given to the presentation given to us today and the suggested amendments.

Mr. Zimmer: We'll bring it back to the committee and I'll speak to you.

Mr. Miller: Okay, fine by me, as long as they are addressed at some time in the future.

Mr. Zimmer: Yes.

Mr. Kormos: If I may, Chair?

The Chair: Mr. Kormos.

Mr. Kormos: Very briefly, let's remember that the observation was made by the presenters today, Ms. Marshall and Inspector Draper, that this bill has not been addressed in decades and perhaps it's time to have a review of their legislation by the appropriate committee; first a review of the existing bill, hearing submissions, and then let the government respond with drafting stand-alone legislation so that there's a far more comprehensive review and amendment of the legislation. The message was clear that this was their very immediate concern, that there was a whole lot more there that they felt needed updating. I reserve my right in the House to insist that the government has failed the OSPCA by not responding promptly to their issues.

The Chair: Mr. Zimmer?

Mr. Zimmer: I have no comment. I understand what my friend has said.

The Chair: Okay.

Shall section 2 of schedule F carry? Carried.

Shall sections 3, 4, 5, 6 and 7 of schedule F carry? Carried.

Shall schedule F, as amended, carry? Carried.

Schedule G.

Mr. Zimmer: I move that the title to schedule G to the bill be struck out and the following substituted:

"Schedule G

"Ministry of Government Services

"(Former Ministry of Consumer and Business Services)".

Mr. Kormos: Is the purpose of this amendment—I understand that you want to change the name to "Ministry of Government Services" from "Ministry of Consumer and Business Services." But by virtue of including "Former Ministry of Consumer and Business Services," is this to underscore the fact that the government has gutted that ministry and the services it provides and that it is but a distant memory?

Mr. Zimmer: Mr. Gregory?

Mr. Gregory: I believe that the member for the New Democratic Party was not making a substantive comment on the bill.

Mr. Zimmer: There, Peter. Smoke that.

Mr. Kormos: I've smoked worse than that—please.

The Chair: Okay. Further discussion on the amendment? Shall the amendment carry? Carried.

Shall the title of schedule G, as amended, carry? Carried.

Considering section 1 of schedule G: Shall section 1 of schedule G carry? Carried.

Shall section 2 of schedule G carry? Carried.

Is it the will of the committee to block-consider any sections of schedule G?

Mr. Kormos: Section 3.

The Chair: Section 3: Are there any amendments on section 3 of schedule G? Shall section 3 of schedule G carry? I declare section 3 of schedule G lost.

Shall section 4 of schedule G carry? Carried.

Shall section 5 of schedule G carry? Section 5 of schedule G is lost.

Shall section 6 of schedule—

Mr. Kormos: Chair, if I may invite you to call sections 6 through 14.

The Chair: Shall sections 6 through 14, inclusive, of schedule G carry? Carried.

Questions, comments and amendments on section 15 of schedule G?

1700

Mr. Zimmer: I move that subsection 15(2) of schedule G to the bill be amended by striking out “subsections 3(1), (3) and 9(2)” and substituting “subsection 9(2)”.

The Chair: Carried? Carried.

Shall section 15 of schedule G, as amended, carry? Carried.

Shall schedule G, as amended, carry? Carried.

Schedule H: Shall section 1 of schedule H carry? Carried.

Shall section 2 of schedule H—

Mr. Kormos: Mr. Chair, a question to the parliamentary assistant: When we’re dealing with the Ontario tartan, in the first block, the mixed green block with the 129 threads, the two mid-green threads—how were they determined as compared to three or four mid-green threads, and exactly what does this amendment do to the Ontario tartan in terms of its texture, its colour, its appearance?

Mr. Zimmer: It’s a better tartan. I’ll ask Mr. Miller—

Ms. Jennifer F. Mossop (Stoney Creek): Perhaps, as the parliamentary assistant to the Minister of Culture responsible for tartan, I could potentially address that issue?

Mr. Kormos: Please.

Ms. Mossop: Thank you very much.

Mr. Kormos: With specifics.

Ms. Mossop: It makes it look much, much better and I know a discriminating man like yourself will instantly, upon viewing it, see the much-improved impression it leaves.

Mr. Zimmer: What about Mr. Miller? He shows up in tartan on Tartan Day, in his plaids. What do you think?

Ms. Mossop: In fact, it also brings it into accordance with a great clan tradition on tartans and threads, but I don’t want to get too detailed. I know the aesthetic of it will not be lost on you.

The Chair: I believe our counsel has a comment as well.

Mr. Wood: The reason for the amendment here is to correct a technical error in the act as it was originally enacted. The tartan is supposed to be symmetric and it

wasn’t. There was a slight error in the original one. This corrects it. So you can see that it’s symmetric in the sense that if you look at the first item and the last item in the list, they’re the same. Then proceed down the list: The second item and the second-last item are the same, and so forth into the middle.

Mr. Kormos: That is—

Ms. Mossop: It will be lost on some people, but not on you. You will see it.

Mr. Kormos: You’ll notice that the central number is the only odd number. All the other segments of the block—and for the people reading this Hansard, scholars down the road, let’s note that the first block is called the mixed green block and consists of 129 threads, not 130, not 128, but 129 threads disposed as follows: two white; 20 dark green; two red; 20 mid-green; four red; two mid-green—

Mr. Zimmer: Are you trying to use up the clock?

Mr. Kormos: —two red; 25 mid-green; two red; two mid-green; four red; 20 mid-green; two red; 20 dark green and two white.

Now I feel it’s possible for me to support this section, having understood it with the assistance of counsel and the contribution by Ms. Mossop. I feel capable of supporting this. Any concerns that I had have been alleviated. Mr. Zimmer?

Mr. Zimmer: As long as you’ve answered that question, you might reflect on the answer to this puzzle: How much wood would a woodchuck chuck if a woodchuck could chuck wood?

The Chair: With that rhetorical question having been submitted, the Chair will ask: Shall section 2 of schedule H carry? Carried.

Shall section 3 of schedule H carry? Carried.

Shall schedule H carry? Carried.

Mr. Kormos: I invite you, Chair, to call all of schedule I.

The Chair: In consideration of sections 1 through 5 of schedule I, inclusive: Shall sections 1 through 5 of schedule I, inclusive, carry? Carried.

Shall schedule I carry? Carried.

Schedule J.

Mr. Zimmer: I move that paragraph 4 of subsection 1(1) of schedule J to the bill be amended by striking out “Ontario Investment Services Inc.” and substituting “Ontario Investment Service Inc”.

The Chair: Carried.

Further amendments to section 1 of schedule J?

Shall section 1 of schedule J, as amended, carry? Carried.

Shall section 2 of schedule J carry? Carried.

Shall section 3 of schedule J carry? Carried.

Shall schedule J, as amended, carry? Carried.

Schedule K: Shall section 1 of schedule K carry? Carried.

Shall section 2 of schedule K carry? Carried.

Shall section 3 of schedule K carry? I declare section 3 of schedule K lost.

Shall section 4 and section 5 of schedule K carry? Carried.

Shall section 6 of schedule K carry? I declare section 6 of schedule K lost.

Amendments to section 7 of schedule K?

Mr. Zimmer: I move that section 7 of schedule K to the bill be struck out and the following substituted:

“Commencement

“7. This schedule comes into force on the day the Good Government Act, 2005 receives royal assent.”

The Chair: Shall the amendment carry? Carried.

Shall section 7 of schedule K, as amended, carry? Carried.

Shall schedule K, as amended, carry? Carried.

Shall section 1 of schedule L carry? I declare section 1 of schedule L lost.

Shall section 2—

Mr. Kormos: One moment, please.

Interjection.

Mr. Kormos: Thank you kindly. Sections 2 and 3, please.

The Chair: Shall section 2 and section 3 of schedule L carry? Carried.

Mr. Kormos.

Mr. Kormos: I move that subsection 4(5) of schedule L to the bill be struck out.

The Chair: Questions and comments? Shall the amendment carry? Carried.

Further amendments? Shall section—

Mr. Kormos: Sections 4, 5 and 6, please.

The Chair: Okay. Well, let's consider this one. Shall section 4 of schedule L, as amended, carry? Carried.

Shall section 5 and section 6 of schedule L carry? Carried.

Shall section 7 of schedule L carry?

Mr. Kormos: I move that subsection 7(5) of schedule L to the bill be struck out.

The Chair: Shall the amendment carry? Carried.

Further amendments? Shall section 7 of schedule L, as amended, carry? Carried.

Mr. Kormos: Through to 12 inclusive, please.

The Chair: Shall sections 8 through 12, inclusive, of schedule L carry? Carried.

Mr. Zimmer: I move that subsection 13 of schedule L to the bill be struck out and the following substituted:

“Commencement

“13. This schedule comes into force on the day the Good Government Act, 2005 receives royal assent.”

1710

The Chair: Shall the amendment carry? Carried.

I'm advised by the clerk that I was getting a little ahead of myself. Before consideration of Mr. Zimmer's amendment, shall table 1, table 2, table 3 and table 4 of schedule L carry? Carried.

Shall Mr. Zimmer's amendment to section 13 of schedule L carry? Carried.

Shall section 13 of schedule L, as amended, carry? Carried.

Shall schedule L, as amended, carry? Carried.

Mr. Kormos: Chair, I invite you to call schedule M in its entirety.

The Chair: Shall sections 1, 2, 3, 4, 5, 6, 7 and 8 of schedule M carry? Carried.

Mr. Zimmer: I move—

The Chair: Hold on. We're not done yet.

Shall schedule M carry? Carried.

Schedule N: Amendments?

Mr. Zimmer: I move that the title to schedule N to the bill be struck out and the following substituted:

“Schedule N

“Ministry of Government Services (former Management Board Secretariat and the Centre for Leadership and Human Resource Management)”.

The Chair: Discussion? Shall the amendment carry? Carried.

Further amendments?

Mr. Kormos: I move that subsection 1(8) of schedule N to the bill be struck out.

The Chair: Before consideration of that, shall the title of schedule N, as amended, carry? Carried.

Mr. Kormos, your amendment.

Mr. Kormos: I move that subsection 1(8) of schedule N to the bill be struck out.

The Chair: Discussion? Shall the amendment carry? Carried.

Shall section 1 of schedule N, as amended, carry? Let's try that one more time: Shall section 1 of schedule N, as amended, carry? Carried.

Shall section 2 of schedule N carry? Section 2 of schedule N is lost.

Is there an opportunity for any block consideration on schedule N?

Mr. Kormos: No, sir.

The Chair: Okay. Shall section 3 of schedule N carry? Carried.

Shall section 4 of schedule N carry?

Mr. Kormos: I move that subsection 4(6) of schedule N to the bill be struck out.

The Chair: Discussion? Shall the amendment carry? Carried.

Further amendments?

Shall section 4 of schedule N, as amended, carry? Carried.

Section 5 of schedule N: Any amendments?

Mr. Kormos: Through to 7, please.

The Chair: Shall section 5, section 6 and section 7 of schedule N carry? Carried.

Shall schedule N, as amended, carry? Carried.

Is there any opportunity for block consideration on schedule O?

Mr. Kormos: I propose that schedule O be dealt with in its entirety.

The Chair: Shall section 1 through section 6 of schedule O, inclusive, carry? Carried.

Shall schedule O carry? Carried.

Schedule P: Mr. Kormos.

Mr. Kormos: I move that subsection 1(5) of schedule P to the bill be struck out.

The Chair: Shall the amendment carry? Carried.

Shall section 1 of schedule P, as amended, carry? Carried.

Shall sections 2, 3 and 4 of schedule P—

Mr. Kormos: Section 2, please.

The Chair: Amendments on section 2 of schedule P?

Mr. Kormos: I have no amendments, but I call upon people to vote against section 2.

The Chair: Shall section 2 of schedule P carry? Section 2 of schedule P is lost.

Shall section 3 of schedule P carry? Section 3 of schedule P is lost.

Shall section 4 of schedule P carry? Carried.

Amendments on section 5 of schedule P?

Mr. Zimmer: I move that paragraph 1 of subsection 25(5) of the Niagara Escarpment Planning and Development Act, as set out in subsection 5(1) of schedule P to the bill, be struck out and the following substituted:

“1. By regular or registered mail or personal service to the minister, to the applicant for the permit, to persons who have requested to receive notice of the decision, to persons whom the delegate considers may have an interest in the decision and to all assessed owners of land lying within 120 metres of the land that is the subject of the application.”

The Chair: Carried? Carried.

Further amendments?

Mr. Zimmer: I move that section 5 of schedule P to the bill be amended by adding the following subsection:

“(1.1) Subsections 25(8) and (9) of the act are amended by striking out ‘subsection (5)’ wherever that expression appears and substituting in each case ‘subsection (5.1)’.”

The Chair: Carried? Carried.

Further amendments to section 5 of schedule P? Shall section 5 of schedule P, as amended, carry? Carried.

Mr. Kormos.

Mr. Kormos: I move that subsection 6(13) of schedule P to the bill be struck out.

The Chair: Shall the amendment carry? Carried.

Further amendments to section 6? Shall section 6 of schedule P, as amended, carry? Carried.

Shall section 7 and section 8 of schedule P carry? Carried.

Mr. Kormos: Chair, may I request a brief adjournment at this point?

The Chair: May we consider schedule P, as amended, before a recess?

Mr. Kormos: You’ve persuaded me.

The Chair: Democracy prevails.

Shall schedule P, as amended, carry? Carried.

This committee is in recess for five minutes.

The committee recessed from 1718 to 1723.

The Chair: We are now considering schedule Q. Is there any opportunity for block consideration in schedule Q?

Mr. Kormos: No, sir.

The Chair: Shall section 1 of schedule Q carry?

Are there any amendments to section 1 of schedule Q?

Mr. Kormos: Did we not just vote against section 1?

The Chair: Just to clarify, there are no amendments to section 1 of schedule Q. Section 1 of schedule Q has been lost. Correct?

Mr. Kormos: Correct.

The Chair: Are there any amendments to section 2 of schedule Q?

Shall section 2 of schedule Q carry? Carried.

Shall section 3 of schedule Q carry? Carried.

Shall section 4 of schedule Q carry? Carried.

Shall schedule Q, as amended, carry? Carried.

Schedule R: title.

Mr. Zimmer: I move that the title to schedule R to the bill be struck out and the following substituted:

“Schedule R

“Ministry of Tourism.”

The Chair: Shall the amendment carry? Carried.

Shall the title of schedule R, as amended, carry? Carried.

Amendments to section 1 of schedule R?

Shall section 1 of schedule R carry? Carried.

Shall section 2 of schedule R carry?

Mr. Kormos: Chair, I’m calling upon and urging government members, as well as my colleague Mr. Miller, to vote against section 2.

The Chair: Shall section 2 of schedule R carry? Section 2 of schedule R is lost.

Mr. Kormos: If I may, Chair: I trust, then, that the remnant of subsection (2) of section 3 is corrected merely to comply with the act, as it is written in its amended form.

The Chair: Our counsel wishes to make one comment.

Mr. Wood: The preferable course would be to now do a motion to reflect the fact that we have defeated section 2. I can read the motion. It would do what Mr. Kormos suggested; it would in effect remove subsection 3(2). It would read as follows:

“I move that section 3 of schedule R to the bill be struck out and the following substituted:

“Commencement

“3. This schedule comes into force on the day the Good Government Act, 2005, receives royal assent.”

Mr. Kormos: Thank you very much.

Mr. Zimmer: I make that motion; I won’t bother reading it again.

Mr. Kormos: Mr. Zimmer, I will support that motion.

The Chair: The clerk’s office will photocopy and distribute the motion and one committee member will then move it.

Mr. Zimmer: Chair, can I just read it in, and we’ll make a copy later?

The Chair: Okay.

Mr. Zimmer: I move that section 3 of schedule R to the bill be struck out and the following substituted:

“Commencement

“3. This schedule comes into force on the day the Good Government Act, 2005, receives royal assent.”

The Chair: Discussion? Shall the amendment carry? Carried.

Shall section 3 of schedule R, as amended, carry? Carried.

Shall schedule R, as amended, carry? Carried.
Schedule S.

Mr. Kormos: Chair, if I may invite you to call all of the sections of schedule S?

The Chair: Shall sections 1 through 4, inclusive, of schedule S carry? Carried.

Shall schedule S carry? Carried.

Schedule T: Is there an opportunity for any block consideration on schedule T?

Mr. Zimmer: I'm sorry, I—

The Chair: Is there any opportunity to do any block consideration of schedule T?

Mr. Kormos: Mr. Zimmer and I invite you to call all of schedule T—Ms. Mossop as well. Mario Racco joins us, Mr. Sergio joins us, and Mrs. Van Bommel and Mr. Miller join us in calling upon you to call all of schedule T.

The Chair: Seeing an overwhelming desire, shall sections 1 through 19 of schedule T carry? Carried.

Shall schedule T carry? Carried.

Shall section 1 of the bill carry? Carried.

Shall section 2 of the bill carry? Carried.

Shall section 3 of the bill carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 190, as amended, carry? Carried.

Shall I report the bill—

Mr. Kormos: One moment, sir.

The Chair: Shall I report the bill, as amended, to the House?

Mr. Kormos: Debate, please.

The Chair: Is there debate on reporting the bill to the House?

Mr. Kormos: Omnibus bills are always unwieldy. I truly am grateful to John Gregory from the Ministry of

the Attorney General, who has guided me through many things in the course of many years, but has been extremely helpful with respect to this bill.

Legislative counsel, as always, was incredibly valuable to us. None of us sits down and drafts stuff on our own. It's like a person who is his own counsel has the world's biggest fool for a client, so in this case, Michael Wood, legislative counsel, has been helpful.

Also, in terms of the staff, Shawn Knights from Mr. Zimmer's office has been critical in getting this bill to the stage where it's at, as well as Jordan Penic. His House leader, Jim Bradley, should know that Jordan Penic averted many disasters by being here today, being on top of things and knowing where things were headed.

I, of course, have had the able and very qualified assistance of our researcher, Elliott Anderson. I can't imagine what this afternoon would have been like without him sitting with me, assisting me as we pored through this cumbersome omnibus bill. I remember when the Liberals used to rail along with New Democrats as members of the opposition against the Conservatives for their omnibus bills. I look forward to the day when Liberals, as members of the opposition, will be able to rail against omnibus bills again.

I truly do thank the staff people who have assisted us with this, especially on a bill like this. It's tough slogging if you don't have capable staff as we've had.

The Chair: Further debate?

Mr. Zimmer: I thank my colleagues on that side, on the Conservative side and the NDP side, for your co-operation. We could have been here for a long, long, long time. So thank you, Mr. Miller and Mr. Kormos, and my colleagues. And thank you, Mr. Chair.

The Chair: Further debate? Shall I report the bill, as amended, to the House? Carried.

This committee is adjourned.

The committee adjourned at 1733.

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