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**Official Report
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(Hansard)**

Thursday 4 December 2008

**Journal
des débats
(Hansard)**

Jeudi 4 décembre 2008

**Standing Committee on
the Legislative Assembly**

**Comité permanent de
l'Assemblée législative**

Chair: Bas Balkissoon
Clerk: Tonia Grannum

Président : Bas Balkissoon
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 4 December 2008

Jeudi 4 décembre 2008

The committee met at 0915 in room 228.

The Chair (Mr. Bas Balkissoon): Good morning. We'll call the meeting to order. We're here as the Standing Committee on Legislative Assembly to deal with clause-by-clause consideration of Bill 37, An Act to amend the Child and Family Services Act to protect Ontario's children; Bill 98, An Act to promote the sale of Ontario grown agricultural food products by amending the Municipal Act, 2001 and the Public Transportation and Highway Improvement Act; and Bill 124, An Act to amend the Smoke-Free Ontario Act with respect to cigarillos.

Pursuant to the order of the House, the deadline for filing amendments to the bills with the clerk of the committee shall be 9 a.m. on December 4, 2008. At that time, those amendments to any of the bills which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of each of the bills in succession and any amendments thereto. The committee shall be authorized to meet until completion of clause-by-clause consideration of Bills 37, 98, and 124. No deferral of any division shall be permitted, and no waiting period pursuant to standing order 129(a) shall be allowed.

Members of committee, I have Bill 37 ready and I have Bill 124 ready. Bill 98 is on its way, so we may have to just change the order in case it doesn't show up on time. I'll start with Bill 37.

**CHILD PORNOGRAPHY
REPORTING ACT, 2008**

**LOI DE 2008 SUR LE DEVOIR
DE SIGNALER LES CAS
DE PORNOGRAPHIE JUVÉNILE**

Consideration of Bill 37, An Act to amend the Child and Family Services Act to protect Ontario's children /
Projet de loi 37, Loi modifiant la Loi sur les services à l'enfance et à la famille afin de protéger les enfants de l'Ontario.

The Chair (Mr. Bas Balkissoon): The first motion is a government motion and it reads:

"Section 1 of the bill (Definition of 'child pornography' in subsection 3(1) of the Child and Family Services Act,

"I move that the definition of 'child pornography' in subsection 3(1) of the Child and Family Services Act, as set out in section 1 of the bill, be amended by striking out 'or' at the end of clause (a) and by adding the following clauses:

"(c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child that would be an offence under the Criminal Code (Canada); or

"(d) any audio recording that has as its dominant characteristic, the description, presentation or representation, for a sexual purpose, of sexual activity with a child that would be an offence under the Criminal Code (Canada)."

This is Ms Broten's motion.

All in favour?

Interjection.

The Chair (Mr. Bas Balkissoon): That's why I read you the House order.

Interjection: Sorry, can you do that again—

The Chair (Mr. Bas Balkissoon): I got interrupted there. All in favour of that motion? Shall section 1, as amended, carry? Carried.

Shall section 2 of the bill carry? Carried.

0920

The next motion is Ms. Broten's motion again, and it reads:

"Section 3(2) of the bill, (subsection 72(1.3) of the Child and Family Services Act)".

Shall the motion carry? Carried.

The next amendment, again, Ms. Broten's motion:

"Subsection 3 (2) of the bill (subsection 72(1.4) of the Child and Family Services Act)".

Shall the motion carry? Carried.

The next motion again, Ms. Broten's motion:

"Subsubsection 3(3) of the bill (subsection 72(3) of the Child and Family Services Act)".

Shall the motion carry? Carried.

Shall section 3, as amended, carry? Carried.

Shall section 4 carry? Carried.

Shall Section 5 carry? Carried.

Shall Section 6 carry? Carried.

Shall Section 7 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 37, as amended, carry? Carried.

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

SIGNAGE TO PROMOTE ONTARIO
GROWN AGRICULTURAL FOOD
PRODUCTS ACT, 2008

LOI DE 2008 SUR L’AFFICHAGE
VISANT À PROMOUVOIR
LES PRODUITS AGROALIMENTAIRES
CULTIVÉS EN ONTARIO

Consideration of Bill 98, An Act to promote the sale of Ontario grown agricultural food products by amending the Municipal Act, 2001 and the Public Transportation and Highway Improvement Act / Projet de loi 98, Loi visant à promouvoir la vente de produits agroalimentaires cultivés en Ontario en modifiant la Loi de 2001 sur les municipalités et la Loi sur l’aménagement des voies publiques et des transports en commun.

The Chair (Mr. Bas Balkissoon): We’ll now deal with Bill 98.

Shall section 1 carry? I heard a couple of nos.

All those in favour of section 1? Against? Section 1 does not carry.

Shall section 2 carry? Again I heard a no.

All those in favour of section 2? Against? That does not carry.

The next motion is a government motion:

“Section 3 of the bill (section 34 of the Public Transportation and Highway Improvement Act)”.

Shall the amendment carry? Carried.

Shall section 3, as amended, carry? Carried.

Shall section 4 carry? Carried.

The next motion is a government motion: “The short title of this act is the Signage to Promote Ontario Produced Agricultural Products Acts, 2008.”

Shall the amendment carry? Carried.

Shall section 5, as amended, carry? Carried.

Government motion:

The long title is, “An Act to promote the sale of Ontario produced agricultural products by amending the Public Transportation and Highway Improvement Act.”

Shall the amendment carry? Carried.

Shall the long title, as amended, carry? Carried.

Shall the bill, as amended, carry? Carried.

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

For the information of all of you, Ernie came in today and it’s his birthday, so this is his birthday present.

Mr. Ernie Hardeman: I would just point out that I think that’s the reason the government saw fit to call that bill back and have third reading today.

The Chair (Mr. Bas Balkissoon): So when we visit a farmer’s market on the side of the highway, we’ll remember Ernie’s birthday.

Mr. Ernie Hardeman: While we’re waiting for the clerk to pass it out, I just want to point out that I came here from Woodstock this morning for this committee meeting. I have to go back to Woodstock to a great big event with the Premier, because the Toyota plant opens today. Hopefully I will be here this afternoon to vote on this bill to make sure it passes.

I’m having a very eventful birthday. My wife gave me my birthday cake this morning at about 4:30 or 4:35. We’re packing it all in real tight.

The Chair (Mr. Bas Balkissoon): I hope you get a helicopter.

0930

SMOKE-FREE ONTARIO
AMENDMENT ACT (CIGARILLOS), 2008

LOI DE 2008 MODIFIANT LA LOI
FAVORISANT UN ONTARIO
SANS FUMÉE (CIGARILLOS)

The Chair (Mr. Bas Balkissoon): Does everybody have a copy of Bill 124?

The first motion we’re going to deal with is a government motion:

“Subsection 1(1) of the Smoke-Free Ontario Act is amended by adding the following definitions....”

Shall the amendment carry? Carried.

Shall section 1, as amended, carry? Carried.

Shall section 2 carry?

The next motion is a government motion on section 3:

“The act is amended by adding the following section....”

Shall the amendment carry?

Shall section 3, as amended, carry?

Government motion:

“3.1(1) Subsection 15(1) of the act is amended by striking out ‘section 5 or 9’ and substituting ‘section 5, 6.1 or 9.’

“(2) The table to section 15 of the act is amended by striking out ‘5’ in column 1 and substituting ‘5, 6.1.’”

Shall the motion carry?

M^{me} France Gélinas: Mr. Chair, I think you just made a small mistake. It’s section 5 and 6.1; you read as 5.6.1—

The Chair (Mr. Bas Balkissoon): I’m reading it correctly; it’s got a comma instead of a period. We’ll make that correction to Hansard. It should read: “3.1(1) Subsection 15(1) of the act is amended by striking out ‘section 5 or 9’ and substituting ‘section 5.6.1 or 9.’

Interjections.

The Chair (Mr. Bas Balkissoon): No?

The Clerk of the Committee (Ms. Tonia Grannum): It’s 5, 6.1 or 9.

The Chair (Mr. Bas Balkissoon): That’s what I read the first time.

Shall the motion carry? Carried.

We’ll move to the government motion on section 4:

“Subsection 19 (1) of the act is amended by adding the following clauses....”

Shall the motion carry?

Shall section 4, as amended, carry?

Next is an NDP motion:

“Commencement

“5. This act comes into force on July 1, 2009.”

M^{me} France Gélinas: On a point of order, Mr. Chair: I wasn’t aware that we were not allowed to speak to

motions, and I wanted to make sure that this comes into effect. If there is no date set in the bill, then it leaves me a little bit uncomfortable.

The Chair (Mr. Bas Balkissoon): We can't debate it. We're going to vote on the motion. If you wish to do something with the motion, just indicate.

M^{me} France Gélinas: I agree to withdraw the motion because of—

The Chair (Mr. Bas Balkissoon): Motion withdrawn.

Next is a government motion on section 5:

“Commencement

“This act comes into force on a day to be named by proclamation of the Lieutenant Governor.”

Shall the motion carry? Carried.

Shall section 5, as amended, carry? Carried.

Shall section 6 carry? Carried.

Shall the title carry? Carried.

Shall Bill 124, as amended, carry? Carried.

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

The committee is adjourned.

The committee adjourned at 0934.

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