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Wednesday 28 March 2007

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Mercredi 28 mars 2007

Standing committee on general government

Regulatory
Modernization Act, 2007

Comité permanent des affaires gouvernementales

Loi de 2007 sur la modernisation
de la réglementation

Chair: Kevin Daniel Flynn
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

COMITÉ PERMANENT DES AFFAIRES GOUVERNEMENTALES

Wednesday 28 March 2007

Mercredi 28 mars 2007

The committee met at 1530 in room 151.

REGULATORY MODERNIZATION ACT, 2007

LOI DE 2007 SUR LA MODERNISATION DE LA RÉGLEMENTATION

Consideration of Bill 69, An Act to allow for information sharing about regulated organizations to improve efficiency in the administration and enforcement of regulatory legislation and to make consequential amendments to other Acts / Projet de loi 69, Loi permettant l'échange de renseignements sur les organismes réglementés afin de rendre plus efficaces l'application et l'exécution de la législation de nature réglementaire et apportant des modifications corrélatives à d'autres lois.

The Chair (Mr. Kevin Daniel Flynn): Ladies and gentlemen, if we can call to order. We're here today to deal with Bill 69, An Act to allow for information sharing about regulated organizations to improve efficiency in the administration and enforcement of regulatory legislation and to make consequential amendments to other Acts.

Mr. Martiniuk, you had something at the very start?

Mr. Gerry Martiniuk (Cambridge): Yes. I just want to apologize to the committee. I could not meet the deadline in regard to my amendments. We rose, if you recall, about 6 o'clock on Monday. My instructions were ready at 9 o'clock in the morning. On Tuesday, however, by the time I gave instructions to members of my staff, it was 12 o'clock and then that was delivered to legislative counsel probably at 1 or 2, which meant they had two hours in which to complete my instructions in regard to 10 amendments. They weren't terribly complicated; however, they took some thought. The duration of the time that we left for the filing of amendments was unrealistic in this case. I apologize because I know that makes it more difficult to seek instructions and consider those amendments, and I know members of all parties would want to consider the amendments in full. Being a member of the subcommittee, I set my own time limit, which I failed to meet, which is somewhat embarrassing to me.

I would like to know from legislative counsel a general rule as to the turnaround time for amendments in the counsel office. I know that's a difficult question because it depends on the circumstances. Maybe a range would be handy, but what's the absolute minimum you would have to have, in your opinion?

Mr. David Halporn: It's hard to say. It really would depend on the complexity and number of the amendments you wanted to bring forward. If you could schedule a couple of days, at least, between the end of public hearings and the filing deadline, that would certainly help. The day after doesn't give us a lot of time. In future, if you were inclined to spread it out a little bit more, that would certainly help.

Mr. Martiniuk: Thank you.

The Chair: Mr. Kormos.

Mr. Peter Kormos (Niagara Centre): First, I want people to know that Mr. Martiniuk told me about these amendments and extended me that courtesy, and I appreciate that, to mitigate the fact that they were going to be a little later arriving than we had wished. Of course, an amendment can be moved at any time, notwithstanding any advisory time limits that are put.

As for legislative counsel, David Halporn included, they're like the alchemists of the Middle Ages. They're like Houdini of the last century. They somehow manage to turn sometimes confusing and obtuse instructions into intelligent legislation in remarkably short periods of time.

There's a story about Robert Johnson, the blues player, selling his soul to the devil at the crossroads. Sometimes I wonder what legislative counsel did to give them that unique talent to produce well-drafted amendments, or bills, for that matter, in such short order. I want to thank legislative counsel and assistants, Mr. Halporn, for their inevitable patience with us members and for their incredible skill. I want you to know that we should be concerned about the retention of those people because our salary schedule for legislative counsel is certainly not competitive with what they'd be making out there in the private sector. One of the things BOIE should perhaps be addressing is measures to make sure that we retain these skilled people.

Mr. Halporn: Thank you. I'll forward those comments to my boss.

Mr. Kormos: I trust you will.

The Chair: What Mr. Kormos didn't note was that Robert Johnson allegedly was poisoned by an angry husband. Isn't that how he died?

Mr. Kormos: That's how he died. I'm talking about where he got his talent. Look, Mr. Halporn's on his own in that regard.

The Chair: Let's get going, then, today. You'll find attached to your package anything you have asked of legislative research, any information, and any submissions that may have come in since the time we met last.

Mr. Kormos: Once again, staff from the ministry prepared an excellent briefing book, including a clause-by-clause analysis which is going to make this afternoon proceed much more smoothly. I applaud them and I encourage other ministries to do the same in other circumstances, especially if you've got those really complex bills of 150 pages. There are no real secrets around here. It's not as if they're giving away anything that they're not going to be forced to say anyway.

Mr. Mario G. Racco (Thornhill): I appreciate these comments, Mr. Chairman.

The Chair: Everybody's getting along here really well. Let's get started, then. Are there any comments, questions or amendments to any section of the bill, and if so, to what section?

Starting with section 1, I don't have any amendments before me. Shall section 1 carry? Carried.

Moving on to section 2, we have three amendments before us, all of them from the Progressive Conservative Party.

Mr. Martiniuk: I move that section 2 of the bill be amended by adding the following subsection:

"(2) Nothing in this act applies with respect to an organization that employs 200 or fewer people, and without limiting the generality of the foregoing;

"(a) an authorization made under sections 7 or 13 does not authorize the collection, use or disclosure of information respecting an organization with 200 or fewer employees;

"(b) observations may not be recorded and disclosed under section 9 with respect to an organization with 200 or fewer employees; and

"(c) section 10 does not authorize the publication of information with respect to an organization with 200 or fewer employees."

Very simply, we heard from the CFIB that they felt the act would impose an impossible—not just onerous—burden to small business. There was some discussion as to what a small business constituted, and I put forth three amendments: the first one that I just read, dealing with defining small business in effect as under 200, and then the other two which will follow if this one is defeated. They would be withdrawn, of course, if this one passed. The other two deal with small business defined for fewer employees.

Mr. Kormos: On a point of order, Mr. Chair: I understand Mr. Martiniuk's intent. With respect, perhaps Mr. Martiniuk should be invited to read his version 3 first because, if perchance the committee accepts this amendment defining small business as under 200 people—his more conservative threshold of 100 or 50—he would have to move an amendment to defeat an amendment that was successful. Perhaps, appreciating the difficulty the clerk had, the clerk might have ordered these with number 3 being first—that's his lowest threshold, 50—because it seems his intent would be to want to restrict the application of the bill to the largest number of businesses, which means he would be starting with 50. If that were unacceptable. I think he would want to move to 100.

The Chair: Thank you. Let me consult with the clerk, Mr. Kormos.

Mr. Martiniuk: I don't know about that. I would have thought just the opposite—I like the way they're ordered here—in the sense that I would exempt the greater number of businesses with 100—or 200 employees or less. That would be to include the greatest number of businesses, and as you go down in the number of employees, it would decrease because you're not including the larger businesses.

Mr. Kormos: I was just trying to be helpful.

The Chair: We'll take that as helpful advice as opposed to a point of order.

Mr. Kormos: I put on my right-wing hat for just a minute. It didn't fit and it doesn't look very attractive. I'll not wear it again.

The Chair: We have an amendment on the floor now that was moved by Mr. Martiniuk. Are there further speakers?

Mr. Kormos: I understand the intent. Once again, it seems to me that the CFIB—and this appears to be in response to CFIB, perhaps amongst other comments that Mr. Martiniuk has received—came here with effectively an anti-regulation message, and I understand the message. They would argue that the smallest businesses, in other words businesses with the fewest number of employees, are least capable of affording regulatory regimes. That is why I thought Mr. Martiniuk would have done these in the other order, starting by trying to exclude businesses with 50 or less, which would be more attractive to CFIB, and less attractive to the government, I presume. I regret that I can't support it.

1540

You see, that's one of the problems at Queen's Park here, and it happens at other levels of government too. We think small business is an operation with 60 non-union employees, and look at the data CFIB gave us: Over 75% of businesses have under five employees, and the vast majority of those, I will just predict anecdotally, are mom-and-poppers. I mean, I grew up in that kind of culture, where the business was literally the family business. If you could hire an employee or two from time to time, you did. Increasingly, the sort of businesses we see, service businesses, are self-employed tradespeople—electricians, plumbers, what have you—where there is one employee, and that's the gal or the guy who works at the job. And I have sympathy for the bona fide small business. I wish there were an amendment that excluded businesses under five, for instance. I have real sympathy for them, because they aren't operating on this level. They don't have an HR director; they don't have these kinds of resources.

I regret that I can't—I don't regret because I'm opposing it; it's because I like Mr. Martiniuk and I would want

to support his proposal. But this is a typical sort of CFIB—what was his name? Frank Sheehan. This is the Sheehan approach: "Oh yeah, if you're a small business employing under 200"—I'm sorry. Down where I come from now, where Union Carbide is gone, Atlas Steel is gone, we'd thank our lucky stars for a small business employing 200 people. Down where I come from now, increasingly it is little shops of 10 or 15 people, and I suspect that's the case in a whole lot of other parts of Ontario, too, because we're talking about occupational health and safety here, environmental safety, amongst other things.

Again, because of my regard for Mr. Martiniuk, I express regret that I can't support it, but I enthusiastically oppose it because I don't agree with the proposition.

The Chair: Thank you, Mr. Kormos. Are there any further speakers to the amendment? Mr. Racco.

Mr. Racco: Let me agree with Mr. Kormos and also say that this motion would only benefit big companies, which certainly is not what we are trying to do here. We have met, as I said Monday, with a number of small business owners, and they have told us that they need to reduce duplication, and also they have to be able to talk to each other. This bill would enable us to reduce the duplication in compliance activities and look at new approaches to small business compliance.

This bill would also allow us to continue with our success of the small business pilot of which Monday's Chairman is the chair, and we talked about that also Monday. This bill is good for business, whether they are small, medium or large. That's why we cannot support this amendment.

The Chair: Any further speakers?

Shall the amendment carry?

Mr. Martiniuk: Could I have a recorded vote, please?

The Chair: A recorded vote? Absolutely.

Ayes

Martiniuk.

Nays

Dhillon, Kormos, McMeekin, Racco, Rinaldi, Van Bommel.

The Chair: That amendment loses.

Moving on to amendment number 2, it's another Conservative one. Mr. Martiniuk.

Mr. Martiniuk: I move that section 2 of the bill be amended by adding the following subsection:

"Same

"(2) Nothing in this act applies with respect to an organization that employs 100 or fewer people and, without limiting the generality of the foregoing,

"(a) an authorization made under section 7 or 13 does not authorize the collection, use or disclosure of information respecting an organization with 100 or fewer employees;

"(b) observations may not be recorded and disclosed under section 9 with respect to an organization with 100 or fewer employees; and

"(c) section 10 does not authorize the publication of information with respect to an organization with 100 or fewer employees."

The Chair: Thank you, Mr. Martiniuk. Speaking to the amendment?

Mr. Martiniuk: I'd just reiterate what I've said before. In our society, it seems that large organizations rule the roost, and we forget about the smaller organizations that are finding it increasingly more difficult—whether they're unionized or not is irrelevant, but especially in our industrial bases, we are losing jobs, and regulations are necessary. The safety and health of our employees are essential and are to be safeguarded. However, when you get into superregulation, and this bill could fall within that class, I become concerned that smaller businesses being treated as big businesses are finding it increasingly more difficult, and that is the intent of my amendments.

Mr. Kormos: Again, I don't take delight in opposing the amendment of Mr. Martiniuk, but it seems to me that the simple issue of regulation, which means inspection, which means applying standards and ensuring those standards are met—look, if there are stupid standards, they should be addressed. That's not what this bill speaks to. If there is capricious enforcement of standards, that should be dealt with. But that's not what this bill addresses. There are going to be areas where I'm going to find myself, I am sure, in agreement with Mr. Martiniuk, but OPSEU was very clear that it supported the proposition of being able to investigate workplaces and other places, businesses, for any number of those things that we regulate and control, presumably—not presumably; in fact, we regulate and control them—in the interest of public safety and the safety of the workers and the safety of the vicinity.

Look, the firecracker factory down in Port Robinson that killed young Robyn Lafleur approximately six years ago now had under 100 employees. It hadn't had, unfortunately, a health and safety inspection in some significant period of time, and when they were there, they were perfunctory ones. Clean Harbors, the explosion in Thorold just over the course of the last couple of weeks where, amongst other things, containers of lithium batteries, we are told, exploded and were in flames, leaving the neighbourhood in great fear—fortunately, no workers were injured, but the neighbourhood was evacuated. This was a small operation; quite frankly, as I recall, less than 50 employees. So I understand what Mr. Martiniuk is driving at and I understand that he's basically speaking to the principle of trying to give some support to bona fide small businesses. Well, I say that the support should be to those real small businesses, the mom-and-pop operations, and also the support shouldn't be by way of diminished standards, but assistance in how

they attain those standards, for instance. If it costs money to reach a particular standard that's a bona fide health and safety standard, small businesses—real small businesses, the little mom-and-poppers—should be given help attaining the expectation level that a reasonable regulation provides them. So I'm compelled to oppose this amendment as well.

The Chair: Thank you. Mr. Racco?

Mr. Racco: The same argument I made on the first motion: We can't support it. Without repeating the same points, let me just say that this motion would only benefit big businesses and so it cannot be supported.

The Chair: All those in favour of the amendment?

Mr. Martiniuk: Recorded vote, please.

The Chair: Recorded vote.

Ayes

Martiniuk.

Nays

Dhillon, Kormos, McMeekin, Racco, Rinaldi, Van Bommel.

The Chair: That amendment loses.

Moving on to the next amendment, which is another PC motion.

Mr. Martiniuk: To show my respect for the comments of Mr. Kormos, I will amend this as I read it.

I move that section 2 of the bill be amended by adding the following subsection:

"Same

"(2) Nothing in this act applies with respect to an organization that employs five or fewer people and, without limiting the generality of the foregoing,

"(a) an authorization made under section 7 or 13 does not authorize the collection, use or disclosure of information respecting an organization with five or fewer employees;

"(b) observations may not be recorded and disclosed under section 9 with respect to an organization with five or fewer employees; and

"(c) section 10 does not authorize the publication of information with respect to an organization with five or fewer employees."

I move that motion to exempt not large numbers of small businesses but, in fact, as my friend and colleague Mr. Kormos points out, our mom-and-pop businesses. I think I'm restricting my amendment to those organizations.

1550

The Chair: Clearly understood. Mr. Kormos.

Mr. Kormos: From my perspective, Mr. Martiniuk has the threshold right in terms of the number of employees. However, he's suggesting that sections 7 and 13 shouldn't apply, and that means requiring information like the legal name of an organization, and the name under which an organization operates if it is not the legal name. These are the things that 7 and 13 allow you to do: to require information that's pursuant to section 4. We're going to get to paragraph 7 of that section, because Mr. Martiniuk legitimately has concerns about that, and I supported those concerns yesterday.

It seems to me that most but for, at least at first glance, section 7—because it also permits disclosure; not just the acquisition of the information but the disclosure of it. It seems to me that all but for section 7 are not, in and of themselves, onerous for even the smallest of businesses. This isn't about compliance with, let's say, health and safety standards, compliance with environmental standards, compliance with Ag and Food standards in the case of food processing. It's about, very simply, information acquired under section 4 and those restrictive points.

So I'm grateful, because we're getting now to understand what small business really is, and I say that, yes, the five-and-under category is what small business really, really is—not to neglect somebody who's got six employees. Still, it's in reference to what they're being excluded from participating in, and I think amendments to section 4, which are coming up and which I anticipate supporting, are a far more appropriate way of addressing that. Therefore, I cannot support this amendment, although I congratulate Mr. Martiniuk for his creativity.

The Chair: Thank you. Any speakers from the government side?

Mr. Racco: Yes. Certainly changing the number to five makes it a little more interesting, but we cannot support it, for generally the same reasoning I made on the first amendment.

The Chair: Any further speakers?

Mr. Martiniuk: I'm just trying to be amiable, Mr. Chairman, and not quite succeeding—but close.

The Chair: You are. Is this your final offer?

You would like a recorded vote on this as well, Mr. Martiniuk?

Mr. Martiniuk: Yes, please.

Ayes

Martiniuk.

Nays

Dhillon, Kormos, McMeekin, Racco, Rinaldi, Van Bommel.

The Chair: That amendment loses.

Those are all the amendments we have before us on section 2. Shall section 2 carry? Those opposed?

Section 2 is carried.

Moving on to section 3, I have no amendments before me. Shall section 3 carry? Carried.

The Chair: Moving on to section 4, I have two amendments before me, starting with those that you would have on page 4.

Mr. Martiniuk: I move that paragraph 7 of section 4 be struck out.

This amendment would do away with what I consider a most odious provision of this bill, and that is complaints. I can see great sense in convictions under the same act and similar acts being admissible for various purposes, but complaints are, in effect, gossip. There is nothing in this act that requires such complaints to be validated as bona fide or made in good faith, so they could be malicious, to start with, and yet they would still carry the same force and effect as if they were bona fide.

Secondly, there's nothing in this act to require validation of any of the complaints. I think this sets a very dangerous precedent. No matter what our good intentions are, we cannot regulate on the basis of rumours and gossip. I'm sure we as a civilization are past that, and I therefore strongly ask for your support to remove this most odious provision.

The Chair: Thank you, Mr. Martiniuk. Mr. Kormos?

Mr. Kormos: I am in support of this amendment. We had some discussion around this yesterday. Look, the problem here is the disclosure part because it doesn't define disclosure to whom. There seemed to be a suggestion that disclosure could be to the general public; the disclosure could be by way of a website. When you read 13 and 7 of the bill—those are the two operative sections when it comes to utilizing section 4—this is a ministerial authorization. Without any control in terms of especially disclosure—I have no qualms about the collection of that information, but the disclosure of it, without specifying to whom—because it doesn't seem that the argument is to be made that this is all part of the multi-ministerial exercise. Then, the disclosure part could be made very clear in that regard and disclosure to other ministries or other regulatory bodies that may have an interest. But that's not what it says and, as I say, we're left with the impression that it could even be, for instance, a website.

Mind you, there's an amendment coming up that deals with paragraph 9 and that warrants a different discussion, but when you take a look at section 4—I've already gone through most of the list quickly—this is the sort of stuff that, yes, I believe should be, in the event that the minister wants it made available to the public for a good reason—a legal name of an organization, a name under which it operates, telephone, fax number etc.—of course. But this is very, very frightening.

You mentioned yesterday, again, you know, Mr. Racco—and this came up when Mr. Martiniuk made his initial comments—the parliamentary process, which successive governments have responded to with rule changes that have been designed to accelerate the process. I'm not sure it's supposed to be a speedy process. I'm not sure that it isn't designed when you have concepts like first, second and third reading, literally designed to be a slower, more thoughtful process, perhaps at times ponderous. I'm worried here that we're rushing through this. We had the assistance of ministry staff yesterday, and I don't quarrel with anything they said, but this is troubling.

Take a look at some scenarios, and let's take a look at some of the small operations I'm familiar with. I'm familiar with small one- or two-person shops that will, for instance, get a contract out from a foundry literally to drill holes in hooks. It's labour-intensive, you're standing there at a drill press, you've got a little jig where you slide the hook in, but it's one at a time. It drives you crazy, doing the work. So here's a small operator who bids on local contracts for that type of contracting-out work and a complaint—because you see, a larger industry contracting with them is going to do due diligence. One could understand why they wouldn't want to engage in a business that, for instance, has problems with health and safety issues or environmental issues. They don't want to be drawn into even the public relations quagmire that that would create.

This is very, very scary. Does this mean that a complaint that is unsubstantiated, unresolved—look, if it's a conviction, God bless; no hesitation. We're going to talk about paragraph 9 in a minute. If it's a conviction, God bless. But a complaint that's unresolved—yikes. Again, it appears that the party has little remedy. What do they do, sue? They can't sue because you've got the section that gives anybody operating in good faith under the act immunity, right? It's strange stuff. I understand why you'd want to collect complaints. If you wanted to publish complaints, for instance, sort of statistically—how many complaints in Niagara were there around environmental issues?—feel free to publish it. If it helps to give regulators, bureaucrats a sense of where they have to put in more inspectors, where there are problems, if it helps identify hot spots in the province, feel free. But this suggests that a complaint against Mario Racco's fabrication shop, which he owns himself and for which maybe he hires a couple students from time to time when the job gets big enough, is going to be somehow not only collected but conceivably disclosed, because there are no controls that I'm aware of on the disclosure. That's a very unpalatable situation to be in. I don't know.

1600

Unless and until somebody can come up with something better—and this act could be amended later down the road—I say that the wise thing to do now is to pull paragraph 7, as Mr. Martiniuk suggests. If there has to be some tinkering down the road dealing with collection and so on, do it. But it seems to me that if there are complaints with collection, complaints are being made to ministry bodies, right? What's going on here? So the operative part of this paragraph isn't the collecting the data part, it's disclosing it. What do you think of that conclusion? Because the ministry has the data already. Hmm, that's peculiar. So the real impact of paragraph 7 of section 4 is to permit the disclosure? Hmm, interesting stuff. I'd like to hear what the PA has to say.

Mr. Racco: With pleasure. I think it's a fair question. The only straight answer is that the disclosure is only for ministries or designated authorities. That should answer your question.

We certainly have heard from stakeholders, not on Monday but prior to that, and we understand your con-

cern about information sharing. We have also included safeguards in the bill to ensure the lawful sharing of information among ministries and other regulators of provincial laws. For example, prior to any information sharing taking place, the legislation must be designated by the Lieutenant Governor in Council, and any person who shares the information must be authorized by the minister responsible for that legislation.

In addition, the bill would not open the types of information that government can currently collect. This means that the ministry could only share information that was originally collected under the statutory authority of designated legislation and that is already in the government's possession. Finally, we have consulted with the Office of the Information and Privacy Commissioner, and that office is comfortable with the approach we are taking.

Therefore, we cannot support that motion. I think Mr. Kormos's concerns have surely been addressed.

The Chair: Any further speakers? Mr. Martiniuk.

Mr. Martiniuk: I would like to point out to the committee that in section 4 of the preamble, we're not complaining about the collection and use of the complaint; my concern is with the disclosure. What this act does, strangely enough, is permit individuals to make slanderous and libellous statements to the public—that's under disclosure—and they are protected on top of it. So they can take information that, if made by a third party, they would be subject to damages as a result of slander or libel, but because it is made pursuant to this section—and you'll recall that individuals acting on this section are exempt; they cannot be sued. So here we have a government advocating use of statements that may in fact be libellous or slanderous, but they take no account of that, and they are authorizing the disclosure of those statements. I don't think that's a position that this government, or, for that matter, the people of Ontario, would like to see in legislation.

Mr. Kormos: I don't want to prolong this, but please—and I ask the parliamentary assistant to pay close attention. Take a look at section 5. My goodness. I'm sorry, I respectfully disagree. Paragraph 8:

"The following are purposes for which information may be collected ...

"8. To make the following available to the public:

"i. the types of information described in paragraphs" 5 through 10: paragraphs 5, 6, 7, 8, 9 and 10. So you see, Mr. Martiniuk, this isn't just about interministerial use.

I'll tell you what, sir: If the government amends paragraph 8 of section 5 to delete paragraph 7 from the types of information described in paragraphs 5 to 10; in other words, 5, 6—well, Mr. Martiniuk's going to talk about paragraph 9, but I have no qualms about convictions being made available to the public—8, 9 and 10, then you've addressed the issue. But your own legislation says that the purpose, amongst other things, of collecting information—to wit, complaints—is for the purpose of making it available to the public. The bill specifically says that. Now, I could have a misprint. I could've gotten somewhere an inaccurate copy of the bill. Somebody could've slipped this into my file folder late last night in my office after I had left for the day, but I don't think so. I'm going to read it again:

"8. To make the following available to the public:

"i. the types of information described in paragraphs 5 to 10 of section 4...."

We're dealing with section 4, and 7 comes before 10 and after 5, at least down where I come from. So there's a problem here.

We have no interest in delaying this legislation. We expect that this bill's going to get third reading before we rise. It's not going to be the subject matter of lengthy debate, mostly because my caucus colleagues are more than eager to let me have the debate time on it. I might have to arm-wrestle Shelley Martel—she'll probably want to get in on it—but for the life of me I can't see Rosario Marchese debating this one at length.

But I'll tell you what, with all due respect—because I hear what you have to say, and of course I take you at your word. If we can hold down these sections, because you can address the issue by amending section 5—I don't know if Mr. Martiniuk agrees with me in that regard, because I've got a feeling the government's going to vote down Mr. Martiniuk's amendment; fair enough. But if you can hold down section 5 with the point of view of the government bringing in an amendment to delete 7 from disclosure to the public, I can't for the life of me think why you would want to disclose information about complaints as compared to convictions. Convictions: I can buy that. But complaints, without even qualifying it? Because it could be complaints that haven't been investigated yet. It could be complaints that have been resolved, such that no charges were laid. It could be frivolous complaints, and those happen; they happen for any number of reasons, good and bad.

I would make a commitment that we could come back to this, the House leaders will agree, I hope—I can commit, on my behalf, to come back and address section 5. But this is the problem: If you want to ram this through with this—because I think you're trying to be fair in terms of how you want this bill to proceed. But I think this is a little stumbling block here. We're going to try to wrap up the clause-by-clause today; I have no qualms about saying that. The balance of stuff is far less contentious. If you want to take five minutes—if five minutes will be helpful—feel free.

Mr. Racco: If I may, any publication to the public must be in compliance with section 10, Mr. Kormos. Would that satisfy you?

Mr. Kormos: I'm sorry?

Mr. Racco: Anything that is going to be printed for public use, must be in compliance with section 10.

Mr. Kormos: Chair, if I may: "The following are purposes for which information may be collected, used and disclosed in accordance with an authorization made under section 7 or 13...." Then there are nine paragraphs, nine purposes. The only one of those purposes that makes any reference to the public is paragraph 8:

"To make the following available to the public:

"i. the types of information described in paragraphs 5 to 10 of section 4...."

Section 10 in the bill is a regulation-making section. With all due respect, it has no impact, it seems to me, on section 5.

1610

Mr. Racco: Certainly, Mr. Kormos, if it is not clear, we can ask legal staff to clarify this issue. I would suggest Mr. Stager is probably the best person to clarify. Would that be okay with you, Mr. Kormos?

Mr. Kormos: I'm not going to belabour the point. If the government is going to proceed with it, then, we've made our points. But I'd appreciate hearing—if there is some way of mitigating the concerns, feel free. Let's do it.

Mr. Racco: That's the intent, Mr. Kormos.

The Chair: If you'd identify yourself for Hansard first, before your comments, that would be great.

Mr. John Stager: My name is John Stager. I'm the assistant deputy minister of the II&E secretariat with the Ministry of Labour.

In the way of an explanation about the complaint area within the proposed bill, it says in the bill "information about complaints." That's a fairly broad category about complaints, so it's not just about a complaint per se; it's about information related to complaints. That's an important context for us, because in the business of government it is important to be able to, first of all, understand what is happening in terms of a sequence of events; for example, a complaint from the public on a situation. That's the first stage of events that happen within government now. As a result of that complaint, we would take some subsequent action to follow up on the complaint. Typically, it would be either an inspection or it could be phone call or something else like that.

That then leads to a sequence of events—inspection; possibly some kind of action following the inspection—and ultimately, it may lead to some kind of public statement about something that happened because of the sequence of events that occurred. For example, it may have been a prosecution or a conviction that took place and there is some kind of an announcement related to that conviction for a given ministry. That whole sequence of events goes from the collection to the possible sharing of information and eventually the publication of that information.

The key point with that is that in this section of the bill it's really information about complaints. It's not just saying, "Here are all the details about a complaint." It's the ability to refer to a complaint as part of a broader storyline in the use of information and the possible release of information.

Just to add to it, the ministries that are doing this right now also recognize the responsibility that they have in the use and potential release of that information and the potential implications of it. They have taken that responsibility very seriously because of the potential implications of that. So certainly, in terms of historical responsibility, ministries have exercised significant responsibility in doing that.

Within the bill itself, one of the things that we've recognized in the development of the bill is that we do need to bring consistency across all of the 13 ministries. We've said consistently to our partners that what that means is we have to develop consistent guidelines that the ministries can use in the use of complaint information and the potential for publishing information about complaints of some kind.

I hope that that explains what it is that's driving the use of that kind of information for both sharing and potential publication purposes.

The Chair: Wonderful. Thanks for your explanation. Mr. Kormos?

Mr. Kormos: Thank you, sir. I appreciate and understand your statement of the government's interest in having paragraph 7 in conjunction with section 5; in particular that paragraph of section 5 that talks about making available to the public the information, section 8.

We're going to have to move on at some point, but understand my concern. I agree with you. You heard me make mention of that before. There's validity in understanding areas of complaint and so on.

Believe it or not, I had a phone call from a constituent in Welland today complaining because the foundry—we've got one foundry left in Welland—was making too much noise. Well, I've got foundry workers and their families down there. When I grew up, you could feel the thump of the drop hammer. You'd wake up in the morning and you'd feel the vibration. You travel blocks—even where I live now, over in the west end where all the Anglos used to live when I was a kid—people like us didn't know what two-storey houses were. It's true, Mr. Racco. We were immigrant families. We lived in the east end. All the rich English people, as we understood them, lived over on the west side. I live in one of those old houses now, but on the right day, in the morning you can hear the drop hammer there.

So I've got a complaint now. I've got to give those people a call and say, "Look, I've got to tell you, my friend, let's be grateful for the noise of the hammer." But here's a complaint; that's a complaint, right? It's a complaint that the Ministry of the Environment may deal with, or it could be within their jurisdiction. Look at the language: "Information about complaints filed in respect of an organization where the complaint is regarding conduct that may be in contravention of designated legislation." I appreciate that it says "designated legislation," but we don't know what that is yet. Presumably, it means basically the range of legislation that falls within the provincial ambit that's of concern to the regulatory authorities.

How does that—and making it available to the public. Where in the legislation—and I appreciate the intent. All the best-laid plans of mice and men often go astray. So I understand the intent, but how does that protect—where is the language here that addresses the concern of Mr. Martiniuk or of myself of having—again, a General

Motors engine plant; they're big guys. They've got PR people. They know how to deal with this stuff. They know how to phone deputy ministers and ADMs. What about the little shop against whom there's a complaint? What do I tell those folks? What do any of my colleagues tell them? Say, "Don't worry. The complaint that's made against you is not going to be made available to the general public, who might just mischievously"—because you know what happens in neighbourhood disputes; right? The NIMBY syndrome. You know what happens: "Hold on, just hold on. We don't want that factory in this neighbourhood." Nobody wants the factory or the little shop in their neighbourhood.

Mr. Racco: Not in our backyards.

Mr. Kormos: That's right. So what they do is they phone you up and say, "Whoa. Was this information that's pursuant to section 5, paragraph 8?" And you have to say, "Yes, it is." It's about complaints and it's paragraph 7 of section 4. That's within the realm of information that the public has access to. Is the ministerial order drafted carefully enough that you can say, "I'm sorry, I can't tell you that"? If it isn't, you've got to tell me, "Yeah, there were 12 complaints made against this company over the course of—" and I use that then in my campaign. You know what I'm talking about; right? Well, sure, my campaign, because we don't want that—we have a waste treatment facility that's being advocated. Nobody wants those in their community either, do they, Mr. Racco? We'll move them up to Woodbridge. See what your folks have to say.

Mr. Racco: I don't represent Woodbridge, Mr. Kormos.

Mr. Kormos: Sorry.

Mr. Racco: I love the community, but I don't—

Mr. Kormos: That's right; Sorbara. But Sorbara, he'd refer it to your MPP's office. He'd say, "Call Racco, don't call me." He's no dummy.

So you're saying that's as good as it gets. We've got to live with what we've got here and the best of intentions. My apologies to the people of Woodbridge.

Mr. Stager: If I can go back to the example, I would say that the majority of the regulatory ministries probably receive hundreds to thousands of complaints every year. I think if you look at the record of the ministries that are doing that, it is very strong, and they do take that responsibility very seriously. If you look at the history of ministries and government, they have recognized that the potential for damage of that kind of information is significant and I think have exercised extreme due diligence, recognizing that potential.

We recognize that there's a continuum of activities that represent compliance, of which this is one. It is an important element of a potential story, but we also know that it has to be done right. That's one of the reasons why we've had to work together on this and we have to work together in implementing through guidelines that are consistent across all the ministries. In fact, they have exercised a very high level of diligence in doing that kind of thing.

The only other thing I would add is that this bill doesn't force ministries to do anything. This is a permissive bill; it establishes permission to do something if they so desire, but it doesn't force anyone to do it.

1620

Mr. Kormos: Thank you kindly, sir. I appreciate your comments.

The Chair: Mr. Racco, any other questions, or can we excuse the gentleman?

Mr. Racco: Thank you.

The Chair: Thank you. Mr. Martiniuk?

Mr. Martiniuk: I honestly believe that the government is making a grave mistake in this section. It may have happened in the past; it shouldn't be contained in this legislation. If the executive and if the crown always acted with regard to the best interests of the public, we wouldn't need members of a Legislature or we wouldn't need courts.

Mr. Kormos: Or an Ombudsman.

Mr. Martiniuk: Or an Ombudsman. But unfortunately, there are times when the executive chooses to act against the public interest. I'm not suggesting they do it mala fides; they do it quite innocently for what is in their interest. They somehow get confused that their interest is, in fact, "What's good for General Motors is good for the USA." That happens relatively often, and that's our job as legislators.

What I'm saying to you right now is that the executive is putting itself in a difficult position. If one of them steps out of line, you throw a cloud on all members of the executive. That's what this section does. What you're saying is, "Trust us." I've been a member of a government, and I'm saying, "No." You cannot say that, because power is always misused at some time or other; not most of the time, and maybe even rarely, but it is misused. There's nothing in this act to prevent the misuse of the disclosure of innuendo and rumour. That's what this act permits. It is wrong, and so be it.

Mr. Racco: I certainly have full confidence in the people working for us that they will use good judgment and they will make good decisions. I'm not questioning that you, Mr. Kormos, are suggesting that. I'm just saying, to answer Mr. Martiniuk's comment, surely if a mistake is made by our staff, we will be legally responsible, as you know. They will use good judgment, as they have done, and I trust that that will continue. That's why this motion cannot be supported.

I didn't want to ask for more comments from you, Mr. Kormos, but—

The Chair: Mr. Kormos?

Mr. Kormos: I find that an interesting comment from Mr. Racco, because I presume they had good faith in Duncan Brown over at the Ontario Lottery and Gaming Corp. It cost us damn near a billion bucks to get rid of him.

I'm finished with my comments. Thank you.

The Chair: Any further speakers before we vote on this?

Mr. Martiniuk: Recorded vote.

The Chair: A recorded vote's been requested on the amendment that's before us.

Ayes

Kormos, Martiniuk.

Nays

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

The Chair: That amendment loses.

Moving on to the next amendment, on page 5.

Mr. Martiniuk: We're making progress: Two voted for it instead of one this time.

I move that paragraph 9 of section 4 of the bill be struck out and the following substituted:

"9. Information related to an organization's compliance with designated legislation, information about an organization's convictions and penalties imposed on conviction under designated legislation and information regarding orders or notices issued under the designated legislation with respect to an organization."

My comments, shortly, deal with the same concern as my prior motion. I believe that convictions and penalties imposed are of great relevance to anybody considering a particular organization, so let's make that straight. What I object to in this section is "including but not limited to." In other words, they talk about convictions and penalties, but then they say, "But that's not what we're talking about. We're talking about basically all the information we have," and we're back to complaints. So all my amendment does is remove the phrase "including but not limited to," because inserting that would indicate that any information they have—maybe it's even wider than complaints; any information whatever—is authorized to be published. I don't believe that was the intent of the draftsmen when this was drafted, and I therefore move the motion.

The Chair: Further speakers?

Mr. Kormos: Very briefly, I won't support this amendment because in my interpretation, compliance would suggest that this would include information about requests for compliance with which there had been compliance, therefore no conviction. I think that's information that quite frankly should be public information, never mind information that's subject to the discretion of the minister.

The Chair: Any further speakers?

Mr. Racco: We can't support this motion. The way this provision is drafted is necessary to account for new legislation and future amendments to Ontario statutes and continuing improvements in compliance activities. We have included safeguards in the bill to ensure the lawful sharing of information among ministries and other regulators of provincial laws. This means that the ministry could only share information that was originally collected under the statutory authority of designated legislation and that is already in the government's possession.

Finally, we have consulted with the Office of the Information and Privacy Commissioner, and it is comfortable with the approach that we are taking, as I said earlier and as I said on Monday. Those are my comments.

The Chair: Any other speakers before we vote on this?

Mr. Kormos: I should say I'm not going to support it, but I've voted with the government three times now. On a recorded vote, I'll not lower myself to vote with the government; I'll simply abstain.

Mr. Martiniuk: Recorded vote.

Ayes

Martiniuk.

Nays

Brownell, Dhillon, Racco, Van Bommel.

The Chair: That motion loses.

Shall section 4 carry? Section 4 is carried.

Moving on to section 5, we have no amendments before us. Mr. Kormos?

Mr. Kormos: I just want to underscore the observations made about paragraph 8. While there are any number of purposes for which the information collected pursuant to sections 7 to 13, being information that is contained in that list that constitutes section 4, let's make it very clear that paragraph 8 indicates that information described in paragraphs 5 to 10, in addition to all of the other purposes for which it's collected, can also be collected, clearly, to make the following available to the public.

The Chair: Shall section 5 carry? Section 5 is carried.

Moving on to section 6, there are no amendments before us. Shall section 6 carry? Carried.

Moving on to section 7, once again, no amendments before us. Shall section 7 carry? That is also carried.

Moving on now to section 8, page 6 of your printed material. There's a motion from the government.

Mr. Racco: I move that section 8 of the bill be amended by striking out "42(e)" and substituting "42(1)(e)."

That's just a technical amendment.

The Chair: Any speakers?

Mr. Kormos: And it's because we have the briefing page that there's no need for any questions about it. Mr. Racco is right. It's simply changes the section number to comply with the new section number in the FIPPA. What a nice thing it is to have. What a great thing it is to do to give these briefing notes to opposition members.

Mr. Racco: Thank you to the staff again.

The Chair: Any further speakers? There being none, those in favour of that amendment? Opposed? That's carried.

Shall section 8, as amended, carry? That is carried.

Moving on now to section 9, the first amendment we have before us in on page 7. It's a PC motion.

1630

Mr. Martiniuk: I move that subsection 9(1) of the bill be amended by adding "but shall not disclose it to the other person unless he or she has first informed the person in charge of the place where the observation was made that such disclosure will be made."

May I address the provision?

The Chair: Absolutely.

Mr. Martiniuk: This was suggested to us by various individuals. What they're saying is, if in fact a defect which could be hazardous to the health and welfare of the employees in an establishment is observed, it's not enough for the individual who is doing the inspection to go back to his or her ministry and distribute that information. It could be days, if not weeks, elapsing. The person who is in charge of the establishment should know immediately that there is a defect and that a complaint will be made so it can be remedied. Otherwise, what this government is saying is, "We're more interested in the prosecution that's going to follow rather than curing the defect to the benefit of employees of this establishment." And I don't think that's your intent; I'm not suggesting that it was the intent the way it was drafted. But I think that, without notice, you're recognizing a hazard but not warning people about the hazard. I think it's a duty incumbent on anybody making an inspection to warn people immediately about a hazard before some injury takes place.

Mr. Kormos: Fair enough, and Mr. Martiniuk's amendment addresses or speaks to the problematic nature of the bill. Because nobody quarrels with the proposition, the Ministry of Labour inspector should turn his or her head away from an observation of a potential environmental issue or other similar issue. At the same time, this is one of the problems with the prospect of super-inspectors, or, more importantly, super-inspectors who aren't super-inspectors at all but simply multi-inspectors. An Ag and Food inspector obviously has expertise, experience and history but may not be in a position—and perhaps can observe something that constitutes an environmental problem—but may not be sufficiently skilled to exercise a judgment call right then and there in terms of shutting the place down and red-tagging it. Do they use that phrase in your kind—do you red-tag things? No. Natural gas: when you're pipefitters, you red-tag stuff, right? So whatever the equivalent is to red-tagging an operation, to shut her down. At the same time, you don't want to have people not responding adequately to a situation which is imminent and critical.

Finally, not all observations are observations that are with respect to an imminent crisis. Some are simply with respect to evidence of something else that's going on. So here I go—oh, you should have been there, Mr. Racco. We were doing the Ontario Human Rights Commission—when your government gutted the Ontario Human Rights Commission. And when they were building the investigative powers—to get a search warrant under the new bill, Mr. Martiniuk, the inspector has to go knock, knock, knock on the door of the employer, who presumably is discriminating, ask them for the information, saying, "I'm here from the human rights. I'm inspecting a violation of human rights and I want the employment files for person X, Y or Z"—you have to do that—"and only when the employer says, "Get out of here," can they go and get a search warrant. Smart, huh? Like nobody has heard of paper shredders. So we don't want a scenario here where conceivably there is evidence that may be of something that's an offence but isn't imminent and critical.

So this is the dilemma. We've got two types of observations. We've got observations of stuff that constitute imminent hazards and you've got observations that are evidence of an offence. So it's a dilemma. But in the interests, is this all about playing "gotcha"? Do you know what I'm saying? Is this the whole purpose of regulation? A regulatory regime as compared to a criminal regime shouldn't be about "gotcha"; in other words, lying in wait and sneaking around and finding evidence. It should be about getting compliance, rather than in a criminal case where you've got the grow op member—what's his name? Jim Karygiannis—sniffing people, threatening everybody. He was talking about going to door to door, sniffing underneath the sill of the door to see if there's any marijuana growing in there, God bless him. So you don't want a marijuana grow op operator being tipped off that the police are going to get a search warrant. That's Criminal Code enforcement.

Regulatory regimes shouldn't be about gotchas, and they shouldn't have as their purpose convictions. The goal is compliance and to encourage compliance and to have inspectors. Heck, you've had all sorts of experience with liquor inspectors, ag and food and so on. Most of these people work well with their constituencies in ensuring compliance. Their goal isn't to charge people. So I'm inclined to agree with Mr. Martiniuk on this one. If the goal really is to encourage compliance, heck, why shouldn't an inspector say, "Whoa, I see something there and I'm going to have to call the Ministry of the Environment people. I'm just letting you know, so you'd better start addressing it"? It's not going to change the nature of the investigation. He or she still observed what they observed. But for Pete's sakes, why wouldn't you? It seems to me that this is a—dare I say it?—common sense amendment.

The Chair: Thank you. All those in favour of the amendment?

Mr. Racco: Mr. Chair, I think I may be able to assist Mr. Kormos and Mr. Martiniuk with some comments that may change their minds. This provision allows only for a heads-up based on observations. So that's an observation, Mr. Kormos. At the time that an observation is made, there is no verification that there is an infraction of any law or whether any remedy or action is required. So you are asking for someone to potentially intervene when there is not necessarily a problem. Therefore, it would be

premature to involve the business owner at the time that the observation is made. After receiving a heads-up, qualified and properly trained staff would conduct any potential follow-up activities under the relevant legislation. The inspectors who are knowledgeable about that potential problem, if they feel there's a need, will go and do an inspection. To provide concerns to the business prior to having enough information or feeling that there is a problem, you're exposing the business to concerns, potentially costs, that they may incur because they want to make sure they take care of the problem before somebody shows up at their facility. So I'm not too sure that you are helping the business community by going that way.

Those are my comments, Mr. Chair, and because of that, I can't support the amendment.

The Chair: Thank you. Any further speakers?

Mr. Martiniuk: My primary concern in bringing this motion for amendment was that there is an imminent danger. I think there's an obligation on us as legislators to ensure that that danger is done away with.

Number two, it seems almost a circular argument in this section because, if they do not disclose, or they make an inspection and, as you said, they are not equipped to make an intelligent or knowledgeable inspection, then what are they doing? Are they not going to receive any training whatsoever in these other fields? I have an amendment later that talks about inspectors who are super-inspectors who should be receiving the necessary training. Your answer seems to suggest that people will be making observations without any training, and because those observations are made without any training, they are unintelligent or unknowledgeable—not unintelligent; unknowledgeable. In other words, they don't know what they are talking about. You're assuming that they're going to be totally untrained in those other fields, and that sounds like a very dangerous situation to me.

1640

The Chair: All those in favour of the amendment? All those opposed? That amendment loses.

The next amendment we're dealing with is on page 8. It's a government amendment.

Mr. Racco: I move that subsection 9(2) of the bill be amended by striking out "41(b) and 42(c)" and substituting "41(1)(b) and 42(1)(c)."

The Chair: All in favour? No speakers? It's carried.

Shall section 9, as amended, carry? Carried.

Section 10: The first amendment we have before us is from Mr. Martiniuk.

Mr. Martiniuk: I move that paragraph 3 of subsection 10(4) of the bill be struck out.

The Chair: Are you speaking to the motion?

Mr. Martiniuk: I've already explained my concern with information about complaints and the disclosure of that to the public, and the dangers in that.

The Chair: Any further speakers? Seeing none, all those in favour? All those opposed? That motion loses.

Moving on to page 10, Mr. Martiniuk.

Mr. Martiniuk: I move that paragraph 3 of subsection 10(4) of the bill be amended by adding "if the minister is of the opinion that the complaint was made in good faith."

The Chair: Are you speaking to the motion?

Mr. Martiniuk: As the government does not seem to be concerned about basing its public trust on gossip, rumour and innuendo, I am suggesting in this motion, not that they verify the complaint—I'm not even going that far, although I should—but I am saying that it should have at least been made without malice. The way it is now, this government is going to accept and distribute to the general public, in all good faith, information that they have received that was made with malice—malice to injure a third party—and there is no safeguard built in. This builds in some small degree of safeguard, and that's my intent.

The Chair: Any further speakers? Seeing none, shall the amendment carry?

Mr. Martiniuk: A recorded vote, please.

Ayes

Martiniuk.

Nays

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

The Chair: That amendment loses.

Shall section 10 carry? That's carried.

Section 11: One amendment from the government, on page 11.

Mr. Racco: I move that section 11 of the bill be amended by striking out "42(e)" and substituting "42(1)(e)."

The Chair: All those in favour of the amendment? Carried.

Shall section 11, as amended, carry? Carried.

Page 12, section 11.1. Mr. Racco.

Mr. Racco: I'm sorry, which section is that?

The Chair: We're on section 11.1, on page 12.

Mr. Racco: I move that part II of the bill be amended by adding the following section:

"Legislation no longer in force

"Designating repealed legislation

"11.1(1) The Lieutenant Governor in Council may make regulations designating a repealed act or a revoked regulation for the purposes of section 7 or section 10.

"Same

"(2) A regulation made under this section may,

"(a) designate a repealed act or revoked regulation in whole or in part;

"(b) specify that a designation is limited and only applies for such purposes as are set out in the regulation.

"Regulations designated by default

"(3) Where all or part of a repealed act is designated under this section, all regulations made under that

repealed act are also designated, unless the regulations designating that repealed act provide otherwise.

"Other provisions apply

"(4) Sections 7 and 8 apply with necessary modifications with respect to a repealed act or revoked regulation designated for the purposes of section 7.

"Same

"(5) Subsections 10(4) to (6) and section 11 apply with necessary modifications with respect to a repealed act or revoked regulation designated for the purposes of section 10.

"Minister responsible

"(6) The Lieutenant Governor in Council shall, in making regulations under this section, specify which minister shall be the 'minister responsible' for the purposes of,

"(a) exercising the powers set out in subsection 7(2), with respect to a repealed act or revoked regulation designated for the purposes of section 7;

"(b) publishing information under subsection 10(4), with respect to a repealed act or revoked regulation designated for the purposes of section 10."

The Chair: Any speakers?

Mr. Kormos: That certainly warrants an explanation, Mr. Racco.

Mr. Racco: This bill, if passed, will enable regulatory ministries to work together better and use information more effectively and target enforcement efforts where they count. In order to allow our regulatory staff to achieve those goals, they require access to the information collected under repealed legislation, information that was lawfully collected and is already in the government possession. Permitting the sharing and use of information collected under repealed legislation would provide ministries with a pool of historic information. This would enable them to better understand the compliance histories of the organizations they regulate. For example, where several ministries are working together to clean up a contaminated site, they may need access to information that was collected under a repealed act.

Mr. Kormos: This raises the issue that was the subject matter of questioning yesterday. Perhaps we could get some help. What is it that prohibits—because I trust that we're talking about convictions or non-compliance with legislation or regulations that are now repealed. That's fair enough—the historical data. Maybe we could understand a little more clearly why we need this section. In other words, why can't we access that data, that information now?

The Chair: You would like a member of staff to answer that?

Mr. Kormos: Please, if we could, just so we know what we're voting for here.

Mr. Stager: This piece of the act, or this proposed amendment, is really just a supplement to the bill itself. Again, if you look at the contents of the bill and the sequence of types and purposes of information, it is a compliance continuum that it is really trying to follow, from the initial filing of a request or a complaint to the follow-up: possible inspection, possible enforcement action. That kind of information now becomes part of the information collection and sharing piece of the legislation.

This is really just to ensure that as we designate statutes that would be enabled by the legislation for collection, use and disclosure, for example, it also includes acts that are no longer valid. So we may have information from a repealed act, and we just want to make sure that that information is actually available for us to use for compliance purposes. We will have the designated statutes that would identify, for example, in collection, use and disclosure, which statutes apply to it. We just want to ensure that that also includes any repealed act that would be under those statutes. So it's really that purpose.

Mr. Kormos: That part I understood. Give me a for example of why we can't do that—or why you can't do that—without this legislation, which goes to the whole subject matter of Bill 69 as well.

1650

Mr. Stager: I can certainly ask my legal representative to comment on it, but from a program perspective, I think it's really just to ensure that that can happen. It is really just a confirmation that in fact we can do that.

Mr. Kormos: But my question is, what prohibits an authorized person—not authorized in the legal sense, but a civil servant—in performing his role from getting that data now?

Mr. Stager: There could be several reasons. Certainly the confidentiality provisions that are in existing statutes right now may stop you from doing that. Again, the focus within the statute is on information under current statutes. As I mentioned before, I think it really is just to say that we want to ensure that if there are repealed statutes, there is no question legally that we can do it.

Mr. Kormos: Help me: confidentially provisions in a statute like?

Mr. Stager: I think there are actually 22.

Mr. Kormos: Give me one.

Mr. Stager: The Environmental Protection Act was an example. They're actually in the back of the bill.

Mr. Kormos: Okay. The ones that are being—

Mr. Stager: The consequential amendments within the bill.

Mr. Kormos: Ah, yes. So you're—because we're going to get to those. I was going to ask why you didn't just revoke the confidentiality provisions.

Mr. Stager: We're actually amending the confidentiality provisions in the bill.

Mr. Kormos: You are?

Mr. Stager: They are included in the bill as consequential amendments.

Mr. Kormos: Yes, the revocation of confidentiality provisions.

Mr. Stager: Or the changing of the confidentiality provisions.

Mr. Kormos: Yes. That's what I was getting to.

Mr. Stager: Yes.

Mr. Kormos: So why don't you just do that?

Mr. Stager: Ken, do you have a comment?

The Chair: If you'd identify yourself for Hansard, sir, before you answer.

Mr. Ken Lung: Ken Lung. I'm counsel with the Ministry of Labour. Statutes historically have been developed with a view that information collected under that statute would be used for the purposes of that statute. Absent strict prohibitions around sharing, the statutes are generally silent, are largely silent, around the ability to use that information collected under that statute for a purpose other than for the purposes of that statute. These provisions in the proposed bill would simply provide clear authority for the sharing of that information and provide some rules around how that should happen. That's one of the primary purposes around the provisions in the bill.

Mr. Kormos: I want to understand this really clearly because I've got to do an hour lead on this on third. So you're telling us that this bill is but a safeguard to ensure that we can do what we think we probably can do currently in terms of accessing this information?

Mr. Stager: This is specific to the amendment that's being proposed here.

Mr. Kormos: The repealed legislation, yes.

Mr. Stager: Right. What we're saying is that we want to ensure that we can access information under repealed legislation. That's the point that I think we're speaking to.

Mr. Kormos: Right, except in terms of existing legislation being amended—the technical standards act: "An inspector shall not disclose ... except,

(a) for the purposes of carrying out his or her duties under this act and the regulations," which is what we're talking about, right?

Mr. Stager: Right.

Mr. Kormos: So we're repealing the confidentiality provisions so you don't have the silo any more, at least with respect to information. I appreciate the enforcement issue is a different silo issue. And since you can't repeal confidentiality provisions of a repealed statute, you've got 11.1?

Mr. Stager: Sorry?

The Chair: I think you might want to repeat the end of that, Mr. Kormos.

Mr. Kormos: Since you can't repeal the confidentiality provisions of repealed statutes, since you can't amend a repealed statute, you've got 11.1.

Mr. Stager: Right. So for example, the confidentiality restrictions have been amended in the bill for legislation that includes them right now. However, if there is a repealed version of the bill that is designated for confidentiality as one of the amendments in the bill, what we want to do is ensure that the previous versions of that bill that are being designated are also included. It's a safeguard to say that we have amended confidentiality provisions to allow for collection and sharing of that kind of information. We would designate which statutes we mean by that. In addition, the proposed amendment is saying that any previous versions of those statues would also apply, basically. We want to also be able to have access to repealed versions of the designated statutes. It's really a catch-all phrase to say "designated statutes" but also repealed versions of statutes.

Mr. Kormos: I'm not aware of any litigation around, let's say, the Travel Industry Act and information about the Travel Industry Act being disclosed from—it used to be the Ministry of Consumer and Commercial Relations; I have no idea what ministry deals with that now, because there isn't one anymore. Were ministries actually saying, "We're not going to give that to you because we're not permitted by statute?" Is that how it was working?

Mr. Stager: It certainly does happen. With confidentiality provisions, some of the wording says exactly that.

Mr. Kormos: So DM to DM were saying no, without any—because nobody was afraid of being sued, were they?

Mr. Stager: If you look at the wording in a statute under "confidentiality," it may say, "You are only to collect and use the information for the purposes of enforcing the statute," just as an example of what it might be.

Mr. Lung: In many, many statutes, there wouldn't be any confidentiality provisions at all, but there would be an understanding, when you actually look at the statute as a whole, that information collected under that statute would be used for the purposes of that statute and the authority was uncertain. This would clarify the authority for the purposes of going forward. That would be the purpose.

Mr. Stager: I think one of the reasons why this amendment is included is that this is very much a bill about using information effectively. We just want to make sure within the premises of the bill that we are covering what needs to be covered in the event there are questions in the future. It's really just a safeguard to ensure that we have in fact covered not only current legislation but legislation that may have been repealed, because this is about a suite of information and the use of that information in the future.

Mr. Kormos: And I'm not quarrelling. I think I have a little bit of a feeling about how these sorts of things develop. So this really isn't a bill that's addressing a problem; it's addressing an anticipated problem.

Mr. Stager: It's both. Certainly the use of confidentiality restrictions is an issue and it's a challenge that needs to be addressed. Otherwise, if ministries want to work together in the future, that really fundamentally blocks them from being able to use information and share it with each other, so that is certainly a block to being able to work together. There are other elements where there is a confirmation within the act where we believe, yes, you can do it through the act. So it's a little bit of both.

Mr. Kormos: Thank you. I appreciate the conversation.

The Chair: Any other questions of these gentlemen while they're at the table?

Mr. Martiniuk: Yes, I have one. I just don't understand. Are you saying that this legalizes information that was collected under a statute which has now been removed, and that that information was legally collected under that statute or illegally collected under that statute; in other words, in a grey area? Which is it?

Mr. Stager: Can you clarify "illegally collected"? Do you mean by ministries?

Mr. Martiniuk: I mean, it wasn't authorized under that statute. Let's put it this way. I thought you said—and I may be incorrect—that information is collected under a statute and there was no specific authorization for that information to be collected under that statute. Does this act now legalize that and say that whether it was authorized or not under the revised statute, it now is authorized, in any event, retroactively?

Mr. Stager: It doesn't change any of the information that is currently collected by line ministries under their statutes. All it does is establish a permission to be able to share the information that is legally collected under current statutes. It's not establishing a permission for any information other than what is already being collected legally by line ministries.

Mr. Martiniuk: So what you're saying is, that information was legally collected to start with under a former statute?

Mr. Stager: Right.

Mr. Martiniuk: Thank you.

The Chair: Section 11.1: Shall the amendment carry? Carried.

Shall section 11.1 carry? Carried.

Moving on to page 13, section 12.

1700

Mr. Racco: I move that clause 12(2)(a) of the bill be amended by adding "or regulation" after "an act."

Again, technical.

The Chair: Are there any questions on that? Seeing none, shall the amendment carry? Carried.

Shall section 12, as amended, carry? That's carried as well.

Section 13, starting with Mr. Martiniuk.

Mr. Martiniuk: I move that subsections 13(1) and (2) of the bill be amended by adding, in each case, "Subject to subsection (2.1)" at the beginning and that section 13 be amended by adding the following subsection:

"Only qualified persons may be authorized

"(2.1) A person or class of persons shall not be authorized under subsection (1) or (2) to exercise a power or perform a duty under an act or regulation unless the person or the class of persons possesses the qualifications that someone would be required to possess in accordance with the relevant legislation in order to exercise the power or perform the duty."

The Chair: Speaking to the amendment?

Mr. Martiniuk: Very simply, I think we've heard suggestions today that some of our statutes are going to send out inspectors who are not qualified to recognize the problems, but that's where we have a cross-inspection. In this particular section, we are appointing in effect a super-inspector, a person who one of our delegates suggested we shouldn't get into for various reasons, and I must say I agree with her. But if, in fact, two jurisdictions under two different statutes are given to one inspector, this section would ensure that that person would be trained and able to perform his or her duties in both of those designated jurisdictions, not just in one, and that's all it does. What it's saying is that if there are multiple authorizations resting on one person, that person should be certified or trained in all of the areas in which they receive a designation.

The Chair: Thank you, Mr. Martiniuk. Mr. Kormos?

Mr. Kormos: Well, Chair, it's interesting to find Mr. Martiniuk in bed with Leah Casselman and OPSEU. What next? We're going to see him waving a picket sign, chanting, "No justice, no peace"?

Mr. Martiniuk: I've already done that, Mr. Kormos.

Mr. Kormos: If Mr. Martiniuk wants to be but a mouthpiece and a tool for the trade union movement, God bless him, and I'm pleased to join him 100% in support of this amendment.

Look, what we're addressing here, because nobody's quarrelling—and, quite frankly, it was Leah Casselman who made the very astute observation. Nobody's quarrelling with ensuring that an inspector has the power to identify things that are relevant under acts for which he or she is not an inspector, but the concern was an effort on the part of the administration to create what have been called "super-inspectors." I'm not sure that's the best possible language, because that implies that they can be all things to all acts—the multi-inspector. Look, we all know these inspectors in any number of jurisdictions because of our backgrounds and so on. They're incredibly talented people, skilled people. Many of them have worked in the industry that they're now involved in inspecting in terms of the regulatory role. There are subtleties, there are instincts that they acquire that the person walking in off the street or even the inspector coming in off the street with another area of expertise, another background, isn't going to have.

So I support this because it makes it clear that there will not be multi-inspectors, jacks of all trades and masters of none, in the inspection field, but rather that we will recognize the professionalism of our public service inspectors and ensure that when there is an inspector performing roles under more than one ministry, under more than one regulatory jurisdiction, that inspector is fully trained in that regard. More importantly, the preference would be that there be specific inspectors assigned to specific areas. What does that make it? A ménage à trois, I suppose, if Mr. Martiniuk is in bed with OPSEU and I join them. Whoever thought that Martiniuk and I would be engaged in a ménage à trois together? But there we are. Strange bedfellows, isn't it, Mr. Martiniuk? Put that one in your householder, sir. But I'm pleased to support this.

Mr. Lou Rinaldi (Northumberland): I know you will.

The Chair: Okay, thank you.

Mr. Racco: I just want to say quickly that we don't have any intention, Mr. Martiniuk, as I said earlier, to have any super-inspector. We've said that over and over again, and I just want to make sure you appreciate that. We have heard from our stakeholders concerns about some aspects of the bill, and therefore we will develop guidelines and train staff to facilitate responsible and consistent cross-ministry practices. Normal practice of government does not assign duty to a person unless they are properly trained, and we do not see this situation as being any different and therefore do not support your amendment.

The Chair: All those in favour—

Mr. Kormos: Recorded vote, sir.

Ayes

Kormos, Martiniuk.

Nays

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

The Chair: That amendment loses.

Moving on to the amendment on page 15.

Mr. Racco: I move that subsection 13(7) of the bill be amended by striking out "41(b) and 42(c)" and substituting "41(1)(b) and 42(1)(c)."

Again, it's a technical amendment.

The Chair: Shall that amendment carry? The amendment is carried.

I draw your attention to a notice on page 16. Mr. Martiniuk, any comments?

Mr. Martiniuk: No.

The Chair: No comments. Thank you. Mr. Kormos?

Mr. Kormos: Look, section 13 carries with it, notwithstanding the assurances of Mr. Racco—but who knows? After October 10, Mr. Racco may not be the parliamentary assistant. He could be the minister responsible for lottery and gaming.

Mr. Racco: Thanks.

Mr. Kormos: In fact, he might be the minister responsible for lottery and gaming long before October 10, depending upon how the next few days go. So I appreciate his assurances, but I think section 13, without the amendment proposed by Mr. Martiniuk, fails to address the concerns, and I'll not be supporting section 13.

The Chair: Shall section 13, as amended, carry?

Mr. Martiniuk: A recorded vote, please.

Ayes

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

Nays

Kormos, Martiniuk.

The Chair: That section is carried.

Moving on to section 14, we have no amendments. Shall section 14 carry?

Mr. Kormos: I support section 14. But let's face it, Chair, notwithstanding the press releases of the Ministry of the Attorney General, if we don't have sufficient justices of the peace and courtrooms to accommodate what are some very complex trials under these various regulatory regimes, convictions become irrelevant. If we've got charges being dismissed because of Askov and the delays that lead to Askov applications, we've got pressure on prosecutors to plea bargain. And you know this as well as I do. When there's a fatality—and let's face it: One of the things that most of us have to tell the parties of victims in almost any situation is that at the end of the day, one thing we can assure them is that they probably won't be satisfied with the result one way or another.

1710

You've had to deal with this; we all have in our constituencies: workers, and even more tragically young workers, seriously injured or killed on the work site. This is the very sort of regulatory regime that we deal with. And when a family—a young wife or husband and children of a dead worker—sees fines of $100,000, they consider that a paltry price to pay for the life of a worker. You and I both know that there's pressure on prosecutors, through no fault of their own. The vast majority of prosecutors are conscientious, well trained, aggressive and eager to ensure that cases get a full hearing. But if they have pressure put on them in terms of caseloads, if they have pressure put on them in terms of delays in the process, prosecutors then are increasingly compelled to sit down and cut a deal, as they say—that's what lawyers tell me it's called, cutting a deal—with the defence.

So I support section 14, but I simply say that we'd better make sure that we beef up numbers of JPs and courtroom availability, including court staff. And you know, Chair, that we are at risk of losing a big chunk of Ministry of the Attorney General staff—those court staff who were contract workers—who are now flexible part-time, FPTs. You've heard from them in all of your ridings, haven't you, the FPTs who were moved from contract status to FPT status but got shafted in the process? Court administrators are hiring the FPTs only to the maximum number of hours—basically their minimum—and then hiring contract staff, because court administrators haven't been told by the Ministry of the Attorney General to stop that practice and give FPTs priority over contract people. I've talked to FPTs in the Ministry of the Attorney General who are at risk of losing their home; I've talked to FPTs who literally have gone to food banks. You see, what happens is that they're allocated X numbers of hours, and if they work in excess of those hours, their per hour rate increases. So court administrators are not hiring them to work beyond those X numbers of hours; they're going out to contract people.

The other thing that's happening to FPTs in the Ministry of the Attorney General right now, Mr. Racco—

this is true—is that when they work in excess of their base hours, they oftentimes have to wait till the end of the pay year to get paid for that. So they're earning the money but not getting paid for it. And to be fair to both the government and to those workers and their union, that was not the intention when the letter of understanding was attached to the contract during the course of the last contract negotiations. But that's been the net result as a result of court administrators abusing that. I know that the Minister of Government Services has got the matter before him now, but if we start losing those staff—they're the people who keep the transcripts, they're the people who keep the information in the right place, and if you start losing information, charges get withdrawn. That's what happens, Mr. Racco. If you don't have transcripts available on appeal, charges get tossed because there's no transcript, and there's no way an appellate court can do anything other than say, "Appeal granted." So if we lose these people, we are in deep trouble, and all the tough sentencing provisions in the world are worth this.

I support section 14.

The Chair: Further speakers? Shall section 14 carry?

Mr. Martiniuk: Recorded vote, please.

Ayes

Brownell, Dhillon, Kormos, Martiniuk, Racco, Rinaldi, Van Bommel.

Mr. Racco: You're talking about the section, right?

The Chair: Yes.

Shall section 14 carry? Everybody clear? Okay, let's do it one more time. I think it's unanimous here.

Mr. Kormos: Whoa. It carried well, I thought.

The Chair: It carried unanimously, but I think there was some confusion as to whether—did you get everything you needed, Madam Clerk?

Interjection.

The Chair: Thank you.

Mr. Kormos: How could there have been confusion?

Mr. Racco: After Mr. Kormos's speech, people were not clear. That was the problem.

The Chair: Okay, let's move on to section 15. There's a notice from the PC Party. Mr. Martiniuk, any comments?

Mr. Martiniuk: Recorded vote, please.

Mr. Kormos: One moment, Chair, if I may. This has become a bad habit around here and it's been going on for a long time—not a long, long time, but it's been years. These immunity sections really rot my socks because they diminish, in my view, the standard of care that responsible parties should be required to maintain. I don't like them. We're specifically talking about no proceeding for damages. It's easy for us to say, "Oh, well, let's not allow people to seek damages if something is done in good faith in the exercising of his or her duty." But say that to the person who is the innocent victim, who's been damaged by it. What this section says is, "So long, been good to know you. You're on your own. Farewell, adios, ciao." I find these really objectionable.

If somebody is damaged by a conduct of the government, a conduct of the state, it's my view that they should be compensated, end of story. If you can't expect to be compensated—we're not talking about hurt feelings. We're not talking about somebody whose nose is out of joint because they were treated rudely by somebody somewhere. We're talking about people who suffer monetary loss. For the life of me, these immunity sections—I've objected to them and opposed them in legislation for a good chunk of time now—are power things. I just hope nobody here becomes a victim of these immunity sections.

Do you understand how unjust this sounds to somebody who suffers real damages? "Well, we were acting in good faith in the course of the performance of our duties under the legislation." "Yes, but I am out $10,000." "So what? We were acting in good faith." "But I'm out $10,000. Don't you understand?"

To folks here that doesn't mean anything because, heck, you got the salary increase and $10,000 is a drop in the bucket. But to people out there who work hard, the entrepreneurs, $10,000 is a lot of money. Ms. Van Bommel knows that. She knows those folks. She understands them. She sympathizes with them. She speaks up for them. Ms. Van Bommel advocates for those people. She does.

I say that we should be very cautious. The government members are going to support this section, God bless, but just watch. This will come back and bite you on the nose at some point, somewhere, somehow.

A recorded vote, please, when you call one on section 15, please.

Ayes

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

Nays

Kormos, Martiniuk.

The Chair: Section 15 is carried.

Moving on to section 16.

Mr. Martiniuk: A recorded vote, please.

The Chair: Shall section 16 carry?

Mr. Kormos: Let's have a little—

The Chair: Do you want to speak to it?

Mr. Kormos: Yes, just very quickly.

"Why not?" is the question I ask. Why not? What you're talking about is having a justice of the peace sign a subpoena for somebody. Mr. Martiniuk can help because he's a lawyer. It seems to me, the way that lawyers have explained it to me, that if you go to get a subpoena, you have to justify it. You can't just subpoena anybody, but you have to convince the justice of the peace or judge that the evidence they're going to give is relevant and that they're material to your case.

Mr. Martiniuk: I think you're talking about summonses.

Mr. Kormos: A summons. No, a subpoena, when you're called as a witness.

1720

Mr. Martiniuk: You don't need permission of anybody—

Mr. Kormos: When it's civil; you're about talking civil subpoenas. In a criminal subpoena, you need to justify the witness as relevant. Otherwise, you have to give travel money, right? How much travel money do you have to give now, Mr. Martiniuk?

Mr. Martiniuk: Fifty bucks.

Mr. Kormos: Fifty bucks? Okay. But my question is, why not? Again, if you need the evidence to pursue justice and you need the evidence of somebody acting under this act, why shouldn't you be able to subpoena them, summons them? Why shouldn't they make themselves available as a witness? For the life of me, why not? What if their evidence is critical to your case? Are you to be denied justice again because of a statutory provision—the evidence that that person could give—because that's in effect what it says.

Let's try to generate an example, Mr. Martiniuk, because you've got far more experience in this than anybody else here. Let's say somebody—

Mr. Martiniuk: An automobile accident.

Mr. Kormos: Okay, an automobile accident that happened at the loading dock, and there were provincial inspectors present. You've got a Ministry of Labour inspector there who was collecting information about, let's say, those speed strips, about loading docks, about any other number of issues—I'm not talking about just being an eyewitness to the accident—and who has data that would allow you either as the victim to seek damages for your injuries or, as the defendant, to defend yourself. Here's an inspector who may have taken measurements, who may have hard data, who may have photographs that could assist either party. Why shouldn't that person, like anybody else, be able to be called upon to produce that information in a court? Once again, the process is going to determine the relevance, right? The judge is not going to treat you very kindly if you've called somebody frivolously. I don't know. I think the real question is, why not? Is there a good answer to that, Mr. Racco?

Mr. Racco: I suppose.

Mr. Kormos: But is there a good answer to why not? See, that's the problem: boilerplate.

The Chair: Thank you, Mr. Kormos.

Mr. Martiniuk: Recorded vote, please.

Ayes

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

Nays

Kormos, Martiniuk.

The Chair: Section 16 carries.

Moving on to section 17.

Mr. Kormos: If I may, Chair, the same arguments apply: Why not?

A recorded vote, as Mr. Martiniuk has requested.

The Chair: Recorded vote.

Ayes

Brownell, Dhillon, Racco, Rinaldi, Van Bommel.

Nays

Kormos, Martiniuk.

The Chair: Section 17 carries.

Moving on to section 18, on page 20: one amendment from the government.

Mr. Racco: I move that clause 18(b) of the act be amended by striking out "classes of."

The Chair: That was "act," was it?

Interjection.

The Chair: It should read "bill." You may have "act" on your page, but it should be "bill."

Mr. Racco: It should be "bill," yes.

The Chair: Any speakers? Mr. Racco, any comments?

Mr. Racco: No. Again, it's a technical amendment.

The Chair: Anybody else? Mr. Kormos?

Mr. Kormos: If I may, I'm looking for anything that I—you say "technical," as if it somehow was a correction of grammar or a spelling correction. Well, it's not. It's the difference between specifying "classes of owners" and then specifying "owners." There's a big difference, right?

Mr. Racco: I'd be happy, Mr. Chair, if Mr. Kormos wants, to have legal staff assist us.

Mr. Halporn: I can address that. It's just because the Legislation Act, which is going to come into force in a few months, is going to clarify that this power adheres to every regulation-making authority. So every person who's able to make a regulation will be able to specify classes. It's just to sort of tidy up, because this is going to be the law across the board.

Mr. Kormos: Okay, help us, because let me tell you where I see the difference. Specifying "classes of owners" means you identify a category, however you want to define that class, without naming owners or organizations. Is that fair?

Mr. Halporn: Yes.

Mr. Kormos: Whereas deleting it, and now specifying "owners," means you do it piecemeal: You do it one owner at a time.

Here's an example. Mr. Martiniuk was talking about a class of employers with less than five employees. That would be a class. The regulation power as it reads says that you could make a regulation saying, "Excludes employers with fewer than five employees." Otherwise, you've got to name the employers. So how does that help us down the road?

Mr. Halporn: It's because the ability to specify classes is going to apply across all legislation when the Legislation Act comes into force in I think October.

Mr. Kormos: So where it says "owners," the Lieutenant Governor in Council, the cabinet, will then have a choice of either specifying "owners," or you're saying that the statute will give it—where it says "owners," you can also read into that "classes of owners."

Mr. Halporn: Exactly.

Mr. Kormos: Okay.

Mr. Racco: I knew you were going to get it straight. I had full confidence in you, Mr. Kormos.

Mr. Kormos: Well, no, it's you I rely upon, and Mr. Halporn.

The Chair: Did anyone ask for a recorded vote on this? No? All those in favour? Carried.

Mr. Martiniuk: I'd have no objection if we dealt with sections 19 to 43 in one motion.

The Chair: Thank you. Before we move on, shall section 18, as amended, carry? That is carried.

Mr. Martiniuk has suggested that we deal with sections 19 through 43, consequential amendments, at once. Shall they carry? Carried.

Moving on to section 44, there's one amendment from the government, on page 21.

Mr. Racco: I move that section 44 of the bill be struck out and the following substituted:

"Commencement

"44(1) This section and section 45 come into force on the day this act receives royal assent.

"Same

"(2) Sections 1 to 43 come into force eight months after the day this act receives royal assent."

The Chair: Would you like to speak to the motion?

Mr. Racco: We have heard our stakeholders' concerns about some aspects of the bill, and therefore we will develop guidelines and train staff to facilitate responsible and consistent cross-ministry practices. In developing these guidelines, we will work with our stakeholders, including the Office of the Information and Privacy Commissioner, and amend the coming-into-force date, which will come eight months after royal assent. This would correctly reflect the necessary implementation time frame of the act, should the bill pass.

The Chair: Any questions? Shall the amendment carry? It is carried.

Shall section 44, as amended, carry? That is also carried.

Section 45, the short title: Shall section 45 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 69, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Any other items? Any other issues?

Mr. Racco: Just let me thank staff for the hard work they put into this, and of course Mr. Kormos, Mr. Martiniuk, my colleagues and you, Mr. Chair. Thank you.

Mr. Kormos: That prompts me to make this observation: Mr. Racco's stewardship of this bill has probably been the one single factor that's responsible for its success here at committee. There are any number of other parliamentary assistants who I have no doubt would have failed to have taken us through this bill in the manner that Mr. Racco has. I note that it's Mr. Racco, the parliamentary assistant, to whom the minister has delegated that responsibility. Mr. Racco has been doing all the heavy lifting, not the minister, and it's Mr. Racco who will undoubtedly be attending to the bill during the lengthy third reading debate in the chamber, not the minister.

I, for one, don't see why Mr. Racco shouldn't be sitting at that cabinet table as well. I'll tell you this: The opposition are doing everything they can to generate a vacancy. And I want Mr. Racco to know that although there will probably be some elbowing and pushing and shoving, I think he'd better get himself to the front of the line.

The Chair: Thank you. On that note, we're adjourned.

The committee adjourned at 1731.

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Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh L)
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Mr. Mario G. Racco (Thornhill L)
Mrs. Maria Van Bommel (Lambton–Kent–Middlesex L)

Also taking part / Autres participants et participantes
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Mr. Ken Lung, deputy director, legal services branch, Ministry of Labour

Clerk / Greffière
Ms. Susan Sourial

Staff / Personnel
Mr. David Halporn, legislative counsel