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Monday 29 November 2010

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Lundi 29 novembre 2010

**Standing Committee on
General Government**

Good Government Act, 2010

**Comité permanent des
affaires gouvernementales**

Loi de 2010 sur la saine
gestion publique

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 29 November 2010

Lundi 29 novembre 2010

The committee met at 1405 in room 151.

GOOD GOVERNMENT ACT, 2010

**LOI DE 2010 SUR LA SAINÉ
GESTION PUBLIQUE**

Consideration of Bill 110, An Act to promote good government by amending or repealing certain Acts /
Projet de loi 110, Loi visant à promouvoir une saine gestion publique en modifiant ou en abrogeant certaines lois.

The Chair (Mr. David Oraziotti): Good afternoon, everyone, and welcome to the Standing Committee on General Government, clause-by-clause on Bill 110.

To start off, I'd just ask for unanimous consent to set aside sections 1, 2 and 3 to deal with the schedule of the bill, and deal with the proposed amendments. So if I've got unanimous consent to do that, we can get moving.

Interjection: Agreed.

The Chair (Mr. David Oraziotti): Okay.

Before we begin with the first amendment, which is Conservative motion number 1, are there any comments that anyone would like to make with respect to the bill? You obviously will have an opportunity to do that on any of the amendments, but if you'd like to put anything on record in advance of that, now might be the time to do so. Mr. Kormos, go ahead.

Mr. Peter Kormos: I just wanted to lay this out: The only schedule that we're particularly interested in is schedule 3, and we indicated last week that we were going to ask the ministry staff to talk about what the government had in mind with the amendments in section 1 of schedule 3.

As for the rest of it, I note that there are a number of Conservative amendments, but we'll not be raising any objections to other parts of the bill.

The Chair (Mr. David Oraziotti): Any further comments? Seeing none, we'll move to schedule 1, the first Conservative motion. Mr. Chudleigh, go ahead.

Mr. Ted Chudleigh: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(2.1) Section 4 of the act is amended by adding the following subsections:

“Chief executive officer

“(2) Subject to subsection (3), the board of the commission may appoint a chief executive officer of the commission.

“Limitation

“(3) The chief executive officer of the commission may be the chair of the board but shall not be the registrar.”

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

Mr. Ted Chudleigh: I think it's self-explanatory. During submissions, we heard that there were perceived conflicts when the registrar and the chair of the board were the same person.

The Chair (Mr. David Oraziotti): Okay, thank you. Mr. Zimmer, comments?

Mr. Ted Chudleigh: I'm sure the government will be in favour of this—

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

I understand, members of the committee, that any motion that is before you that has another motion attached with the same number indicating R is the revised motion that you're going to be reading, so—

Mr. David Zimmer: I'm sorry, Chair. I'm just having trouble hearing.

The Chair (Mr. David Oraziotti): Sorry. Any of the motions that are before you in your package that have an R attached to them for the same motion, the committee member will be reading those motions, and you can ignore the other ones.

Mr. Chudleigh, 2R.

Mr. Ted Chudleigh: I move that subsection 14.1(7) of the Alcohol and Gaming Regulation and Public Protection Act, 1996, as set out in subsection 1(7) of schedule 1 to the bill, be amended by adding “amend it” after “penalty.”

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

Mr. Ted Chudleigh: Again, in sections, there was some suggestion that this would clarify some of the actions of the Alcohol and Gaming Commission.

The Chair (Mr. David Oraziotti): Any further comment from any other committee members?

Mr. David Zimmer: No.

The Chair (Mr. David Oraziotti): Okay.

All those in favour of Conservative motion 2R? Opposed? The motion is lost.

Shall schedule 1, section 1, carry? Opposed? The section is carried.

There are no further amendments to sections 2, 3, 4 and 5, so if we can vote on those together. Schedule 1, sections 2 through and including 5: All those in favour? Opposed? That's carried.

Schedule 1, section 6: Conservative motion 3R. Mr. Chudleigh, go ahead.

Mr. Ted Chudleigh: I move that section 6 of schedule 1 to the bill be amended by adding the following subsection:

“(13.1) Section 15 of the act is amended by adding the following subsections:

“Warning or monetary penalty

“(5.1) Instead of issuing a proposal under any of subsections (1) to (5) with respect to a licensee, the registrar may issue a warning to the licensee or issue a proposal to impose a monetary penalty against the licensee in accordance with this section and the regulations if the registrar is of the opinion that the public interest would be adequately protected by doing so.

“Purpose

“(5.2) The purpose of a monetary penalty under subsection (5.1) is to promote compliance with this act and the regulations.

“Amount

“(5.3) Subject to the prescribed requirements, the registrar shall determine the amount of a monetary penalty under subsection (5.1) to reflect the purpose of the penalty and the circumstances of the licensee.

“Condition of licence

“(5.4) If the registrar issues a proposal to impose a monetary penalty against a licensee under subsection (5.1), it is a condition of the licence that the licensee is required to pay the penalty within the time period that the registrar specifies in the proposal.”

The comment that I would make is, so long as the public interest is protected, this motion extends the options available to the registrar under section 15 of the Liquor Licence Act by allowing him or her to issue a warning or a proposal for a monetary penalty. The intent of this motion is to help to ensure fairness for both the licensee and the employees of that licensee without compromising public safety.

The proposal for a monetary penalty will be subject to the same provisions of the act as a proposal to revoke or suspend a licence, subject to the regulations for this type of penalty.

I think we heard from deputants at the hearings that when a facility loses its licence, it is really the service staff and the people who are working for the organization who pay a disproportionate amount of that penalty. To protect them, this would be an excellent amendment, I think. It would show concern for the workers of Ontario. I'm sure the government would have no issue with that.

1410

The Chair (Mr. David Oraziotti): Mr. Zimmer.

Mr. David Zimmer: I appreciate the intent of what the motion is trying to achieve, but the expanded use of

monetary penalties will require further analysis. The Ministry of the Attorney General will take this suggestion under advisement.

Mr. Ted Chudleigh: But at this time, you don't care about the employees?

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

Mr. Ted Chudleigh: Apparently not.

The Chair (Mr. David Oraziotti): Conservative motion 3R: All those in favour? Opposed? The motion is lost.

Conservative motion 4R: Mr. Chudleigh, go ahead.

Mr. Ted Chudleigh: I move that subsection 6(26) of schedule 1 to the bill be struck out and the following substituted:

“(26) Subsection 21(1) of the act is amended by adding the following paragraphs:

“9. Impose a monetary penalty under subsection 15(5.1).

“10. Restrict further applications for a licence to sell liquor in respect of the same premises, as described in subsection 15(8).”

Again, this supports the previous—

The Chair (Mr. David Oraziotti): Excuse me, Mr. Chudleigh. This motion, I'm informed by the clerk, is now out of order because it was dependent on the previous motion carrying, so—

Mr. Ted Chudleigh: I was about to say that. I agree with the clerk.

The Chair (Mr. David Oraziotti): All right.

Mr. Ted Chudleigh: Not necessarily with the government, though.

The Chair (Mr. David Oraziotti): We're going to move on to—

Mr. David Zimmer: So 4R is out of order?

The Chair (Mr. David Oraziotti): Correct.

Amendment number 5: Mr. Chudleigh, go ahead.

Mr. Ted Chudleigh: I move that subsection 23(11) of the Liquor Licence Act, as set out in subsection 6(29) of schedule 1 to the bill, be struck out and the following substituted:

“Same

“(11) Following a hearing to consider any other proposal referred to in subsection 21(1), (2) or (3), the tribunal may direct the registrar,

“(a) not to carry out the proposal;

“(b) if the proposal is not one to impose a monetary penalty, not to carry out the proposal but to impose a monetary penalty against the licensee in the amount that the tribunal specifies and payable within the time period that the tribunal specifies, subject to the prescribed requirements; or

“(c) to carry out the proposal, in whole or in part, and with any changes that the tribunal considers appropriate, in which case the tribunal may direct the registrar to approve an application to which the proposal relates.”

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

Mr. Ted Chudleigh: To help improve fairness when the registrar issues a proposal that is not a monetary penalty, this motion will allow the tribunal not to carry out that proposal and, instead, to issue a proposal for a monetary penalty subject to the regulations, if the proposal is not one to impose a monetary penalty.

The Chair (Mr. David Oraziotti): Mr. Zimmer, any comment on that?

Mr. David Zimmer: No comment.

The Chair (Mr. David Oraziotti): Conservative motion number 5: All those in favour? Opposed? The motion is lost.

Conservative motion 6R: Mr. Chudleigh, go ahead.

Mr. Ted Chudleigh: I move that section 23 of the Liquor Licence Act, as set out in subsection 6(31) of schedule 1 to the bill, be amended by adding the following subsection:

“Exception

“(15) Despite subsection (14), if a hearing before the board under this section has not concluded by the day section 6 of schedule 1 to the Good Government Act, 2010 comes into force and if any member of the panel holding the hearing ceases at any time after that day to sit on the panel, then, at the request of the person who requested the hearing, the tribunal shall hold the hearing.”

Again, if the composition of the board holding a hearing changes after this section comes into force, this motion provides the person who requested the hearing the option to request that the tribunal hold the hearing.

The Chair (Mr. David Oraziotti): Mr. Zimmer.

Mr. David Zimmer: The Ministry of the Attorney General will take this suggestion under advisement.

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

Mr. Ted Chudleigh: Recorded vote.

Ayes

Chudleigh, Clark, Kormos.

Nays

Jaczek, Kular, Mangat, Naqvi, Zimmer.

The Chair (Mr. David Oraziotti): The motion is lost. Mr. Chudleigh, Conservative motion 7R: Go ahead.

Mr. Ted Chudleigh: I move that section 6 of the bill be amended by adding the following subsection:

“(36.1) Subsection 62(1) of the act is amended by adding the following paragraph:

“6. governing the procedure for issuing a proposal for a monetary penalty under subsection 15(5.1);”

This supports the amendment of section 4 of the Alcohol and Gaming Regulation and Public Protection Act, which I think was turned down and which I think makes this amendment—

The Chair (Mr. David Oraziotti): Right. So you were getting there.

Mr. Ted Chudleigh: I was getting there. Does the clerk agree with me this time?

The Chair (Mr. David Oraziotti): Yes, it was dependent on 3R, so this motion is out of order.

Schedule 1, section 6: Shall it carry? Carried.

Schedule 1, sections 7, 8, 9, through and including 10: There are no proposed amendments. Shall they carry? Carried.

Schedule 1, section 11. Conservative motion number 8: Mr. Chudleigh, go ahead.

Mr. Ted Chudleigh: I move that subsection 11(2) of schedule 1 to the bill be amended by adding “(2.1)” after “1(1)”.

The Chair (Mr. David Oraziotti): Mr. Chudleigh, I think you’re probably aware that motion number 8 is out of order as a result of the very first motion not carrying.

Mr. Ted Chudleigh: Okay.

The Chair (Mr. David Oraziotti): Schedule 1, section 11: Shall it carry? That’s carried.

Shall schedule 1 carry? Carried.

Schedule 2, sections 1 through and including section 9: There are no amendments. Shall they carry as presented? Carried.

Shall schedule 2 carry? Carried.

Mr. Kormos, your notice, motion number 9: Do you want to speak to that?

Mr. Peter Kormos: We’re at schedule 3 now.

The Chair (Mr. David Oraziotti): Correct.

Mr. Peter Kormos: This was the problem around the amendment and imposed terms and conditions on the permission. We had two presenters last week who had concerns about the effect of this amendment. We were told that ministry staff would be here today, so I’m putting to the parliamentary assistant that we should hear from those staff so they can tell us what the government’s intention is with this amendment and what it contemplates.

Mr. David Zimmer: I believe we have someone from the ministry here.

The Chair (Mr. David Oraziotti): Okay. Welcome to the committee.

Mr. Peter Kormos: Because those folks at the committee were pretty hot about this.

Mr. David Zimmer: Thank you for joining us today.

The Chair (Mr. David Oraziotti): If you want to elaborate perhaps on your question, Mr. Kormos. I just ask ministry folks, before you present any information, to state your name for the recording purposes of Hansard and it will be included into the record.

Mr. Peter Kormos: You know that there were folks here last week concerned about this amendment, concerned that it could be used to dilute the French-language education that their kids are getting. So you know those are the concerns. I told them that we’d have a chance today to hear from you in terms of letting us know what the motivation is for the amendment, what it addresses and what are the conditions under which you contemplate it would be used.

1420

Mr. Rupert Gordon: Certainly, Mr. Kormos. My name is Rupert Gordon and I'm manager of early learning policy at the Ministry of Education. I'm happy to give you a general overview of that. Our parliamentary assistant is here, too, and he may have some remarks he would wish to make on this point.

In general, the notion is to use this capacity for terms and conditions to help clarify the distinction between French-as-a-first-language and French-as-a-second-language programs. I think it would be fair to say that the government remains very supportive of French-as-a-second-language education, very supportive of French immersion programming, but has been interested in this notion of clarifying the distinction between the two programs.

Some of the things that might be contemplated here would be, for example, consistent with existing ministry policy, that English-language school boards would be expected to plan their long-range programs largely using the framework of English-language program documents; conditions that, for example, the materials that boards use in registering and informing parents about French immersion communicate that those programs support the acquisition of French as a second language; and an approach with regard to the offering of extended day programming under the act in French immersion, suggesting that that would be connected to core day French immersion programs and reflect the approach that a board uses in those programs.

Those are the kinds of things that have been contemplated here. They're largely, as I suggested, consistent with existing policy, certainly with regard to the notion of the curriculum documents that are used for planning and the notion that French immersion programming supports the acquisition of French as a second language.

Mr. Peter Kormos: Fair enough, but that compels me to ask why you need the amendment if you say that existing policies already set out these things that you're speaking to.

Ms. Elisabeth Scarff: My name is Elisabeth Scarff. I'm legal counsel with the Ministry of Education.

It was purely for clarification, because the minister's power to give this permission can attach terms and conditions right now. The provision was added purely to make it clear, if there were concerned parties, that that authority was there.

Mr. Peter Kormos: Okay. Thank you kindly, folks.

Mr. Steve Clark: Chair, can I ask a question?

The Chair (Mr. David Oraziatti): Mr. Clark, go ahead.

Mr. Steve Clark: First of all, thank you very much for coming to clarify. There was some concern by the groups last week that the wording will open up an opportunity for boards to review the process. I understand their concern, obviously, is that they're going to cut. Do you share that concern? Could a board use that wording to do exactly what the deputants were saying?

Mr. Rupert Gordon: I'll certainly let the lawyer opine on this too. But the notion would be that the terms and conditions would need to be prescribed or outlined by the minister in some kind of way, and that those would then be connected to her approval.

I think the notion that it would be a kind of open-ended screen that others could utilize is something that I don't see.

Ms. Elisabeth Scarff: It's terms and conditions on the minister's permission, so it would be those terms that the minister had determined were appropriate.

Mr. Steve Clark: What checks and balances are in place, then, for what the deputants were saying? How would that be stopped by the ministry, if a board chose to cut services based on your new wording?

Mr. Rupert Gordon: I think that we monitor the activity of boards regularly. We give them direction. Folks communicate with us about issues, and we work very closely with the sector to address some of those challenges. I think there might be other courses of action open to those folks too, in terms of engaging directly with the boards themselves.

Certainly, we regularly are engaging with boards and providing them with clarity around the direction that applies to them from the ministry.

The Chair (Mr. David Oraziatti): Okay? Satisfied? All right. Thank you very much for being here today.

Mr. Rupert Gordon: Thank you.

The Chair (Mr. David Oraziatti): All right. We'll vote on—

Mr. Peter Kormos: Chair, if I may—

The Chair (Mr. David Oraziatti): Yes, Mr. Kormos?

Mr. Peter Kormos: I ask you to call section 1 alone.

The Chair (Mr. David Oraziatti): Right.

Mr. Peter Kormos: I'll be asking for a recorded vote.

Just briefly, by way of explanation: I trust the civil servants. I don't trust politicians, and that's the problem. The civil servants have told us what they contemplate, but that doesn't prevent a subsequent minister from doing something very foolhardy, reckless, dangerous, with this provision, and that's why the New Democrats are voting against it.

The Chair (Mr. David Oraziatti): We'll call for a recorded vote on schedule 3, section 1.

Ayes

Jaczek, Kular, Mangat, Naqvi, Zimmer.

Nays

Clark, Kormos.

The Chair (Mr. David Oraziatti): Schedule 1 is carried.

Sections 2 and 3 of schedule 3: There are no proposed amendments. Shall those sections carry? Carried.

Shall schedule 3, as presented, carry?

Mr. Peter Kormos: Recorded vote, please.

Ayes

Jaczek, Kular, Mangat, Naqvi, Zimmer.

Nays

Clark, Kormos.

The Chair (Mr. David Oraziotti): Okay. Schedule 3 is carried.

Schedule 4, sections 1 and 2: There are no amendments. Shall they carry? Carried.

Shall schedule 4 carry? Carried.

Schedule 5, sections 1 through and including 8: Shall they carry? Carried.

Shall schedule 5 carry? Carried.

Schedule 6, sections 1 through and including 10: Shall they carry? Carried.

Shall schedule 6 carry? Carried.

Schedule 7, sections 1 through and including 4: Shall they carry? Carried.

Shall schedule 7 carry? Carried.

We're going to return to what we had set aside at the beginning of the meeting.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the title of the bill carry?

Mr. Peter Kormos: Mr. Chair?

The Chair (Mr. David Oraziotti): Mr. Kormos.

Mr. Peter Kormos: That's a debatable matter, and now we get into the heavy lifting here.

The Chair (Mr. David Oraziotti): To put further comment on the record, go ahead, Mr. Kormos.

Mr. Peter Kormos: You know how objectionable the title of this bill is: An Act to promote good government

by amending or appealing certain Acts. You guys used to howl like stuck pigs when the Tories did that kind of—

Interjection: They're howling now.

Mr. Peter Kormos: They're not, but you howled like stuck pigs when the Tories used to introduce legislation like that with oxymoronic titles. Now, all of a sudden, you acquire the same bad habits. No wonder you're at 76% of Ontarians wanting to toss you out of government. You come up with stupid titles for bills like this.

This bill could have been called any number of things. I suppose, at the end of the day, the title of the bill hasn't given you a bump in the polls, and I suspect Mr. Fantino will be the next federal member for Vaughan. I look forward to seeing him, Flaherty and Baird in the same cabinet room together. That'll teach Mr. Harper to be soliciting Julian Fantino for a Tory candidate.

The title is objectionable. I'm going to be voting against it and I'm calling for a recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote on the title of the bill.

Ayes

Jaczek, Kular, Mangat, Naqvi, Zimmer.

Nays

Clark, Kormos.

The Chair (Mr. David Oraziotti): The title of the bill carries.

Shall Bill 110 carry? Carried.

Shall I report the bill to the House? Carried.

Thank you, folks. That's it. Committee is adjourned. Thank you very much for being here today.

The committee adjourned at 1430.

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Also taking part / Autres participants et participantes

Mr. Rupert Gordon, manager, early learning policy, Ministry of Education

Ms. Elisabeth Scarff, counsel, legal services branch, Ministry of Education

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Mr. William Short

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Mr. Michael Wood, legislative counsel