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

**Wednesday 30 March 2011**

## **Journal des débats (Hansard)**

**Mercredi 30 mars 2011**

**Standing Committee on  
Regulations and Private Bills**

Draft report on regulations

**Comité permanent des  
règlements et des projets  
de loi d'intérêt privé**

Rapport préliminaire  
sur les règlements

Chair: Michael Prue  
Clerk: Katch Koch

Président : Michael Prue  
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Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
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111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES  
RÈGLEMENTS ET DES PROJETS DE LOI  
D'INTÉRÊT PRIVÉ**

Wednesday 30 March 2011

Mercredi 30 mars 2011

*The committee met at 0900 in room 151.*

**The Chair (Mr. Michael Prue):** The meeting is now called to order. The applicant is not here for the first item, so what I propose, since we do have four items on the agenda, is that we go down through the other items, and when the applicant arrives, we will deal with item number 1 at that point. Any objections to that? Okay.

**DRAFT REPORT ON REGULATIONS**

**The Chair (Mr. Michael Prue):** Then, we'll go on to consideration of the draft report on the regulations, item number 2.

As members will be aware, we have done this in the past. It's sometimes a little difficult, but what we have to do is make recommendations to the various ministries where, in our belief, the regulations that have been put in place may not be in accordance with what the legislation intended. So it is a recommendation only, and it will go back to the appropriate ministry if the committee is in concurrence with what has been proposed by the lawyers and research staff.

Everybody has a copy of the report on the regulations, second draft, I trust? Okay. We do have extra copies here.

**Mr. David Caplan:** Wonderful.

**Mr. Jeff Leal:** Thank you.

**The Chair (Mr. Michael Prue):** All right. First of all, are there any questions leading up to the first committee recommendation, which is found on page 10? Any questions of staff? Mr. Miller?

**Mr. Paul Miller:** On the explanation for this one, it says, "The ministry explained that the purpose of subsection 8.3(1) is not to create an exemption from part V of the Environmental Protection Act, but rather to set out the technical requirements for such an exemption."

That's a little bit confusing. If you're going to set out the technical requirements for the exemption, that is creating an exemption or working towards it. I don't quite understand that. Maybe you can help me with that.

It further says, "The ministry also noted that the exemption itself is contained in a regulation made under the Environmental Protection Act," and revised, and that regulation reads, "A waste disposal site..."

And, "It is a NASM plan area, as defined in Ontario regulation ... made under the Nutrient Management Act."

That first part is very contradictory.

**Mr. Andrew McNaught:** In fact, the recommendation that's already been approved, to my understanding, at the last meeting, proposes to clarify exactly that point, that the Nutrient Management Act regulation is simply setting the criteria that have to be met in order to qualify for the exemption. However, the exemption itself is provided under the Environmental Protection Act. So that is the recommendation that the ministry clarify that the regulation sets out the requirements necessary to obtain an exemption from part V of the Environmental Protection Act, but does not create the exemption itself.

**Mr. Paul Miller:** But don't requirements create an exemption?

**Mr. Andrew McNaught:** No. That's not considered to be the authority for the exemption. It's the criteria that you have to meet, but—

**Mr. Paul Miller:** But if you're setting the criteria and setting out the regulation, you're creating a vehicle for the exemption; is that not correct? This is certainly confusing.

**Mr. Andrew McNaught:** The statutory authority to create the exemption is set out in the Environmental Protection Act.

**Mr. Paul Miller:** Yes, but they want an exemption for this from—

**Mr. Andrew McNaught:** From part V they want an exemption—

**Mr. Paul Miller:** They want to do an end run around the Environmental Protection Act is what they're doing here, and now we're creating the technical requirements. We're telling them what the technical requirements are to do that, so we are taking part in creating an exemption from part V of the Environmental Protection Act. This is very confusing, and I certainly can't support this in its present state. C'est la vie.

**The Chair (Mr. Michael Prue):** Further questions of staff on this issue?

**Mr. Tony Ruprecht:** Can we hear from the solicitor?

**The Chair (Mr. Michael Prue):** Surely—

**Mr. Tony Ruprecht:** In response to Paul's statement just now, are we actually telling them how to do an end run around the nutrient act?

**Mr. Andrew McNaught:** No. As I've said, the regulation in question under the Nutrient Management Act establishes criteria that you have to meet in order to be eligible for the exemption. The actual exemption, how-

ever, is—the authority to create an exemption is in the Environmental Protection Act. That’s in regulation 347, as described on page 9 of the report.

It was confusing. That’s why we raised it in the first place. It appeared to create the exemption, but the ministry says, “We’re simply establishing the criteria.” But the actual exemption itself is provided in another act.

**Mr. Tony Ruprecht:** So Mr. Miller doesn’t have a point?

**Mr. Andrew McNaught:** Well, he has a point. It’s the one that we were raising as well, that it could be confusing to someone who’s not completely familiar with this process. So we’re asking the ministry to clarify—

**Mr. Paul Miller:** Miller always has a point.

**Mr. Andrew McNaught:** —in that recommendation on page 10 that—

**Mr. Gerry Martiniuk:** And they say it doesn’t need clarification?

**The Chair (Mr. Michael Prue):** Okay. So the recommendation itself is asking the ministry to clarify because it’s confusing, and that’s the point that Mr. Miller’s trying to make. He’s not supporting that we ask—

**Mr. Andrew McNaught:** It’s a very technical, legal distinction here, I understand that—

**Mr. Paul Miller:** No, but what I’m saying is, with all due respect to legislative research and to the committee, that if you’re partaking in creating the exemption from the nutrient act to the environmental act—the whole problem was that the environmental act was interfering with the nutrient act, and now they want to do an end run around the environmental act so they can get the regulations in place in the nutrient act so that the farmers can do what they wanted to do with the fertilizer and things like that.

What I’m saying is, if we are helping to create regulations or inventing regulations to go against part V of the environmental act, then we’re partaking in creating an exemption, where you’re saying we’re not, but I beg to differ.

All I’m saying is, you can vote the way you want, but I can’t support it, even if the committee—this is a committee recommendation that came back to us for us to look at again after we had a concern. I didn’t vote for this in the first place.

**Mr. Andrew McNaught:** My understanding was that it was approved at the last—

**Mr. Paul Miller:** Not by me.

**The Chair (Mr. Michael Prue):** The committee approved it.

**Mr. Andrew McNaught:** The one addition that the committee requested was that the ministry report back to us when it’s made the clarification that we’ve requested.

**Mr. Paul Miller:** But the clarification doesn’t suit me, okay? I don’t agree with it.

**Mr. Gerry Martiniuk:** Can I ask a question?

**The Chair (Mr. Michael Prue):** Surely.

**Mr. Gerry Martiniuk:** Thank you. As our counsel, do you believe that the act is clear as to the disposition of the power of exemption?

**Mr. Andrew McNaught:** I think it needs clarification.

**Mr. Gerry Martiniuk:** Okay. That’s what we asked for, and we haven’t got it. How could we clarify it? Is there a phraseology or a section we could recommend or something?

We were confused to start with, and I don’t think it’s been clarified. Is there a specific we can go back to them with and recommend, rather than ask them to clarify it? Because they haven’t clarified it; they’ve said that it’s absolutely clear.

**Mr. Andrew McNaught:** The recommendation we have is to state more clearly that the regulation is setting out requirements that have to be met but it’s not creating the actual exemption. That’s in another regulation under the Environmental Protection Act. That would go some way to—

**Mr. Gerry Martiniuk:** Is there anything we can recommend, as to wording, that would satisfy you, as a lawyer?

**Mr. Andrew McNaught:** That’s not really my area of expertise. It’s up to the committee to ask somebody from the Ministry of the Environment. You could have somebody from their legal branch come in, and you could put that kind of question to them.

#### 0910

**Mr. Paul Miller:** On a point of order, Mr. Chair: I think simply that if the Ministry of the Environment sends us a letter or tells us that they’re okay with this and it doesn’t have an impact on part V of the Environmental Protection Act that this request for regulation changes by the Ministry of Agriculture, if they can state in writing that it will have no impact of doing an end run, so to speak, around number 5 of the Environmental Protection Act, if they can assure the committee that’s not happening—they don’t do that in this recommendation. There’s a lot of grey area here. Mr. Martiniuk pointed out that we had a problem last time with this. I think they’ve come back with a bunch of mumbo-jumbo here. They really haven’t clarified it. Unless it comes in layman’s terms and in plain English, I can’t support this in its present state because it’s contradictory.

You can vote on it if you want; it’s up to you.

**The Chair (Mr. Michael Prue):** We will vote on it, unless there’s another motion. If you want further clarification, you have to make a motion. If you want to call a member from the ministry here to explain to the committee in person, you can make that motion. Or you can simply vote against it. All of those options are available. I’m in the committee’s hands. Are there any other questions of Andrew McNaught, any other questions of our researcher?

Seeing none, open for discussion: What does the committee want to do?

**Mr. Paul Miller:** I’ll present a motion to ask for further clarification and for the Ministry of the Environment to come here and explain their position, and the agricultural ministry, just to clarify for us what they’re talking about.

**The Chair (Mr. Michael Prue):** All right. I guess in committee legal terms, Mr. Miller is moving that we not deal with this item today but, in fact, call officials from both ministries to come on our next occasion to explain—

**Mr. Paul Miller:** The impact.

**The Chair (Mr. Michael Prue):** —the impact.

Mr. Ruprecht, on the motion.

**Mr. Tony Ruprecht:** Mr. Leal just left, and I would appreciate it if we could stand this down and discuss the next item until he returns. Give him about four or five minutes. In the meantime, we can discuss something else. Is that possible?

**The Chair (Mr. Michael Prue):** Okay, now we have a procedural motion, which would take precedence, that this motion be held down. Is there agreement on that?

**Mr. Tony Ruprecht:** Until Mr. Leal returns.

**Mr. Paul Miller:** No problem.

**The Chair (Mr. Michael Prue):** All right. We'll hold that down, then. It's agreed.

We'll go to the next recommendation, which is found on page 11, dealing with the Ministry of Community and Social Services. It's noted here that the committee asked to see the correspondence between committee counsel and the Ministry of Community and Social Services before making a recommendation.

**Mr. Andrew McNaught:** All right, so that should be the first letter you have in the package you received this morning. This requires a quick review of this issue.

The regulation in question is under the Child and Family Services Act, the CFSA. It deals with the disclosure of certain adoption information by the ministry and by children's aid societies. In effect, the regulation authorizes the disclosure of non-identifying adoption information to birth parents and adopted persons. An example of a request for non-identifying information would be a request by an adopted person to see his or her birth family's social or medical history. The CFSA regulation also provides for the operation of a voluntary adoption disclosure register. Information disclosed through that register is done so with the consent of the parties to an adoption. That's on one side.

On the other, you have the Vital Statistics Act, which, I'm sure you know, was recently amended to allow adopted persons and birth parents to file information disclosure vetoes, no-contact notices and so on with respect to identifying adoption information held by the Registrar General under the Vital Statistics Act.

The issue we're raising concerns section 2.1(2) of the CFSA regulation, which we've reproduced for you two thirds of the way down on page 10. That section provides that the disclosure of information under the CFSA is not affected by the existence of disclosure vetoes or no-contact notices filed under the Vital Statistics Act.

As explained in the ministry's letter, the purpose of this section is simply to clarify that the disclosure of non-identifying information under the CFSA is not affected by the existence of disclosure vetoes and other protection

measures that apply to identifying information under the Vital Statistics Act.

Our concern is that, if you weren't aware of this distinction between the two adoption information regimes, you might think that section 2.1 of the CFSA regulation is somehow overriding the disclosure protection measures that were recently added to the Vital Statistics Act with respect to identifying information. That's not what it's doing, but you might get that impression. I think, Mr. Martiniuk, that was your concern at the last meeting, that somehow this is overriding those recent amendments to the Vital Statistics Act. It's not doing that, but nonetheless, it could warrant some clarification.

The committee has some options here. On the one hand, you can accept the ministry's explanation that section 2.1 serves the purpose of clarification, in which case you wouldn't report this regulation.

But if you think that section 2.1 has the potential to cause confusion, then you can make one of the two recommendations I've set out for you at the bottom of page 11. One would simply be to revoke subsection 2.1(2), and that would have no substantive effect on the regulation, as stated in the ministry's letter. The other option is to ask the Ministry of Community and Social Services to amend section 2.1 to clarify that information disclosed under the CFSA is non-identifying information or is information being disclosed through the adoption disclosure register on a voluntary basis.

**The Chair (Mr. Michael Prue):** Okay. Questions?

**Mr. Paul Miller:** This in no way, shape or form infringes on the privacy act?

**Mr. Andrew McNaught:** No. More specifically, it doesn't affect those disclosure vetoes and other privacy protection measures that were added to the Vital Statistics Act.

**Mr. Paul Miller:** So, no, it doesn't.

**Mr. Andrew McNaught:** No.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Michael Prue):** Mr. Martiniuk?

**Mr. Gerry Martiniuk:** I would recommend, or I would move, the second alternative: requesting they amend to ensure that there's no doubt that certain information is not to be disclosed.

As a former lawyer, I get concerned about lawsuits dealing with matters of this kind, which would tie up the courts unnecessarily. If we can clarify it, I think it's incumbent upon us as a committee to attempt to clarify it, to avoid any future misunderstandings and the lawsuits that would cost everyone a lot of money.

**The Chair (Mr. Michael Prue):** Okay, we have a motion, but before we do that, are there any other questions of the legislative researcher? Any other questions?

We have a motion before us, moved by Mr. Martiniuk, that we adopt the second recommendation, which is found at the bottom of page 11. Everybody has it. Any discussion?

Seeing no discussion, all those in favour? Opposed? That would carry. The committee will be recommending the second recommendation.

We're going back now to the first recommendation. Mr. Leal is now again present. There was a request that it be held down until you returned, and you are now here. Is there any advice—

**Mr. Jeff Leal:** Mr. Chair, we have no problem with this particular portion being deferred. I understand there was a request for some ministry officials to appear in front of us.

**The Chair (Mr. Michael Prue):** Yes.

**Mr. Jeff Leal:** We find that satisfactory.

**The Chair (Mr. Michael Prue):** All right. Are you acting as the parliamentary assistant today?

**Mr. Jeff Leal:** Sort of. We're aware of some events that occurred in Port Hope, with the spill and that. I believe Mr. Rinaldi was required to be in his riding this morning. So, at the last minute, I am a fill-in.

0920

**The Chair (Mr. Michael Prue):** Okay, we need to know that, especially when we get to the bill that's before us. I will address you as that person in that acting capacity.

**Mr. Jeff Leal:** Thank you very much, Mr. Chair.

**The Chair (Mr. Michael Prue):** Okay. So we have Mr. Miller's request. All those in favour of holding this down and requesting that the officials from the two ministries be here at the next meeting? That's carried.

Okay, we go on to the third recommendation, which is found on page 13—oh, I should let the committee know that we have received an email that the lawyer and the company owner are on their way. They're stuck in traffic on the Gardiner.

**Mr. Jeff Leal:** I just chatted with Mr. Kormos in the House; they are stuck in a similar traffic jam that Minister Sousa was caught in. It's bedlam out there today.

**The Chair (Mr. Michael Prue):** Bedlam out there today. So as soon as they arrive, we will deal with that one.

But in the meantime, we're on to page 13—

**Mr. Andrew McNaught:** Actually—I'm sorry; you skipped page 12.

**The Chair (Mr. Michael Prue):** Oh, sorry. Yes, I didn't see that at the bottom.

**Mr. Andrew McNaught:** At the top of page 12, under the heading "Ministry of the Attorney General," the committee discusses a regulation made under the Justices of the Peace Act. At the time of the last meeting, we had not heard from the ministry in response to our inquiry, but we now have that response, and that's the second letter included in the package you received this morning.

We raised two issues with the ministry here. The first is whether the authority in the act to make regulations providing for the benefits to which justices of the peace are entitled includes authority to reimburse justices of the peace for the expenses they incur. The question is, can you interpret "benefits" to include expenses? The second issue we raised is whether the act authorizes regulations providing for the benefits to which former justices of the peace are entitled, not just sitting justices of the peace.

The ministry's response, which you have, provides very extensive arguments in support of the regulations as made. In my view, they adequately address the concerns we raised—

**Mr. Tony Ruprecht:** Excuse me. Can you repeat that? In your opinion—

**Mr. Andrew McNaught:** That the ministry's response adequately addresses the concerns we raised in our letter to them. So I would be recommending that we simply remove this section from the report.

**The Chair (Mr. Michael Prue):** Any questions or discussions?

*Interjection.*

**The Chair (Mr. Michael Prue):** We have a motion that it be removed from the report. Any other discussion? Seeing none, all those in favour? That's carried.

**Mr. Andrew McNaught:** Okay, so on to page 13, where we discuss three regulations that fall under the Ministry of Transportation. The first one is O.Reg. 175/09 under the Highway Traffic Act. That reg includes definitions for the purposes of the street racing provisions of the Highway Traffic Act. The issue here was an apparent inconsistency between the English and French versions of the regulation. This reg was considered at the committee's last meeting in December. At that time, you agreed that the inconsistency should be removed, and you've approved the recommendation that you see toward the bottom of page 13.

**The Chair (Mr. Michael Prue):** So that has already been dealt with?

**Mr. Andrew McNaught:** Here you have the recommendation in writing, yes.

**The Chair (Mr. Michael Prue):** Okay. That was dealt with the last time we had this—

**Mr. Andrew McNaught:** Right.

**The Chair (Mr. Michael Prue):** So we go on to page 14.

**Mr. Andrew McNaught:** Well, right at the bottom of page 13 is another regulation, 405/09 under the Highway Traffic Act. This was not considered at the last meeting.

This regulation deals with safety helmets for motorcyclists and bicyclists. The issue here, again, is whether the French version of this regulation should have been made by the minister instead of the Lieutenant Governor in Council. Specifically, we're saying that the French version of this regulation should have been made by the minister, not by cabinet. This is because the statutory authority to make safety helmet regulations was changed. Previously, the cabinet had authority to make this regulation. Some time during the drafting of the French version of the regulation, the authority to make the safety helmet regulations was moved to the minister, so there was some delay in getting the French version out.

**Mr. Paul Miller:** Was he a biker?

**Mr. Andrew McNaught:** Well, I don't know about that. But, in any event, the French version of this regulation was made after the authority had been transferred to the minister. So, technically speaking, it should have been made by the minister and—

**The Chair (Mr. Michael Prue):** So all the committee would then recommend is, “Please, Madam Minister, you go do it.”

**Mr. Andrew McNaught:** In their response, the ministry said they would be willing to revoke the French version of this regulation and have it remade by the minister. That’s the recommendation towards the bottom of page 14.

**The Chair (Mr. Michael Prue):** Can we have a motion to that effect?

**Mr. Jim Brownell:** I move.

**The Chair (Mr. Michael Prue):** Moved by Mr. Brownell that we move that recommendation. Any discussion? All those in favour? Opposed? That’s carried.

**Mr. Andrew McNaught:** One last regulation to consider here, and that’s starting at the bottom of page 14, “O. Reg. 176/09 was made under the Photo Card Act, 2008.” Section 3 of that regulation established the dates for phasing in the photo card program. However, as we’ve outlined in that short chronology that you see there, it appears that clause 23(a) of the act, which was the statutory authority to make regulations establishing a phasing-in period, was revoked before the regulation ever took effect.

The issue is, was there ever statutory authority to make a regulation establishing a phasing-in period? The ministry, in its response, says this was an oversight and they are proposing to revoke section 3 at the earliest opportunity. That’s the recommendation we’re making on page 15.

**The Chair (Mr. Michael Prue):** Okay. Any discussion on that? Any questions? Mr. Miller?

**Mr. Paul Miller:** I assume they’re saying they’re going to fix it?

**Mr. Andrew McNaught:** Yes.

**The Chair (Mr. Michael Prue):** It would require a motion on our behalf to recommend to them—well, whatever’s down here—that they do it at the next opportunity.

**Mr. Paul Miller:** So moved.

**The Chair (Mr. Michael Prue):** So moved by Mr. Miller. Any discussion? All those in favour? Opposed? That carries.

**The Chair (Mr. Michael Prue):** Those are all the recommendations.

**Mr. Andrew McNaught:** That’s it; yes.

**The Chair (Mr. Michael Prue):** And there is only one now outstanding. The first recommendation is still outstanding, pending people coming, and then we can finally deal with this. It takes a long time. So on the next occasion, we can put this one to bed. We’ll do it all at once.

**Mr. Andrew McNaught:** If I can just make one housekeeping note. I know there was some concern expressed at the last meeting that we were falling a little behind in the review process here because we’re dealing with 2008 and 2009 regs, but once we’re through this, we will have a draft report on regulations made in 2010. That will be ready, we’re hoping, for the first week in May,

and perhaps the committee can deal with it before the break. We’ll also be starting in on the 2011 regulations review as well.

## COMMITTEE BUSINESS

**The Chair (Mr. Michael Prue):** All right. We have two other small items. The sponsor and applicant are not yet here. We have a letter from Mr. Marchese. I trust everybody has received a copy of this.

**Mr. Paul Miller:** I haven’t got one.

**The Chair (Mr. Michael Prue):** I gave it to the clerk last week.

**Mr. Gerry Martiniuk:** I got one.

**The Chair (Mr. Michael Prue):** You got one. Okay.

What Mr. Marchese is asking is that his bill—Bill 79 was passed at second reading in the House and was sent to this committee. He is asking the committee, at its earliest convenience, to have a meeting of the subcommittee to determine whether or not the subcommittee wants this bill to proceed. Mr. Leal?

**Mr. Jeff Leal:** We would ask that this matter be deferred at this time. Because of the circumstances with Mr. Rinaldi not being here today—he is the parliamentary assistant to the Minister of Municipal Affairs and Housing. I know they would like to be able to respond on this before it moves forward. Out of respect for Mr. Rinaldi, we would just ask that this matter be deferred to a future agenda.

**The Chair (Mr. Michael Prue):** We have a motion of deferral. Mr. Miller, on the motion of deferral?

**Mr. Paul Miller:** I think I understand your position with Mr. Rinaldi. However, this particular item has been deferred so many times that they’re running out of paper. So I would like to see this go ahead today. If not, could we have a recorded vote on what happened—whether it’s deferred or not? Can we have a recorded vote on a deferral?

**The Chair (Mr. Michael Prue):** I guess you could probably have a recorded vote on anything. I mean, this is a procedural motion. It’s not a substantive motion, it’s a procedural one, but if you want one, I guess we can have a recorded vote.

**Mr. Paul Miller:** I’d like a recorded vote.

**The Chair (Mr. Michael Prue):** Any other discussion on the motion of deferral?

Okay, we have a motion made by Mr. Leal to defer this—to the next meeting? We have to have a time frame.

**Mr. Jeff Leal:** I would certainly suggest the next meeting. That’s very fair.

**The Chair (Mr. Michael Prue):** To the next meeting. Okay. All right.

**Mr. Jeff Leal:** And then Mr. Rinaldi would be present to make a response on behalf of the Ministry of Municipal Affairs and Housing; that’s all.

**The Chair (Mr. Michael Prue):** Well, the response is not on the merits of the bill; it’s whether or not the subcommittee is struck. That’s really what—okay. But we have a motion of deferral—

**Mr. Jeff Leal:** To defer to the next meeting.

**The Chair (Mr. Michael Prue):** —to the next, to decide this. All those in favour, on a recorded vote?

### Ayes

Brownell, Caplan, Leal, Martiniuk, Ruprecht.

### Nays

Paul Miller.

**The Chair (Mr. Michael Prue):** Okay. That motion of deferral has passed.

We have a closed session on research services for the committee. I'm not sure why this is closed. Perhaps the clerk can advise why this would be closed.

What we have, and I think all members would have this—I hope. Do they have this?

**The Clerk Pro Tem (Ms. Sylwia Przewdziecki):** No.

**The Chair (Mr. Michael Prue):** No?

**The Clerk Pro Tem (Ms. Sylwia Przewdziecki):** We're just waiting on copies to get here.

**The Chair (Mr. Michael Prue):** Okay. We are awaiting copies. So we'll hold that down.

I think at this point, since we have no other business we can deal with here today at this point, if we could take a recess for approximately five minutes or so to await the arrivals of Messieurs Kormos and LaRose. Is there a motion to recess until their arrival?

**Mr. Jeff Leal:** I'll move that, Mr. Chair.

**The Chair (Mr. Michael Prue):** We have a motion to recess. Don't go too far; we will reconvene as soon as they arrive, okay? This meeting stands recessed until the arrivals of Messieurs Kormos and LaRose.

*The committee recessed from 0932 to 0937.*

## 1314596 ONTARIO INC. ACT, 2011

Consideration of Bill Pr36, An Act to revive 1314596 Ontario Inc.

**The Chair (Mr. Michael Prue):** We'll call the meeting back to order.

We have been told that Mr. Kormos is unavailable to proceed at this time, due to duties in the House. He has requested that Mr. Miller step in as the sponsor. Therefore, we will call Bill Pr36, An Act to revive 1314596 Ontario Inc.

Mr. Miller, the floor is yours.

**Mr. Paul Miller:** I'd like to introduce Mr. Sherwood and Mr. LaRose. They would be making their submissions to the committee on this request. Mr. LaRose?

**The Chair (Mr. Michael Prue):** Mr. LaRose, the floor is yours. Please sit down. It has to be into the mike. We have to hear you.

**Mr. Mark LaRose:** Okay. This matter somehow got off the rails. I was assisted by Catherine Oh at one point, before Susan Klein became involved.

About two and a half years ago, we started this application. It's simply a matter to revive the corporation, which had been dissolved because of non-reporting. Essentially, we've made the application to revive and have gone through the Ontario Gazette and the local newspapers for presenting to the public. We are now in front of this committee, asking for the bill to be passed and allow us to again commence business—which was an active business with that particular company, 1314596 Ontario Inc.

All of the issues of the income tax and the filing have been approved by the Ontario tax people and the federal tax people, and all of the income tax information is ready to be processed and has been completed by Goldhawk Accounting and Tax Services in Thorold.

I guess there's really not much more I can say.

**The Chair (Mr. Michael Prue):** Okay. Before we do that, I'm required to ask: Are there any other interested parties to this application? Any other interested parties?

Seeing none, Acting Parliamentary Assistant, are there any comments from the government?

**Mr. Jeff Leal:** The Ministry of Government Services, the Ministry of Finance and the Ministry of Revenue have reviewed this particular private member's bill and we are in total support of it.

**The Chair (Mr. Michael Prue):** Okay. Are there any questions from committee members to the applicant? Seeing none, are the members ready to vote? Yes? Okay. It's a simple bill here, so it shouldn't take too long.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you very much. Finished.

*Interjections.*

**The Chair (Mr. Michael Prue):** It is proposed that we go into closed session. We need a rationale for that, which the clerk will explain, and then the members will vote whether or not to have a closed session. Madam Clerk.

**The Clerk Pro Tem (Ms. Sylwia Przewdziecki):** The rationale for holding this meeting in closed session is that the research service of the committee wishes to hear the committee's feedback on the quality of its service to members. This is a topic that deals with internal services to members in the work that they do at the Assembly. It is, by extension, an issue of personnel.

The committee will vote, but we would recommend that this is a topic that should not be on the public record.

**The Chair (Mr. Michael Prue):** Mr. Miller?

**Mr. Paul Miller:** Can I have a further explanation? You ran through that really quickly, about services and somebody who's dealing with services to the committees. There's a problem with the personnel in that?

**The Clerk Pro Tem (Ms. Sylwia Przewdziecki):** No, and in fact, I will be distributing to the committee



members a copy of a letter that was sent to all Chairs and Vice-Chairs of committees, which is the reason that the Chair has put this on the agenda for today's meeting.

Simply, the research service, the staff who prepare reports and research to the committees, are asking for feedback from committees as to the quality of the service they are providing, and hope to improve their services down the road.

**Mr. Paul Miller:** So how is that a personnel matter?

**The Chair (Mr. Michael Prue):** It is a personnel matter if members of the committee were to be highly critical of a person or persons. That could be a personnel matter. I'm not sure what the committee is going to do.

**Mr. Paul Miller:** Can we vote on whether we're going to accept this in camera or not?

**The Chair (Mr. Michael Prue):** Yes, absolutely. The clerk has recommended that it be held in camera. You have heard the explanation. Members are free to make that choice.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Michael Prue):** All right. Does somebody want to move a motion either to go in camera or not go in camera? I need one or the other motion to be made.

**Mr. Paul Miller:** I'll make a motion not to go in camera.

**The Chair (Mr. Michael Prue):** All right. We have a motion from Mr. Miller that we not go in camera to deal with this. Any discussion on Mr. Miller's motion?

Seeing no discussion, all those in favour of not going in camera? All those opposed? That motion is defeated.

**Mr. Paul Miller:** Are we starting now?

**The Chair (Mr. Michael Prue):** I need a motion to go in camera, if we're going to do that.

**Mr. David Caplan:** I'll move that we go into closed session.

**The Chair (Mr. Michael Prue):** All right. Mr. Caplan has moved that we go into closed session. Any discussion on that?

**Mr. Paul Miller:** Yes. Could I have a recorded vote on that, to move into closed session?

**The Chair (Mr. Michael Prue):** Sure.

**Mr. Paul Miller:** I'd like a recorded vote on that.

#### Ayes

Brownell, Caplan, Leal, Ruprecht.

#### Nays

Paul Miller.

**The Chair (Mr. Michael Prue):** That carries.

*The committee continued in closed session from 0945 to 0952.*

**The Chair (Mr. Michael Prue):** This meeting is now back in open session. Is there any other business that anyone has today?

Seeing none, this meeting is adjourned.

*The committee adjourned at 0952.*





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