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Monday 18 April 2011

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Lundi 18 avril 2011

**Standing Committee on
General Government**

Ontario Forest Tenure
Modernization Act, 2011

**Comité permanent des
affaires gouvernementales**

Loi de 2011 sur la modernisation
du régime de tenure forestière
en Ontario

Chair: David Oraziotti
Clerk: William Short

Président : David Oraziotti
Greffier : William Short

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 18 April 2011

Lundi 18 avril 2011

The committee met at 1401 in room 151.

**ONTARIO FOREST TENURE
MODERNIZATION ACT, 2011
LOI DE 2011 SUR LA MODERNISATION
DU RÉGIME DE TENURE FORESTIÈRE
EN ONTARIO**

Consideration of Bill 151, An Act to enact the Ontario Forest Tenure Modernization Act, 2011 and to amend the Crown Forest Sustainability Act, 1994 / Projet de loi 151, Loi édictant la Loi de 2011 sur la modernisation du régime de tenure forestière en Ontario et modifiant la Loi de 1994 sur la durabilité des forêts de la Couronne.

The Chair (Mr. David Oraziotti): Good afternoon, everyone. We're going to get started. Welcome to the Standing Committee on General Government. This is our time for clause-by-clause hearings. Members should have a package in front of them of all of the proposed amendments.

Mr. Bisson, we have a moment for comments before we start that, so if you'd like, go ahead.

Mr. Gilles Bisson: Listen: I'm not going to filibuster, if that's what you're worried about, once I get the floor. But I do want to put on the record the New Democratic Party's position on this bill, and afterwards I want to move a motion, so if you'll allow me about four or five minutes, I should be able to do that in that time.

First of all: Can things be done better than how they're currently being done now? Absolutely. Everything can be better: I could be better; you could be better; my next-door neighbour could be better. So it's like a motherhood-and-apple-pie kind of issue. However, is it a question of the current system not working? I think what we've clearly heard through these hearings is that the current system has, quite frankly, served Ontario fairly well when it comes to providing certainty to licensees so that they're able to do what they need to do when it comes to running their operations and, more importantly, being able to finance whatever they need to do with those operations. As they explained, when you go to the bank and you're trying to get money to invest in your paper mill or sawmill, whatever it might be, you've got to be able to demonstrate that you have a secure supply of fibre. That is one of the issues that people have raised. I note that the government has some amendments on that, but nonetheless, that's the cornerstone of the system. We

need to make sure that those who have licence have security of tenure.

What the government is saying, by way of a reason for why this bill needs to be put forward, is that we need to deal with the hoarding of wood by current licensees. I think that's a bit of a misnomer. Do I agree that there has been some hoarding? Absolutely. There has been. But I've always said, and I've been saying since the beginning of the downturn of this industry seven years ago and I continue to say now, that we have the authority within the current act to deal with hoarding if it happens. The minister has the authority, under the act, to say that if there's fibre that is unutilized or underutilized on a current SFL, a sustainable forestry licence—the minister has the ability to basically put that wood up to a competitive bid process and allow whoever to bid on it, because the act is structured in that way.

Does the government have the ability to reallocate wood if a company closes its doors? Absolutely. In fact, we've just seen the government, two years ago, announce that they were going to do such a process, through an RFP process that started about two years ago, that culminated in an announcement sometime this February, if I remember the time correctly. So clearly the current act deals with much of what this government is trying to say that they're dealing with when it comes to this particular bill, Bill 151.

The government, however, is, in its approach to this bill, going to be creating some problems, and this is what I want to speak to and the reason why I'm going to be moving this motion and then the rest of the strategy following out of there. It's that I believe that, first of all, from the perspective of the substance of the bill, there are two sides to the argument. Those who have licences, who are large forestry companies like Tembec and others, would argue, "Don't muck around with our licences. We need to make sure that we have security of tenure." It is not to their advantage—and I understand that—to be making wood available to those people who may be the moms-and-pops out there. If I'm trying to do a hardwood mill, a birch mill or whatever it is, currently what happens is that the government has decided, over the last number of years, under the Liberals, "Go and do a deal business to business. Go see the company. Get your wood that way." For a lot of people who have gone into that process, it has been rather frustrating, and I've been one of the biggest critics.

However, do we need to change this bill to deal with allocating timber that is not being utilized? Absolutely not. The government could set in place, under this current act that has existed on the books for some years now, a process that would allow people to get access to that wood. Instead, what the government is doing is creating two vehicles: the LFMCs, local forest management corporations; and, on the other hand, we're doing what they call enhanced SFLs, enhanced sustainable forestry licences. In both of those models, there are two different problems that are going to be created.

The first problem is: Under the ESFLs, the enhanced sustainable forestry licences, are we really going to make it easier for the moms-and-pops to get the wood to do the tamarack mill, to do the birch mill, to do the Little John Enterprise kinds of operations? I don't think we resolved that problem with this, because what we're, in a sense, doing is saying to large licence holders, "Come together under a co-operative and share your management of those units with the people whom you make this deal with," and at the end of the day, it really doesn't deal effectively with the issue of allocating underutilized timber. So I don't believe that it's going to resolve the problems for the Little John Enterprises moving to the ESFLs. I think we still have the same problem that we started with. So if the stated idea is to give the Little John Enterprises and others the ability to access wood, the ESFLs under this legislation, Bill 151, are not necessarily going to fix the problem.

Under the LFMCs, we're creating a whole other set of problems. For example, if we move to a competitive bidding process for the wood under these LFMCs, what happens if, for whatever reason, the bidding price is such that it doesn't cover the cost of regeneration? Let's say that we end up in a situation—and it could happen, under a flat market, as we are in now, that you end up with a situation—

Interjection.

Mr. Gilles Bisson: That's my point: The crown will end up having to pay for the reforestation in a competitive wood bidding system.

I think of my friends across the border in the United States, who have been very effective and very aggressive at doing countervail against this country in arguing that we're subsidizing our wood allocation and timber system. If we move to an LFMC with a bid process and all of a sudden we have a situation where we have a competitive bid system for the wood and somebody bids for the wood but the market price doesn't cover the actual cost of reforestation, the government will have to directly subsidize it, and I think that opens the argument to countervail. Will they win it? That's to be seen. I'm going to find a lawyer on this side of the room and a lawyer on that side of the room; they're going to have two different opinions; I understand that. But it does make it open to yet more countervail.

The other thing I would say is on the LFMCs. At the end of the day, any subsidization of roads or whatever it might be that goes to LFMCs raises the issue of an in-

creased possibility of countervail from the United States. I'm not saying that they're going to win that, for the record; I'm saying that they're going to try to win it, and we're just going to be back to where we started from. So if the second stated aim of this process is to further protect ourselves from countervail from the United States, I don't believe that this bill does that. In some ways, it actually creates more arguments for them to do countervail. I wonder where we're going.

The last point I want to make is this: The community of Hearst did a lot of work. I see that Mr. Thornton is here. He would be aware of a lot of the work that communities like Hearst did, along with Constance Lake and others—and I know that the parliamentary assistant probably did too—where they're saying, "What we really want to do is to move to a community forest." The government will argue, "This LFMC is like the community forest." Is it? If you took the time—and this will come to my last point, which is process—to really do the work that needs to be done at this point, now that we have a bill before us, the communities of Hearst, Constance Lake and others would say, "Is this really a community forest?" about how it's structured, how it works etc. Probably not, would be my argument.

1410

I want to end on this point, and that is that of process. The government—yes, I'm going to admit it, and I'm going to say it here because I've said it publicly everywhere else. Did the government consult prior to the bill being drafted? Absolutely. The government went across northern Ontario, and they consulted—fairly adequately, I would say—in order to hear what northerners had to say. I don't argue that point; I've never argued that point.

The problem is that once people finally got Bill 151 in their hands, and they started to read it, they didn't see what they thought they were going to see. Industry certainly didn't see what they thought they were going to have and neither did communities. Those who argue for some mechanism of reallocating wood didn't see what they were going to have.

The government has now brought a bill before us that is very different from what it is the public wanted—at least what they stated they wanted in the public hearings, pre-introduction of the bill. Then we're being told, "Well, don't worry. We have amendments somewhere within these some 300 amendments that we have in here"—of which there's maybe about half a dozen that are government amendments—"that are going to deal with all the concerns of northerners." That doesn't cut it.

I think there's a lot of people in northern Ontario as citizens, mayors, councils, chambers of commerce, labour councils, First Nations, businesses and others who are saying, "I ain't convinced that these amendments are really going to do what needs to be done." That's why we as New Democrats, supported by the Conservatives, called for public hearings in northern Ontario: so that we could actually go with the bill and have people have a discussion with us about what's in the bill and what they want. Now that we have these amendments, we should

really be having a discussion with northerners because this bill is going to fundamentally change the way that we reallocate and price timber in northern Ontario. It's something that's going to be around for a long time, if passed and if the Liberals get re-elected. If they don't get re-elected, I'm going to signal to you it'll be a very different world for New Democrats as far as our approach to this whole thing, should we form the government.

I would say to the government that you should slow this process down. In this clause-by-clause, I am going to assist my friend in the Conservative Party in order to allow that to happen, because I really do believe that this whole process has been, quite frankly, from a process perspective, faulty. On substance, I'm not so sure that we really got it clear.

I have a motion, and I'll give it to the clerk, but I'll just read it for the record. It reads as follows:

I move that the McGuinty government acknowledge:

—the third party's unmitigated disagreement with all sections put forward in Bill 151, the Ontario Forest Tenure Modernization Act;

—the rushed process that facilitated the passage of Bill 151 through the House and the lack of proper consultation in northern Ontario that exacerbated the challenges of the process;

—the failure to address Bill 151's long-term impacts on the forestry industry.

I'd like to table that with the clerk so that we can have a vote. As the clerk comes around to get that, I imagine the government's going to vote against us. We'll get another chance tomorrow because we have a similar motion that will be debated on opposition day for the New Democrats on Wednesday this week.

The Chair (Mr. David Oraziotti): Do you want to move on to the first one here until we get a minute to take a look at that? Is that possible?

Okay, we'll take less than five minutes, folks, so don't go anywhere. We're just going to get this copied, get it out to everybody, and then we can have a conversation about this motion.

Mr. Dave Levac: Mr. Chair, procedurally, can I get it checked as to whether or not that would be doable under the rules? Whether or not you can use an opposition day motion and committee work at the same time to discuss the same thing. I'm just not sure. Procedurally, I think we just need an answer on that because if that were the case, it would be difficult for the committee.

Mr. Randy Hillier: Well, it's not written up the same as the opposition motion.

Mr. Dave Levac: Just for clarity purposes.

The Chair (Mr. David Oraziotti): Mr. Levac, just to your point, a member is permitted to bring a motion forward for this committee's consideration independent of their opposition day motion.

Mr. Dave Levac: Okay. I just didn't know what the rule was.

The Chair (Mr. David Oraziotti): We'll just adjourn the committee for a few minutes.

The committee recessed from 1413 to 1418.

The Chair (Mr. David Oraziotti): Does everybody have a copy of the motion? Mr. Bisson, do you have any other comments you want to add to this?

Mr. Gilles Bisson: I would first want to hear what others have to say, in fairness.

The Chair (Mr. David Oraziotti): Okay. Mr. Brown, do you want to respond to Mr. Bisson's motion that's in front of us?

Mr. Michael A. Brown: I'm going to be very brief. This is a resolution that is decided easily, on adoption of the committee's report, when we get to clause-by-clause. Frankly, I would believe it to be out of order at this point.

Interjection.

Mr. Michael A. Brown: You just vote no.

The Chair (Mr. David Oraziotti): Thanks for your comments. Mr. Hillier.

Mr. Randy Hillier: Once a motion is on the floor, it's not out of order.

I'm going to say this: I think it's completely evident to all members of this committee, from the two days of hearings that we had here, that the government has failed in its objective. It has completely failed northern Ontario. It has completely failed the communities of northern Ontario and forestry.

It was so clear that if the government side really had honest intentions here—they should pull this bill. They should pull it out of committee, because everybody's upset, in forestry, with this government. You need to pull this bill away. You need to pull it off the table and, really, come back with what the forestry industry needs. We can go on—we know there are 270 amendments here and we will get through them, but really, these are only the amendments to what's in the bill. You're also missing substantive stuff in this bill that never got put in there.

For example, on the pricing side, Mr. Bisson raised a number of things with countervails and whatnot. But really, the bill is absent in any objective on pricing. Myself, I think what we need to have in this bill is a clear objective that we want our forestry—the fibre, that resource—to be priced competitively, so that we can compete against other jurisdictions. Nowhere in this bill does it even begin to mention pricing. The only thing it talks about is the division of revenue, but it doesn't talk about pricing whatsoever, and we know that that is a key component for a healthy, vibrant and prosperous forestry sector.

You've missed the boat significantly. The attempt by this government and in this bill that the minister would have arbitrary powers to remove people's tenure and licences and allocations—that should have been so obvious. I can't believe that it got through the process into this bill. It's contrary to our NAFTA agreements; it's contrary to chapter 11 of NAFTA. It's contrary to the concepts of natural justice, that seizure or revocation of licences, arbitrarily and without compensation—we know that that's a non-starter. I can't believe that this government inserted it in this bill.

Really, I think it's a poor bill. I agree with and support the member from Timmins–James Bay and the third party. You've failed, failed completely.

One other thing that I would like to see, that I really, truly want to see happen in clause-by-clause, is for members of this committee from the government side to actually voice and express an opinion on some of these clauses and some of these motions, unlike every other committee that I've been in with this government, where nobody, except for the one delegated individual, speaks. I want to see the members of this committee actually look, read and think about these amendments, and express an opinion. Justify why you're either voting for it or voting against it, and not just voting for the party line.

The Chair (Mr. David Oraziotti): Okay. I think everybody has been heard on the motion. All in—

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for. All those in favour?

Mr. Randy Hillier: A 20-minute recess.

The Chair (Mr. David Oraziotti): Okay. A 20-minute recess has been called for. We'll see you back here at 2:44.

The committee recessed from 1424 to 1444.

The Chair (Mr. David Oraziotti): All right, folks. We've got a motion in front of us, moved by Mr. Bisson. We've had debate and 20 minutes to contemplate it. A recorded vote has been called for.

Ayes

Bisson, Clark, Hillier.

Nays

Balkissoon, Brown, Brownell, Kular, Levac.

The Chair (Mr. David Oraziotti): The motion is lost. Mr. Bisson, NDP motion number 1 that's before us.

Mr. Gilles Bisson: No, we're still in discussion here. Sorry. We're not into amendments yet. I have a second motion because I contemplated that we might not get the support.

Listen, again, I'm not going to speak at length to what I'm about to put forward, but I want to give it some explanation. So I'll read it and then we'll have a bit of a discussion.

The motion moves us forward—

Mr. Michael A. Brown: This is out of order, isn't it, Mr. Chair?

Mr. Gilles Bisson: No, it's not out of order. You're allowed to move a motion.

I move that the Standing Committee on General Government immediately adjourn clause-by-clause consideration of Bill 151, the Ontario Forest Tenure Modernization Act, 2011, and convene a meeting of the subcommittee for the purpose of scheduling public hearings in northern Ontario for input on the original draft of Bill 151 and the government amendments as tabled.

The motion is fairly straightforward. What we heard from deputants who came before this committee—and I'm sure Mr. Hillier and Mr. Clark will speak to this as well—was that people were saying that the bill was very different than what they anticipated the bill was going to look like when we were out on consultation, pre-introduction of the bill. The bill now before us is not something that they saw when they did the original consultation, and they're saying—as we heard from the Domtar people, we heard from Tembec for sure, and a few others, who said to us, “We understand that there are some government amendments coming.” What they said was, “Depending on what those amendments are, we may or we may not support this bill.” What we clearly heard from those people who were maybe not necessarily supportive of the bill but who said they could support it if you were to amend it in some ways was, “We need to see what those amendments look like.” From the OFIA's position, and a whole bunch of other people who presented, it's the general sense of, “We have not seen what the amendments are. The amendments are basically going to deal with the substance of the bill, and we ask that the bill go back out into committee in order to give it a chance to have some public hearings.”

So the logic is that this is now an amended bill. It looks different. It is within the rights of this committee to do further public hearings if we should so decide, and what this motion does is give the committee the ability to have hearings in northern Ontario with the original bill plus the amendments, so that people can take a look at it, can comment on it. At least then we would be debating something at clause-by-clause that we know has either got the buy-in or not of some of the key stakeholders in northern Ontario.

The Chair (Mr. David Oraziotti): Mr. Bisson, we have direction from the full committee to be here today to hold the clause-by-clause section of the bill. This has already been discussed. We've been down that road before. We've held the subcommittee meeting and we've held the full meeting of the committee to decide that we should be here today to deal with the clause-by-clause portion of the bill.

You have the right to introduce the motion. It's not technically out of order, but the reality is that what you're talking about doing has already been decided by the committee. So if you want to go down that road again, I think the committee has decided already on that.

Mr. Gilles Bisson: Chair, I respect that you're being very fair and very balanced in your approach, and do appreciate that, I want you to know. I've said to you publicly that as a Chair I think you're a damn good Chair, and what I heard you say is that the motion is in order. I do understand what you said and I understand your argument, but nonetheless I am in order to put the motion forward. That's what I'm doing, and I'd like to hear what people have to say about it.

The Chair (Mr. David Oraziotti): All right. Do you want to comment, Mr. Clark? Go ahead.

Mr. Steve Clark: I just want to speak in favour of Mr. Bisson's motion. I think he makes a very good point: that

we had people make the delegation to our committee who had discussions with the government about amendments. We had others who, right after, had no idea that there were amendments being tabled. I think Mr. Bisson is absolutely right: That's what we heard from people. We should adjourn. We should have a subcommittee meeting based on Mr. Bisson's motion. I can appreciate that, before we started this process, we met and the recommendation came forward and Mr. Brown, through his amendment, removed all of the northern hearings from our subcommittee report. We did hear a number of folks who had those amendments shared; we had more who did not. I think it's a very, very relevant motion for us to discuss.

Mr. Gilles Bisson: I'm not going to debate myself, but I do want to respond to one point that Mr. Clark made. I think it's the point that I was trying to make, and I just appreciated that he picked up on it. It's that what we did hear from the public was that they understood the bill was going to have some amendments. It is now amended, and so I think it's perfectly fitting that we go back and give industry and others in northern Ontario the opportunity to see what this amended bill looks like.

I don't see this as deleterious. We're going to be having ourselves a legislative break at the end of this week. The committee could choose to travel to northern Ontario next week. It is fully within our rights, and we have done that on intersession breaks before. That was the spirit of what I was trying to do: accommodate what we heard from the people who came and presented to us as to this bill.

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

Mr. Michael A. Brown: The committee has decided this.

The Chair (Mr. David Oraziotti): Anything further?

Interjection: I couldn't hear. What did he say?

Mr. Michael A. Brown: I said that the committee has decided this.

Interjections.

1450

Mr. Randy Hillier: The member from Timmins—James Bay has put a good motion on the floor, and the member from Leeds—Grenville made excellent points.

This government went out and specifically met and talked with certain members of the forestry industry—

Mr. Michael A. Brown: One hundred and sixteen.

Mr. Randy Hillier: No, no; after the statement and the introduction of the bill, it went out and spoke with a few hand-picked people in the industry, and from what we understand, from what was said in this committee during those two days, some people were led to believe and were informed, or it was implied, that the government was going to fix up and bring out amendments—amendments that they didn't share with us, amendments that they didn't share with this House, because clearly the government knew the bill was faulty.

To deprive all the other people who are involved in forestry of the same level of influence and being able to express their opinions is contemptible of the process. It's

contemptible of the process that only certain hand-picked people are going to have the ear of the government and have some of these amendments brought forward.

I'm certainly in favour of Mr. Bisson's motion. I think we have a duty and we have an obligation to actually go out and do what the subcommittee originally agreed to, what Mr. Bisson—in light of this new information that came out of the delegations, we have a duty and an obligation to do exactly that.

I think each member on this committee ought to be vigorous in their defence of the process, vigorous in their defence of their constituents; express themselves—I know we didn't hear any opinion in the last vote on Mr. Bisson's first motion. We haven't heard any response, except from the parliamentary assistant, on this motion, but I do know that the member from SD&G, the member from Brant, Mr. Balkissoon, Mr. Kular—you all have constituents, and I think you all recognize that you have a duty to represent and advocate for their interests and demonstrate to your constituents why you are voting in a particular fashion, either in favour or not in favour.

Put forth your justification as to why you think it's not valid to go and listen to people, if that's the way you're going to vote. Put forth that justification. Demonstrate to your constituents just why you're here.

I would be happy to take that time next week, constituency week, to travel with this committee; go up and listen to the other people, not just the hand-picked people of government, and listen to everybody and what they have to say about Bill 151 the way it stands and Bill 151 with the proposed government amendments.

The Chair (Mr. David Oraziotti): Thank you, Mr. Hillier. I think we're fairly clear on the motion.

Mr. Gilles Bisson: Recorded vote.

Mr. Randy Hillier: And a 20-minute recess.

The Chair (Mr. David Oraziotti): A 20-minute recess has been called for.

Mr. Gilles Bisson: The time, Chair?

The Chair (Mr. David Oraziotti): We'll return at 3:15.

The committee recessed from 1455 to 1515.

The Chair (Mr. David Oraziotti): All right. Everybody has the motion in front of them and has had an opportunity to review it. A recorded vote has been called for. We've had our recess on the motion.

Ayes

Bisson, Clark, Hillier.

Nays

Balkissoon, Brown, Brownell, Kular, Levac.

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

Mr. Gilles Bisson: All right, so the government is saying that not only did we not travel to northern Ontario for hearings at second reading, but even with the amendments now tabled, the government does not want to do

additional public hearings. I think that's regrettable, but it is the government's decision. They're on record as voting against that.

I have another amendment and another motion that I think might be helpful. I'm going to read it and then I'll explain it. The motion reads as follows:

I move that the Standing Committee on General Government immediately adjourn clause-by-clause consideration of Bill 151, the Ontario Forest Tenure Modernization Act, 2011, to allow members of the committee to conduct a comprehensive review of all amendments tabled as of Monday, April 18, 2011, and be authorized to meet on Wednesday, May 11, during its regular meeting time for the purpose of clause-by-clause consideration of the bill.

Now, the motion, I think, is pretty straightforward. Here's the package. I got it by email this morning at about 10 o'clock, and everybody in this place knows that by 10:30, we're in question period. So nobody got a chance to read this until at least after question period, other than those who drafted the amendments. In our case, in the New Democratic caucus, we had one amendment. The Liberals have, I believe, a dozen, maybe? Something like that, whatever the number is. But certainly, the Conservatives have a couple of hundred, by the looks of it.

To say that we have had time, on the Liberal side, my side or even the Conservative side—to say we've read all of these amendments and we understand them to be what they are is one thing. But the government has got some substantive amendments, and I think we need to have an opportunity to have a chat with people like Tembec, with people like Little John Enterprises, with people like the OFIA and others out there who are going to be very interested in finding out if these particular amendments put forward by the government actually do what they purport to do—and also just to get our heads around all of these particular amendments that have been moved forward.

I see amendments here on section 3 of the bill, dealing with the need for consultation; I see subsection 3(1); I see section 28. There are all kinds of amendments that, quite frankly, nobody has had a chance to read. So the motion, I think, is not deleterious. It's one to give members an opportunity to do their jobs as legislators: for us and our staff to go back, read this package of amendments, find out if it does what it's supposed to do, and then come back here at the next available opportunity, which would be April 18, after we come back from constituency break.

The Chair (Mr. David Oraziotti): Mr. Bisson, I just want to clarify something with your motion. The first available opportunity, I believe, to come back will be May 4, a Wednesday, following the constituency week, as Monday is a holiday.

Mr. Gilles Bisson: Oh, I'm sorry. Can I amend that? You are right, Chair. I looked at the calendar very quickly. That should read "May 4." That's my mistake, and I stand corrected. Thank you very much. That was very helpful.

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

Mr. Randy Hillier: I absolutely agree with Mr. Bisson's motion. This is all the result of the committee not allowing for enough discussion, enough time and scheduling. When we had that debate on the subcommittee report, it was raised up at that time by changing the subcommittee report. Being in a haste to get these things done, the time frames were condensed. It was absolutely ridiculous to think that those time frames could have been met in the first place: to have our last delegations last Wednesday at 6 o'clock and have the substantive amendments brought forward with absolutely no time to investigate the merit of the amendments, but being expected to, of course, vote on the amendments.

It's absolutely atrocious, in my view, that the government didn't open up those time frames when they voted down sections of the subcommittee report. The subcommittee report was well thought out. It was put together with good, honest discussion.

Now the government and this committee finds itself in a very, very significant predicament. The industry, the communities of the north have not been heard. What they did hear back in January isn't encapsulated in the bill whatsoever. We have 200 very substantive amendments that nobody has had time to read—other than, of course, the few hand-picked people the minister may have had discussions with, that came out of our delegations last week. Others out there in industry know more about these amendments than us.

We got the initial batch of amendments on Friday at 5 p.m. We got the last amendments in at—I believe I received them by email at 11:15 this morning.

There's no way the members of this committee cannot see that there's value and significance in providing some additional time for the members of this committee to actually read through, understand, comprehend what the amendments are and then seek the input of the people who are going to be affected by this bill, to see if indeed the minister's special meetings with them got encapsulated in those amendments or not and just how they're going to affect people.

The Chair (Mr. David Oraziotti): Any further comment? Go ahead, Mr. Clark.

Mr. Steve Clark: Can I just add, Chair—thank you for the opportunity—certainly, I would have preferred that the previous motion was passed so that we could schedule the hearings. I do agree with my two colleagues on this side of the table that having that additional time would give us the opportunity to speak to the people who took the time, either here in person in Toronto or using the video conferencing, so that we could discuss with them. It was very clear, as we've said on a couple of occasions this afternoon, that there were certain folks who had access to the government amendments; there were many others who did not.

I think by providing this opportunity for us to take some time during our constituency week, while we won't be travelling to the north as a committee, it will give us the opportunity to talk to all of the folks who were here

who made presentations either in oral form or the numerous people who emailed us, sent us written deputations. It would give us the opportunity to distribute that to them, to get some comments and to be prepared on May 4 to be able to get that feedback and provide it as part of the clause-by-clause. I certainly agree with Mr. Bisson and Mr. Hillier that this third motion does provide us that opportunity, and I would hope that we'd get some crack in the armour across the room here in that they would support it as well.

The Chair (Mr. David Oraziotti): Okay, thanks for your comments. Mr. Brown?

Mr. Michael A. Brown: It's an interesting concept. The government does have five motions. I believe the member from Timmins–James Bay indicated they have one. I think we could handle dealing with six this afternoon. However, that's not how this committee process works. I have heard a number of suggestions that are totally unprecedented in this democracy, but that's okay today, in terms of process.

I'm inclined to think that we should perhaps adjourn. Perhaps with 20 minutes, we can think about it.

Mr. Gilles Bisson: Well, we haven't gotten to the vote yet. I thought all of a sudden we had a warming-up of the waters. I was starting to become somewhat encouraged.

Listen, if you have one amendment or six, or I have one or six, the point is, there were some substantial changes to the bill that industry and others wanted. The government has tabled the six. And to tell you the truth, I've been flipping through this pile of paper as we're sitting here, trying to find your amendments, and they're a bit hard to find, as you can well imagine, with some 200-and-some-odd amendments there.

But my point is this: Those particular six amendments that you put forward as the government caucus—is it five? Okay, five amendments; whatever they are, and my amendment, along with the amendments put forward by the Conservative caucus, but we'll just talk to yours, Mr. Brown. Are they substantial—

The Chair (Mr. David Oraziotti): Mr. Bisson, sorry. Excuse me for one minute. I apologize for intervening at this point.

Mr. Gilles Bisson: That's okay.

The Chair (Mr. David Oraziotti): But the reality is, we're all well aware of the amendments that are before us. You've got a motion on the floor to adjourn for more time to review the amendments that are before us. Mr. Brown is suggesting that a 20-minute recess be called before we vote on this motion, so we'll take 20 minutes and come back and we'll vote on your motion.

Mr. Randy Hillier: Before we take that 20-minute recess—

The Chair (Mr. David Oraziotti): You've had your comments on the motion.

Mr. Randy Hillier: Well, yeah, but the parliamentary assistant—

Interjections.

Mr. Gilles Bisson: Point of order. Whoa.

The Chair (Mr. David Oraziotti): We've got a request for a 20-minute recess.

Mr. Gilles Bisson: No, no, point of order. Let me just get to this. There's a suggestion made by Mr. Brown that we have a 20-minute recess before we get back to the discussion of this motion. If he wants to propose that as a motion, he can. At this point, I don't see a motion before us.

The Chair (Mr. David Oraziotti): No, he's calling for a 20-minute recess on your motion.

Mr. Gilles Bisson: Are you moving it as a motion?

Mr. Michael A. Brown: You made the motion.

Mr. Gilles Bisson: No, no, I have a motion—

The Chair (Mr. David Oraziotti): It's not a point of order. We've got a 20-minute recess, until 10 to, on the motion.

Mr. Randy Hillier: But the debate is not finished.

The Chair (Mr. David Oraziotti): The debate is.

Mr. Randy Hillier: No, the debate is not finished.

The Chair (Mr. David Oraziotti): It is. Twenty minutes.

The committee recessed from 1524 to 1544.

The Chair (Mr. David Oraziotti): Okay. We're going to continue the discussion of the motion that Mr. Bisson has on the floor to adjourn committee. Mr. Hillier has the floor.

Mr. Randy Hillier: Thank you very much, Chair. The parliamentary assistant used the words—what we're doing here, these motions—“unprecedented in this democracy.” I'll tell you, what's unprecedented in democracy is this government's absolute lack of respect and absolute lack of regard for the effect this bill may have on people.

I'm going to speak to Mr. Bisson's motion. He raises a valid consideration. There are substantive amendments proposed. I'm sure the government side has also received the submission from the Ontario Bar Association—I think it was put out late Thursday night—on this bill. They have tremendous concerns over the legality and the breaches to the fundamental rules of justice with Bill 151. If that isn't enough justification to take a moment to reflect and fully comprehend the motions, the amendments—if they address the Ontario Bar Association's concerns as well, it would be a travesty if this government moves forward without providing due consideration, time for all of us to make sure that this bill does not significantly harm our forestry industry.

Maybe if I could ask the clerk if the clerk has received and has submitted that Ontario Bar Association brief to other members of the committee.

The Chair (Mr. David Oraziotti): Are you asking—do you want the clerk to respond to that comment?

Mr. Randy Hillier: Yes, if you—

The Chair (Mr. David Oraziotti): Any written submissions that have been provided would have been sent to committee members.

Mr. Randy Hillier: Because I didn't see this circulated from the clerk to the committee members.

The Clerk of the Committee (Mr. William Short): If it was in by the administrative deadline of 5 p.m. on

Wednesday, April 13, it would have been submitted to all members of the committee. If it came after that, he may have submitted that to each member on his own, if he was late.

Mr. Randy Hillier: If you don't mind, Chair, I think it would be important for all members of this committee to have a copy of the Ontario Bar Association brief. They talk about the vague criteria for altering existing rights.

This is a quote from page 4: "These provisions are, on their face, open to arbitrary application. It is easy for potential investors to perceive possible unfairness and uncertainty in these criteria and to be concerned about the security of an investment."

They very much are opposed to the exemptions from crown liability on the LFMCS.

Here again on page 5: "In addition to permitting the exercise of an extraordinary power on the basis of vague criteria, Bill 151 also fails to include certain procedural protections that usually accompany the exercise of a statutory power, particularly an expropriation power. The principles of natural justice, well-enshrined in the law of Ontario, dictate that:

"(i) notice of an intention to cancel or reallocate rights;

"(ii) a right to respond; and

"(iii) compensation."

None of these protections exist in Bill 151.

Certainly for this government to proceed and ram through this bill without fair consideration, time to look through the brief, look through the amendments and ensure that we are not doing something fundamentally wrong with this bill—this government has already dismissed our northern communities. They've dismissed industry, except for a few hand-picked special exemptions. And now, without time to review these amendments, they're going to be dismissive of our justice system and our obligation to our justice system with this Legislature.

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

Mr. Gilles Bisson: Thank you, Mr. Hillier. You raised a whole other issue that's worth some discussion. Who was that by?

Mr. Randy Hillier: Chair, if I could hand this to the clerk and have him make copies.

The Chair (Mr. David Oraziotti): Sure.

Mr. Gilles Bisson: Anyway, I just want to get back to the motion that I put forward, although that was very interesting. The motion is to give members of the committee an opportunity to review and to consult with those people who have come before us, and whoever else that we normally consult with as parties, on the amendments as brought forward inside this package of some 200 amendments.

The government promised during the public hearings that it was going to have some amendments that should satisfy certain players, such as Domtar, Tembec and others. I don't know if that's the case. I haven't had a chance to talk to any of them about this amendment. I'm sure the government will say, "Oh, yeah, they're happy,"

but how do I know? I'm not doing my job unless I talk to them.

So that's why I want to have this amendment, as put forward, so that we can have an adjournment—not an amendment, but an adjournment motion—in order to give us an opportunity to go back and have at least some discussions with those stakeholders who expressed that concern when they presented to this committee. At the very least, it's what we could do.

1550

The government has already refused now twice by way of motion to travel to northern Ontario—once by rejecting the subcommittee report that came before this committee and now a second time by voting against the motion that the New Democrats, supported by the Conservatives, brought forward to this committee to have hearings on what are substantive amendments of the legislation. That's why I put it forward.

The Chair (Mr. David Oraziotti): Thanks, Mr. Bisson.

Mr. Michael A. Brown: Finished?

Mr. Gilles Bisson: No, I'm fine.

Mr. Michael A. Brown: Well, I want to help my friend Mr. Hillier out a little bit and let him know the mysterious people who the government has been consulting with in the forest industry working group. That would be Brian Nicks of Eacom; Roger Barber of Abitibi-Bowater; Dan Dedo of Georgia-Pacific; Rob Booth of Domtar; Danny Janke of the Algonquin Forestry Authority; Tom Clark of Westwind; Dennis Rounsville of Tembec; Mike Dietsch of Weyerhaeuser; Dave West of Ainsworth; Marc Dube of St. Marys; Claude Perrier of Buchanan; Peter Nitschke of Bancroft, sustainable forest licence; Al Foley of First Resource Management Group.

Those are the people who are on the working group who have worked with the ministry over a long period of time to do this. As a matter of fact, this is a two-year—

Mr. Gilles Bisson: Could you clarify, Mr. Brown? These are the people you've contacted in order—

Mr. Michael A. Brown: This is the working group.

Mr. Gilles Bisson: —to run these amendments?

Mr. Randy Hillier: Did they know about the amendments ahead of time?

Mr. Michael A. Brown: This is the working group that has had—

Mr. Randy Hillier: Did they know about the amendments? That's what—

Mr. Michael A. Brown: To help my friend, they have been discussing the proposed amendments and others as we go forward. It is fair to say that it has been a full consultation with them. Not necessarily are they getting every amendment each of them personally may like, but at least this is an ongoing process. And if and when this bill is passed, or when this bill is passed, the discussion will continue with these groups and people to ensure that, when there are regulations that are drafted, we come with a product that is good for Ontario, good for northern Ontario communities, good for the general economy and a fair one that allows for entrants that we all think should

be allowed to get onto the present SFLs and allows communities to have more input.

You know, this bill is really about allowing some input to local communities through their board membership, or people from the local communities' board membership, on the local forest management corporations. If that's a bad thing, I want somebody to tell me that.

As we go forward, I want to talk a little bit about consultation. This is a two-year work-in-progress and will continue to be, if and when this is passed. A two-year consultation—and we've only gone to Beardmore, Bower, Cochrane, Chapleau, Fox Lake Reserve, Constance Lake, Dryden, Fort Frances, Hearst, Hornepayne, Huntsville, Gogama, Kapuskasing, Macdiarmid, Marathon, Midland, Parry Sound, Nipigon, North Bay, Pembroke, Sault Ste. Marie, Sioux Lookout, Sudbury, Thunder Bay, Timmins, Toronto and White River, and had in total 116 consultations across this province.

We think it's time to move on. We have presented, as a government, five amendments—five. My friends in the New Democratic Party have presented one. The balance have been presented by our good friends in the official opposition, which on a quick reading are the same amendment over and over, just changing the name of the community.

We think that it is important that people have the opportunity to be heard. We provided two days here in Toronto. There were still, I believe, four spaces available. Espanola wanted to be heard; they were heard. Hearst wanted to be heard; they were heard. We went through the list of communities that wanted to be heard and we shut out none. We heard from various communities. They were much appreciative of the opportunity to engage us with modern communications, i.e., telephones and other methods, and that they've saved large amounts of community money not having to go from their community to one of the major centres. As I've pointed out numerous times, there isn't a whole lot of forest in Sudbury. Sault Ste. Marie does not have a whole lot of forest.

This is about a tenure system to manage our forest resources; that's what it's about. Some people are trying to make it about a lot of other things. It is not. It is about how to manage the forest in a way that, in the 21st century, adapts to the fact that we have just been through the worst downturn in forestry on the North American continent, which has affected many provinces worse than ours, but ours particularly hard. We know that. We want to avoid this happening in the future. We want to get this right.

We think the community involvement is important. We see that, having people in the local community work on this. And, to that end, we intend to do it with two model forests—one in the northeast, one in the northwest—where we can evaluate them as we go. We think that's prudent.

We don't think we can determine everything in advance. I know the opposition parties kind of think that that would be so, but it is, in my view, not possible. We think experience with the model is what really needs to happen to determine whether it's effective.

I have heard a lot of interesting takes on this bill so far, but the one I have the most difficulty with is the idea, again, that we have not consulted. Some 116 consultations in communities across northern Ontario, including quite a number of communities I represent. I think, frankly, it's time for us to move on.

I do think that if this is rushing the members, to read six amendments and understand them—these amendments have been kicking around, thrown out over a week ago into the public view by various presenters. We've not only been working with the presenters, but if you listen to Domtar, if you listen to AbitibiBowater, if you listen to Tembec, they proposed these very same amendments. They're being made. We've heard them. We think we should go forward with them. So they shouldn't be totally new concepts to my friends across the floor, but if they are, they are.

I can deal with theirs; I think we can wrap our heads around what they're intending with their amendments. We're happy to go. We can understand them. Perhaps we have an advantage in that there's more of us than there are of you, but I don't think it's a huge advantage. I think Mr. Hillier, Mr. Clark and Mr. Bisson are quite capable of understanding the opposition amendments and more than able to understand ours. But if that's not so, tell us why and tell us now.

Mr. Randy Hillier: I just—

The Chair (Mr. David Oraziotti): I think Mr. Clark was—

Mr. Steve Clark: I just want to make a couple of comments first, and I know my honourable friends will want to respond as well. The motion, as I understand it, is talking about—although I would have appreciated some of your comments, Mr. Parliamentary Assistant, to the previous motion that you voted down.

What we're talking about is the fact that, as of this morning, we received a fairly substantive package, albeit many of the motions are from ourselves—

Mr. Michael A. Brown: Five.

Mr. Steve Clark: I know the number of how many you have. But there were other individuals who made presentations to us that weren't affiliated with your working group, who, as you quite succinctly put on the record, were aware of some of your five amendments that were being proposed. There were many, many others who had a different tune when they made their presentations, either here in Toronto, by video conference or, I'm sure, at the whatever the number you quoted—160, or whatever the right figure was—consultations.

The motion, I think, is very well put: that we would take a small period of time to be able to digest what you're proposing. Whether people brought them here on the floor or not, it's a very substantive bill. I think Mr. Bisson has tried this morning, with our support, to address some of the concerns and the comments that people have brought forward.

1600

I don't think it's unreasonable. I think one of the things that people talked about when they came here was

uncertainty. I think Mr. Bisson's motion, which I know Mr. Hillier and I are going to support, would provide a little more certainty; people would think that we put the brakes on and had that discussion. I don't think that's unreasonable; I don't think that's a bad thing.

When we talked about it in the first round of discussion and you asked for a 20-minute recess, I thought, perhaps, you were doing it so that you would take into consideration what we said, what some of the presenters said, and come up with some comments regarding a May 4 restart, not to tell me all the things that you talked about at the subcommittee. There were people who would have appreciated that same discussion—some of the aboriginals who came to the groups that came here that talked about some of the issues, the fact that flourishing economic development was in the bill. I think they would have appreciated that—the municipalities, FONOM, NOMA, some of the municipal officials.

And I'm not going to get into some of your comments about Espanola. I know you mentioned them in some of your comments, but I don't think what Mr. Bisson is talking about is so ridiculous. I was at the Canadian Club, sitting at the wall, listening to the Premier on Friday at his luncheon. The one thing he did talk about was the fact that the truth about democracy is, the people are always right when it comes to elections. I think that one of the opportunities from Mr. Bisson's motion is that we're trying to put some certainty back into those people in northern Ontario, that we're willing to take a couple of weeks to discuss what was presented here. It's not outlandish; it's not unreasonable.

The Chair (Mr. David Oraziotti): Okay. Mr. Hillier?

Mr. Randy Hillier: I want to just comment back on the parliamentary assistant's comments. Let's put some clarification on the record here. When I spoke about the consultations, I was speaking about the minister's and the government's private consultations with some members of the forestry industry that happened just as our committee was meeting and hearing delegations. We heard from a handful of people from the forestry industry that they were led to believe that there would be some amendments that would address some of their concerns being advanced.

When talking about the earlier consultations, of course, there was—I attended a number of them. The ministry did go out and consult. The only problem, of course, is what the minister announced in January and what showed up in the bill in February were two different things. That's what caused the problem. Consultation and then putting forth expectations in January that didn't come through in Bill 151 demonstrated that the consultations—how much value was there in them? Because they didn't come through.

There are many things in this bill you rushed, and in your haste to get this bill in this committee to get it done with, even important stakeholders like the Ontario Bar Association didn't have time to get their comments in to us by those deadlines.

We have an obligation to listen to those people. We have an obligation to make sure that the laws that we

create are just—not just timely, not just politically advantageous; we have an obligation that they indeed provide for justice.

This brief says that you got it wrong—got it substantially wrong. Mr. Bisson's motion is seeking to address your failing that we have the time to actually go through those amendments, see if they cover off the industry's concerns, see if they cover off the communities' concerns, see if they cover off the bar association's concerns and make sure that they don't feel the consequences of your undue haste in this committee. That's what you have an obligation to do.

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

Mr. Gilles Bisson: I'm just reading through this bar association document; it's quite interesting.

I just want to clarify what the parliamentary assistant said. The nature of my motion is simply to say that I have an opportunity, as a committee member in the third party, and Mr. Hillier and Mr. Clark have an opportunity for the Conservatives, to go back and to talk to some of the people who raised concerns at these committee hearings; that, in fact, the amendments that the government brings forward address their concerns, or do not. That's what I'm attempting to do with this.

If I heard the parliamentary assistant, Mr. Brown, correctly, he says that you've already talked to all of these proponents. Those people that you listed on the working group have seen and accepted these amendments as being a remedy to their concerns?

Mr. Michael A. Brown: When I suggested that Mr. Hillier ask who it was, these mysterious people who were off in never-never land, I guess, and nobody knew who they were, I was just helping Mr. Hillier understand exactly who it was that was providing advice to the government of Ontario with—

Interjection.

Mr. Michael A. Brown: Mr. Chair, can I speak? I didn't interrupt him.

Interjection.

Mr. Michael A. Brown: There's no spin here. I'm just telling you who it was the government consults on the working group.

I understand that we have five government amendments before the committee, and I understand that the member opposite says that we do want to ensure that these amendments are doing what the stakeholders would want. I would say that we all know that there will be some different views among stakeholders, but we all know that at the end of the day, you've got to decide which one's right. So if you're asking if everybody's unanimous and thinks that we've done it with all our amendments, the answer is probably no. Do we have significant support in the forest industry? The answer is yes.

Don't take my word for it. You need to make those contacts. If you cannot come to those conclusions, looking at the five amendments the government has placed, then we need to have—whatever.

Mr. Chair, I think we're where we need to be to decide, but apparently some on the other side aren't.

The Chair (Mr. David Oraziotti): Let's go back. Mr. Bisson, your motion is still on the floor, your motion to adjourn to the fourth. We have time to review these. Do you want to say anything further to that?

Mr. Gilles Bisson: Yes. I just want to clarify that if those people who came before the committee, and I'm thinking of Eacom, Tembec, Domtar, Abitibi, who raised the concerns around how we need amendments—did you run these amendments by them? Yes or no? That's my question.

Mr. Michael A. Brown: I personally can't give you an assurance that we did for every one, because I personally did not make contact with all of them.

Mr. Gilles Bisson: So they may or may not have, which brings me to my point, Chair, that all I'm asking—I'm not asking for anything that's terrible here. I'm just saying that I want to do my job as a committee member, go back, talk to those stakeholders who have talked to me as a result of their concerns and wanting to have some amendments, and find out if they are satisfied with them. So I'm asking the government to support the motion so that we can do our jobs.

Mr. Michael A. Brown: If the answer is yes, will you support the government bill?

Mr. Gilles Bisson: I might very well do that. Who knows?

The Chair (Mr. David Oraziotti): I think everybody understands the motion that's on the floor—

Mr. Gilles Bisson: Listen, just on the record. The question was asked by Mr. Brown: Will I support the bill? My voting record speaks for itself. I've supported the government on all kinds of legislation in committee and in the House, when appropriate. And if this bill does what I would want it to do, certainly I would support you.

The Chair (Mr. David Oraziotti): Okay, fair enough.

Mr. Gilles Bisson: But for the record, I don't think it does at this point.

Mr. Michael A. Brown: With the five amendments?

Mr. Gilles Bisson: I don't know. I've got to go and see what the amendments are. I just saw them. I haven't even had a chance to read them.

The Chair (Mr. David Oraziotti): Your motion is on the floor to adjourn to May 4 so that individuals have time to review this.

Mr. Gilles Bisson: Recorded vote.

Mr. Michael A. Brown: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for and a 20-minute recess. We'll see you back here at 4:30 for a vote on this motion.

The committee recessed from 1610 to 1629.

The Chair (Mr. David Oraziotti): We've got a couple of minutes, but is everybody ready to vote? With the consent of committee, we'll call the vote now. Is that agreeable to everyone? Agreed.

Everyone has the motion in front of them. Do you want a moment to review it?

A recorded vote has been called for.

Ayes

Balkissoon, Bisson, Brown, Brownell, Clark, Hillier, Kular, Levac.

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

The committee adjourned at 1629.

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