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Official Report of Debates (Hansard)

Thursday 7 December 2006

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Jeudi 7 décembre 2006

**Standing committee on
regulations and private bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Fair Access to Regulated
Professions Act, 2006

Loi de 2006 sur l'accès équitable
aux professions réglementées

Chair: Andrea Horwath
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Thursday 7 December 2006

Jeudi 7 décembre 2006

The committee met at 1528 in committee room 2.

**FAIR ACCESS TO REGULATED
PROFESSIONS ACT, 2006
LOI DE 2006 SUR L'ACCÈS ÉQUITABLE
AUX PROFESSIONS RÉGLEMENTÉES**

Consideration of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions / Projet de loi 124, Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario.

The Vice-Chair (Mr. Jeff Leal): We'll bring this meeting of the standing committee on regulations and private bills to order. When we adjourned yesterday afternoon at 6 of the clock, Mr. Ramal had moved a government motion on page 30 of our amendments package. Mr. Tabuns, were you the next one to speak on this?

Mr. Peter Tabuns (Toronto–Danforth): Mr. Chair, I believe that I was. I think I'd set out from opening comments yesterday about this particular amendment. My guess is that the government listened to the speakers, identified a political problem, decided it needed to look like it was going to be acting without acting and put forward this amendment. I'd say that for the opposition it's dangerous to vote against the amendment because I can hear the speech now: "You voted against even the possibility of establishing a tribunal." So I'm probably going to vote for this, but I want to say, as I said yesterday, it's a pretty cynical move. I think you should give your minister the gears over giving you the instructions to bring this forward.

The Vice-Chair: Mr. Klees, do you have any comment?

Mr. Frank Klees (Oak Ridges): Sure. I agree with Mr. Tabuns's assessment here. I think probably the members of the government on this committee understand full well that that is in fact what this is. It's a way for the government to say that we're doing this, but not doing it. It's typical of the way this government does business. I will not vote for it. I'll abstain on this just on a matter of principle, because I've identified your tactic, Mr. Ramal, and I'll have no part of it.

The Vice-Chair: Any further discussion? All in favour of the amendment? Opposed? It's carried.

Mr. Tabuns, page 31, your motion.

Mr. Tabuns: I move that section 14 of the bill be amended by adding the following subsection:

"Same

"(3.1) The report shall include recommendations on actions that should be taken by the government of Ontario to improve access by qualified internationally trained individuals to gain accreditation and employment in the regulated professions."

Thomson, on page 16 of his executive summary, talks about the need when the reporting is made to "collect, verify, disseminate and update promising registration practices and innovative techniques that regulators can consider as ways to achieve the code requirements." In short, it's a fairly simple, straightforward housekeeping recommendation on the part of Judge Thomson that should be in the bill so that there's a continuous effort in improving the quality of accreditation, and I so move.

The Vice-Chair: Thank you very much, Mr. Tabuns. Mr. Klees, further comment? No comment. The government side?

Mr. Khalil Ramal (London–Fanshawe): No comment. We don't see any need to repeat the position of the fairness commissioner. Part of his or her duty to do this would be in the bill, Mr. Tabuns.

The Vice-Chair: I will now have the vote. All in favour of the amendment?

Mr. Tabuns: Recorded vote.

Ayes

Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Mr. Tabuns, page 32.

Mr. Tabuns: This is redundant, given that the fairness commissioner position was not appointed in the way that I recommended, so I will withdraw.

The Vice-Chair: You're withdrawing that?

Mr. Tabuns: Yes.

The Vice-Chair: Mr. Tabuns withdraws the NDP motion.

Page 32.1, Mr. Klees.

Mr. Klees: I'll withdraw that as well.

The Vice-Chair: Page 32.1 has been withdrawn by Mr. Klees.

Shall section 14, as amended, carry? All in favour? Opposed? It's carried.

Mr. Tabuns, you're next, on page 33.

Mr. Tabuns: Page 33: Again, unfortunately, this is redundant, given that my earlier motion on the fairness commissioner's status was not adopted, so I withdraw it.

The Vice-Chair: We'll now deal with section 15. Shall section 15 carry? All in favour? Opposed? It's carried.

We're now on to section 16. Mr. Klees, please.

Mr. Klees: I move that clause 16(2)(a) of the bill be struck out and the following substituted:

"(a) provide information and assistance to internationally trained individuals and others both inside and outside Ontario who are applicants or potential applicants for registration by a regulated profession with respect to the requirements for registration and the procedures for applying."

Basically, it's simply suggesting that we should be prescriptive in terms of what the expectations are and that we ensure we recognize that the focus of this support should be on those who are still in their country of origin and in the process of applying, as well as those who are already here in Ontario.

The Vice-Chair: Discussion? Mr. Tabuns, please.

Mr. Tabuns: I have to say, Mr. Klees, this is quite an intelligent amendment. I think it makes total sense. We've had discussions among ourselves before about the need for people, prior to coming to Ontario, to have this kind of information. I think you and your party were entirely right in bringing it forward. I can see every good reason why the government would support it.

The Vice-Chair: Mr. Ramal, please.

Mr. Ramal: Already the bill asks for access centres which provide all the information needed, whether inside the province or the country or outside the country, plus all the regulated bodies in the province of Ontario have a website to provide all the information. We see no necessity for passing this motion.

The Vice-Chair: Any further discussion?

Mr. Klees: I would like to just get a clarification from Mr. Ramal, then. What you're saying is that it's inherent, it's understood that this access centre and all of the work that's done through this access centre will include ensuring that access to information will be available to individuals in their country of origin. Can you give me some sense of how you see that working?

Mr. Ramal: When you log on to the computer, on the website, if you want to come to Ontario, we've already established a portal. We have five locations in the province of Ontario that will be up and running very soon in five cities: London, Windsor, Toronto, Hamilton, Thunder Bay—and Ottawa. Those portals advise people about whatever information, plus the Ministry of Citizenship and Immigration has a website, plus the access

centres will have a website to explain to people what's required to apply and to be accredited in the province of Ontario, plus all the regulatory bodies have already on their websites whatever information is needed about their qualifications and the time needed to pass those and the time for examinations.

Mr. Klees: So you're not moving beyond the concept of a website? The reason for this amendment is to ensure that we understand that the ability to deliver information and support goes far beyond just having a website, that there would be services available to people that would ensure that they have practical support and practical guidance in the country of origin while they are in the application process.

My concern is that maybe you haven't grasped fully what it is that we're intending here. I would be satisfied if you are comfortable that your access centre will in fact have the mandate and the authority. This is why I thought it was important to put into legislation that there is legislative authority for the access centre to take on those responsibilities and projects like that that would actually provide practical support and practical guidance, as opposed to just a website that, quite frankly, is very passive.

I think we heard from people over the last number of weeks that it's not enough to just provide passive information, that we should be proactive and the professions should be proactive in ensuring that this process takes place before we have landed immigrants here, before people actually come here.

Mr. Ramal: Mr. Klees, you know the immigration process abroad is a federal jurisdiction, not a provincial jurisdiction, therefore we cannot control that process. We are in charge of the people who live in Ontario. That's our obligation and our duty, to provide the service to whoever lives in Ontario and wants to be an Ontarian.

Mr. Klees: Mr. Ramal, I'm not talking about the immigration process; I'm talking about the training process.

Mr. Ramal: Even the training process: A couple of million people apply to come to Canada; you're not going to train two million people. You have to be logical—

Mr. Klees: No, we're talking about, and I thought you were in agreement on this, that once someone has made an application, they are in the process of applying. It usually takes two to three years for these applications to go through the system. Why not make it possible for these people, while they are in the process in their country of origin, to be going through this process so that when they get here, they're running? As opposed to being a burden and burdensome and frustrated while they're here for two or three years, they can go through these systems.

By the way, Mr. Ramal, you know that Ontario is in that business now through our community colleges. We actually have community college programs in various foreign countries. You know that.

Mr. Ramal: I know that 100%, and I—

Mr. Klees: So we are in that business.

Mr. Ramal: Many regulatory bodies open up in many different jurisdictions; I'm not going to talk outside of this. This motion doesn't fit with our requirement. I think there's no need to support it, and there's no further comment. If you want to debate the immigration issue, I'm more than happy to do it with you after we're finished this committee.

Mr. Klees: Do you want to step outside?
1540

Mr. Ramal: No, no, I'm talking about—

The Vice-Chair: Mr. Tabuns, please.

Mr. Tabuns: That was a step outside for debate, I understand.

Mr. Ramal, I'm a bit surprised, because actually Mr. Klees was pretty good. He said, "Okay, this is my motion." You said, "No, your motion is unnecessary because really this is open." If I understood your remarks just now—

Mr. Ramal: I said already we have an access centre, which is going to provide information needed to anyone—

Mr. Tabuns: Right. So if I'm an applicant, let's say a Pakistani working in Dubai, considering coming to Canada, and I send an e-mail to the access centre, will I get service with an assessment of my credentials, advice on how to apply, commentary on the chances for recognition of my credentials? Will an applicant outside the country get that sort of service to help them make an informed decision before they come here?

Mr. Ramal: I'm sorry. I'd like to ask the ministry staff, who are working on these things.

The Vice-Chair: Ministry staff, could you come forward and identify yourself and provide that?

Mr. Tabuns: We understood the headshake, but others may not.

Interjection.

Mr. Mario Sergio (York West): There are six, seven dealing with that, everything you said.

The Vice-Chair: We'll have the ministry staff first. Can you respond, please, and then I'll go to Mr. Sergio.

Ms. Riet Verheggen: Good afternoon. My name is Riet Verheggen and I'm the director of the immigration branch for the Ministry of Citizenship and Immigration.

The Vice-Chair: Welcome.

Ms. Verheggen: Thank you. The access centre will not be providing assessments of people's credentials either before they arrive or at the time of arrival. The Ministry of Health in the access centre will be providing some of those services with relation to the IMG program, the international medical graduate program, but we are not entertaining doing credential assessment. That is still the responsibility of regulatory bodies, as well as WES, World Education Services.

The Vice-Chair: Thank you. Mr. Tabuns, and then I'll go to Mr. Sergio.

Mr. Tabuns: I want to be clear so I understand it. The access centre shall "provide information and assistance to internationally trained individuals and others who are applicants or potential applicants for registration by a

regulated profession with respect to the requirements for registration and the procedures for applying." So if I was, let's say, a Pakistani professional, as I was saying, currently working in Dubai and I sent an e-mail to the access centre saying, "I'm interested in coming to Ontario. I've applied. Give me advice on this, the process, all of that," what would they receive from the access centre?

Ms. Verheggen: They would receive information and advice, but they would not receive a technical assessment of their credentials. So they would be receiving information about the regulatory body, about the processes in place, the contacts to be made, trying to put some things into plain language so that the communications links are clear, but not technical assessment.

Mr. Tabuns: So information and assistance then would be made available to people outside of Canada before they come to Ontario if they make the request?

Ms. Verheggen: If they phone or if they use the website, absolutely.

The Vice-Chair: Mr. Sergio next, then Mr. Klees.

Mr. Sergio: No, that's fine. The same point—it's already been explained.

Mr. Klees: So, in other words, it isn't contemplated that there would be programs that would be made available or that the access centre would work in co-operation with the professions to provide any of these programs that would allow them to prepare in advance of coming here. It really is just an information portal is what you're saying?

Ms. Verheggen: That's right. We will be working with regulatory bodies in Ontario perhaps to provide assistance, such as workshops for the internationally trained. Obviously, people who are still abroad wouldn't have access to those workshops. That's what's being contemplated at this point in time.

Mr. Klees: That they would not have access to the workshops?

Ms. Verheggen: They can't physically be present at those workshops because the workshops that we would set up with the regulatory bodies would be in Ontario for internationally trained individuals who have arrived here already. But they certainly would have access to any information on the website, as well as any information that we have in our connections through the website directly to the regulatory bodies to get information.

Mr. Klees: And is there a reason why one couldn't participate in those workshops through distance learning, through the Internet? It's being done in our colleges and universities now.

Ms. Verheggen: All those types of services are being contemplated at this point in time. I think that it's too premature to determine exactly what we're going to deliver to that level of detail.

Mr. Klees: So we're not excluding that; you're saying that it would be possible to do that?

Ms. Verheggen: These services have certainly been contemplated into the future, that might be available. I think that's where we stand.

The Vice-Chair: Thank you very much for your information. Any further discussion? All in favour of Mr. Klees' amendment? Opposed? It's defeated.

Mr. Klees, 33.2, please.

Mr. Klees: I move that subsection 16(2) of the bill be amended by adding the following clause:

“(a.1) provide to ministries and government agencies, and advise them on, information that they provide in respect of this act and the registration of applicants by regulated professions, whether the information is supplied electronically or otherwise.”

The Vice-Chair: Mr. Klees, that may be redundant in light of your previous motion being defeated.

Mr. Klees: That's why I hesitated.

The Vice-Chair: You're withdrawing it then?

Mr. Klees: I withdraw that.

The Vice-Chair: Thank you very much.

Mr. Klees, 33.3. That may be redundant too.

Mr. Klees: I don't think so.

The Vice-Chair: Continue, then; go ahead.

Mr. Klees: I move that subsection 16(2) of the bill be amended by adding the following clause:

“(b.1) conduct research, analyze and make recommendations on metrics and methods that could be used to measure and quantify into a Canadian equivalency the work experience of internationally trained individuals.”

This is an attempt to address what I think we all agree we heard on a recurring basis from witnesses to this committee: that even though they may have the equivalency rating and have passed their various tests, at the end of the day it's the Canadian work experience that's the huge hurdle for people.

The reason I brought forward this amendment is that we had a presentation here at the committee from an organization that has in fact undertaken this work. They've been working with the federal government for a number of years, where they're taking foreign experience and they've developed a model that allows them to create Canadian work experience equivalency rating. Given the nature of the work they do, the environment in which they're working, the type of responsibilities that they have, there is an actual Canadian work experience equivalency that can follow them in their job application process, and I think that this should be considered a fundamental tool that we would incorporate into the responsibilities of the access centre.

So, with that in mind, I would hope that the government wouldn't dismiss this out of hand. Perhaps with this explanation, the government would see fit to give us their support.

Mr. Ramal: Thank you, Mr. Klees. I think it's a very important element, but I don't see how it would fit into the bill because we're dealing with the accreditation part. We're talking about after they get accredited, how we can assess their qualifications. Hopefully you agree with me on that one.

Mr. Klees: Actually, Mr. Ramal, I don't, and the reason is that if in fact this can take place in advance—

Mr. Ramal: You want to divert—

The Vice-Chair: Mr. Ramal, just let Mr. Klees finish and then I'll go to Mr. Ramal. Mr. Klees, please, you have the floor.

Mr. Klees: I believe, Mr. Ramal, that if you were to look at this very objectively, when someone begins their application process and they can get an equivalency rating for their foreign work experience and include that in their package, in their CV, in their approach, first of all, through the immigration process, that would be very helpful.

1550

Mr. Ramal: That already exists in the system. My wife was a foreign-trained doctor, and her credentials and her experience were included in the application to give her some kind of merit. So what I'm talking about already exists.

Mr. Klees: Well, it doesn't. It really doesn't.

Interjection.

Mr. Klees: Mr. Sergio has something to say about this?

Mr. Sergio: How are you doing, Frank?

The Vice-Chair: Mr. Klees, you have the floor. Please continue.

Mr. Klees: Thank you. Well, folks, you find it jocular. I'm trying to make a very constructive recommendation here. We've heard from people that Canadian work experience is something that is a barrier. This is a way to take foreign work experience and provide an equivalency rating that would be standardized across the various professions or industries. My thought was that this would be helpful to the government.

The Vice-Chair: Thank you, Mr. Klees. Further discussion?

Mr. Tabuns: I think this is an extraordinarily practical, helpful amendment that would deal with a number of the problems that new Canadians face, new Canadian professionals, if in fact this analysis was done and provided to them. Absolutely: The barrier of Canadian experience is a huge one. To the extent that we can develop a system for sound analysis of prior work experience and make that available to Canadian employers, it is going to help remove barriers. I think, given the government's stated interest in all of this, this amendment, which is to do the research, the analysis, and bring forward recommendations, is entirely reasonable—one you should support, for reasons you understand.

The Vice-Chair: Any further comment?

Mr. Tabuns: A recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Mr. Klees, page 33.4, please.

Mr. Klees: I move that section 16 of the bill be amended by adding the following subsection:

“Assistance to fairness commissioner

“(3) The access centre, at the request of the fairness commissioner, shall assist him or her by providing resources to carry out the functions of the fairness commissioner, including undertaking research, analyzing trends, identifying issues and making recommendations in respect of such matters as the fairness commissioner may request.”

Once again, what we're trying to do by way of this amendment is to take it beyond empty rhetoric, that there be an indication that the government is serious, that the minister knows that the minister has a responsibility to provide resources so that the commissioner can in fact do his or her job as set out without this kind of support. Again, you've got a great photo-op. I predict that what we'll have is very little effect on results.

The Vice-Chair: Discussion?

All in favour of this amendment?

Mr. Klees: A recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: This amendment is defeated.

Shall section 16 carry? Opposed? It's carried.

Mr. Tabuns, please.

Mr. Tabuns: I move that the bill be amended by adding the following section:

“Legal and professional advice

“16.1(1) In addition to its duties under subsection 16(2), the access centre shall establish a program that provides, without charge, legal and professional advice to internationally trained individuals seeking recognition of their credentials to practise a regulated profession.

“Trained advocates

“(2) The program established under subsection (1) shall also provide, without charge, trained advocates to present the cases of internationally trained individuals in internal reviews or appeals.

“Exception to section 32

“(3) Section 32 does not apply to any person employed or retained for the purpose of providing legal or professional advice under a program established under this section.”

It is extraordinarily difficult for people newly arrived in this country to find their way through the regulatory maze. To the extent that an access centre will give people information on how to apply, give them an understanding of the application process, we can be somewhat helpful. But the simple reality is that people, from time to time, will appeal, and it is very difficult in a new culture and

country to understand all the nuances of law, custom, even of the meaning of words that are common.

Thomson talked about the need to support new applicants. The Registered Nurses Association of Ontario and the Metro Toronto Chinese and Southeast Asian Legal Clinic both called for support by the access centre, through trained advocates, at no charge to the applicants to get them through the review process.

So I would urge the government to take action to try to level the playing field for internationally trained professionals by giving them this kind of support through advocates employed by the access centre to move things forward. I think it's entirely reasonable and is in keeping with the stated intent of the government to help internationally trained individuals actually get forward in our system.

The Vice-Chair: Further discussion?

Mr. Tabuns: I would like a recorded vote, please.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: The amendment is defeated.

Mr. Klees, you're next.

Mr. Klees: I move that the bill be amended by adding the following section:

“Location of office

“16.1(1) The access centre shall establish a public office in the municipality that, based on census data, is likely to have the largest population of internationally trained individuals.

“Liaison committee

“(2) The access centre shall establish a municipalities liaison committee to consult with municipalities on an ongoing basis in respect of matters of common interest in the provision of assistance to internationally trained individuals.

“Other offices

“(3) The access centre shall review its mandate and its service model annually to determine whether it would be appropriate to open additional public offices in other municipalities.”

The purpose of this amendment is to ensure that the work of the access centre will in fact be carried out in a practical way, that it's not just another announcement or another bureaucracy.

I think the other aspect of this is that we understand the important role of the municipalities. There is a commitment on the part of the federal government, and we've heard the commitment as well from the provincial government, from the minister, that there would be ongoing consultation and that they would be working together with other levels of government to address this issue. The reason for the amendment is to ensure that that is very

clearly spelled out and that the access centre knows what their mandate is and that we don't lose sight of the importance of working together with other levels of government.

The Vice-Chair: Further discussion?

Mr. Tabuns: Recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: This is defeated. Since this was the suggestion for a new section, we do not need to vote on it.

Next, Mr. Tabuns has an amendment to section 2. My understanding is, Mr. Tabuns, this would be redundant because number 22 didn't get approved.

Mr. Tabuns: That's my understanding as well, so I withdraw.

The Vice-Chair: We are now going to section 17. Mr. Tabuns, please—oh, I'm sorry. There are no amendments on section 17.

Shall section 17 carry? Carried.

1600

Mr. Sergio: Did section 16 carry?

The Vice-Chair: Yes, it did. We already voted on that.

Page 36, Mr. Tabuns?

Mr. Tabuns: I move that subsection 18(2) of the bill be amended by striking out "and" at the end of clause (b), by inserting "and" at the end of clause (c) and by adding the following clause:

"(d) the racial, cultural, linguistic and gender diversity of the individuals assessing qualifications and making registration decisions."

Very simply, this is an ongoing part of an attempt to reshape this legislation so that there's more of a consciousness around discrimination issues, gender issues. It's consistent with recommendations from groups like Women Working with Immigrant Women. It doesn't prescribe any quota for the makeup of these bodies, but does give groups an incentive to try to reflect the composition of the body of applicants who are approaching them. I think it's an entirely reasonable amendment and I'd ask the government to support it.

The Vice-Chair: Discussion? A recorded vote?

Mr. Tabuns: Yes, please.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Sergio.

The Vice-Chair: This amendment is defeated.

Shall section 18 carry? Carried.

Shall sections 19 to 24, inclusive, be carried? Carried.

Mr. Klees, please, section 25.

Mr. Klees: I move that subsection 25(2) of the bill be amended by adding "including, for greater certainty, any regulation related to registration requirements" after "regulation" where that word appears for the first time.

The purpose of this amendment is to ensure that the bill has oversight over the process, not the requirements for registration. I don't believe it's the intent, although, the way the bill is worded now, the fairness commissioner would have the authority to direct a profession as to the requirements for registration. I think we want to be sure that we don't interfere with the mandate of the profession. It's not up to the fairness commissioner to say what the requirements for registration should be. It is the mandate of the fairness commissioner that there is fair access. So my concern is that without this amendment, it is not clear. I think we actually allow the bill to state something that was never intended. If it is intended, I'd like to have clarification from the government to that effect.

The Vice-Chair: Mr. Ramal, please?

Mr. Ramal: Thank you, Mr. Klees. I agree with you. The Integrity Commissioner's job is just to make sure there is fair, balanced and objective access. It is not his or her job to set out the requirements and the qualifications that are set up by the regulatory body; I agree with you. It's already in the bill.

Mr. Klees: Well, it's not in the bill. The reason for the amendment is to ensure that it is in the bill. If you agree with me, perhaps you could consult with your staff or with your legal adviser here. Perhaps we could set this aside. Because if you do agree—the bill does not communicate that. It will, with this amendment. I don't think we should let the bill pass without covering this off.

Mr. Ramal: The job of the fairness commissioner is set out in the description of his or her job: to oversee the conduct of the regulatory body. It never mentions that the fairness commission is going to interfere in the qualifications, which are set out by the colleges and regulatory bodies. If you want more definition than this, I can ask ministry staff to—

Mr. Klees: I'd like to hear from staff on that, because I really think that—we've read this. We've had advice. We've also reviewed this with a number of the professions. There's a serious concern that unless this change is made, it will in fact leave it open for the fairness commissioner to determine what those regulations are.

The Vice-Chair: We have legal counsel from the ministry. Sir, for Hansard, could you just identify yourself?

Mr. David Lillico: My name is David Lillico and I'm counsel with the Ministry of Citizenship and Immigration. I believe the issue is whether, in the absence of the amendment that's now being looked at by the committee, there's any ambiguity about whether the commissioner in

the bill, as stated, would have authority to make orders in relation to the substantive requirements for registration of the professions. The answer is no; there is no ambiguity. The commissioner would not have authority to do that.

The authority of the commissioner to make orders is in relation to the matters set out in part III. Those are registration practices as set out in part III. The commissioner does not have order-making power in the bill as it's currently structured in relation to the substantive requirements. He can't make an order requiring that there be a change in the substantive requirements for entry into a profession.

The Vice-Chair: Further questions for Mr. Lillico?

Mr. Klees: I have a question, yes. We're not suggesting that the commissioner has that power, but the way this is worded—please correct me if I'm wrong—is that the commissioner can make a recommendation to the minister that a regulation be changed and the minister has the authority to direct the change of that regulation.

Mr. Lillico: If the minister in question already has that authority through some other source, I don't think this bill gives the minister—it might be the Minister of Natural Resources or Community and Social Services, depending on the circumstances—additional authority.

Mr. Klees: But my understanding is that there is no authority that any minister has today to make changes to a profession's registration requirements. They are self-regulated. They determine their own regulations for registration. This is the first time that it appears in legislation that a minister is given the authority to direct a profession to change its regulation. That's the very concern. If we're wrong, then please clarify that for us. I'm raising an issue here that is of concern to the regulated professions. If it's not the intent, then we should clarify the wording to provide that level of comfort to the regulated professions.

Mr. Lillico: I think there is another reference to this issue, but it's elsewhere in the bill. It's in 25(2)(b). It's a little further on in the section. Clause 25(2)(b) speaks to the power: "that the minister exercise any power or powers that the minister has to request or require...." So if the minister has an existing power—this is in clause 25(2)(b)—to request or require those changes, then the fairness commissioner under Bill 124 can ask the minister to exercise those powers. But I don't think Bill 124 gives additional powers to the minister. It's just a mechanism under which the commissioner could request that the minister exercise powers that the minister already has.

Mr. Klees: Could I ask, then—because what I heard was that you don't think Bill 124 gives any additional powers to a minister that the minister doesn't have currently. Could I ask you to make the statement on the record that Bill 124 does not give any additional powers to the minister as it relates to regulated professions, so that we have that on record? Because I think it's important for the professions to understand that and to have that level of comfort.

1610

Mr. Lillico: That's my opinion.

The Vice-Chair: Mr. Tabuns, I think you had your hand up.

Mr. Klees: By the way, for clarity, perhaps I could get your comment on this: If in fact this amendment was accepted by the government, it would not take away from the intent as it is described now in Bill 124. Would you agree with that?

Mr. Lillico: The bill, as it's set out now, doesn't give the fairness commissioner the power to make an order in relation to the substantive requirements for entry into a profession, so my opinion is that this amendment wouldn't add anything to that. It doesn't seem to me to be legally necessary.

Mr. Klees: Would you agree that it would serve to clarify that point?

Mr. Lillico: I don't believe there is any ambiguity on this point in the bill as it's currently drafted.

Mr. Tabuns: I don't need to ask your opinion, sir—and I appreciate the information you have given us—just to speak in favour of Mr. Klees's amendment. I have in the past received legal advice on city matters and had the city solicitor say I'm taking a belt-and-suspenders approach. I'm making it abundantly clear, and I think, Mr. Klees, in your amendment, that's what you're doing. It may be that others read what's already the existing language and say, "It's clear enough for me." I think you're making it very clear that the powers here are restricted to the process of registration and that we're not having the minister or the fairness commissioner or anyone muck about with the rest, so that there will never be any question or debate that has to be endured by anyone on this matter. So I think you are quite correct to move this amendment and the government should support it. And there should be a recorded vote, if there is a vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Mr. Tabuns, please, page 37.

Mr. Tabuns: I move that section 25 of the bill be amended by adding the following subsections:

"Minister's orders

"(3) In addition to his or her powers under any other act, if a regulated profession fails to comply with an order under subsection (1) or to act on a request or requirement under subsection (2), the minister may order the regulated profession to change its registration practices in such manner as is set out in the order.

"Conflict

“(4) If there is a conflict between an order under subsection (3) and a regulation that governs a regulated profession, the order prevails.”

Again, this is just to make very sure that the minister has the authority and power to deal with discriminatory or problematic registration practices. I supported Mr. Klees’s amendment because I thought it would actually assist me. It would make it very clear that we’re only talking about registration matters. Failing adoption of his amendment, we have the words of the crown’s legislative counsel that in fact we’re only empowered to deal with registration matters. This, then, would make sure that the minister can deal with any problem with registration practice, and I’d like to see it adopted.

The Vice-Chair: Further discussion?

Mr. Tabuns: If none, a recorded vote, please.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It’s defeated.

Shall section 25 carry? All in favour? It’s carried.

Because amendment 37 was defeated, that means that the amendments for sections 26, 27 and 28 are redundant, so we don’t have to deal with them.

Then I shall ask, shall section 26 carry? Carried.

Shall section 27 carry? Carried.

Shall section 28 carry?

Mr. Klees: Excuse me. Can you explain to me why my section 28 amendment has not been dealt with?

The Vice-Chair: Sorry, Mr. Klees, we’ll go back to that. That’s 40.1, section 28. My apologies, sir.

Mr. Klees: I move that subsection 28(2) of the bill be struck out and the following substituted:

“Power of court

“(2) An appeal under this section may be made on questions of law, questions of fact and questions of mixed law and fact and the court may affirm, reverse or vary the order of the fairness commissioner.”

The amendment, as proposed, will expand the scope of the court in evaluating the decisions of the fairness commissioner and will allow for, we believe, based on this amendment, a much more thorough appeal process for all involved.

I’d like to read into the record and for the benefit of the government members, and then I would like to have a comment as well from legal on this section—this is a quote from the CMA, as it was presented to us in hearings.

“Subsection 28(2) specifies that an appeal may be made on questions of law only. Again, given the criticality of the matters on which an appeal would be sought, we believe that appeals should also be permitted on questions of fact or mixed law and fact; otherwise, a

process for appeal to an independent tribunal should be established for questions of fact or mixed law and fact. This will ensure due process in the disposition of compliance orders that the regulated profession believes would be detrimental to the conduct of the profession and the public interest.”

By the very fact that the government has already rejected an appeal to an independent tribunal, it is, I believe, imperative that the government consider adopting this amendment to ensure that we have a very thorough process of appeal.

I would like to get a comment from the legal adviser on this.

Mr. Lillico: The motion before the committee would seek to amend the bill, which now says that appeals may be made on questions of law, and it would add the ability to appeal on “questions of fact and questions of mixed law and fact.”

The government doesn’t believe that it’s necessary to have this amendment, because the bill already provides a very thorough structure under which the commissioner can be very sure of his or her facts before making an order, and that’s so for a number of reasons.

Under sections 18, 19 and 21, the regulated professions provide their own reports about their own operations, setting out the facts as they exist in those professions. Under section 20, there is a formal process for an external audit of those professions, and in that external audit there is more factual information coming forward to the commissioner.

Further, there is a requirement in subsection 26(3) that before making an order the commissioner is required to give notice of the proposed order to the profession and required to provide the profession with an opportunity to make written submissions in response within 30 days. So there’s another opportunity for the profession to provide additional clarifying, factual information to the commissioner before the order issues. There are a number of safeguards built into the bill to see that the opportunities for factual errors don’t arise. Therefore, the restriction of the appeal as is in Bill 124 now to questions of law is, we believe, appropriate.

1620

Mr. Klees: I don’t believe that any commissioner, whoever it might be, who is appointed, will be infallible. We’ve learned enough about our systems to know that they will from time to time be imperfect. What we’re trying to do here is provide as broad a scope of appeal to ensure that people are dealt with as fairly as possible. So I thank counsel for his explanation on behalf of the government, but I don’t believe that it is sufficient. I do believe that this amendment would serve the public interest and I would hope that the government would see the wisdom of adopting it.

The Vice-Chair: Further discussion? Mr. Klees, do you want a recorded vote on this?

Mr. Klees: I do.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: This amendment is defeated.

Shall section 28 carry? Carried.

Section 29, Mr. Tabuns?

Mr. Tabuns: It's redundant, Mr. Chair.

The Vice-Chair: Thank you, sir.

Shall section 29 carry? Carried.

Shall section 30 carry? Carried.

Shall section 31 carry? Carried.

Shall section 32 carry?

Mr. Tabuns: Just a second. I move that 32(b) not be voted for. So I'd ask that you vote separately on 32(a) and 32(b). I think, consistent with arguments I've made before, that individuals will need assistance in appeals. Although this committee is not—

The Vice-Chair: Mr. Tabuns, do you have some written material for us?

Mr. Tabuns: No, I don't, because I'm not providing an amendment. I'm asking that we vote against 32(b).

The Vice-Chair: Counsel, are you going to help us out here? Continue, Mr. Tabuns.

Mr. Tabuns: I would argue—

Interjection.

Mr. Tabuns: Oh, counsel, you're so good.

I move that clause 32(b) of the bill be struck out. Thank you, counsel.

Even though I think it would be far better that the access centre be given the resources and direction to assist applicants when they go to an internal review, that wasn't successful. But 32(b) precludes the fairness commissioner from providing that assistance to applicants who are going to an internal review or appeal.

I have to say—and this has been interesting to me, talking to many who came before this committee and said they didn't want any amendments because they knew the fairness commissioner would get in there and stand up for anyone who didn't get their registration. My guess is there is simply an assumption rather than being told anything. But I would like to suggest that in fact we make it possible for the fairness commissioner, where that fairness commissioner sees it as necessary and perhaps useful in terms of setting precedent, to actually be party to those internal reviews. So I would ask that we vote separately on 32(a) and (b) and that we, as the wording said, not vote for 32(b).

The Vice-Chair: Perhaps it's easier, Mr. Tabuns, if we just deal with your motion. You want 32(b) to be struck out. I think that's probably simpler and easier to do.

Mr. Tabuns: Yes.

The Vice-Chair: Mr. Klees, do you have any comments?

Mr. Klees: No.

Mr. Tabuns: I'd like it recorded, if there's no other debate.

Ayes

Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It is defeated.

Shall section 32 carry? Carried.

Mr. Tabuns, you're next; page 42.

Mr. Tabuns: I move that clause 33(1)(a) of the bill be struck out and the following substituted:

“(a) naming any body corporate or association responsible”—

The Vice-Chair: Mr. Tabuns, I believe this is redundant.

Mr. Tabuns: I think that's right. I will withdraw.

The Vice-Chair: Mr. Ramal?

Mr. Ramal: I move that clause 33(1)(a) of the bill be struck out and the following substituted:

“(a) amending schedule 1 in any way, including,

“(i) naming professions as regulated professions and setting out the date on which this act first applies to such a regulated profession, and

“(ii) removing any regulated profession from schedule 1.”

The Vice-Chair: Discussion?

Mr. Tabuns: What are the circumstances under which 33(1)(a)(ii) would be exercised?

Mr. Ramal: Sorry? What's the question?

Mr. Tabuns: What are the circumstances under which removal of a regulated profession from schedule 1 would be exercised?

Mr. Ramal: Counsel.

Mr. Lillico: There are circumstances in which professions disappear or they change their name. So it would be necessary to delete the reference that's in schedule 1, if it's no longer appropriate, and either replace it with a new name, if that's what—sometimes professions merge, for example. So that would be the reason for this provision.

The Vice-Chair: Anything further, Mr. Tabuns?

Mr. Tabuns: I appreciate the answer that's been given, and I assume that if someone should ever challenge the removal, we will be able to cite the words of counsel instructing legislators as to the context within which this would happen. So if someone capriciously removed it for political reasons, we'd be able to say, “No, we were told very differently.”

The Vice-Chair: Any further discussions? All in favour of this amendment? Opposed? It's defeated.

Mr. Ramal: No, no.

The Vice-Chair: Sorry. All in favour? This is your amendment.

Mr. Klees: It's too late.

The Vice-Chair: Sorry. Mr. Ramal, we'll go back to you, with the concurrence of the committee to do so. All in favour of the government's amendment? Opposed? It's carried.

Mr. Tabuns: It was defeated.

Mr. Klees: You cannot do this.

The Vice-Chair: I'm just getting directions from the clerk. Could we get unanimous consent to go back and deal with this?

Mr. Klees: No.

The Vice-Chair: Well, I'll ask for the vote. All in favour to go back and deal with it? All those in favour? Oh, it has to be unanimous. Okay.

Shall section 33 carry? Carried.

Section 34.

Mr. Tabuns: I understand we've had this debate. I'm going to read this motion. I don't think we need to re-debate. I would like a recorded vote.

I move that section 22.3 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsection:

"Scale of reasonable fees

"(2) The college shall have a scale of reasonable fees related to registration and shall provide the fee scale to applicants."

We've had the debate.

The Vice-Chair: Further discussion?

Mr. Tabuns: Recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

1630

Mr. Tabuns: I move that section 22.3 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsection:

"Exception

"(3) The college shall not charge a fee for making records available to an applicant for the purposes of the applicant's preparation for a hearing or review by a panel of the registration committee or by the board."

Arguments have been made. Unless there are others, I just call for a recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Page 47, Mr. Ramal. We'll get it right this time.

Mr. Ramal: I move that subsection 22.4(2) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out "retains" and substituting "relies on."

This debate is similar.

The Vice-Chair: Further discussion?

All in favour? Opposed? It's carried.

Mr. Tabuns, page 48.

Mr. Tabuns: I move subsection 22.4(2) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out "take reasonable measures to."

I've made my arguments before, Mr. Chair. If there's a vote without debate, I'd like it recorded.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Mr. Ramal.

Mr. Ramal: I move that clause 22.4(3)(a) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be struck out and the following substituted:

"(a) training on how to assess such qualifications and make such decisions."

I think we also talked about this one before.

The Vice-Chair: Discussion?

All in favour? Opposed? It's carried.

Mr. Tabuns.

Mr. Tabuns: I move that subsection 22.4(3) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following clause:

"(c) anti-discrimination, anti-racism, cultural competency and human rights training."

Unless there's further debate, Mr. Chair, I'd ask for a recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Mr. Tabuns: I move that section 22.4 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsections:

“Time for making decisions

“(4) Subject to subsection (5), the college shall ensure that its registration decision is made within six months of receiving an application for registration.

“Extension of time

“(5) The college may, from time to time, extend the time for the making of a registration decision if required documentation is not available to it or if, for reasons beyond its control, it is unable to complete its assessment of the applicant.

“Same

“(6) The college shall not extend the time for making a registration decision by more than three months at a time and it shall give written reasons to the applicant at the time of making the extension.”

We have had that debate, Mr. Chair.

The Vice-Chair: Do you want a recorded vote?

Mr. Tabuns: I do indeed.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi.

The Vice-Chair: It's defeated.

Mr. Tabuns, page 52.

Mr. Tabuns: I move that section 22.4 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsection:

“Appeals: duty of minister

“(7) The minister shall ensure that the board has appropriate resources to quickly consider and decide on any internal review or appeal of a registration decision.”

I want to note that Thomson, in his executive summary, page XII, noted that with respect to tribunals regarding HPARB, “With respect to both tribunals, there are concerns about the level of training and support for adjudicators, including the level of per diem payments to attract highly qualified adjudicators. Other concerns include timeliness of the HPARB process and the general lack of support to applicants.”

I just want to say to the government, Judge Thomson brought to your attention that there's a problem with the appeals process under HPARB. That needs to be addressed. The opportunity presents itself to you today to amend your legislation so you can address the problem

that your commission pointed out to you, and I would ask you to take action to correct it.

The Vice-Chair: Further discussion? Recorded vote?

Mr. Tabuns: Yes, I do.

Ayes

Tabuns.

Nays

Delaney, Ramal, Rinaldi.

The Vice-Chair: It's defeated.

Page 53, Mr. Tabuns.

Mr. Tabuns: I move that section 22.4 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsection:

“Examinations

“(8) The college shall establish an examination review committee that shall review all examinations and other tests, including questions to be asked at oral interviews, to ensure that the examinations and other tests are non-discriminatory, anti-racist and culturally sensitive.”

I believe we've had the debate. Recorded.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi.

Mr. Tabuns: Page 54 is withdrawn as redundant.

The Vice-Chair: Thank you, Mr. Tabuns. Mr. Klees?

Mr. Klees: I move that subsection 22.5(1) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following clause:

“(b.1) consult with colleges on matters to be specified under clause (b) before they are specified and provide the colleges with an opportunity to make submissions in writing on the matters.”

We believe that it's important that the colleges be consulted on the scope of the standards of the timeline for audits and so on. I think it's important that we understand that the commissioner will not have all of the information available to him relative to these specific colleges. There may be some advice that the commissioner would find helpful in establishing the scope and the timeline for audits. We believe broader consultation would be helpful under the circumstances.

The Vice-Chair: Further discussion? Recorded vote?

Mr. Klees: Yes, please.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi.

The Vice-Chair: It's defeated.

Mr. Tabuns: I move that clause 22.5(1)(c) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be struck out and the following substituted:

“(c) establish eligibility requirements that a person must meet to be qualified to conduct audits including demonstrated competency in the protection of human rights and the understanding of discrimination.”

I've made the arguments in an earlier part of the meeting.

The Vice-Chair: All in favour of this amendment?

Mr. Tabuns: Recorded.

Ayes

Tabuns.

Nays

Delaney, Ramal, Rinaldi.

The Vice-Chair: It's defeated. Page 56, Mr. Ramal, please.

Mr. Ramal: I move that clauses 22.5(1)(e), (f) and (g) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be struck out and the following substituted:

“(e) consult with colleges on the cost, scope and timing of audits;

“(f) monitor third parties relied on by a college to assess the qualifications of individuals applying for registration by the college to help ensure that assessments are based on the obligations of the college under this code and the regulations;

“(g) advise a college or third parties relied on by a college to assess qualifications with respect to matters related to registration practices under this code and the regulations.”

I think this will strengthen the bill. It shows our commitment toward the implementation and a fair balance between the college, the regulatory body, and applicants.

The Vice-Chair: Further discussion? All in favour of the amendment? Carried.

Mr. Ramal: I move that the French version of clause 22.5(1)(h) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out “du présent code.”

1640

The Vice-Chair: Mr. Ramal?

Mr. Ramal: Some kind of technical—just linguistic.

The Vice-Chair: Discussion? All in favour of the amendment? Opposed? It's carried.

Mr. Tabuns, please.

Mr. Tabuns: I move that subsection 22.5 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsection:

“Evaluation of professional standards

“(1.1) The fairness commissioner shall evaluate professional standards of professions in other jurisdictions and their educational standards in comparison to the standards for health professions in Ontario and he or she shall update the evaluations regularly and make the evaluations available to the public.”

Our arguments would be the same as those I had made in the earlier part of this debate. I'd like a recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: Defeated.

Page 59, Mr. Tabuns, please.

Mr. Tabuns: I move that subsection 22.5 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by adding the following subsection:

“Publication of information

“(4) The fairness commissioner shall make the following information available to the public either electronically or by such other means as he or she considers appropriate and the information shall be made available without charge:

“1. Information related to this act and the duties of the colleges under this act.

“2. Information on the functions of the fairness commissioner.

“3. Information on the functions and programs of the access centre.

“4. Information that the fairness commissioner is required to make available to the public under this act.

“5. The annual report of the fairness commissioner.”

That's it. We've had this debate.

The Vice-Chair: Thank you, Mr. Tabuns.

Mr. Tabuns: Recorded.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: Page 60.

Mr. Tabuns: I move that subsection 22.6(2) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following clause:

“(d) the racial, cultural, linguistic and gender diversity of the individuals assessing qualifications and making registration decisions.”

Mr. Chair, I’ve made the arguments. Recorded vote when you hold it.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It’s defeated.

Mr. Ramal, please.

Mr. Ramal: Mr. Chair, can I ask for a recess for 10 minutes? Something was not given to me here. I have to consult my people first.

The Vice-Chair: If I can ask, does it have to do with the previous thing we dealt with?

Mr. Ramal: It’s dealing with this motion here.

The Vice-Chair: Mr. Klees has very kindly suggested that if I ask for unanimous consent at the end to go back and fix that glitch that happened, we could deal with that at the end, if that’s what your recess is suggesting. Is it, Mr. Ramal?

Mr. Ramal: Definitely.

The Vice-Chair: Okay. We’ll finish dealing with section 34, and then I will ask for unanimous consent to go back and repair this small glitch at the end, if that’s acceptable. I just want to deal with section 34 first. I appreciate everybody’s co-operation.

Mr. Klees: Did we cause all of this?

The Vice-Chair: I haven’t seen so much activity since I was near a beehive and everybody was moving. We try to retain our sense of humour around here a bit. Mr. Ramal?

Mr. Ramal: You are a good Chair, Mr. Chair. You’re always a problem-fixer here.

The Vice-Chair: After I finish here, that may be a debatable thing, but keep going.

Mr. Ramal: I move that subsection 22.8(15) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be struck out and the following substituted:

“Auditor’s fees and expenses

“(15) The college shall pay the auditor’s fees and expenses.”

The Vice-Chair: Further discussion?

Mr. Tabuns: For Mr. Ramal: What’s the implication of this in terms of applicants? If you remember, when the College of Physicians and Surgeons came before us—

whether they were being direct or indirect, I don’t know—they suggested that such audit fees would be put on the shoulders of those who were making application and thus could pose a substantial barrier. I’d like to know if this would result in substantial costs being assessed to applicants.

Mr. Ramal: As you know, if you want to have a strong bill, you have to have some kind of audit mechanism in order to keep the regulated body honest and balanced in their approach. Therefore, if there is any expense, of course, the college should pay that expense. Talking about engineers, for instance, they have 75,000 members. So if there is any expense, it will be very, very minor. I would recommend this. It’s just clarification. To be clear in this bill and to give us some kind of strength, we added this amendment to follow on our commitment.

Mr. Tabuns: So in your opinion, this will have negligible impact on applicants and registrants?

Mr. Ramal: I didn’t say “negligible.” I said it is necessary to have an audit mechanism that the colleges should submit to the fairness commissioner in order to keep them balanced and to see their conduct over the years.

Mr. Tabuns: Do you think that this will result in charges that will become a barrier to internationally trained individuals?

Mr. Ramal: We don’t think so.

Mr. Tabuns: Okay. Maybe I’m wrong and maybe I missed it, but does this apply to professions that are not covered under the Regulated Health Professions Act? You’ve got it here. Did you have an amendment in the early part of the act?

Mr. Ramal: Yes, we have it here.

Mr. Tabuns: This is the Regulated Health Professions Act. What about the professions not covered by the RHPA? Who pays for those audits?

Mr. Ramal: I’ll have legal speak to this.

Mr. Lillico: There is a parallel provision in relation to the non-health professions, and that’s in 20(15). The reason that this motion is here is because there was a lack of parallelism in the language in relation to the health and non-health. For the non-health professions, the bill uses the term “fees and expenses”; for the health professions, it uses a different term: “cost.” The only reason for this amendment is to make the language parallel. It’s not meant to change anything of substance. It’s just to clean up the wording, just to make it match.

Mr. Tabuns: Okay. Thank you, Mr. Lillico.

Mr. Klees: I just want to say that I don’t have a particular argument with the requirement to pay. Someone has to pay fees, but what I do want to emphasize is, that’s the reason I put forward the amendment that the government turned down, and that is that the regulated professions are consulted at the time that the scopes of these audits are determined. Knowing they’ll have to pay for them, the thinking is—I think, rightfully so—that they should be party to setting a framework for those audits. But the government chose to turn that amendment down. To Mr. Tabuns’s point: These costs are going to

be passed along. If the colleges had the opportunity to at least consult and provide some additional information at the time the scope was being determined, I think there would have been an opportunity to save some money here, not only for the colleges but ultimately for who this is all about, and that's the applicants for registration.

1650

The Vice-Chair: Any further discussion? All in favour of this amendment? Opposed? It's carried.

Mr. Tabuns.

Mr. Tabuns: I just want to make note of what happened there.

I move that schedule 2 to the Regulated Health Professions Act, 1991, as amended by subsection 34(3) of the bill, be amended by adding the following section:

“Minister's orders

“22.11.1(1) In addition to his or her powers under the Regulated Health Professions Act, 1991, or any other act, the minister may, on the advice of the fairness commissioner, order the college to change its registration practices in such manner as is set out in the order.

“Conflict

“(2) If there is a conflict between an order under subsection (1) and a regulation that governs the college, the order prevails.

“Procedure and appeals

“(3) Sections 26 to 28 of the Fair Access to Regulated Professions Act, 2006, apply to orders made under this section.”

I made an analogous argument earlier. It doesn't look like there's a lot of debate flowing from the government side, so you may want to go to a recorded vote, Mr. Chair.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: It's defeated.

Mr. Tabuns, I believe that makes the one on page 63 redundant, because it's appended to 62.

Mr. Tabuns: That's correct.

The Vice-Chair: So you're withdrawing that one?

Mr. Tabuns: I am indeed.

The Vice-Chair: Mr. Ramal, page 64, please.

Mr. Ramal: I move that the French version of clause 22.14(b) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out “audience que tient l'ordre, le comité d'inscription, la Commission ou un tribunal” and substituting “instance de l'ordre, du comité d'inscription, de la Commission ou d'un tribunal.”

It's some kind of technical language stuff.

The Vice-Chair: Discussion?

Mr. Tabuns: This is simply the French version?

The Vice-Chair: Is this the French version, Mr. Ramal?

Mr. Ramal: Yes.

The Vice-Chair: Further discussion? All in favour? Carried.

Mr. Tabuns: Mr. Chairman, I need legislative counsel to do another quick, scribbled amendment for me because I'd like to vote that we strike out 22.14(b) in English: “has status at any proceeding of a college....”

Interjection.

Mr. Tabuns: We voted in French—there was a wording to make things consistent. It was fine with me; I don't care if the wording's consistent. But whether or not we should adopt this amended section—I'm opposed to that.

The Vice-Chair: Could I just ask committee counsel—

Interjection.

The Vice-Chair: It seems to me we just voted on this amendment.

Mr. Tabuns: You amended it. Well, I don't believe we should adopt 22.14(b). You want to amend the wording of 22.14(b) in French or English.

The Vice-Chair: You want to vote on that subsection.

Mr. Tabuns: That's correct, as I have done earlier with section 32.

The Vice-Chair: We just want to make sure we make no mistakes here.

Mr. Donald Revell: I want to check it against the bill just briefly.

Mr. Tabuns: I've again been handed a very useful wording.

I move that clause 22.14(b) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be struck out.

Again, it's making sure that the fairness commissioner has the ability to intervene in a hearing on behalf of applicants so that they have that support.

I'd like a recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Ramal, Rinaldi, Sergio.

The Vice-Chair: That section remains. Number 65: Mr. Delaney.

Mr. Bob Delaney (Mississauga West): I move that clause 22.14(c) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 34(3) of the bill, be amended by striking out “hearing” wherever it appears and substituting in each case “proceeding.”

The Vice-Chair: Discussion? Mr. Tabuns.

Mr. Tabuns: Why?

Mr. Ramal: They use “proceeding” rather than “hearing” to reflect the fact that “hearing” is not con-

sistent with the language of the RHPA. So whenever it appears, in many different places, it's just technical stuff, for clarification.

Mr. Tabuns: Fair enough. Thanks for the explanation.

Mr. Klees: Mr. Chair, I just want to say how disappointed I am that we've gone through many hearings on this bill, we have heard what I consider to be some very constructive amendments brought forward by the opposition, and the record now shows that not one single amendment by the opposition parties has been accepted by this government.

I think it speaks, frankly, to the dysfunction of our process. The expectation of the public is that when we come together for public hearings, when we meet in committee like this, the process of proposing amendments and voting on them will be exercised with a sense of responsibility as individual members of this committee and of the Legislature. This process has shown again that there is a need for a reform of how we do business in this place. No one can tell me that not one single amendment that Mr. Tabuns has brought forward on behalf of the NDP and not one single amendment that I have brought forward on behalf of the Ontario Progressive Conservative caucus had merit and that it wouldn't be considered to strengthen the bill.

So my comment is very simply this: I understand it. I know what's happening. But it's not right, and at some point we're going to have to deal with this. It's no wonder that the public is cynical about politicians and about the political process when they see demonstrations such as we've seen in this committee.

The Vice-Chair: Thank you, Mr. Klees.

Shall section 34—sorry, Mr. Delaney. You have one more—

Mr. Sergio: No. We have to vote on that motion.

The Vice-Chair: Okay. All in favour of the amendment on page 65? Opposed? It's carried.

Shall section 34, as amended, carry? Carried.

I would now ask that we have unanimous consent to reopen section 33 and Mr. Ramal's amendment that appears on page 43. Is there unanimous consent to do that? Agreed. We'll go back to page 43. Mr. Delaney, please.

Mr. Delaney: I move that clause 33(1)(a) of the bill be struck out and the following substituted:

“(a) amending schedule 1 in any way, including,

“(i) naming professions as regulated professions and setting out the date on which this act first applies to such a regulated profession, and

“(ii) removing any regulated profession from schedule 1.”

The Vice-Chair: Discussion?

Mr. Ramal: I guess we listened to the legal counsel from the ministry.

The Vice-Chair: No discussion? All in favour of this amendment? Carried.

All in favour of section 33, as amended? Carried.

Just for the record, I'd like to note Mr. Klees's and Mr. Tabuns's co-operation to go back and fix this glitch. I want to thank you two gentlemen for doing that.

Shall sections 35 and 36 carry? Carried.

Mr. Delaney, page 66.

Mr. Ramal: We did that.

The Vice-Chair: It's done? Thank you.

Shall the title of the bill carry? Carried.

Shall Bill 124, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? That's carried.

Okay, we're done. We'll adjourn.

The committee adjourned at 1702.

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