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## **Official Report of Debates (Hansard)**

**Wednesday 1 December 2010**

## **Journal des débats (Hansard)**

**Mercredi 1<sup>er</sup> décembre 2010**

**Standing Committee on  
Finance and Economic Affairs**

**Securing Pension Benefits Now  
and for the Future Act, 2010**

**Comité permanent des finances  
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des prestations de retraite**

Chair: Pat Hoy  
Clerk: Sylwia Przedziecki

Président : Pat Hoy  
Greffière : Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Wednesday 1 December 2010

Mercredi 1<sup>er</sup> décembre 2010

*The committee met at 1233 in room 151.*

**SECURING PENSION BENEFITS NOW  
AND FOR THE FUTURE ACT, 2010  
LOI DE 2010 SUR LA PÉRENNITÉ  
DES PRESTATIONS DE RETRAITE**

Consideration of Bill 120, An Act to amend the Pension Benefits Act and the Pension Benefits Amendment Act, 2010 / Projet de loi 120, Loi modifiant la Loi sur les régimes de retraite et la Loi de 2010 modifiant la Loi sur les régimes de retraite.

**The Chair (Mr. Pat Hoy):** The standing committee on economic affairs will now come to order. We are here on clause-by-clause consideration of Bill 120. We do not require the subcommittee report to be read into the record because it was on a previous date.

There are no amendments to section 1 through section 4. Shall those sections carry? All in favour? Carried.

**Mr. Paul Miller:** Before the proceedings actually get under way, I'd just like to say that I have a complaint. I didn't receive the amendments—and they're substantial—until late yesterday afternoon. Our research people certainly had to scramble to even—because pensions are such a complicated issue. So I'm just putting it on record that I'm very disappointed that we received them late, and there certainly will be a lot of questions for the legislative counsel today on explaining what's going on here, because we haven't had the ability to decipher some of these things.

I just want to put that on record, that I'm very disappointed that the government gave it to us late.

**The Chair (Mr. Pat Hoy):** There was a deadline for amendments, and all the amendments were sent out to all parties at the same time. That being said, you've lodged your complaint.

There is a motion to section 5: NDP motion, page 1 in your packet. Mr. Miller.

**Mr. Paul Miller:** The NDP recommends that the members of the committee vote against section 5 of the bill.

I'd like a recorded vote on all NDP amendments, please.

**The Chair (Mr. Pat Hoy):** Are we agreed that all NDP members' motions would be recorded, so then I don't have to ask each time? Are we agreed? Agreed.

Very good. It's page 1 in your packet. All in favour?

*Interjection.*

**The Chair (Mr. Pat Hoy):** Oh, it's not a motion. This is just a notice, so it's not something that we would vote on.

Shall section 5 carry?

*Interjection.*

**The Chair (Mr. Pat Hoy):** His was only a notice that they vote against it; it was not a motion. It's not voted on.

**Mr. Paul Miller:** Okay, fine.

**The Chair (Mr. Pat Hoy):** So now I'm asking, to be clear, all in favour of section 5?

**Mr. Paul Miller:** And against?

**The Chair (Mr. Pat Hoy):** Yes, it will be.

**Mr. Paul Miller:** Against.

**The Chair (Mr. Pat Hoy):** All in favour of section 5? Opposed? Carried.

There are no motions to sections 6 through 7. Shall those sections carry? All in favour? Opposed? Carried.

Section 8: government motion, page 2. Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that subsection 22.1(5) of the Pension Benefits Act, as set out in subsection 8(1) of the bill, be amended by striking out "if payment to the administrator or to the agent" at the beginning of clause (a) and at the beginning of clause (b) substituting in each case "if payment to the agent".

**The Chair (Mr. Pat Hoy):** Comment, if any?

**Mr. Paul Miller:** Yes. Can I have an explanation for that from legislative counsel, please?

**Ms. Leeanna Pendergast:** I'll take that, Chair.

It's just a correction. It clarifies when the administrator may pay third party agents from a pension fund.

**Mr. Paul Miller:** I'm sorry? Speak up.

**Ms. Leeanna Pendergast:** It's a correction, and it just clarifies when the administrator may pay third party agents from the pension fund.

**Mr. Paul Miller:** So why are we striking out the word and just leaving "agent"? Is that a third party person that would be involved? There's no administrator; it's just an agent?

**The Chair (Mr. Pat Hoy):** Do we have someone from the ministry?

If you could just state your name, and then you can give the response, please.

**Ms. Celia Harte:** My name is Celia Harte. I'm a policy adviser at the Ministry of Finance.

It was a mistake to have the words “to the administrator.” It should have been directly talking about payments to the agents and the other persons in that clause, so it was just an error to have the words “to the administrator.”

**Mr. Paul Miller:** So it’s a typo?

**Ms. Celia Harte:** Well, a typo I usually think of as—

**Mr. Paul Miller:** What’s the difference between the administrator and the agent?

**Ms. Celia Harte:** There’s a separate clause earlier. There are provisions about payment to the administrator, so in this one it’s about payment to parties other than the administrator who provide services to the plan.

**Mr. Paul Miller:** So that could be a consultant?

**Ms. Celia Harte:** It could if they’re retained, yes.

**Mr. Paul Miller:** Okay. I’ll be voting against that one.

**The Chair (Mr. Pat Hoy):** Mr. Miller, did you have a question?

**Mr. Norm Miller:** No.

**The Chair (Mr. Pat Hoy):** No? Okay, we’re fine.

All in favour? Opposed? Carried.

Page 3: NDP motion, Mr. Miller.

**Mr. Paul Miller:** I move that the bill be amended by adding the following section after section 11:

“11.1 The act is amended by adding the following section:

“Defined benefits, emergency indexation”—

**The Chair (Mr. Pat Hoy):** I’ve made a mistake on here. I went right to page 3 rather than calling for the vote on sections 9 through 11, which have no amendments. Then we can come back here. I got ahead of myself.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Pat Hoy):** There are no amendments to section 9.

*Interjection.*

**The Chair (Mr. Pat Hoy):** Okay, we’ll back up.

The government just had a motion that carried. Shall that section, section 8, carry? Carried.

Sections 9 through 11 have no amendments. Shall those sections carry? Carried.

Now we’re back to you.

**Mr. Paul Miller:** So I’ll read it again.

I move that the bill be amended by adding the following section after section 11:

“11.1 The act is amended by adding the following section:

“Defined benefits, emergency indexation

“39.1.1(1) This section applies with respect to a pension plan that provides defined benefits.

“Same

“(2) If inflation exceeds a prescribed threshold during a year, the defined benefits, deferred pensions and pensions provided under a pension plan shall be increased in accordance with the emergency indexation requirements established under this section.

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“Payment from surplus

“(3) The increases resulting from emergency indexation are payable out of surplus, if any, in the pension fund.

“Regulations

“(4) The Lieutenant Governor in Council may make regulations establishing emergency indexation requirements.”

**The Chair (Mr. Pat Hoy):** Any comment? Mr. Miller.

**Mr. Norm Miller:** So am I to read from this that the only time this emergency indexation would be paid is if a pension plan is in a surplus, and it would only be paid out of surplus? so if a pension plan is not in surplus, then the emergency indexation would not be paid?

**Mr. Paul Miller:** The emergency indexation would be required and paid when the fund was not fully solvent.

**Mr. Norm Miller:** Would not be paid if it’s—

**Mr. Paul Miller:** Would be. It would cover it.

**Mr. Norm Miller:** So even if the plan is not solvent, you would still pay this emergency indexation?

**Mr. Paul Miller:** That’s correct.

**The Chair (Mr. Pat Hoy):** Any other comment?

*Interjection.*

**The Chair (Mr. Pat Hoy):** A recorded vote is requested.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Barrett, Norm Miller, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Now, I want to go back to section 8, which is giving me a problem, and I apologize for that. We carried the government motion and I asked, “Shall section 8 carry?” We agreed to that, but I should have said, “Shall section 8, as amended, carry?”

All in favour? Carried.

Now, section 12: There is a PC motion on page 4. Mr. Miller.

**Mr. Norm Miller:** I move that paragraph 2 of subsection 39.2(1) of the Pension Benefits Act, as set out in subsection 12(1) of the bill, be amended by striking out “one or more collective agreements” at the end and substituting “collective agreements or other prescribed agreements”.

The purpose of this is we had groups come before us who recognized that with the language that’s currently there, it only applies to collective agreements and not other non-unionized groups that might want to benefit from targeted benefit pension plans, I believe it was.

**The Chair (Mr. Pat Hoy):** Thank you. Any other comment? Hearing none, all in favour?

**Mr. Norm Miller:** Recorded vote.

**Ayes**

Barrett, Norm Miller.

### Nays

Albanese, Arthurs, Paul Miller, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 5: government motion, Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that paragraph 3 of subsection 39.2(1) of the Pension Benefits Act, as set out in subsection 12(1) of the bill, be struck out and the following substituted;

“(3) The administrator is authorized, by the documents that create and support the pension plan and pension fund, to reduce benefits, deferred pensions or pensions accrued under the plan, both while the plan is ongoing and upon windup.

“(4) The reduction referred to in paragraph 3 is not prohibited by the terms of any applicable collective agreement or by the pension legislation of a designated jurisdiction.

“(5) The pension benefits satisfy such other criteria as may be prescribed.

“(6) The pension plan satisfies such other criteria as may be prescribed.”

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Norm Miller:** An explanation would be great.

**Ms. Leeanna Pendergast:** This addresses concerns that we heard from stakeholders about reasonable restrictions. That’s really what it is: responding to stakeholder concerns.

**The Chair (Mr. Pat Hoy):** Any other comment?

Hearing none, all in favour? Opposed? Carried.

Page 6: government motion, Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 39.2 of the Pension Benefits Act, as set out in subsection 12(1) of the bill, be amended by adding the following subsection:

“Same

“(1.1) Despite subsection (1), the pension benefits provided by a pension plan are not target benefits if the administrator’s authority to reduce benefits, deferred pensions or pensions accrued under the plan is restricted in a manner or to an extent that is prohibited by regulation for target benefits.”

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Norm Miller:** Yes. A standing comment: If they could please provide an explanation after each amendment, it would be appreciated.

**The Chair (Mr. Pat Hoy):** Very good. Ms. Pendergast?

**Ms. Leeanna Pendergast:** The proposed motion provides authority to make regulations that would place limits on how or to what extent the administrator’s ability to reduce benefits could be restricted.

**The Chair (Mr. Pat Hoy):** Mr. Miller?

**Mr. Paul Miller:** Let me get that right. You’re saying the administrator—his decisions would be restricted on the funding? Is that what you’re saying? By who? The cabinet is going to restrict it? Who is going to restrict his ability to—I guess we need some help here.

**Ms. Celia Harte:** “The administrator” is referring to the plan administrator. For example, in a multi-employer plan, an administrator may be authorized by the plan terms to reduce benefits only when a plan is underfunded at a level of, say, 95%.

If it’s over 95%, the plan terms may say an administrator can’t reduce benefits. So it’s the administrator of the plan, normally in a multi-employer plan. The plan terms can set restrictions on the extent to which benefits may be reduced.

**Mr. Paul Miller:** So you’re telling me that if a plan is under 95%—what percentage did you say?

**Ms. Celia Harte:** No; that was an example. I don’t have any specific plans—

**Mr. Paul Miller:** All right, just a second. If the plan is underfunded, you’re saying that the administrator has the ability to enforce reductions in benefit coverage on that plan?

**Ms. Celia Harte:** That is currently the case in many multi-employer plans.

**Mr. Paul Miller:** So if there’s a surplus, what happens?

**Ms. Celia Harte:** A plan may have terms. This isn’t in the act, but what this is doing is saying that there may be—if, for instance, a plan had terms that said you’re not allowed to reduce the benefits in a plan until the plan is at some ludicrous funding level of something like 10% funded, that might not be an acceptable restriction.

**Mr. Paul Miller:** Okay. But with all due respect, you didn’t give me a percentage. I heard the number 95% as an example. How low are we talking here where they can say, “No, we can’t pay out the benefits anymore at that level?”

**Ms. Celia Harte:** There is nothing here—

**Mr. Paul Miller:** Is there any input from unions on this, or any other people?

**Ms. Celia Harte:** When regulations are developed, they’ll be consulted on in the normal way. They’re posted on the registry for comment and they are consulted on—

**Mr. Paul Miller:** So the regulations aren’t there yet?

**Ms. Celia Harte:** No.

**Mr. Paul Miller:** So we’re voting on something that isn’t finalized? Wow.

I’d like a recorded vote on this one, please.

**The Chair (Mr. Pat Hoy):** Recorded vote requested. Any other comment? All in favour?

### Ayes

Albanese, Arthurs, Delaney, Pendergast, Sousa.

### Nays

Paul Miller.

**The Chair (Mr. Pat Hoy):** The motion carries. Government motion, page 7.

**Ms. Leeanna Pendergast:** I move that subsection 39.2(3) of the Pension Benefits Act, as set out in sub-

section 12(1) of the bill, be amended by striking out “is restricted under the pension legislation of that jurisdiction” and substituting “is prohibited or restricted under the pension legislation of that jurisdiction”.

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Norm Miller:** Explanation, please.

**Ms. Leeanna Pendergast:** This motion reflects the change in motion number 5 by adding reference to the word “prohibited.”

**Mr. Paul Miller:** Okay. What impact does this word, “prohibited,” have on the act? Prohibited of what? There’s no explanation here. Has anybody got an answer?

*Interjection.*

**The Chair (Mr. Pat Hoy):** Yes, you could.

**Ms. Celia Harte:** Because motion 5, in paragraph 4, talks about “the reduction referred to in paragraph 3 is not prohibited....”

**Mr. Paul Miller:** Could I have—I don’t have those in front of me. You’re taking parts of the act—

**Ms. Celia Harte:** No, this is in the motion—

**Mr. Paul Miller:** I would like an explanation of the three things you mentioned before you came to your explanation.

1250

**Ms. Leeanna Pendergast:** We have them.

**Mr. Paul Miller:** Oh, you have them?

**Ms. Leeanna Pendergast:** We just read them.

**Mr. Paul Miller:** This is it here? That’s it?

**Ms. Leeanna Pendergast:** I just read it. Motion 5.

**Mr. Paul Miller:** Yes, I’ve got motion 5. That’s all? Okay. Go on with your explanation.

**Ms. Celia Harte:** I’m just saying that because a term has been added into paragraph 4, which came in under motion 5, the amendment that’s laid out in motion 7 needs to be made consistent with it. So, in one sense, it’s editorial. Once you’ve added the term “prohibited” in one, you need it to be in the other.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, all in favour? Opposed? Carried.

Shall section 12, as amended, carry? Carried.

Sections 13 and 14 have no amendments. Shall they carry? Carried.

Section 15: NDP motion, page 8. Mr. Miller.

**Mr. Paul Miller:** I move that subsection 42(2.1) of the Pension Benefits Act, as set out in subsection 15(3) of the bill, be struck out and the following substituted:

“Reduction re target benefits

“(2.1) If a pension plan provides target benefits, the amount that a former member is entitled to require the administrator to pay under subsection (1) that relates to target benefits shall be determined with reference to the solvency funded ratio or windup funded ratio of the pension plan and not with reference to its going concern funded ratio.”

This amendment ensures that the appropriate percentage of the commuted value to be paid out to terminating members of a target MEPP reflects the plan’s solvency

funded ratio or its windup funded ratio rather than its going concern funded ratio.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, a recorded vote is requested.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost. Shall section 15 carry? Carried.

Now, we’re on section 16: Page 9, NDP motion. Mr. Miller.

**Mr. Paul Miller:** I move that subsection 55(4) of the Pension Benefits Act, as set out in section 16 of the bill, be struck out and the following substituted:

“Funding of jointly sponsored pension plans

“(4) Sponsors and members of a jointly sponsored pension plan shall make the payments required under the plan and the regulations with respect to going concern unfunded liabilities but are not required to make payments in respect of any solvency deficiencies.

“Funding of multi-employer pension plans

“(5) Employers and members of a multi-employer pension plan shall make the payments required under the plan and the regulations with respect to going concern unfunded liabilities but are not required to make payments in respect of any solvency deficiencies.

“Funding of single employer pension plans

“(6) For a pension plan sponsored by one employer, the employer shall make the payments required under the plan and the regulations with respect to going concern unfunded liabilities and any solvency deficiencies.”

This amendment extends solvency funding relief to MEPPs with both for-profit and not-for-profit participating employers.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, a recorded vote is requested.

**Ayes**

Norm Miller, Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost. Page 10, a PC motion. Mr. Miller.

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

“(2) Section 55 of the act is amended by adding the following subsections:

““Annual valuation of pension plan

“(5) Each year, the administrator of a pension plan shall cause the plan to be reviewed and a valuation report prepared and certified by an actuary.

“Report to members

“(6) Each year, the administrator shall give the members of the pension plan a summary of the certified valuation report and, upon request, shall give a copy of the report to a member.”

This was requested by various stakeholders and especially by plan members and retired plan members who came—I think it was the Canadian Federation of Pensioners—and others who came before the committee and pointed out that the current cycle—I believe it’s a three-year valuation—and then an additional time frame to complete the valuation means that it could be almost four years after a downturn happens, like in 2008, before the plan members are actually aware of the true status of their pension. It was pointed out that other jurisdictions have annual valuation, and with technology nowadays, that shouldn’t be a huge expense for the plans, and obviously would be of great benefit to those who depend on that plan for their retirement income.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none—

**Mr. Norm Miller:** Recorded vote, please.

**Ayes**

Norm Miller, Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 11, PC motion. Mr. Miller.

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

“(3) Section 55 of the act is amended by adding the following subsections:

“Funding of solvency deficiencies of large pension plans

“(7) If a regulation requires special payments to be made to liquidate a solvency deficiency of a pension plan, the regulation cannot establish different requirements for pension plans with more than \$500 million of assets than the requirements that apply to other pension plans.

“Same

“(8) For greater certainty, subsection (7) prevails over section 5.1 of regulation 909 (general) made under this act and that section of the regulation is inoperative on and after the day on which the Securing Pension Benefits Now and for the Future Act, 2010, receives royal assent.”

By way of explanation, this comes from representations made by groups to the committee. They pointed out that regulation 5.1, the “too big to fail” regulation that allowed large, single-employer and other pension plans to get a payment holiday which has led to the plans being insufficiently funded, was not a good practice and that

essentially all pension plans can fail nowadays, and that there’s better protection for those who will be relying on that pension plan if there isn’t a special exception for large companies that can indeed and have been shown to fail.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, I’ll put the question.

**Mr. Norm Miller:** Recorded vote, please.

**Ayes**

Norm Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Shall section 16 carry? Carried.

Page 12, NDP motion. Mr. Miller.

**Mr. Paul Miller:** I move that subsections 55.1(1) and (2) of the Pension Benefits Act, as set out in section 17 of the bill, be struck out and the following substituted:

“Contribution holidays for employers

“(1) An employer required to make contributions under a pension plan that has a surplus (or a person or entity required to make contributions on behalf of an employer under such a pension plan) shall not reduce or suspend contributions for the normal cost of the plan without the prior consent of the members of the trade union, if any, that represents them.

“Same, for members

“(2) Members’ contributions for the normal cost of a pension plan that has a surplus shall not be reduced or suspended without the prior consent of the members or the trade union, if any, that represents them.”

This amendment places a member consent requirement on employer contribution holidays.

**The Chair (Mr. Pat Hoy):** Any other comment?

**Mr. Wayne Arthurs:** Can I ask the member to read back into the record the last line of subsection 1? I think he said “of the trade union,” but it says “or the trade union” here.

**Mr. Paul Miller:** I’m sorry: “or the trade union.”

**Mr. Wayne Arthurs:** I just want to be sure for accuracy. Thank you.

**The Chair (Mr. Pat Hoy):** Then we’re agreed that that is the correct reading.

A recorded vote is requested.

**Ayes**

Norm Miller, Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Shall section 17 carry? Carried.

Page 13, government motion. Ms. Pendergast.

1300

**Ms. Leeanna Pendergast:** I move that subsection 55.2 of the Pension Benefits Act, as set out in section 18 of the bill, be amended by striking out “to the administrator” and substituting “to a prescribed person or entity”.

**The Chair (Mr. Pat Hoy):** Any comment? Mr. Miller.

**Mr. Paul Miller:** Once again, you’re striking out the word “administrator” and substituting “prescribed person or entity.” What does “person or entity” mean? Is this a regulation that will be in place or isn’t in place, and who are these entities or persons that may be prescribed? I’d like to know.

**Ms. Leeanna Pendergast:** This is simply a response to stakeholder concerns about who should hold the letter of credit. They’ve asked for a prescribed person instead of the plan administrator.

**Mr. Paul Miller:** Okay. What would be considered a prescribed person? Are we talking about lawyers, banks, insurance companies? Who are we talking about here?

**Ms. Leeanna Pendergast:** One example would be a pension fund trustee. The concern was raised because an administrator could be in conflict where the employer is an administrator. The idea is to have an independent person. Right now, our act doesn’t have that concept in it, so we need to do it through the regulation. It would be that sort of person or entity.

**Mr. Paul Miller:** Okay. I understand your explanation, but could the entity part of it also include a consultant, an insurance company or a bank, rather than just a trustee? If it was just a trustee, I’d feel a lot more comfortable, but “entity” could be anybody. It could be Jack the barber. I’m a little confused with that.

**Ms. Celia Harte:** The term “entity” is used in part because not everything is a person. For example, a trade union, unless it’s incorporated, is an entity rather than a person, unless there’s something specific that makes it that within the meaning of an act. It’s just a legal term to ensure that we don’t omit something.

**Mr. Paul Miller:** Legislative counsel, do you agree with that?

**Ms. Laura Hopkins:** Yes. A reference in a statute to a person means a person in law, and not all organizations have that status. “Entity” is intended to refer to things that don’t have the status of person in law.

**Mr. Paul Miller:** Who is going to prescribe them to that particular plan? Who would have the decision? Would the administrator still have the decision? If he was in conflict, would he be able to recommend an entity or person to fill in?

**Ms. Laura Hopkins:** The reference in the statute to a prescribed person or entity means that a regulation under the act made by the Lieutenant Governor in Council will designate the kinds of persons or entities that can be—

**Mr. Paul Miller:** So it’s not in place right now; we don’t have that.

**Ms. Laura Hopkins:** No.

**Mr. Paul Miller:** Whom they would consider an entity or person is still up for grabs.

**Ms. Laura Hopkins:** The regulation can’t be made until this statute is passed.

**Mr. Paul Miller:** I understand that, but it certainly doesn’t break down who these entities could be. You’ve said possibly a union, possibly—okay, whatever.

**The Chair (Mr. Pat Hoy):** Thank you. Ms. Pendergast, you said “I move that section 55.2,” not “55.2(2).”

**Ms. Leeanna Pendergast:** You’re right; I didn’t say “(2).”

**The Chair (Mr. Pat Hoy):** Thank you.

Shall the motion carry? Carried.

Page 14, government motion.

**Ms. Leeanna Pendergast:** I move that subsection 55.2(4) of the Pension Benefits Act, as set out in section 18 of the bill, be amended by striking out “to the administrator” and substituting “to the prescribed person or entity”.

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Paul Miller:** It sounds familiar.

**The Chair (Mr. Pat Hoy):** Hearing none, shall the motion carry? Carried.

Page 15, government motion.

**Ms. Leeanna Pendergast:** I move that subsection 55.2(6) of the Pension Benefits Act, as set out in section 18 of the bill, be struck out and the following substituted:

“Distribution

“(6) The employer must provide the letter of credit to the prescribed person or entity within such period after it is issued as may be prescribed and the employer must give a copy of the letter of credit to the administrator within the same period.”

**The Chair (Mr. Pat Hoy):** Thank you. Any comment? Mr. Miller.

**Mr. Paul Miller:** I don’t see any reference to plan members or unions. Would they not be interested to know about the letter of credit that was prescribed? Would that be a fair question?

Why is it just to the administrator and not to the plan members, who would be concerned about the status of their plan? Why are they not included?

Anybody got an answer?

**Ms. Leeanna Pendergast:** It’s the same explanation. It replaces “administrator” with “prescribed person or entity.”

**Mr. Paul Miller:** That’s not an answer.

**Ms. Leeanna Pendergast:** It’s the same purpose.

**Mr. Paul Miller:** Has someone got an answer?

**Ms. Leeanna Pendergast:** That’s what the motion is.

**Mr. Paul Miller:** Legal counsel? Hello?

**Ms. Celia Harte:** I can actually just say that under disclosure requirements, which are normally in the regulations, for instance in annual statements or that sort of thing, that’s the place where that would be considered. So it would be considered in the context of regulations.

**Mr. Paul Miller:** So you’re telling me that the letter of credit would be included in the annual statement?

**Ms. Celia Harte:** I’m just saying that normally, the information that’s provided to members or unions around



the plan information and funding and that kind of thing is done in the context of regulations. That's all I'm saying.

**Mr. Paul Miller:** Okay. With all due respect, that was one of the biggest beefs that the presenters had: that they weren't being informed, not only about the status of their plan; they were concerned about the solvency levels of their plan and they were concerned about the administration of their plans. So I'm not quite sure that this has enough muscle on it to make me comfortable. I will not be supporting this.

**The Chair (Mr. Pat Hoy):** Thank you. Any other comment?

Hearing none, shall the motion carry? All in favour? Opposed? Carried.

Page 16: government motion.

**Ms. Leeanna Pendergast:** I move that subsection 55.2(8) of the Pension Benefits Act, as set out in section 18 of the bill, be amended by striking out "The administrator holds" at the beginning and substituting "The prescribed person or entity holds".

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Paul Miller:** So the former explanation I got was that this doesn't take place until it's passed from here, and so "The prescribed person or entity holds"—the administrator no longer holds entitlement to that? It's now the new entity? Or can the administrator still do it? It doesn't explain that.

Anybody?

**Ms. Celia Harte:** It's saying "prescribed person or entity" for the same reasons that were explained before. Stakeholders raised concerns about it being the administrator, and this way it can be dealt with in the regulation in terms of which persons or entities would be appropriate.

**Mr. Paul Miller:** Okay, if the administrator was the only person and he didn't have a conflict on the particular plan at issue, you've eliminated his ability to hold on to that, because now you've added "person or entity," these new creations that you've made. What if they don't have an entity or a person prescribed to handle the situation with their fund? Is the administrator now knocked out of position too? Where do they go from there? It says "The administrator holds," but now he doesn't.

**Ms. Celia Harte:** There's nothing in the words "prescribed person or entity" that would prevent there being a regulation that would allow administrators, under certain conditions, to hold them.

**Mr. Paul Miller:** Under certain conditions.

**Ms. Celia Harte:** Well, one of the conditions you mentioned is that, for whatever reason, there wouldn't be a conflict, for instance. Right?

**Mr. Paul Miller:** But it doesn't say that here. Is it in the legislation now, or is this all new stuff that hasn't been written?

I guess so. I can't support that one.

**The Chair (Mr. Pat Hoy):** Thank you. Any other comment?

Hearing none, all in favour? Opposed? Carried.

Page 17: government motion.

**Ms. Leeanna Pendergast:** I move that subsection 55.2(9) of the Pension Benefits Act, as set out in section 18 of the bill, be amended by striking out "the administrator shall demand" and substituting "the prescribed person or entity shall demand".

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Paul Miller:** I guess this is the TSN Turning Point; the same thing again: "the administrator shall demand." Now, he can't do that anymore, so I guess it's up to the prescribed person or entity; whoever. That scenario I created in the last question could apply here too. Is the administrator out of the loop? Is that what this is saying?

**Ms. Celia Harte:** It's the same answer as before.

**Mr. Paul Miller:** Pardon? Same as before?

**Ms. Celia Harte:** Yes.

**Mr. Paul Miller:** So he is out of the loop. Okay. I can't support that.

1310

**The Chair (Mr. Pat Hoy):** Any other comment?

All in favour? Carried.

**Mr. Paul Miller:** Opposed—me.

**The Chair (Mr. Pat Hoy):** Shall section 18, as amended, carry? Carried.

There are no amendments to sections 19 through 25. Shall those sections carry? Carried.

Section 26: government motion, page 18. Mr. Sousa.

**Mr. Charles Sousa:** I move that subsection 77.11(4) of the Pension Benefits Act, as set out in subsection 26(1) of the bill, be struck out and the following substituted:

"On windup of successor pension plan

"(4) If a pension plan is a successor pension plan and if it is being wound up in whole or in part, the employer is not entitled to payment of surplus under the pension plan unless the documents that created and supported the original pension plan and pension fund and those that create and support the successor pension plan and pension fund both provide for payment of surplus to the employer on the windup or partial windup, as the case may be, of the pension plan.

"Same

"(4.1) Subsection (4) does not preclude a written agreement described in subsection (5) from providing for payment of surplus to the employer in the circumstances specified in the agreement.

"Transition

"(4.2) Subsection (4) does not apply if the effective date of the transfer of assets from the original pension plan to the successor pension plan is earlier than the date on which the Securing Pension Benefits Now and for the Future Act, 2010, received royal assent."

**The Chair (Mr. Pat Hoy):** Any comment? Mr. Miller.

**Mr. Norm Miller:** An explanation, as per usual, please?

**Mr. Charles Sousa:** All right. The proposed motion clarifies that the provisions apply only when a successor plan is wound up, in whole or in part, and only to those

successor plans established after the provision comes into force upon royal assent.

It also clarifies that in these circumstances, payments of surplus to the employer may be provided under a surplus-sharing agreement.

This is a response to stakeholder requests for clarification.

**The Chair (Mr. Pat Hoy):** Mr. Miller.

**Mr. Paul Miller:** So, let me get this straight: You've got a windup of a plan, and the surplus from that plan is to go to the person who pays the plan, the employer, and it doesn't move on to the successor plan. The initial plan is obviously wound up because it wasn't funded properly, so any surplus from that should, you would think, move on to the new successor plan to help the new successor plan maintain some stability and solvency as it grows with the employee, who may have moved on to the successor plan after taking a beating in the first plan. Any surplus goes back to the employer, who may not have funded the plan properly, so he gets rewarded with getting money back from the initial plan that was any access.

That doesn't make sense, because the plan wound up. It was in trouble, so why would there be any surplus in the initial plan?

**Mr. Charles Sousa:** I think you made your point. That's why we're providing a subsection here to provide for a surplus-sharing agreement, so we'd understand from the outset.

**Mr. Paul Miller:** But—

**Ms. Celia Harte:** If I could just add to that: This is dealing where, for instance, there are two plans that merge together. One plan comes into another plan, and that is the successor plan, after the date, if this is passed.

Nothing is going on with surplus, except for any requirements to transfer surplus in terms of an asset transfer generally.

What happens is, eventually, if this successor plan, that was formed from those two plans, winds up and has a surplus, unless the employer can show entitlement in both the original plan and the new plan, it must share surplus or just use it for the benefit of the employees, or go to arbitration—whatever.

**Mr. Paul Miller:** So you're telling me that the surplus from the initial plan moves on to the successor plan, and then, if the contributor wants to question that, he has to prove, in both plans, that he's eligible to receive such additional funds that were there?

**Ms. Celia Harte:** If, at some point in time, the newly formed successor plan wound up and had surplus, it would have to prove entitlement in both the original and the new one.

But also to be clear about the surplus being transferred from the original plan, in the recent amendments to the Pension Benefits Act that were dealt with earlier this year, there was a provision that in an asset transfer between a plan and another plan, a specified amount of surplus would also have to be transferred. Regulations have to be written, but that's where the transferring of

surplus happens in terms of the asset transfer. This is dealing with two plans that come together. A successor plan, when the time comes, would have to show entitlement in both the original and the new plan in order for it to only go to the employer. Otherwise, you have to share it.

**Mr. Paul Miller:** So with the initial plan, there may not have been a surplus—there shouldn't have been if it's wound up, right? There shouldn't have been a surplus. If the plan wound up and you're going to a successor plan, then obviously there are no assets there or no value there. If there is, would that not follow into the successor plan without being tampered with by the initial contributor?

First of all, I can't grasp that there would be any surplus there in the initial plan if it wound up and they moved on to the successor plan, and if there was a surplus, why would that not move in? Because obviously, the initial plan was in trouble, it wound up, and the employees didn't get their rightful desserts from that initial plan and took a heavy loss. So if there was some surplus plan or subsequent plan that was there that had covered for insurance reasons or whatever, wouldn't that money move on to the new successor plan with the employees who had already taken a beating?

**Ms. Celia Harte:** I can say there are various scenarios. It doesn't mean the first plan actually wound up. Sometimes a portion of a plan, because a portion of a business is sold, may move to another employer, so it isn't that the first plan was necessarily in trouble or not in trouble or that the original plan wound up. You don't have to have a merger where one plan winds up; a merger of plans can just be a restructuring of businesses that come together or that split apart.

**Mr. Paul Miller:** But what about the employees? My question is the employees who were in the initial plan—if the plan wound up or they went in to join a MEP plan or whatever plan they went to and the funding wasn't there, they lost—it was underfunded; there wasn't solvency there; I don't know where this additional money is coming from if the plan wound up, but anyway, if it was there, you would think that that money would go to the initial employees before they moved on to the successor plan—why is it up to the employer who funded the initial plan and funded the successor plan to have oversight on the initial plan?

**Ms. Celia Harte:** Those are questions that are not really dealing specifically with the motion, and it's not my place to deal with it.

**Mr. Paul Miller:** I'm not getting it either. I will vote against this.

**The Chair (Mr. Pat Hoy):** Any other comment? All in favour? Opposed? Carried.

Page 19: government motion, Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that subsection 77.11(5) of the Pension Benefits Act, as set out in subsection 26(1) of the bill, be struck out and the following substituted:

“Agreement about surplus

“(5) A written agreement among the following persons may provide for payment of surplus to the employer in the circumstances specified in the agreement and as of the date specified in the agreement:

“1. If the surplus is to be paid to the employer while the pension plan continues in existence,

“i. the employer,

“ii. at least two thirds of the members of the pension plan (and, for this purpose, a trade union that represents members may agree on behalf of those members), and

“iii. the number which is considered appropriate in the circumstances by the superintendent of former members and other persons who are entitled to payments under the pension plan as of the specified date for payment of the surplus.

“2. If the surplus is to be paid to the employer on the windup of the pension plan in whole,

“i. the employer,

“ii. at least two thirds of the members of the pension plan (and, for this purpose, a trade union that represents or represented members on the date of the windup may agree on behalf of those members), and

“iii. the number which is considered appropriate in the circumstances by the superintendent of former members and other persons who are entitled to payments under the pension plan as of the date of the windup.

“3. If the surplus is to be paid to the employer on the partial windup of the pension plan,

“i. the employer,

“ii. at least two thirds of the members of the pension plan affected by the partial windup (and, for this purpose, a trade union that represents or represented affected members on the date of the partial windup may agree on behalf of those members), and

“iii. the number which is considered appropriate in the circumstances by the superintendent of former members and other persons who are affected by the partial windup and who are entitled to payments under the pension plan as of the date of the partial windup.”

**The Chair (Mr. Pat Hoy):** Any comment? Hearing none, all in favour? Opposed? Carried.

Page 20: NDP motion, Mr. Miller.

**Mr. Paul Miller:** I move that section 77.11 of the Pension Benefits Act, as set out in subsection 26(1) of the bill, be amended by adding the following subsections:

“Jurisdiction of the court

“(6.1) The court has the jurisdiction to determine disputes about whether an employer or the members, former members and other persons are entitled to payment of surplus under a pension plan and may exercise this jurisdiction even though the superintendent or the tribunal is also authorized to determine the matter in another proceeding.

“Same

“(6.2) The court may stay a proceeding before the superintendent or the tribunal, in whole or in part, with respect to a dispute about whether an employer or the

members, former members and other persons are entitled to payment of surplus.”

This amendment ensures that surplus claims based on legal entitlement are adjudicated by the courts without need for intermediate decisions from either a superintendent or a tribunal.

**The Chair (Mr. Pat Hoy):** Thank you. Any other comment? Hearing none, a recorded vote is requested.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Barrett, Delaney, Norm Miller, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 21: Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 26 of the bill be amended by adding the following subsection:

“(1.1) Subsection 77.11(4) of the act, as enacted by subsection (1), is amended,

“(a) by striking out ‘if it is being wound up in whole or in part’ and substituting ‘if it is being wound up’; and

“(b) by striking out ‘on the windup or partial windup, as the case may be, of the pension plan’ at the end and substituting ‘on the wind up of the pension plan’.”

**The Chair (Mr. Pat Hoy):** Any comment? Hearing none, all in favour? Opposed? Carried.

Page 22: government motion.

**Ms. Leeanna Pendergast:** I move that section 26 of the bill be amended by adding the following subsection:

“(1.2) Subsection 77.11(4.1) of the act, as enacted by subsection (1), is amended by adding ‘or an arbitration award made in accordance with section 77.12’ after ‘a written agreement described in subsection (5)’.”

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Paul Miller:** Explanation, please.

**Ms. Leeanna Pendergast:** The proposed motion clarifies that under section 77.11(4.1), as amended by motion 18, payment of surplus to the employer may also be provided under an arbitration award and would come into effect when the arbitration provisions come into effect.

**Mr. Paul Miller:** Okay. A question: In the arbitration award, what parties are invited to discuss the awarding of surplus at an arbitration hearing? Would that include plan members? Would it include trustees? Would it include unions? Who would be involved in the arbitration process?

**Ms. Celia Harte:** That doesn’t directly deal with this, but in the arbitration process all parties with an interest in the issue would have to receive notification and, later on, or in the arbitration motions, there are provisions for various parties to propose going to arbitration, and that includes members, former members, retirees, trade unions and employers.

**Mr. Paul Miller:** Is that actually in the legislation or is that something you've—

**Ms. Celia Harte:** I think it is.

**Mr. Paul Miller:** Is that actually there in the arbitration process—

**Ms. Celia Harte:** I think so. Just give me a second.

**Mr. Paul Miller:** If so, I'm comfortable with that. If not, I'd like to see an amendment to this amendment—an amendment to the amendment.

**Ms. Celia Harte:** No, it's not part of this motion, but those parties are listed under the arbitration provisions.

**The Chair (Mr. Pat Hoy):** Thank you.

**Mr. Paul Miller:** Legal counsel, that's all right?

**Ms. Laura Hopkins:** If I can refer the member to section 27 of the bill, section 77.12(2) lists the various participants or possible participants, and they include: the employer, trade unions that represent members, members, former members and retirees.

**Mr. Paul Miller:** Okay, thank you.

**The Chair (Mr. Pat Hoy):** All in favour? Opposed? Carried.

Government motion, page 23.

**Ms. Leeanna Pendergast:** I move that subsection 26(3) of the bill be struck out and the following substituted:

“(3) Subsection 77.11(5) of the act, as enacted by subsection (1), is amended,

“(a) by striking out ‘of former members’ in subparagraph 1 iii and substituting ‘of former members, retired members’;

“(b) by striking out ‘of former members’ in subparagraph 2 iii and substituting ‘of former members, retired members’; and

“(c) by striking out ‘of former members’ in subparagraph 3 iii and substituting ‘of former members, retired members’.

“(3.1) Paragraph 2 of subsection 77.11(5) of the act, as enacted by subsection (1), is amended by striking out ‘on the windup of the pension plan in whole’ in the portion before subparagraph i and substituting ‘on the windup of the pension plan’.

“(3.2) Paragraph 3 of subsection 77.11(5) of the act, as enacted by subsection (1), is repealed.”

**The Chair (Mr. Pat Hoy):** Any comment? Hearing none, all in favour? Opposed? Carried.

Page 24.

**Ms. Leeanna Pendergast:** I move that subsection 77.11(7) of the Pension Benefits Act, as set out in subsection 26(4) of the bill, be amended by striking out “other persons entitled to payments under the plan as of the date of the windup or partial windup” and substituting “other persons entitled to a pension, deferred pension or other benefit under the plan who are affected by the windup or partial windup”.

**The Chair (Mr. Pat Hoy):** Any comment? Hearing none, all in favour? Opposed? Carried.

Shall section 26 carry, as amended? Carried, as amended.

Section 27: NDP motion, page 25.

**Mr. Paul Miller:** I move that clause 77.12(1)(a) of the Pension Benefits Act, as set out in subsection 27(1) of the bill, be struck out and the following substituted:

“(a) if the superintendent has not consented within 270 days after the date of the windup or, if an earlier deadline is prescribed, by the earlier deadline, to the payment of surplus to the employer; and” the recommended amendment entitled to surplus.

This is just the first of four amendments I'm going to bring forward right now that provide an alternative to the arbitration process stipulated in this section. The amendments stipulate strict time limits for the superintendent to determine whether or not to consent to a payment of surplus for a party to request arbitration, for the parties to agree upon the identity of the arbitrator and for the appointment of an arbitrator by the superintendent. So I'll just move on to the other ones.

**The Chair (Mr. Pat Hoy):** No, we'll go in order.

**Mr. Paul Miller:** What's that?

**The Chair (Mr. Pat Hoy):** We will continue in order. There's a government motion before we get to your other ones.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Pat Hoy):** Any other comment? A recorded vote is requested.

#### Ayes

Paul Miller.

#### Nays

Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Government motion, page 26.

**Ms. Leeanna Pendergast:** I move that subsection 77.12(2) of the Pension Benefits Act, as set out in subsection 27(1) of the bill, be amended by striking out “such information and documents as the superintendent may specify” in the portion before paragraph 1 and substituting “such information and documents as may be prescribed or as may be specified by the superintendent”.

**The Chair (Mr. Pat Hoy):** Thank you. It now being 1:30 of the clock, I would inform the committee that, from the motion from the House, on Wednesday, December 1, 2010, at no later than 1:30 p.m., those amendments which have not yet 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 the bill and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed, pursuant to standing order 129(a).

1330

**Mr. Paul Miller:** On a point of order, Mr. Chairman: What you're saying is that this has been time-allocated?

**The Chair (Mr. Pat Hoy):** Yes, and there is no debate.

**Mr. Paul Miller:** So what you're saying is we can't debate all these important amendments in committee because of time allocation?

**The Chair (Mr. Pat Hoy):** This is not a debatable motion—

**Mr. Paul Miller:** It's outrageous, absolutely outrageous. I can't believe that.

**The Chair (Mr. Pat Hoy):** So we will move on. The motion has been put by Ms. Pendergast. All in favour? Opposed? Carried.

**Mr. Paul Miller:** Disgusting.

**The Chair (Mr. Pat Hoy):** NDP motion, page 27. Mr. Miller, do you want recorded votes on all of your motions?

**Mr. Paul Miller:** Yes.

**The Chair (Mr. Pat Hoy):** You still do?

**Mr. Paul Miller:** I sure do.

**The Chair (Mr. Pat Hoy):** He requires a recorded vote. It will come at the end of all of these motions as per the notice.

Government motion on page 28: All in favour? Opposed? Carried.

NDP motion on page 29 will be deferred until the end.

Government motion, page 30: All in favour? Opposed? Carried.

Government motion, page 31, subsection 27(1) of the bill, subsection 77.12(9.1) of the act: All in favour? Opposed? Carried.

Shall section 7, as amended, carry—

*Interjection.*

**The Chair (Mr. Pat Hoy):** We cannot vote on that section because the NDP motion to that section has not been voted on. So I can't ask that question.

Page 32 is an NDP motion, as is page 33, to section 28. That will come at the end.

Section 29, page 34, is an NDP motion that will come at the end.

Page 35 is a government motion, subsection 29(1) of the bill, clause 79(1)(b) of the act: All in favour? Opposed? Carried.

Page 36 is an NDP motion.

Page 37 is a government motion, subsection 29(3) of the bill, clause 79(3)(b) of the act: All in favour? Opposed? Carried.

Page 38 is a government motion, subsection 29(5) of the bill, clause 79(3)(b) of the act: All in favour? Opposed? Carried.

The NDP motion will be stacked.

Page 40, government motion, subsection 29(6) of the bill, clause 79(3.1)(b) of the act: All in favour? Opposed? Carried.

Government motion, page 41, subsection 29(7) of the bill, clause 79(3.1)(b) of the act: All in favour? Opposed? Carried.

Page 42, government motion, subsection 29(9) of the bill, subsection 79(4) of the act: All in favour? Opposed? Carried.

We cannot vote on that section until we get to the—yes.

There are no amendments to sections 30 through 37. Shall those sections carry? Carried.

NDP motion, page 43: I inform the committee that this motion would open section 82 of the Pension Benefits Act. This section was not previously open in Bill 120. An amendment that opens a section of an act is not open in amending the bill and is out of order.

Then we do have, on page 44, an NDP motion which will come at the end.

Sections 38 to 39 have no amendments. Shall those sections carry? Carried.

Government motion, page 45, section 40 of the bill, subsection 88(2) of the act: All in favour? Opposed? Carried.

Shall section 40, as amended, carry? Carried.

Section 41 has no amendments. Shall section 41 carry? Carried.

Government motion, page 46, subsection 42(8) of the bill, subsection 89(4) of the act: All in favour? Opposed? Carried.

Page 47, government motion, subsection 42(9) of the bill, subsection 89(4) of the act: All in favour? Opposed? Carried.

Shall section 42, as amended, carry? Carried.

Page 48 is an NDP motion. It will be stacked.

Page 49 and page 50 are NDP motions, which will be stacked.

There are no amendments to sections 43 through 48. Shall those sections carry? Carried.

Page 51 is a government motion; subsection 49(1) of the bill. All in favour? Opposed? Carried.

Page 52 is a government motion; subsection 49(3) of the bill. All in favour? Opposed? Carried.

Shall section 49, as amended, carry? Carried.

Now we go back to the other votes. Shall section 49, as amended, carry? Carried.

Section 50: Shall the short title carry? Carried.

Now we go to the NDP motions. Okay, I move subsection—oh, page 27, for everyone. I move subsection 27(1) of the bill, subsection 77.12(3) of the act.

A recorded vote is requested. All in favour?

**1340**

**Mr. Paul Miller:** What are you doing? Are you saying that we're not dealing with it? What are we voting on here?

**The Chair (Mr. Pat Hoy):** We're voting on your motion on page 27.

**Mr. Paul Miller:** So we're voting in favour or against, at this point—

**The Chair (Mr. Pat Hoy):** Yes.

**Mr. Paul Miller:** —even though we're not dealing with it?

**Interjection:** Yes, we are dealing with it.

**The Chair (Mr. Pat Hoy):** I just read it into the record.

**Mr. Paul Miller:** Oh, I see what you did. Okay.

**The Chair (Mr. Pat Hoy):** I read it into the record.

**Mr. Paul Miller:** I'm in favour of our amendments.

**The Chair (Mr. Pat Hoy):** You asked for a recorded vote on each one of them.

**Mr. Paul Miller:** Right.

**The Chair (Mr. Pat Hoy):** Okay.

**Mr. Paul Miller:** Even though we're not dealing with it. Okay.

**The Chair (Mr. Pat Hoy):** I moved it.

**Mr. Paul Miller:** And I vote in favour.

**The Chair (Mr. Pat Hoy):** A recorded vote is requested.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 29, NDP motion: subsection 27(1) of the bill, subsections 77.12(7) and (7.1) of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Shall section 27, as amended, carry? Carried.

There is an NDP motion on page 32: subsection 28(1) of the bill, subsections 78(1) to (1.3) of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 33, NDP motion: subsection 28(1.1) of the bill, subsection 78 (3.1) of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Shall section 28 carry? Carried.

Page 34, NDP motion: subsection 29(1) of the bill, clause 79(1)(b) of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 36, NDP motion: subsection 29(3) of the bill, clause 79(3)(b) of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 39, NDP motion: subsection 29(6) of the bill, clause 79(3.1)(b) of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Shall section 29, as amended, carry? Carried.

Page 44, NDP motion: section 37.2 of the bill, section 84.1 of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 48, NDP motion: section 42.1 of the bill, sections 92 and 92.1 of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 49, NDP motion: section 42.2 of the bill, section 92.2 of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Page 50, NDP motion: section 42.3 of the bill, section 92.3 of the act.

**Ayes**

Paul Miller.

**Nays**

Albanese, Arthurs, Delaney, Pendergast, Sousa.

**The Chair (Mr. Pat Hoy):** The motion is lost.  
Shall the short title carry? Carried.  
Shall the title of the bill carry? Carried.  
Shall Bill 120, as amended, carry? Carried.  
Shall I report the bill, as amended, to the House?  
Carried.  
We are adjourned.  
*The committee adjourned at 1348.*

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## STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

### Chair / Président

Mr. Pat Hoy (Chatham–Kent–Essex L)

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Mr. Peter Tabuns (Toronto–Danforth ND)

### Substitutions / Membres remplaçants

Mr. Wayne Arthurs (Pickering–Scarborough East / Pickering–Scarborough-Est L)

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

### Also taking part / Autres participants et participantes

Ms. Celia Harte, senior policy adviser, Ministry of Finance

### Clerk / Greffière

Ms. Sylwia Przedziecki

### Staff / Personnel

Ms. Laura Hopkins, legislative counsel