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Wednesday 7 October 2009

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Mercredi 7 octobre 2009

**Standing Committee on
General Government**

Mining Amendment Act, 2009

**Comité permanent des
affaires gouvernementales**

Loi de 2009 modifiant
la Loi sur les mines

Chair: David Oraziotti
Clerk: Trevor Day

Président : David Oraziotti
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 7 October 2009

Mercredi 7 octobre 2009

The committee met at 1606 in room 228.

MINING AMENDMENT ACT, 2009

LOI DE 2009 MODIFIANT
LA LOI SUR LES MINES

Consideration of Bill 173, An Act to amend the Mining Act / Projet de loi 173, Loi modifiant la Loi sur les mines.

The Chair (Mr. David Oraziotti): Okay, committee. Picking up on section 29, we last left off at NDP motion 16.3.1. A recorded vote was called for.

Ayes

Bisson, Yakabuski.

Nays

Brown, Jeffrey, Kular, Mangat.

The Chair (Mr. David Oraziotti): Thank you. The motion is lost.

Mr. John Yakabuski: Was I recorded as being with them?

The Chair (Mr. David Oraziotti): Yes.

Mr. John Yakabuski: Ah, okay. Thanks.

The Chair (Mr. David Oraziotti): Next motion: Conservative motion 16.4.

Mr. John Yakabuski: Do we have to read the motions?

The Chair (Mr. David Oraziotti): Yes, we do.

Mr. John Yakabuski: That'll take a little time, eh?

I move that subsection 51(8) of the Mining Act, as set out in subsection 29(2) of the bill, be struck out and the following substituted:

“Survey of surface rights

“(8) Where an order is made under this section, or any agreement is made with the claim holder with respect to the use of surface rights for the purposes of this section, the minister may require a survey of the surface rights or of the portion of them that is affected by the order or agreement, and the survey shall be provided at the expense of the person who holds the mining claim.”

The Chair (Mr. David Oraziotti): Thank you, Mr. Yakabuski. Any further comments on that?

Mr. John Yakabuski: No, that pretty well covers it.

The Chair (Mr. David Oraziotti): Any comment? Where were you for the last few days of committee? Mr. Brown, go ahead.

Mr. Michael A. Brown: I really can't compete with his argument, but we will be opposing it.

The Chair (Mr. David Oraziotti): Okay. Any further comment?

Mr. Gilles Bisson: Just give me a second. Yes, okay, fine. That's fine.

The Chair (Mr. David Oraziotti): All those in favour of the motion? Those opposed? The motion is lost.

That concludes the amendments that were proposed in section 29. All those in favour of section 29 being carried? Opposed? Section 29 is carried.

Section 30: All those in favour? Opposed? Section 30 is carried.

We have one outstanding motion that was set aside from an earlier day on section 12, Conservative motion 9.5. If we could deal with that motion now, that would be helpful.

Mr. Gilles Bisson: Motion 9.5?

Mr. John Yakabuski: Motion 9.5? So that would be back here—

Mr. Gilles Bisson: Oh, that's right. But it's already been read in; right?

The Chair (Mr. David Oraziotti): I believe so.

Mr. Gilles Bisson: Yes, it's already been read in. We go to the debate or a vote; right?

The Chair (Mr. David Oraziotti): Right.

Mr. Gilles Bisson: Now, remind me which one that is again, Clerk, without me going back to take a look—

Interjections.

Mr. Gilles Bisson: No, there was some discussion about this. I'm just trying to remember what it was. Can I ask the parliamentary assistant, or the—because I remember there was—well, I'd have to go back and pull all my stuff out. I threw it all away.

We had set this aside for a reason, and I'm just wondering if the ministry wanted to respond to it, because there was some talk about an amendment from the government side.

The Chair (Mr. David Oraziotti): Mr. Brown, go ahead.

Mr. Michael A. Brown: We've decided not to make the amendment, just to assist Mr. Bisson.

Mr. John Yakabuski: The government was going to be making an amendment similar to this?

The Chair (Mr. David Orazietti): I think that was the—

Mr. Michael A. Brown: We were considering it.

Mr. John Yakabuski: And you've decided against that?

Mr. Michael A. Brown: Right.

Mr. John Yakabuski: That is the crux of the matter, Mr. Chair. My colleague Mr. Hillier, who cannot be here today, certainly has tried his darndest to try to get some co-operation on the part of the government on this bill and some of the deficiencies we saw as being glaring—and some not so glaring, but still apparent. He was frustrated, I must say, at his inability to get co-operation from the government. We want to register that dissatisfaction.

The Chair (Mr. David Orazietti): Okay. Thanks for those comments. Any further comments on motion 9.5? All those in favour? Opposed? The motion is lost.

Mr. John Yakabuski: Their hands went up when you said “in favour,” didn't they?

Mr. Michael A. Brown: No, no, no.

The Chair (Mr. David Orazietti): They went up when I said “opposed.”

Mr. John Yakabuski: You're very quick.

The Chair (Mr. David Orazietti): I assume we need to go back—yes, it did. All those in favour, as amended, of section 12? Opposed? The section is carried.

We can go back to section 31, Conservative motion 16.5, Mr. Yakabuski.

Mr. John Yakabuski: I thought we just did that.

The Chair (Mr. David Orazietti): We're back to section 31.

Mr. John Yakabuski: Okay, right.

I move that clause 59(a) of the Mining Act, as set out in section 31 of the bill, be struck out and the following submitted—

Mr. Gilles Bisson: Substituted.

Mr. John Yakabuski: Substituted. I've just reached for my glasses now, Gilles, thank you.

“(a) if the claim is on land for which there is a surface rights owner, unless the requirements in subsection 46.1(1) have been met; or.”

Mr. Gilles Bisson: Or. I'm waiting for the “or.”

Interruption.

Mr. Gilles Bisson: And I'd better turn off my cell-phone.

The Chair (Mr. David Orazietti): I don't know if there's any further comment you want to make on this, Mr. Yakabuski.

Mr. John Yakabuski: Robert Redford may want to comment.

Mr. Gilles Bisson: Yes, Robert Redford is about to comment.

Mr. John Yakabuski: I just heard Marvin Hamlisch, or—

The Chair (Mr. David Orazietti): Mr. Bisson, go ahead.

Mr. Gilles Bisson: Section 59 is to transfer a claim without the minister's consent. I'm kind of wondering why it is that you're asking for this amendment as I read

it. It says that without the minister's consent, a mining claim is not transferable on an application of a lease that has been made with respect to a mining claim, and you're asking to have that changed to say that if the claim is on land of which there is a surface right owner. I guess that's in keeping—

Mr. John Yakabuski: You're asking me why we're asking for that amendment? You would, wouldn't you? To be perfectly honest with you, my—

Mr. Gilles Bisson: Esteemed colleague.

Mr. John Yakabuski: —esteemed; I was going to use—

Mr. Gilles Bisson: I understand the argument. Thank you very much.

Mr. John Yakabuski: Thank you.

The Chair (Mr. David Orazietti): Any further comments? All those in favour of 16.5, the Conservative motion? Those opposed?

Interjection.

The Chair (Mr. David Orazietti): All those in favour? All those opposed? The motion is lost.

Motion 16.6, Mr. Yakabuski, go ahead.

Mr. John Yakabuski: I'm going to have to pick up the speed here; I can see that.

I move that clause 59(a) of the Mining Act, as set out in section 31 of the bill, be struck out and the following substituted:

“(a) if the claim is on land for which there is a surface rights owner, unless the requirements in clause 46.1(1)(a) have been met; or.”

Ms. Catherine Oh: There was a slight change to—

Mr. John Yakabuski: It's a slight change. There's an (a) in this one where there was no (a) in the previous one.

The Chair (Mr. David Orazietti): Mr. Bisson, you want to provide a comment?

Mr. Gilles Bisson: Is that “or” O-R or O-R-E? I knew you'd get that one.

The Chair (Mr. David Orazietti): Thanks for that, Mr. Bisson.

All those in favour of the motion? All those opposed? The motion is lost.

Section 31: Shall it carry? Carried.

Section 32: Seeing no amendments, shall section 32 carry? Carried.

Section 33, NDP motion number 17. Mr. Bisson, go ahead.

Mr. Gilles Bisson: I move that subsection 65(1) and (2) of the Mining Act, as set out in section 33 of the bill, be struck out and the following substituted:

“Assessment work or payments

“65.(1) After a mining claim is recorded, the claim holder shall perform or cause to be performed such annual units of assessment work as are prescribed.

“Report

“(2) Every mining claim holder shall submit a report of the assessment work done together with such other information as may be prescribed.”

We're in time allocation, so I kind of know where this is going to go, but for the record, we did hear from a

number of people involved in the mining industry on the exploration side who worry that by going to payment in lieu—“payment in lieu” meaning, once a claim is staked under the current Mining Act, you have to do a certain amount of assessment work physically on a claim. That work that is done is then registered with the Ministry of Northern Development and Mines and is available for other people in the industry to take a look at what is it that is going on geologically with claims around the province.

That collective database is what makes Ontario a really interesting place to do exploration because we not only have some of the best geology in North America and maybe the world; we have a really good system of gathering geological information that other explorationists are able to review and say, “Hmm. There’s something interesting. Maybe I’ll go look over there.”

The effect of having to do assessment work on claims is that people physically have to get on the ground, they have to do some form of work and then they have to report what they find and what work they’ve done back to the ministry, and that information, then, is available for others to look at to see: Does this geographic area have some interest when it comes to mineral potential?

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The government is proposing, because of map staking—well, maybe not because of map staking. I should reframe that. The government is suggesting that a person could actually do a payment in lieu instead of doing the assessment work. Many people, including me, believe that’s a bad idea, for the following two reasons: One, if you don’t do the physical assessment work on the claim, that’s information that is not gathered as far as building up the geological database of Ontario, and again, we have one of the best. So one of the worries on the part of some is, the more information out there available to exploration, the better they’ll be able to identify areas of interest. The other issue which is probably bigger for some is the issue of, if you have a system where people can do payment in lieu, it will then mean that a lot of people who make their living from going onto these claims, by way of permit with the new act—I understand that—and the training etc., will not do that physically, which means it will remove a certain amount of work available now to many people who are involved in this particular industry. A lot of people particularly affected are going to be First Nations communities, where a number of these people are employed by way of doing the assessment work, and a number of other people—so both the lack of jobs that we’ll lose as the effect of payment in lieu and, number two, the issue of the mineral database. So we’d ask the government to support this amendment. If you’re going to go to map staking, at the very least we should not have payment in lieu.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. John Yakabuski: We’ve actually proposed the identical amendment, so we will be supporting the NDP motion here. Our motion won’t be coming to the floor

because, of course, theirs was filed previous to ours, which gives it precedence, but the wording is exactly the same. Our reasoning is much the same as that of the member for Timmins–James Bay, my friend Mr. Bisson, who has great concerns over the situation where we’ll have people basically on paper with no work, with no assessments, no work being done on the claim, simply staking that for as long as they want, as long as they continue to do the paperwork. For many of the reasons that he’s articulated, we don’t believe that that accomplishes what we should be doing under this act. We think that this amendment would cover some of that.

The Chair (Mr. David Oraziotti): Mr. Brown?

Mr. Michael A. Brown: I’m actually delighted this amendment has come up, because it gives us an opportunity to discuss this issue. This is another key component in the modernization of Ontario’s mining system. Four Canadian jurisdictions currently use both map staking and payment in lieu for assessment work, those being British Columbia, Quebec, Manitoba and Saskatchewan. Payments in lieu in those jurisdictions account for around 5% of the assessment work credits filed in those jurisdictions. This provision has been requested by a significant number of exploration companies who expect it as a matter of course based on their experience in the other mining jurisdictions.

This is important: Payments in lieu are not intended to replace assessment work requirements. Naturally, the government has a keen interest in ensuring geological information is obtained through exploration work, but as in other mining jurisdictions, the ability to make these payments can provide additional flexibility to the industry. The payment-in-lieu provisions provide companies with another tool for keeping their claims in good standing. Right now, they can apply for extensions or exclusions of time to complete assessment work credits. About 3% of the current mining claims in Ontario have had an extension or an exclusion of time—but it wouldn’t have paid anything, in that event. The assessment work regulation deals with conditions for obtaining extension of time to complete assessment work and would also set out the conditions and limitations on a company’s use of payments in lieu. In other words, by regulation we are going to address most, if not all, of the concerns we’ve heard about map staking.

Mr. Gilles Bisson: Can you repeat the last part, please?

Mr. Michael A. Brown: Sure. The assessment work regulation deals with conditions for obtaining extension of time to complete assessment work and would also set out the conditions and limitations on a company’s use of payments in lieu. For example, payments in lieu could be permitted to deal with situations of heightened exploration activity when it may not be possible to secure exploration services—i.e., there are a limited number of drilling contractors available and they’re tied up with other projects or there was a forest fire and you can’t get on your claim because of that. Those sorts of things are what the government considers payments in lieu are there

to account for. They're not there just to provide an opportunity to keep a great number of claims open because you are going to pay the assessment work.

Mr. Gilles Bisson: If I am to understand, the details of this will be—

Mr. Michael A. Brown: In regulation.

Mr. Gilles Bisson: —in the regulations themselves, which brings me back to the point that part of the problem in dealing with legislation such as this, because it's fairly technical, as the parliamentary assistant well understands, is that, without the regulation, you're really in a bit of a spot to be able to make sure that, in the end, you get what you want, either as an opposition party or government party—well, less so a government party—when it comes to the actual act.

I just want to say that I accept the point put forward. I will see what comes out in regulation, because often the experience is that regulations never end up being what we want them to be. That's why we've asked for amendments in legislation, in order to create some sort of a process to draft the regulations to make sure, in fact, that we do that, because it was clear, when we listened to explorationists, that they were very concerned about this particular section. Let's hope that the government holds true to what they say they will do when it comes to regulation.

Mr. Michael A. Brown: My understanding is, on these regulations, we will be consulting with the industry.

Mr. Gilles Bisson: Okay. Time will tell.

The Chair (Mr. David Oraziotti): Okay.

Mr. Michael A. Brown: Exactly.

The Chair (Mr. David Oraziotti): All right. I see no further debate. All those in favour of NDP motion number 17?

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for.

Ayes

Bisson, Yakabuski.

Nays

Albanese, Brown, Jeffrey, Kular, Mangat.

The Chair (Mr. David Oraziotti): The motion is lost. Conservative motion 17.1.

Mr. John Yakabuski: Given that this motion is exactly the same as the NDP motion, I simply want to read into the record that we had a motion that was the same but, at this time, we will withdraw the motion because we know what the outcome's going to be on the vote.

The Chair (Mr. David Oraziotti): Okay. NDP motion 18.

Mr. Gilles Bisson: I move that subsection 65(5) of the Mining Act, as set out in section 33 of the bill, be struck out.

It's fairly clear. We're trying to clean up the legislation as a result of winning the previous amendments, so therefore it's kind of a moot point.

Mr. Michael A. Brown: Are you withdrawing it?

Mr. Gilles Bisson: Yes, we'll withdraw it because there's not much we can do.

The Chair (Mr. David Oraziotti): Okay, withdrawn.

Conservative motion 18.1: You can speak to that, but I assume it's—

Mr. John Yakabuski: It would be in order to table it, then, although it would also be a moot point as well. Our motion 18.1 would mirror the—well, not mirror, because that would be opposite, but it would be exactly the same as the NDP motion. We're going to be withdrawing that, too, but I certainly do want to make the point that Mr. Bisson was making with regard to regulation sometimes not reflecting what we've seen as a promise from the government when tabling a bill.

I recall how the pharmacists felt they had an undertaking from the government on Bill 102, and when the regulations came out, they were nothing like what they had—and that was a consultative process, I do say to the parliamentary assistant, as well. So I hope that this process is more upfront and it pays more attention to the consultation of the stakeholders.

We'll withdraw the motion.

The Chair (Mr. David Oraziotti): Thank you.

Section 33: Shall section 33 carry? Opposed? It's carried.

Section 34: NDP motion number 19.

Mr. Gilles Bisson: I move that subsection 66(1) of the Mining Act, as set out in subsection 34(1) of the bill, be amended by striking out "or payments made in place of assessment work."

Again, we were just, in this particular amendment, trying to get at the issue of payment in lieu. Therefore, we'll call for a vote on it, just to change it up a bit.

The Chair (Mr. David Oraziotti): Any further comments?

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Mr. John Yakabuski: I just want to say that we have a motion—not an emotion; we do have emotions—that is exactly the same as the NDP's. I only want to take the time to congratulate Mr. Bisson of the NDP for getting all their amendments in ahead of ours.

The Chair (Mr. David Oraziotti): All right, thank you for that. NDP motion number 19: All those in favour? Those opposed? The motion is lost.

Conservative motion 19.1, which is a duplicate.

Mr. John Yakabuski: It's a duplicate; we'll withdraw that, Chair.

The Chair (Mr. David Oraziotti): Thank you. NDP motion 20, Mr. Bisson.

Mr. Gilles Bisson: Yes, just one second. I've just got to get all of my papers in order again.

Mr. John Yakabuski: I believe that is another duplicate. Did we get just one in ahead of you?

Mr. Gilles Bisson: Yes, something like that.

I move that subsection 66(3) of the Mining Act, as set out in subsection 34(3) of the bill, be amended by striking out “or payments made in place of assessment work.”

Again, it's the same issue. We're trying to deal with the payment in lieu, and we will withdraw that motion.

The Chair (Mr. David Oraziotti): Okay, thank you. Conservative 20.1—Mr. Yakabuski, I assume.

Mr. John Yakabuski: Withdrawn.

The Chair (Mr. David Oraziotti): Thank you. That's everything in section 34. Shall section 34 carry? Opposed? Carried.

Sections 35, 36, 37, 38 and 39: There are no amendments put forward. Shall sections 35 to 39, inclusive, carry? Opposed? That's carried.

Section 40, NDP motion 22, Mr. Bisson?

Mr. Gilles Bisson: Section 40, subsection 78.(1)—*Interjection.*

Mr. Gilles Bisson: What's that? Sorry, Parliamentary Assistant, I thought you said something.

Mr. Michael A. Brown: I think I did.

The Chair (Mr. David Oraziotti): I see motion NDP motion 22 as the next item. Sorry, Mr. Brown?

Mr. Michael A. Brown: I'm looking over at the clerk. Is it not appropriate to—

The Clerk of the Committee (Mr. Trevor Day): No, 21 we're actually going to deal with right before 31—is it 30 or 31? There's a reference to it. When we first put it out, the order wasn't 100% correct, so we will be dealing with 21, but a little later on.

Mr. Michael A. Brown: Okay. Go. Thank you.

Mr. Gilles Bisson: I move that subsection 78.1(1) of the Mining Act, as set out in section 40 of the bill, be amended by adding “or accommodation” after “aboriginal community consultation.”

The argument again is pretty simple. We had this discussion earlier in the act, and that is basically that there be accommodation for aboriginal communities when it comes to dealing with areas that are sort of culturally sensitive. I'd just like to hear what the government has to say on that one.

Mr. Michael A. Brown: Thank you.

Mr. Gilles Bisson: Caught you off guard, did I?

Mr. Michael A. Brown: Yes. The purpose clause of Bill 173 includes the recognition and affirmation of existing aboriginal and treaty rights in section 35 of the Constitution Act, 1982, including the duty to consult. Accommodation, where appropriate, has been recognized by the courts as included in the concept of duty to consult. Bill 173 appropriately captures these concepts in the scheme proposed, and the tools available are consistent with the direction of the Supreme Court of Canada with regard to this consultation.

The Chair (Mr. David Oraziotti): Mr. Bisson, go ahead.

Mr. Gilles Bisson: The issue here is that it's clear that in the bill the government is dealing with the issue of consultation. The Supreme Court has ruled that there is a duty to consult on the part of the crown, but there's also a

duty to accommodate. What we're getting at in this particular amendment in section 40 is to deal with it. You don't just have to consult, but you have to accommodate. It's one thing to say, “Knock, knock, knock. I'm here; how's it going? I'm talking to you. What do you have to say?” It's quite another thing to try to find some way to accommodate what it is that you've found once you've consulted somebody.

So we're trying to get at the issue of trying to be in keeping with the decision of the Supreme Court not only when it comes to consultation, but when it comes to accommodation.

Mr. Michael A. Brown: We not only are trying to keep with the concept; we are doing exactly what the Supreme Court decision says. Accommodation, where appropriate, has been recognized by the courts as included in the concept of duty to consult. So it's included, where appropriate.

Mr. Gilles Bisson: I would just argue that there have been a number of people who have talked to you, have talked to me and have talked to this committee from the aboriginal community who say quite the opposite, in the sense that the government has moved partway towards dealing with what was in the Supreme Court, but the bill does not deal with the issue of accommodation.

Mr. Michael A. Brown: We believe it does.

Mr. Gilles Bisson: Tell me where it says “accommodation.”

Mr. Michael A. Brown: Duty to consult includes accommodation, where appropriate.

Mr. Gilles Bisson: Ah, see? But that's the point. Again, we're in time allocation so I'm not going to spend a lot of time on this—I wish I could—but the issue is that First Nations recognized that they won the right for the crown to consult; their argument is that you don't only have the duty to consult; you must accommodate, and to say that consultation is the same as accommodation is a bit of a stretch.

The Chair (Mr. David Oraziotti): Okay, thank you. NDP motion number 22: All those in favour?

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for.

Ayes

Bisson.

Nays

Albanese, Brown, Jeffrey, Kular, Mangat, Yakabuski.

The Chair (Mr. David Oraziotti): The motion is lost. Government motion number 23, Mr. Brown.

Mr. Michael A. Brown: I move that the English version of subsection 78.1(1) of the Mining Act be amended by striking out “aboriginal community consultation” and substituting “aboriginal consultation.”

The Chair (Mr. David Orazietti): Any further comments?

Mr. Michael A. Brown: This is consistent terminology. It's really a housekeeping amendment. The amendment provides consistency in terminology used in subsequent sections and subsections in this part. Not all aboriginal groups that may be consulted are organized by community, or choose not to be represented at the community level. This provides flexibility where communities wish to work together, for example, through their tribal councils or other organizational groupings. It's really just housekeeping.

The Chair (Mr. David Orazietti): Mr. Bisson, go ahead.

Mr. Gilles Bisson: I would argue that it's probably not just housekeeping, because we did hear from various groups that presented to us that there is the belief on the part of many aboriginal people that the person who speaks for them is their community and therefore, if there's going to be some sort of mining activity that takes place on a territory, let's say within a NAN territory, there needs to be clearly in the act a duty that the consultation be done with the community, and what you're moving to is aboriginal consultation, which means to say the larger body. So my question is: Would this amendment preclude the consultation with the community?

Mr. Michael A. Brown: No.

Mr. Gilles Bisson: Second question: Would, then, it mean that there has to be a consultation with the community?

Mr. Michael A. Brown: My guess is yes.

Mr. Gilles Bisson: Okay, thank you.

Mr. Michael A. Brown: Wait. We're going to be enlightened by—

Mr. Gilles Bisson: I'm satisfied with the answer.

Mr. Michael A. Brown: Yes, I know you are.

Ms. Catherine Wyatt: I just want to make sure I heard the last question correctly, to be sure. You will note that in the rest of the bill we did refer to "aboriginal consultation," and that's sort of a standard term. "Aboriginal community consultation" got in here.

As to your concern, certainly by saying "aboriginal consultation," it doesn't preclude talking to the community and it isn't inconsistent with it. The community, generally speaking, is the one who has the rights, so that's why the communities are very sensitive about making sure they're consulted. What we're saying here is that "aboriginal consultation" is a broader term. "Aboriginal community consultation" is much narrower and may have the unintended result of actually meaning you can't consult with anyone else, even if the communities, for example—

Mr. Gilles Bisson: Can you repeat the last part? I'm sorry.

Ms. Catherine Wyatt: Yes. Reading it as "aboriginal community consultation" could have the unintended result of meaning you can't consult with anyone else, even if the community, for example, says, "We want you to consult with the tribal council on our behalf." They

should have the ability to say they want someone else to represent them, and there may be groups within a certain organization that want to have another level—

Mr. Gilles Bisson: So then it would be a question in the community to decide who is consulted?

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Ms. Catherine Wyatt: Yes, but we would have a problem if the legislation says that it can only be the community. That's all we're trying to get rid of here.

Mr. Gilles Bisson: So the effect would be that if there's going to be exploration or development in and around a particular aboriginal community and they decide to delegate the consultation to their tribal council or whoever, they would then have the authority to delegate, but it doesn't preclude the responsibility to consult the local community.

Ms. Catherine Wyatt: Yes. This actually has the problem of potentially making it too narrow, that's all.

Mr. Gilles Bisson: I just want to be clear. I think I got the answer the first time, but I'll double-check. This would allow a community to say, "I am not in a position to be consulted because I don't have the capacity; therefore, I want the tribal council or some other agent that I name as a community to be the body which you consult," number one. Number two, it would not allow a consultation to take place without the consent of the community, basically.

Ms. Catherine Wyatt: That's a bit of a loaded question, if we're talking consent. Let's go back to your first question. This isn't the authority for a community to decide who can consult on their behalf. They can do that anyway. We want to make sure that the legislation isn't creating a conflict where they want to have it done by someone else and the legislation insists that they do it themselves. That's all we're trying to get rid of.

Mr. Gilles Bisson: So it doesn't preclude the community from being consulted? That's my point.

Ms. Catherine Wyatt: Right.

Mr. Gilles Bisson: Okay. Now I got you. Thank you.

The Chair (Mr. David Orazietti): Good. Any further comment on government motion 23? Mr. Yakabuski.

Mr. John Yakabuski: I share the concern of Mr. Bisson with the removal of the word "community." I certainly respect his knowledge and the closeness with which he has worked with the aboriginal communities and how they view these things. Using the same logic, we didn't support the last amendment where the word "accommodation" was inserted, because what defined "accommodation"? That could mean that in order to accommodate the aboriginal community, you have to give them exactly and everything that they're requesting, and that's not what consultation and negotiation are all about. That's why we voted against that amendment. But I also have my concerns with the removal of the word—I question the need for it. If the aboriginals see their community as being their spokespeople, why would we remove the word "community"? I understand the explanation, but I am still troubled by it.

The Chair (Mr. David Oraziotti): Okay. Seeing no further debate, government motion number 23: All those in favour? Opposed? The motion is carried.

Motion 24R is a replacement motion. It is an NDP motion. Mr. Bisson, go ahead.

Mr. Gilles Bisson: I move that clause 78.1(2)(b) of the Mining Act, as set out in section 40 of the bill, be amended by adding “or accommodation” after “aboriginal consultation.”

Again, we’re doing this series of amendments in order to make sure that it’s not just a question of the exploration company going in and saying, “I’ve talked to you; I’ve let you know what I’m doing. This is what I plan on doing,” and then the First Nation says, “We have some concerns around some environmental or economic issues,” and then there’s no accommodation of those issues. So we’re trying to get at the issue that there should be some accommodation, as set out within the Supreme Court decision.

The Chair (Mr. David Oraziotti): Further comment?

Mr. Michael A. Brown: We’ve made our argument.

The Chair (Mr. David Oraziotti): Okay. Thank you.

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for.

Ayes

Bisson.

Nays

Albanese, Brown, Jeffrey, Kular, Mangat, Martiniuk.

The Chair (Mr. David Oraziotti): The motion is lost.

The next motion: government motion 25. Go ahead, Mr. Brown.

Mr. Michael A. Brown: I move that subsection 78.2(5) of the Mining Act, as set out in section 40 of the bill, be struck out and the following substituted:

“Amendment or renewal of permit

“(5) The director may, after considering the factors listed in subsection (2), amend or renew an exploration permit.”

This amendment clarifies the intent of this section to include renewals for permits and confirms that the director may amend and renew an exploration permit where the director feels that this is necessary or appropriate. If a question is raised about the original—oh, sorry. That’s good. So I think that’s fairly clear.

Mr. Gilles Bisson: How is that different than what’s in there now? How is it different?

The Chair (Mr. David Oraziotti): Ms. Wyatt, care to comment?

Ms. Catherine Wyatt: It really just adds the renewal, pretty much—

Interruption.

Mr. Gilles Bisson: Excuse me; there’s noise. Something’s shaking in this building and I don’t know what it is. The subway is running underneath the building—

The Clerk of the Committee (Mr. Trevor Day): Elevator.

Mr. Gilles Bisson: Oh, it’s the elevator?

Mr. John Yakabuski: It’s the cabinet meeting.

Mr. Gilles Bisson: “No, I don’t want the Ministry of Health,” say some people.

The Chair (Mr. David Oraziotti): Okay, Mr. Bisson. Go ahead.

Mr. Gilles Bisson: So how is it different?

Ms. Catherine Wyatt: Right now if you look in the bill, that subsection talks about, “The director may”—

Mr. Gilles Bisson: In the act or in the amendment?

Ms. Catherine Wyatt: In the bill.

Mr. Gilles Bisson: In the bill. Not in the current act? Okay. Let me get the bill. Section 40, right?

Ms. Catherine Wyatt: Yes.

Mr. Gilles Bisson: Page 18, right?

Ms. Catherine Wyatt: Yes. So subsection 5 right now just refers to amending and not renewal.

Interjections.

Mr. Gilles Bisson: I didn’t hear a word. I’m sorry. Did not hear a word.

Ms. Catherine Wyatt: The existing subsection 5 in the bill says that the director may amend a permit, and we’re adding here “amend or renew” a permit. We have actually also added just some language that says the factors that should be considered in determining whether to renew or amend a permit.

Mr. Gilles Bisson: Okay. All right.

The Chair (Mr. David Oraziotti): Any further comment? Government motion 25: All those in favour? Opposed? It’s carried.

NDP motion number 26: Mr. Bisson, go ahead.

Mr. Gilles Bisson: I move that section 78.2 of the Mining Act, as set out in section 40 of the bill, be amended by adding the following subsection:

“Agreement of aboriginal communities

“(5.1) No exploration permit shall be issued without the written agreement of aboriginal communities that have an interest in the area affected by the permit.”

You can call this the KI clause, I guess. What it says is that you would have to have the consent of First Nations to be able to do exploration in their traditional territory. It’s one of the ways, like I say—actually, you shouldn’t call it the KI; you should actually call it the De Beers clause, because that’s exactly what De Beers did. When they moved up to do exploration up on the Victor Project, they made the commitment to the First Nation of Attawapiskat and others that they would not move forward without an agreement on the part of the First Nation to go forward with that project. It would just make sure that First Nations have the comfort necessary to be able to go forward with a mining project.

It’s probably no different than what happens in a municipality now. If a mine was found, let’s say at Gillies Lake in Timmins, within the borders of the city of

Timmins, they would not be able to sink a shaft, build buildings and do the things that need to be done in order to put that mine into production without the express permission of the municipal council and hence the population of the city of Timmins, or whatever community it might be. This would give First Nations that same right.

The Chair (Mr. David Oraziotti): Further comment?

Mr. Michael A. Brown: The bill already includes provisions for aboriginal consultation on proposed exploration plans and permits to ensure that their concerns are considered prior to undertaking exploration activity. The scope of consultation will be relative to the potential impact of the proposed activity. This is in addition to provisions that will allow for proactive withdrawal of lands of aboriginal cultural significance in advance of claims being staked. The graduated approach to consultation proposed by Bill 173 is consistent with the direction being provided by the Supreme Court of Canada.

Mr. Gilles Bisson: Let me ask you this question: If, within the boundaries of the city of Timmins, there was a mining project to be put into development which would include building physical structures on the mining property within the jurisdiction of the city, would the city have to give consent? The answer is yes.

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Mr. Michael A. Brown: You're talking about on crown land?

Mr. Gilles Bisson: It's not crown land. You're within the city of Timmins.

Mr. Michael A. Brown: It could be crown land within the city of Timmins.

Mr. Gilles Bisson: It could be within crown land of the city of Timmins, but still, if you're having to build physical structures within the city of Timmins, you would need a building permit. There is a mechanism by which municipalities have the right to determine what developments take place in their community.

I would not argue for a minute that the city of Timmins would oppose the development of a mine within its borders, because obviously we have lots of those and we will have many more, with the good graces of the geology we have.

The issue is that a municipal council in a municipality has the right to determine what development happens within their community. If a municipal council in Timmins was to say, "No, we're not going to allow a mine to go forward somewhere within the city of Timmins," I guess the municipal residents would have something to say about it, and there would be a mechanism—town hall meetings, meetings of the municipal council and others—to be able to deal with that.

There's no such provision for First Nations, and it would seem to me only fair that First Nations should have the same authority as a municipality when it comes to the development of a mining operation within their community.

Mr. Michael A. Brown: I'm going to ask for help here in a second, but it would seem to me that it does make a difference whether it's crown land or not crown

land. In many of our northern communities, there is crown land within the municipal boundaries. Official plans do not take into account crown lands. Crown lands aren't subject to municipal official plans. I would gather that that means they're not subject to building permits in the same way, because that all, in my understanding, flows out of zoning and official plans and that sort of thing.

So it does make a difference whether it's crown land or not, and I don't think the city of Timmins—we're not talking about a mine being created; we're talking about the exploration work. I think we need to differentiate that also. We're talking about exploration; we are not talking about a mine.

Mr. Gilles Bisson: But I hearken back to a project in the city of Timmins where someone was wanting to do exploration in the city of Timmins—I guess it would be southwest of the fault. The issue was that he wanted to bring diamond drills onto the old railway beds of the Ontario Northland and onto Gillies Lake. He was not able to do that without the permission of the city of Timmins, and that was on the exploration stage. Some of that land would have been crown land. Some of it would have been ONR lands, which fall under the legislation.

Mr. Michael A. Brown: I'm not familiar—

Mr. Gilles Bisson: No, I'm just saying that the frustrating part is that we haven't responded to the issue of giving First Nations equal authority to decide on development in their territory—equal to what a municipality gets. I know you're going to say, "Part of that is the Planning Act," but part of it also falls within the Mining Act.

Mr. Michael A. Brown: I think we also have to make the differentiation. First, we're not talking about reserves.

Mr. Gilles Bisson: I couldn't hear you. Excuse me?

Mr. Michael A. Brown: We're not talking about reserves in terms of the First Nations. They have those rights—

Mr. Gilles Bisson: I'm talking about traditional territories.

Mr. Michael A. Brown: You were talking about crown land where there have been traditional lands.

Mr. Gilles Bisson: Traditional territories.

Mr. Michael A. Brown: That is different, and we need to be clear on that. Maybe legal counsel can help me, but I just don't understand where you're going with this because I don't think your argument that it's the same—it just is not the same as the municipal—

Mr. Gilles Bisson: I'm not arguing it's the same. What I'm saying is not the same is the authority of a municipality versus a reserve.

The city of Timmins has defined boundaries within its municipality. Some of that land is private; some of that land is crown, to your argument. And if there's a development to happen within the municipal boundaries of the city of Timmins that is private land or lands that are owned by the municipality, it's pretty darn clear what their authority is under the Planning Act. There is no such provision within the Mining Act to deal with that

particular issue because most of the lands—well, all of the lands—outside a reserve are crown lands.

Hence, the second part: In the municipality of the city of Timmins, there is much in the way of crown land.

Mr. Michael A. Brown: Yes.

Mr. Gilles Bisson: And what I'm saying is that if you were to try to develop a mine within the city of Timmins on crown lands, a mining company would not go forward without having some discussion with the community of the city of Timmins and getting some form of permission. It's been done before. For example, we're having to deal with the possible redevelopment of the Hollinger gold mine, which—some of it would be crown land. I don't think it would be all private. I would think some of it would be crown; I'd have to take a look.

Again, they've got to come to the municipality. There's a whole process that the mining company has to go through—in this case, Goldcorp—in order to get to that stage should they decide to go there. There's no similar provision for First Nations. That's my argument.

I've made the argument; prepared to go to a vote.

The Chair (Mr. David Oraziotti): Okay, thank you. NDP motion number 26: All those in favour?

Mr. Gilles Bisson: Recorded.

The Chair (Mr. David Oraziotti): A recorded vote has been called for.

Ayes

Bisson.

Nays

Albanese, Brown, Jeffrey, Kular, Mangat, Martiniuk.

The Chair (Mr. David Oraziotti): The motion is lost. Government motion number 27: Mr. Brown, go ahead.

Mr. Michael A. Brown: I move that section 78.2 of the Mining Act, as set out in section 40 of the bill, be amended by adding the following subsections:

“Reconsideration

“(6) If a decision of the director under this section is disputed in accordance with this act or the regulations and a recommendation is made that the director reconsider his or her decision, the director shall reconsider his or her decision and, where appropriate, may make a new decision based on any recommendations or determinations made.

“No activities during dispute

“(7) If a decision of the director under this section is disputed in accordance with this act or the regulations, no person shall carry out any activity that is a subject of the decision until a final determination under this act or the regulations has been made.”

The Chair (Mr. David Oraziotti): Thank you, Mr. Brown. Mr. Bisson, go ahead.

Mr. Gilles Bisson: I support this section. Good amendment.

The Chair (Mr. David Oraziotti): Any further comments?

Mr. Michael A. Brown: Carried.

The Chair (Mr. David Oraziotti): Government motion number 27: All those in favour?

Mr. Gilles Bisson: Recorded.

The Chair (Mr. David Oraziotti): Recorded vote has been called for.

Ayes

Albanese, Bisson, Brown, Jeffrey, Kular, Mangat.

The Chair (Mr. David Oraziotti): The motion is carried.

Government motion number 28: Go ahead, Mr. Brown.

Mr. Michael A. Brown: I move that the following section be added after section 78.2 of the Mining Act, as set out in section 40 of the bill:

“Transferees, assignees and successors of exploration plan

“78.2.1(1) Any transferee, assignee or successor of a person who submitted an exploration plan under subsection 78.1(1) shall comply with subsections 78.1(2) and (3) in respect of that exploration plan.

“Transferees, assignees and successors of exploration permit

“(2) Any permit that is issued under section 78.2 is binding upon and enforceable against any transferee, assignee or successor of the person to whom the permit was issued.”

The Chair (Mr. David Oraziotti): Any further comment? Mr. Bisson, go ahead.

Mr. Gilles Bisson: That's a good amendment. I'll support it.

Mr. Michael A. Brown: Carried.

Mr. Gilles Bisson: Just to be clear: The long and the short of the story is that if you transfer the company into somebody else's name, you can't absolve your responsibilities under the act. The long and the short of the story; right? Am I reading that right?

Ms. Catherine Wyatt: That's very close, but what we were trying to say was—

Mr. Gilles Bisson: I don't like it when I'm close.

Ms. Catherine Wyatt: We were trying to say that it's not so much the transfer of the company as it's the transfer of the claim.

Mr. Gilles Bisson: Okay. Got you.

Ms. Catherine Wyatt: But otherwise, yes.

Mr. Gilles Bisson: Yes, okay. I used the wrong term, but you're right. Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for.

Ayes

Albanese, Bisson, Brown, Jeffrey, Kular, Mangat.

Nays

Martiniuk.

The Chair (Mr. David Orazietti): The motion is carried.

Government motion number 29: Go ahead, Mr. Brown.

1700

Mr. Michael A. Brown: I move that subsection 78.3(3) of the Mining Act, as set out in section 40 of the bill, be amended by striking out “a fine of not less than \$25,000” and substituting a “a fine of not more than \$2,500.”

This is to clarify a drafting error. The fine was never intended to be so high in these circumstances, relative to the other penalties in the act.

The Chair (Mr. David Orazietti): Any comments? All those in favour? Opposed? The motion is carried.

NDP motion number 29.1: Go ahead, Mr. Bisson.

Mr. Gilles Bisson: Withdrawn.

The Chair (Mr. David Orazietti): Okay. Government motion number 30: Go ahead, Mr. Brown.

Mr. Michael A. Brown: I move that the following section be added after section 78.3 of the Mining Act, as set out in section 40 of the bill:

“Liability for rehabilitation

“78.4 If a mining claim, mining lease or licence of occupation for mining purposes is transferred or assigned, the transferee or assignee is liable for any rehabilitation obligations imposed under this part or under an exploration plan or exploration permit with respect to the claim, lease or licence regardless of when or by whom those obligations were created.”

The Chair (Mr. David Orazietti): Any further comment? Mr. Bisson, go ahead.

Mr. Gilles Bisson: Again, I take it what it means is that anybody who comes onto that land and does work after the claim has been staked is liable; the long and the short of it. If that’s the case, that’s fine. Good amendment.

Ms. Catherine Wyatt: Again, the scheme of having the exploration planner permit is that there will be requirements for rehabilitation built into it. What we’re trying to deal with here is similar to the earlier motion, where there’s been a transfer before all those things are taken care of. So the person who picks up that property is going to be liable for finishing off any rehab work regardless of the fact that they didn’t do the activity.

Mr. Gilles Bisson: You’re being a bit more detailed, but I think we agree.

Ms. Catherine Wyatt: Fine.

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Orazietti): A recorded vote has been called for.

Ayes

Albanese, Bisson, Brown, Jeffrey, Kular, Mangat.

The Chair (Mr. David Orazietti): The motion is carried.

Back to government motion number 21. Mr. Brown, go ahead; the item that you asked about earlier.

Mr. Michael A. Brown: I move that the following section be added after section 78 of the Mining Act, as set out in section 40 of the bill:

“Application

“78.0.1 Sections 78.1, 78.2, 78.3 and 78.4 apply in accordance with the regulations.”

The Chair (Mr. David Orazietti): Any further comments? Mr. Bisson.

M. Gilles Bisson: C’est quoi, ça?

Mr. Michael A. Brown: This provision gives the government the flexibility to phase in exploration plans and permits should it be required. In other words, we don’t have to do the whole thing at once.

Mr. Gilles Bisson: Can you just give me a second to get my head around that one? Explain that again.

The Chair (Mr. David Orazietti): Sorry, Mr. Bisson; it’s now 5 o’clock—

Mr. Gilles Bisson: Oh, sorry, so I ran out of time. I can’t my head around it.

Interjections.

The Chair (Mr. David Orazietti): As part of the order of the House, we’re going to be voting on the motions that are before us now without debate.

Government motion number 21: All those in favour? Opposed? The motion is carried.

Those are all of the motions that have been put forward in section 40. Shall section 40, as amended, carry? All those in favour? Opposed? Section 40 is carried.

Section 41: There are no amendments. Shall section 41 carry? Opposed? Section 41 is carried.

Government motion number 31.

Interjection.

The Chair (Mr. David Orazietti): So that we’re clear on what’s in the package: government motion number 31, subsection 42(1) of the bill, subsection 81(2) of the Mining Act. All those in favour? Opposed? The motion is carried. That’s 31.

Shall section 42, as amended, carry? All those in favour? That’s carried.

Section 43: There are no amendments. Shall section 43 carry? Opposed? Section 43 is carried.

Government motion number 32 on section 44, section 44 of the bill, section 83 of the Mining Act: All those in favour of government motion number 32? Opposed? Carried.

Shall section 44, as amended, carry? Carried.

Sections 45 and 46: There are no amendments in those sections. Shall they carry? Carried.

Section 47: government notice. Shall section 47 carry? All those in favour of section 47? Opposed? It’s lost.

Sections 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57: There are no amendments. Shall they carry? All those in favour? Opposed? It’s carried.

Conservative motion 32.1: The amendment is out of order. According to the standing orders, the section is not open, so I'm ruling the amendment out of order.

Shall section 57 carry? Carried.

Section 58, government motion number 33—

Mr. John Yakabuski: Was this one ruled out of order?

The Chair (Mr. David Oraziotti): Yes.

Mr. John Yakabuski: How come?

The Chair (Mr. David Oraziotti): According to the standing orders, the amendment is an attempt to repeal a section of the Mining Act that is not open in the bill. So the amendment is out of order.

Mr. John Yakabuski: We're down to one here.

The Chair (Mr. David Oraziotti): Government motion number 33: section 58 of the bill, subsection 140(2) of the Mining Act. All those in favour? Opposed? It's carried.

Government motion number 34: section 58 of the bill, subsection 141(2) of the Mining Act. All those in favour? Opposed? Government motion 34 is carried.

Shall section 58, as amended, carry? All those in favour? Opposed? That's carried.

Section 59: no amendments. Shall it carry? Opposed? It's carried.

NDP new section 59.1: That's NDP motion number 34.1. Again, according to the standing orders, this section is not open, so the amendment is out of order.

Shall section 59 carry? All those in favour? Carried.

Section 60: There are no amendments. Shall section 60 carry? Carried.

Section 60.1, which is Conservative motion 34.2: Again, according to the standing orders, this amendment is an attempt to amend or repeal a section of the Mining Act which is not open to—

Interjection.

The Chair (Mr. David Oraziotti): That's right, so it's out of order.

Mr. John Yakabuski: Thank you very much.

The Chair (Mr. David Oraziotti): You're welcome. Section 61: There are no amendments; sections 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71. Shall those sections carry? Carried.

Government motion number 35: section 72 of the bill, section 156 of the Mining Act. Shall it carry? Carried.

Government motion number 36: section 72 of the bill, section 157 of the Mining Act. Shall it carry? Carried.

Government motion number 37: section 72 of the bill, subsection 158(1) of the Mining Act. Shall it carry? Opposed? Carried.

Government motion 38: section 72 of the bill, clause 158(1)(b) of the Mining Act. Shall it carry?

Mr. John Yakabuski: Chair, is Trevor able to keep up?

The Chair (Mr. David Oraziotti): He's doing just fine. Thank you very much for your concern.

Government motion number 39: section 72 of the bill, subsection 158(1) of the Mining Act. Shall it carry? Carried.

Government motion number 40: section 72 of the bill, subsection 158(3) of the Mining Act. Shall it carry? Opposed? Carried.

Government motion number 41: section 72 of the bill, subsection 158(4) of the Mining Act. Shall it carry? Carried.

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Motion 42R, a replacement motion 42: section 72 of the bill, subsection 158(5) of the Mining Act. Shall it carry?

Mr. Michael A. Brown: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for. That one will be just deferred until the end of voting.

Mr. Gilles Bisson: Deferred?

The Chair (Mr. David Oraziotti): Yes, for a recorded vote.

Government motion 43: section 72 of the bill, subsection 158(11) of the Mining Act. Carried?

We'll need to wait to move that section, as amended, until we do the recorded vote at the end, so we'll just wait on that section.

Sections 73, 74, 75, 76, 77, 78 and 79: Shall those sections carry? Carried.

Government motion 44: section 80 of the bill, subsection 170.1(2) of the Mining Act. Shall it carry? Opposed? It's carried.

NDP motion 45R—

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for it, so again we'll get to that at the end.

Mr. John Yakabuski: Is that 45R that's a recorded vote?

The Chair (Mr. David Oraziotti): That's right. Are you going to be removing 45, though?

Mr. Gilles Bisson: No, 45R will be the vote.

The Chair (Mr. David Oraziotti): Are you going to remove it?

Mr. Gilles Bisson: I couldn't hear the—

The Chair (Mr. David Oraziotti): No, remove it or you're going to move the section.

Mr. Gilles Bisson: I want 45R to be a recorded vote. But 45 is out, because the other one is replaced.

The Chair (Mr. David Oraziotti): Right, thank you.

Government motion number 46: section 80 of the bill, section 170.1 of the Mining Act. Opposed? Okay, that's carried.

We'll come back to section 80.

New section: proposed NDP motion 46.1.

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): Recorded vote. All right; 46.2, a new section—

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): Okay. We'll come back to that.

We're down to section—

Interjection.

The Chair (Mr. David Oraziotti): We'll vote on that.

Section 81: no amendments. All those in favour, section 81? Opposed? It's carried.

Section 82, government motion number 47: subsection 82(9) of the bill. All those in favour, government motion? Opposed? It's carried.

NDP motion 47.1: All those in favour? Opposed? Okay, the motion is lost.

NDP motion number 48: All those in favour? Opposed? The motion is lost.

NDP motion number 49: All those in favour? Opposed? The motion is lost.

Shall section 82, as amended, carry? Opposed? Okay, the section is carried.

Section 83: no amendments. Shall section 83 carry? Opposed? Okay, that's carried.

Section 84: government motion 50, section 84 of the bill, section 178.2 of the Mining Act. Shall that motion carry? Opposed? It's carried.

Shall section 84, as amended, carry? Carried.

Government motion—new section. Amendment 51: All those in favour? Opposed? That's carried.

Sections 85, 86, 87, 88 and 89: There are no amendments. Shall they carry? Carried.

Government motion 52: subsection 90(2) of the bill, subsection 189(1.2) of the Mining Act. Shall the motion carry? Carried.

Shall section 90, as amended, carry? Carried.

Sections 92, 93, 94, 95, 96—

Interjection.

The Chair (Mr. David Orazietti): I'm sorry; 91 through to and including section 99: There are no amendments. Shall they carry? Opposed? Carried.

Government motion number 53: section 100 of the bill, subsection 204(1) of the Mining Act. Shall the motion carry? Carried.

NDP motion number 54.

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Orazietti): Okay, a recorded vote has been called for.

Government motion 55R, a replacement motion: All those in favour? Opposed? The motion is carried.

We'll have to come back to section 100.

Section 101, government motion 56: subsection 101(4) of the bill, subsection 81(13) of the Mining Act. Shall it carry? Carried.

Shall section 101, as amended, carry? Carried.

Section 102: government motion number 57, subsection 102(2) of the bill. Shall the motion carry? Carried.

Shall section 102, as amended, carry? Carried.

Shall section 103 carry? Carried.

Lets go back to the recorded votes, starting with section 72, government motion 42R, replacement.

Ayes

Albanese, Brown, Kular, Jeffrey, Mangat.

Nays

Bisson, Martiniuk.

The Chair (Mr. David Orazietti): The motion is lost. Shall section 72, as amended, carry? Carried. Section 80: 45R, NDP motion. Recorded vote.

Ayes

Bisson.

Nays

Albanese, Brown, Kular, Jeffrey, Mangat, Martiniuk.

The Chair (Mr. David Orazietti): The motion is lost. Shall section 80, as amended, carry? Carried. New section: NDP motion 46.1, on section 80.2. A recorded vote has been called for.

Ayes

Bisson.

Nays

Albanese, Brown, Kular, Jeffrey, Mangat.

The Chair (Mr. David Orazietti): The motion is lost. New section: NDP motion 46.2, section 80.3. A recorded vote was called for.

Ayes

Bisson.

Nays

Albanese, Brown, Kular, Jeffrey, Mangat.

The Chair (Mr. David Orazietti): The motion is lost. Section 100: NDP motion number 54. A recorded vote was called for.

Ayes

Bisson.

Nays

Albanese, Brown, Kular, Jeffrey, Mangat, Martiniuk.

The Chair (Mr. David Orazietti): The motion is lost. Shall section 100, as amended, carry? Carried. Shall the title of the bill carry? Carried. Shall Bill 173, as amended, carry? Carried. Shall I report the bill, as amended, to the House? Carried.

Thank you. Committee is adjourned.

The committee adjourned at 1716.

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