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Wednesday 28 March 2012

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Mercredi 28 mars 2012

**Standing Committee on
the Legislative Assembly**

Standing orders review

**Comité permanent de
l'Assemblée législative**

Examen du Règlement

Chair: Garfield Dunlop
Clerk: Trevor Day

Président : Garfield Dunlop
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 28 March 2012

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*The committee met at 1300 in room 228.*STANDING ORDERS REVIEW
OFFICE OF THE CLERK

The Chair (Mr. Garfield Dunlop): We're ready to start, everyone. I call the meeting to order. Can I ask one of you guys to grab that door? Because we've got a delegation outside. Thanks very much. That's just to keep our noise down.

Welcome to the Standing Committee on Estimates. I'd like to welcome Todd, Deb—

The Clerk of the Assembly (Ms. Deborah Deller): I'm in the wrong committee.

The Chair (Mr. Garfield Dunlop): Oh, I'm sorry. Welcome to the Standing Committee on the Legislative Assembly. I apologize for that. We're very happy to have Deborah and Todd today to represent the Clerk's office on some possible changes to the standing orders.

I talked it over very briefly with Deb and Todd, and we thought she'd start with a presentation. As people would like to ask questions along the way, we'll get fairly informal. I'll try to direct all the questions through the Chair, but let's keep questions coming up as they go along. We're here between—we have 1 to 3. Is that okay with you folks, if we go right to 3 o'clock? All right. I wasn't sure. So if that's the case, then, Deborah, if you could proceed, that would be great.

The Clerk of the Assembly (Ms. Deborah Deller): Okay. So, first of all, thank you very much for inviting us to kick off your standing order review.

Following on what the Chair said: From our point of view it would be great if we could have this kind of a conversation at several points along the route of your review, for a couple of reasons. One is that there are things that we may not cover today that we would like to come back and cover with you. Also, though, there is always a danger when you're doing standing order amendments that there are unintended consequences as a result of certain things. So it helps us if we can take a look at some of those things you're thinking about and then come back to you and discuss maybe what some of those consequences might be. So what we're hoping is that this is the first of a number of conversations between us and the committee.

I think it's important, and I've said this to this committee before: The standing orders are but one com-

ponent of what makes up parliamentary procedure. There are years of precedent and practice; there are constitutional contexts; there are references to authoritative texts and also some reference, as you've seen, to other jurisdictions in instances where we're confronted with situations that we haven't seen here before. But essentially, all of those elements emanate from, and should remain faithful to, the principles of parliamentary democracy that this place is built on. Sometimes there have been people that have been engaged in reviewing or even proposing changes to the standing orders who don't really understand what those underlying principles are, and I think it's important that you keep those in mind as you move forward.

Having said that, the standing orders also should be a living document. They should change from time to time so that they are kept up to current, modern members' roles and responsibilities in the House.

The other thing to keep in mind is that there are some things that I think I've heard members talk about in terms of changes they'd like to see that actually don't require standing order changes. But—

Mr. Gilles Bisson: I hope you haven't started without me.

The Chair (Mr. Garfield Dunlop): Yes, we have.

Mr. Gilles Bisson: It's just 1 o'clock.

The Clerk of the Assembly (Ms. Deborah Deller): Not anything important.

The Chair (Mr. Garfield Dunlop): Go ahead.

The Clerk of the Assembly (Ms. Deborah Deller): I've forgotten where I was already.

Ms. Lisa MacLeod: I'm writing everything down. You were saying that some changes—

The Clerk of the Assembly (Ms. Deborah Deller):—don't require standing order changes. There are certain changes that are simply cultural changes to the way that the members operate in the House, or conduct themselves, even. There are other changes that aren't as a result of standing orders but a change to a tradition that might be commonly agreed to by all members of the House, and I'm referring actually to one of your proposals, Mr. Clark.

Electronic devices in the House, for example: There's no standing order that says that you can't have electronic devices in the House, but there is a strong tradition in our House that electronic devices are not allowed. So if this committee wanted to go down that road of considering

that, it would not necessarily require a standing order change so much as an agreement of the House to allow electronic devices and maybe put some parameters around those.

When you're looking at the standing orders and how to change them or the rules of the House, I think you have to understand the role of the executive, the role of the legislative and the private member. Our system is one that is based on the Westminster parliamentary model. It's a responsible government model. Essentially, the opposition has the right to have its say, but ultimately the government holds sway. In other words, the government does have the right to govern. The opposition can dissent from decisions the government makes and promote alternative policies, but in order for Parliament to operate effectively, the opposition dissent really should stop short of complete obstruction, and the government, for its part, needs to show some reciprocal respect for the right of the opposition to oppose.

Actually, members have kind of alluded to that sometimes in debate in the House in referring to the role of the opposition, and also in referring to the ability of the government to entertain ideas, amendments, whatever, from the opposition side of the House.

So any amendments that you consider to the standing orders really should be considered in that context. A really easy way to remember it is, the opposition must have its say; the government ultimately holds sway.

The other thing that's important, I think, is to consider your review not only from the side of the House that you currently occupy, but from the side of the House that you may occupy somewhere down the road. So the changes that should be entertained are changes that improve the institution, not necessarily your particular situation on the side of the House that you currently sit on. Those are good standing order changes to make.

We've had a number of processes for amending the standing orders in the past. Some have worked really well; others not so much. The ones that have particularly worked are the ones where there is a serious, comprehensive commitment to the standing orders as a whole, looking at the entire piece of work, not just elements that are of concern to a particular side of the House at a particular moment.

The kinds of standing order reviews that have worked really well: I would say one of the best was one that was engaged by this committee in its previous incarnation as the procedural affairs committee. They developed a very thick report in, I think, a couple of volumes, and that brought us things like questions and comments; it brought us things like opposition days. So that was a really good study that was done by that then committee, but it did require that all of the members work together. They achieved some consensus in developing—

The Chair (Mr. Garfield Dunlop): Lisa's got a question—and that's what we agreed to do, just as we go along on this.

Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Clerk. The question I have with respect to the procedural affairs committee and their report is: How did they arrive at their report? I would like to know what their process was. Sometimes people want to talk about content and specific issues right off the bat, but I'd like to sort of make sure that we lay out a process first so that we actually can arrive at—maybe not exactly what we want, but a better outcome. I'm just wondering what that process was, so that if we engage similarly in what we've been asked to do by the House leaders and ultimately by the House—how did they arrive at two thick volumes of research that actually have made some substantial changes here?

The Clerk of the Assembly (Ms. Deborah Deller): I'm going to get Todd to lead off on this because I thought he had clerked that committee; in fact, he was the assistant clerk. So he had direct involvement in that.

Ms. Lisa MacLeod: It must have been just yesterday that he was an assistant clerk.

The Clerk of the Assembly (Ms. Deborah Deller): Yes. So his powers of recall are good.

The Deputy Clerk (Mr. Todd Decker): Part of what was going on at the time was that the Ontario Legislative Assembly was, I think, kind of inspired by what was going on at the House of Commons. They had a committee called the McGrath committee that was going on, and it was really looking at a fundamental overhaul of bringing the House of Commons into modern times. So they were undergoing that exercise and had already done a few reports. I think at that time our members were looking at what was happening there and deciding that that was a very good exercise; that was worth doing. In fact, as Deb said, some of the things, like members' statements, opposition days—those were procedures that, in some form or another, were actually lifted from work that the McGrath committee did for the House of Commons and were adapted for our own needs.

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In terms of approaching the work, it actually wasn't very different to what's being done in this case. The committee at that time took its permanent order of reference, its authority to look at standing orders, and made the decision that they were going to do a very comprehensive, long-term look at parliamentary procedure in pieces. They looked at the role of witnesses. There were four different reports in total. They met with the Clerk. They got input from procedural experts. They made some decisions to look at what other parliaments were doing—exactly where you're at now—and just getting input and receiving ideas. It was all fuelled, I think, by a genuine desire at that time to question the way that the assembly was doing things and was there a better way to modernize?

Ms. Lisa MacLeod: So just two quick questions—and thank you very much, Todd. The question that I have then: Would the McGrath report or committee—was that in the early 1980s?

The Deputy Clerk (Mr. Todd Decker): It was about a three- or four-year process. Yes, it was in the early

1980s. In fact, Deb's predecessor as Clerk of the House, Claude DesRosiers, was very actively involved. That was partly why when Claude came in, in 1984, he brought with him to this assembly immediate knowledge of exactly what was happening in the House of Commons as well.

The Clerk of the Assembly (Ms. Deborah Deller): He in fact clerked the McGrath commission and—

Interjection.

The Deputy Clerk (Mr. Todd Decker): He became Clerk of the Assembly in 1984.

Mr. Gilles Bisson: No, no, I thought he clerked the procedural committee here.

The Clerk of the Assembly (Ms. Deborah Deller): No.

Mr. Gilles Bisson: No? Okay.

Ms. Lisa MacLeod: First of all, that's great. I just wanted to know the time. We're obviously due for a holistic research approach to this. It's obviously been 20-odd years.

The second thing—and this is maybe something Legislative Assembly researchers can dig up for us, but perhaps it would be useful for us to look at both of those documents, from the procedural affairs committee as well as the McGrath committee. I think we're now at a time where we actually have to modernize our chamber for a variety of different reasons. The House today really is different than it was 20-some years ago: There are more women, there are more people from new-Canadian backgrounds, and there's an ability for us to do that.

The other thing, however, is that perhaps over the years we have lost our way a little bit in allowing government to govern but also the opposition to have an effective say. I think we're actually at a very good time and at a very good point in being able to do that, but I think it would be helpful for all of us to review the research that was done in the past.

The Clerk of the Assembly (Ms. Deborah Deller): The reports are extremely lengthy—both of them. Certainly, we can make copies available to you. What might be an idea is to have copies available to the committee and we can actually do a kind of summary note for you of them so that if you don't want to walk around with the entire reports, then you can—

Ms. Lisa MacLeod: Yes, I can't really carry much more than these standing orders that were sent out to me the other day.

The Clerk of the Assembly (Ms. Deborah Deller): The other thing we might look at for you is that at Westminster in the UK, over a number of years under Tony Blair, they had a modernization committee, a committee on modernization of Parliament. They made certain proposals as a result of those committees, and made certain changes. Some of them worked; some of them didn't work. But it would be also worth looking at some of the documents that they developed and some of the changes that they have made, I think for the better, in the operations at Westminster. Again, going down the road,

we can flesh those out a little more for you. I also have a suggestion which I'll get to a little bit later but—

The Chair (Mr. Garfield Dunlop): Mr. Leal had a question as well. Is this going okay for you, Ms. Clerk?

The Clerk of the Assembly (Ms. Deborah Deller): It's fine.

Mr. Jeff Leal: Thank you, Mr. Chair.

Deb, I'd like to know, from the report that was done by the procedural affairs committee, how many recommendations were made at that time and how many were implemented? And for the ones that were not implemented, it would be nice to have some commentary why they were not implemented. There may be something they recommended that was not implemented back a number of decades ago that may be more relevant today for us to get some food for thought.

The Clerk of the Assembly (Ms. Deborah Deller): Okay, we can get that for you. I can do that for you.

Mr. Jeff Leal: Thank you.

The Chair (Mr. Garfield Dunlop): Go ahead, then, please.

The Clerk of the Assembly (Ms. Deborah Deller): Since that time of those more comprehensive reviews—and there were other forms of comprehensive reviews; that just happened to be the largest one in this Legislature. Since that time, there has been a more piecemeal approach to amending the standing orders. As a dispassionate observer, I would say those are the things that probably haven't helped the institution a whole lot. It's understandable what has happened over time. One of the time-honoured ways that an opposition in a Parliament has had to oppose is to filibuster, to talk, and to talk things out, but we had an occasion where there was an extended filibuster, a speech that went on over several days—17 hours—so essentially what happened was, at that point, the opposition was engaged in obstruction. I should say that all of this has happened over time and over several administrations—every party, notwithstanding which party may have been in government or in opposition.

The government reacts to that in the way you would maybe expect, because they have to be able to govern. So what happened as a result of that is that we then saw time limits on speeches being imposed, and then, once we had time limits on speeches, one of the unintended consequences of that was—previous to that, third readings in the Legislature got passed sometimes in very quick measure and often on the nod, because there had been a full and fair discussion at second reading and in committee. The unintended consequence of the imposition of time limits on speeches was that, then, the reaction from the opposition was to, in every case, use the maximum amount of time to debate at third reading. So, in an effort to kind of contract consideration of legislation, it did have the consequence of expanding it in part through a longer debate at third reading.

Then you end up with a situation where the opposition now can't oppose by way of talking something out, so they engage in other tactics. So we end up with an oppos-

ition that reads petitions for an entire afternoon to prevent the government from getting to orders of the day, and then does it again the next day, and then the third party engages in that same tactic.

So now the government reacts by saying, “Well, we can’t have this, so we’re going to impose a time limit on petitions.” The little bit of trivia here is that petitions, before we had a 15-minute time limit, took, on average, six minutes in every day of the legislative schedule. Now we have a time limit of 15 minutes, and you know what happens. The 15 minutes has expired by the end of the day. You know, again, there’s an unintended consequence.

The petitions having been dealt with, the next tactic that the opposition engaged in was to read a title of a bill that contained the name of every body of water in the province of Ontario, so the reading of that bill took the entire legislative day, and at 6 o’clock, the Speaker had no choice but to adjourn the House until the next sessional day, and then we engaged in the same kind of thing the next sessional day. The government reacted as one would expect: “We can’t have this.” Now there is a time limit on introduction of bills at 30 minutes, and no single bill can take longer than five minutes to introduce.

What I’m trying to get at here, though, is that little by little, the processes in the House have been ratcheted down and the opposition given fewer and fewer opportunities to express opposition and displeasure with government initiatives, that the tactics have become, over time, much more extreme, and then the government, over time, has reacted sometimes in a fairly heavy-handed manner.

So we have a piecemeal amendment process that has gone on over time to the standing orders that I think it’s arguable may not have been in the interest of the institution as a whole.

The Chair (Mr. Garfield Dunlop): Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Clerk. That was, I think, a great history lesson for us, albeit abbreviated.

I’m wondering in terms of our approach at this time, and I don’t think by any stretch any of us here want this to be sort of piecemeal. We would like to do it in-depth, provide a good report, perhaps even an interim report to the House and to our House leaders to talk about reforming this place or restoring the appropriate balance.

I’m wondering, from your experience, through your travels, if there is an assembly that does have the right balance with—I don’t know—best practices that we may want to observe or research or make contact with, that we could benefit from.

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The Clerk of the Assembly (Ms. Deborah Deller): I guess first of all I would say that you have to explore how things—you don’t have to, but it’s beneficial to explore how things are done elsewhere. I can’t point to a single jurisdiction that generally has practices that are better than the ones we have here. I think that if you do travel and visit other jurisdictions, what will strike you is

how similar other jurisdictions are to this one. I think you may be interested in some aspects of what actually works better here than in other jurisdictions. I think there are areas, places, that it would be worth taking a look at because of some of the practices that they have developed.

The Parliament of Scotland is one. The reason that Scotland is such an interesting place to look at is that Scotland has the advantage of having developed its Parliament very recently. They didn’t have all of that hundreds of years of traditional practice that they needed to consider. They could really start from scratch. A lot of the things they did in terms of petitions, for example, and public consultation processes are interesting to take a look at because they came at it very fresh, and they could pick and choose the things that worked best for them.

I think it’s worth visiting the Canadian House of Commons. There are some interesting things they do. A little bit later on in my discussion, I wanted to get into private members’ public business a bit. The House of Commons has developed a process for private members’ public business that I will say, with all due respect to my federal colleagues, is extraordinarily complex. It’s probably not something that you would want to adopt for this place holus-bolus, but there are elements of it that might work. I can get into that a little bit later on.

There are practices that have been developed in Australia. Australia has—many jurisdictions in Australia, in any event, have a very sort of modernistic approach to their Parliaments.

It may not be possible, especially in this Parliament, for this committee as a group to travel that far afield. But what we can do, if that’s not possible, is to bring people in who are very familiar with some of those processes, once we identify which ones you’re particularly interested in, to come and speak to you about that.

There are a number of places that I would recommend, and through Trevor, I can give you a list of those places once you’ve kind of refined your scope a little bit so that we know what specific areas you are interested in looking at. Where possible, if you can go and visit some of those other jurisdictions, I would highly recommend that. It’s always better to see something in operation rather than try and understand it from what somebody is telling you.

The Chair (Mr. Garfield Dunlop): We have a question here from Mr. Bisson to kind of break in.

Mr. Gilles Bisson: Just on that point to the Clerk: I would appreciate—I don’t want a big shopping list, obviously: “Here are the Legislatures you might be interested in.” But I’d be more interested in getting something a bit more specific, a list of, “Here’s something interesting they’re doing in Australia when it comes to committee, when it comes to private members, when it comes to whatever,” and sort of listing just a synopsis of what it is and any reference that we can have by Internet that we can go and take a look at. Then we can, there and then, decide if we want somebody to come to this committee or to do whatever. But I’d be interested in

knowing specifically what it is that Scotland or anybody else does that's interesting and that might be applicable here.

The Chair (Mr. Garfield Dunlop): Can we touch on, just very briefly, too, the role of electronic equipment in the Legislature? We're allowed BlackBerrys because there was unanimous support on a motion for that at one point. But what I'm curious about is: If you look at other jurisdictions, how much do they incorporate, for example, laptops on their desk etc.? I know that's not our responsibility as a committee, but can you explain to the committee, Deborah, exactly where that would fit in?

Mr. Gilles Bisson: Just on that point, you just need to look at page 3, Ottawa Sun, about two months ago. There are lots of pictures of laptops and people playing card games and all kinds of stuff.

The Clerk of the Assembly (Ms. Deborah Deller): That's actually an interesting point. We have a survey which we can provide to you about what electronic devices are allowed in other jurisdictions and the rules around the use of those. In other words, most other jurisdictions don't allow the use of electronic devices during question period, for example. But we can give you that survey about what happens in other jurisdictions.

I think what the committee needs to consider, though, is what you are going to be allowing the electronic devices in the House to do: Does it relate to the purpose and work of the chamber itself or is it to allow members to become further distracted from the business of the House, to do other things?

I have to say, from a personal point of view, I was never very taken with the notion of allowing laptops in the House just for the sake of allowing laptops in the House. I will say, though, that the advent of tablets, iPads and PlayBooks has changed things in my mind, because we can see a purpose for those things in the business of the House.

We are currently writing up—I'm going to say something; I'm a little ahead of myself. But anyway, we are currently developing a mobile device policy for the Legislature because what we think we can do with things like iPads is push out all of the parliamentary documents to members on those things in a way that allows them to see, for example, amendments to a motion that we might be debating in the House at the moment that comes up on the screen, boldly; that has the agenda of the House; that identifies what votes are going to take place, what bills are on the order paper, all of that kind of stuff, and then get rid of a lot of the paper in the chamber. So we actually see a real advantage to the tablet issue, but the bigger question, rather than just "Can you use electronic devices in the House?" is, "What is it the electronic devices will be used for?"

The Chair (Mr. Garfield Dunlop): This has brought a number—there are three questions over here now. Before I go to Mr. Clark, is it under the scope of this committee's work to make any suggestions, or is it for someone else on that? I just wanted to get a clarification. I understood it was—go ahead.

The Clerk of the Assembly (Ms. Deborah Deller): This committee is currently charged with doing a standing order review and nothing else until that standing order review is completed. I guess my advice would be that probably electronic devices in the House is not part of the standing orders. Certainly there could be a recommendation that it be made part of the standing orders; in other words, that the guidelines around the use of electronic devices in the House could be written into the standing orders.

The Chair (Mr. Garfield Dunlop): I think it's a very interesting topic, and I know we've got a couple of questions over here, three questions. First of all to Mr. Clark, then to Mr. Bisson, then to Mr. Schein.

Mr. Steve Clark: Just to clarify, the Clerk and I have had a couple of conversations about this, and while I may have been an advocate of free rein of electronic devices, I certainly have come more towards the thinking that the Clerk has outlined: that there are conventions that take place in other jurisdictions, especially those that use tablets, that I think are of major use to our discussions. If it means to put it in the standing order, to make it part of our committee's deliberations, then I certainly and wholeheartedly agree with that.

But I think the other issue that I've spoken to these folks about is just the fact that, again, as part of our modernization of the Legislature, I think we really have to look at how constituents access us. I know that we have the technology, for example, in the Amethyst Room, to live stream that committee room whenever we have hearings on a particular bill. I appreciate that this room, I don't think, has the technology to do that, but if we have the technology, and so many of our committees don't travel now in the province of Ontario, we need to use what technology we have available, in this building, to make sure that our constituents see us and access our deliberations.

So I don't know, again, if it needs to be incorporated in the standing orders, but I think it has to be a discussion point because we have a great opportunity to look at other jurisdictions. Other jurisdictions do a far better job at publicizing and televising their proceedings than our Legislature does, and I think that's a crime.

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The Chair (Mr. Garfield Dunlop): I think I'll just let the three questions be asked, and then we'll finish up.

Mr. Bisson and then Mr. Schein.

Mr. Gilles Bisson: Just very quickly, the Clerk is right in the sense that, although the Legislative Assembly committee can look at those things normally, because of the motion of the House we're charged with doing a particular task. So, to put it in context and in simple terms, that's where we're at. However, that being said, if this committee says that's something we'd like to recommend to the House leaders, so be it. That's number one.

Number two, I'm with the Clerk: I was a big bull when it came to bringing in laptops. I think it would be a mistake. That's only my personal view. I think we very much need to limit, because people do not pay attention

to what's going on in the House now. Imagine if you're able to play Hearts or Sudoku or whatever it is on your laptop.

The last part: I come from a riding that makes paper, Clerk.

The Clerk of the Assembly (Ms. Deborah Deller): Oh, I apologize.

Mr. Gilles Bisson: Just remember, we need those paper mills running, all right?

The Clerk of the Assembly (Ms. Deborah Deller): Listen, we're a Parliament. We are never going to eliminate paper entirely anyway. The permanent record always has to be a paper record, because 20 years from now we might not be able to read a CD-ROM.

Mr. Gilles Bisson: I know, but I'm just saying—

The Clerk of the Assembly (Ms. Deborah Deller): Yes, I understand.

Mr. Gilles Bisson: A dual system, please.

The Chair (Mr. Garfield Dunlop): Mr. Schein.

Mr. Jonah Schein: I'm really happy to have the two of you in the room. I'm actually really interested in what frustrates you when you go home at the end of the day. I think we're all here around creating good public policy together. There's detailed stuff that people are starting to ask, but I wonder, more in terms of framework—I mean, there are specifics that fit within that framework, but what are the things that are most frustrating, that get in the way of this place working for people in Ontario?

Interjections.

The Chair (Mr. Garfield Dunlop): She's probably looking at them.

Mr. Gilles Bisson: If she were in the United States, she could plead the Fifth.

The Chair (Mr. Garfield Dunlop): Ms. Deller, you can answer all three of those questions now.

The Clerk of the Assembly (Ms. Deborah Deller): The whole question about what frustrates us at the end of the day is probably one that we may want to have in a different context, possibly at a different time.

There are certain things, though. I think that when the purpose of the House or the legitimacy of the House—which is my biggest frustration—is eroded by either rules that have been imposed or by the actions of the House itself, to me, that's a frustrating thing, because I think that in the minds of the public out there, there is already a level of cynicism attached to the process and to this place. When we contribute to that, it does a disservice to the parliamentary institution. Parliament is a critical part of the democracy that we live in, in this country, and it has to be respected. If it's not respected by the members who are participant in it, then I don't think you can hope to have it respected by the citizenry out there.

Just as an example, one of the things I want to maybe talk about a little bit, when we get into specifics, is debate in the House. In my mind, if the debate in the House isn't relevant to the subject at hand, and instead talks about everything else that may be making headlines that day or something, then you diminish the legitimacy of that process in the House and you don't serve it well,

because there's an assumption that it doesn't really matter what you talk about, when really, if you've got a bill, a piece of legislation before you, you should be giving that—what is going to be a law of the land—fair and full consideration, and talking about that specific piece of legislation.

That's one of those things. My recommendation, falling out of that, was: Take a look at the rules of debate. Maybe you want to consider, for example, strengthening the rules around relevancy. Give the Speaker a little bit more power to impose some will that the House will discuss this particular item. I think the presiding officers do a pretty good job at trying to bring people back to the subject at hand, but it's possible that you may take a look at those rules and just make them clearer. I think that's the other thing: Maybe the rules around debate aren't clear enough or they're not in modern enough language for members to fully understand exactly what it is they're intended to mean.

The Chair (Mr. Garfield Dunlop): Okay. Ms. MacLeod has a question as well.

Ms. Lisa MacLeod: Thank you very much, Clerk. When I arrived here six years ago, the member for Oxford, Ernie Hardeman, looked at me and gave me a piece of advice. He said, "You will enter into debate and this is the only place in the world where it is the quantity of what you say, not the quality of what you say, to pass the time." It's true. It's because we're set to speak for an hour, and when we talk about, what are the other repercussions—and I heard a few members laughing, but it is true. It speaks, I think, to your experience after you've been here a while to actually make relationships with stakeholders, but the reality is, when you're given a 20-minute speech and you're a brand new member, you're told, "Okay, you have to be part of the rotation because we do need to drag this out to actually give it the fresh set of eyes."

Do you know what the other unintended consequence is? We simply don't have the expertise in the opposition—and I will say this for the third party and the official opposition—to actually scrutinize legislation at a staff level. I think it becomes an onus on the members, and as the members become more experienced and understand the issues, and they get to know the stakeholders a little better, then it's not as difficult to pass that time with substantive information.

I think that's a big problem. That was the first thing that Ernie had said to me when I came, and over the time I have observed—and some of the best speeches actually come when somebody has an hour to pass time and they're actually talking about some local issues and they're talking about their own community.

I reference my seatmate, John Yakabuski, the member from Renfrew–Nipissing–Pembroke, who a couple of weeks ago probably gave one of the better speeches I've ever seen on the floor, but I'm not sure it stuck whatsoever to the bill that we were discussing.

I think that if we're going to go down that road, and it's one that I am probably in great agreement with you

on, there are some other issues that we have to explore there, and it is the resources in the opposition. I say this to my friends in the government who may one day see themselves there, that that is a challenge.

The second thing is, what do you suggest in terms of this committee for a recommendation? Right now, we have seven and a half hours to debate. We talk about, okay, we've got Bill X on the docket; everybody has an hour lead, so that cuts into three hours of time. Then we'll go into 20-minute rotations and then it's 10, and then it will likely be time-allocated if we're to proceed.

Again, how do you allocate the time, if you will, to ensure that there is substantive debate, notwithstanding the other issues that you have to deal with?

The Clerk of the Assembly (Ms. Deborah Deller): Okay. Since you said it first, then I feel that I have an ability to say what I have written here, which kind of follows along what you were saying, which is, in recent history, debates have been more about filling an allotment of time than providing a forum for informative and constructive discussion.

This was another unintended consequence, I think, of putting time limits on debate. I'm not advocating at all that—you can't turn the clock back. You can't go backwards. But there was a time—and this is maybe more to do with the culture of the place than the rules of the place. The rules already say that in debate you should be speaking to the motion under consideration at the time, but the culture that has developed is one of, "We've got to fill the block of time." Before we had time limits on speeches, there were members who had some knowledge or interest in the subject who spoke, and they spoke for whatever period of time it took them to make their point. Maybe it was 10 minutes; maybe it was an hour and a half or two hours. But members only spoke to say what they needed to say on that subject matter. In my mind, it made for better debate because members were speaking about something that they knew about.

There has been one of those recently. I listened with a great deal of interest and some satisfaction to the debate recently on subways. The reason I liked that debate was, if you remember it, members spoke largely without notes; they spoke from some knowledge of the subject at hand and with a high degree of passion, and it made for a really—take a look at the tape. It made for a really good debate. It doesn't matter what side of the House you sit on or what side of the issue you sit on; it was an extremely good debate.

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So we do have, you know, flashes of those good debates, but now, because it's more about filling time, there's a tendency among most of the members to use a very prepared, scripted document to read from, so the debate has become a little bit—

Mr. Gilles Bisson: Boring.

The Chair (Mr. Garfield Dunlop): You don't need to say it.

The Clerk of the Assembly (Ms. Deborah Deller): A little bit less interesting, less passionate, than it might otherwise be.

Ms. Lisa MacLeod: Well, I've never been accused of not bringing the passion to debate, Clerk. I've been accused of bringing a little bit too much.

But just in a quick follow-up, of all of the assemblies or Legislatures or Parliaments that you have seen, where have you seen the best free-flowing debate? And we'll take no offence if you don't say it's the Ontario Legislature. But where have the rules been where there has actually been that true debate of ideas?

Mr. Bas Balkissoon: Take the cameras away.

The Clerk of the Assembly (Ms. Deborah Deller): Yeah. Again, I think there are a number of places where you will see good debate. I have to tell you that I was in South Africa several years ago, and the debate in the Gauteng state Legislature was a phenomenal debate, because the members were speaking very honestly and passionately about the subject at hand. And they weren't very concerned with falling down on party lines; they were more concerned with giving a speech that was representative of the people they came to represent.

Somebody just said something about television. There are people who have all kinds of different opinions about whether television has helped or hindered the Legislative Assembly. I think there are pros and cons to the whole thing. I think one of the things it has done is, those people in remote areas do have the ability to see the Legislative Assembly in action, and that can't be bad, people who might not otherwise have the opportunity to watch the Legislative Assembly.

I will say this, though, in terms of speaking and debate and the quality of debate, and that is that before we had TV, my sense is that the debate was better, but I think the reason for that is not so much because of the cameras in the room. The reason for that is that members couldn't sit in their office, nor could the press, and watch the debate that was occurring on the floor of the chamber. In order to hear it, they had to actually come into the chamber, and my feeling is that when you as members stand up to make a speech, it must be very difficult to do that when you're speaking to a room that is sparsely attended, and those who are there aren't really paying a lot of attention. That makes it difficult to make a good speech, because in order to make a good speech, you need to get a reaction and a response from the people who are listening to it. We don't have that a lot anymore, because members don't tend to come into the chamber to watch.

The Chair (Mr. Garfield Dunlop): With that, we've got two or three questions. First of all, Mr. Leal, then Ms. Cansfield, and then Mr. Bisson.

Mr. Jeff Leal: Just a comment: Having come from a municipal background, quite typically in municipalities, your limit for speaking is exactly 10 minutes, in two five-minute blocks, on bylaws, and it was always my experience that because of that restriction, you tended to have a much more informed debate, a very focused debate.

One of the challenges I think we have here—and it's on all sides; government, opposition and third party—is that when you get into this business of an hour where 20 minutes of it becomes filler, you tend to get into the

partisan stuff, and you get on the slippery slope, and then you get everybody standing up on standing order 23(b) or (c), or whatever it is, to get back to the topic.

I always found—and Mr. Clark was the youngest mayor ever elected in Brockville—

Mr. Steve Clark: I'm old now, Jeff. I'm old.

Mr. Jeff Leal: He will probably be a supporter of Mr. Balkissoon—that because you put restrictions on speaking limits, you tend to get a much more focused and content-wise debate, which was better, just in my experience. People, city councillors and mayors, would do adequate research and tend to have a very focused debate. That's just an observation.

The Chair (Mr. Garfield Dunlop): Mrs. Cansfield.

Mrs. Donna H. Cansfield: Thank you, Chair. My question is around the issue of the debate and the substance of the debate not being specific to the bill or the issue at hand, and that's particularly common, unfortunately. The interesting issue for me is that the standing orders say that an individual can stand up and say that a particular member is not speaking to the bill, and then the Speaker references that. But should there not be a requirement that the Speaker is listening and they should stand up and say, "You're not speaking to the bill"? Far too often it goes on and on and on and the Speaker says nothing. It sometimes appears to be, unfortunately, partisan, where the Speaker doesn't appear to be neutral, because that can go on for too long. It happens in all parties, so I'm not speaking one to the other. Are there circumstances where in fact it is the responsibility of the Speaker to maintain that the debate that is in the House—to ensure that it's on the bill?

The Clerk of the Assembly (Ms. Deborah Deller):

Yes, I think there are, and I think presiding officers can and do try to make sure that members focus in on what the subject is, maybe not all the time, and maybe not, as you say, entirely consistently.

It's also a very difficult thing for the Speaker to do, though, because—you've seen it yourself—someone may be talking about, I don't know, chocolate bars in schools, when the subject matter is the speed limit on highways. So the Speaker will say, you know, "I caution the member that we're discussing this bill, which has to do with the speed limits on highways." So the member—because you're all very smart people, you will then draw the connection in a loose kind of way to what you're saying and what the subject is, and move on, so now the Speaker is satisfied that you're back to discussing the bill. But then, you may make the connection loosely enough to continue talking about chocolate in schools.

So the challenge for the presiding officers is to try to make sure that the debate is relevant to the motion before the House without constantly jumping up and trying to interrupt the flow of the debate. You will get some Speakers, with respect to some members, who kind of take the approach that the 20 minutes is almost done, and rather than prolonging it by getting into an argument, they just let the member speak out the time.

Mrs. Donna H. Cansfield: I just then would, as a postscript, say that it has been more my opinion that there

have been more of the members standing up to ask for relevance as opposed to the Speaker interjecting, and so I was questioning whether or not there's actually some tightening up of that rule whereby the Speaker should in fact be intervening in a more consistent manner. That's what I was interested in.

The Clerk of the Assembly (Ms. Deborah Deller):

In your review, certainly if that's one of the things that you think should be happening, there's also nothing wrong with including in the review a recommendation to the presiding officers that there be that insertion more often.

Can I say something about the relevancy—because Ms. MacLeod mentioned something that's very true, which is that there are so many things to talk about, there are so many issues, that members don't develop a particular expertise on every subject. That's very true. I think, in moving down the road to the standing order review that you're going to do, you need to take a holistic approach to that. So there are things that you can do to help members develop an expertise.

For example, in committees we have policy field committees—social policy, justice policy, for example—and the reason that they are called that is because those are the committees that are supposed to deal with the issues related to social policy or justice policy. Time constraints being what they are and a whole myriad of other reasons have created a process now where bills get referred out, or matters get referred out, to whatever committee happens not to be busy in that particular instance. So members don't, any more, have the opportunity to sit on a committee like social policy and then, because they're dealing with several issues in that policy field, develop an expertise in that area, because they may be in social policy dealing with a transportation bill or a resource bill and then maybe the next day dealing with something that has some relationship to social policy. So there are a number of things that you may look at that would help to develop expertise in certain areas or allow members to develop expertise in certain areas, and I'm fairly sure that the fallout from that is a greater degree of relevance in debate.

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The Chair (Mr. Garfield Dunlop): Okay, we've got a comment from Mr. Bisson and then Ms. MacLeod.

Mr. Gilles Bisson: Mine is really simple: How long is your presentation? Because if we keep on asking questions, we'll never get through it.

The Clerk of the Assembly (Ms. Deborah Deller): Well, we're covering a lot of it through questions, but I can go through—

Mr. Gilles Bisson: I would appreciate it, and I don't mean to be disrespectful of the questions that are asked, because they're all important questions. But one of the reasons I wanted the Clerk to come is for the Clerk to sort of go through this so we get some context, and I'm afraid that we're kind of losing part of it by jumping around all over where she's going to make a presentation.

I would just ask, Chair, that rather than have a question every time she says something—because I'm

sure we can do that for a whole bunch of time—I would like her to make her presentation and for us to hold our questions until after, so that we can get the context of what it is she's trying to do.

The Chair (Mr. Garfield Dunlop): Well, it's up to the committee. We discussed at the beginning that we would have a format where, as she went along, we'd ask questions. If the committee doesn't feel that's appropriate—

Ms. Lisa MacLeod: I actually like what we're doing here, because it's helping us ask questions. If we require the Clerk and the Deputy Clerk to be back—look, let's do this right. I have some questions that have come up as a result of an answer to another colleague, and it hearkens back sometimes to my experience, working on Parliament Hill, of things I noticed that I liked.

I want to get this right. I don't want, at the end of this today, to have a page full of questions that weren't asked and they're sort of out of context at the time. From my perspective, anyhow, I think it would be great to have a free-flowing discussion, and if we don't get through the entire presentation, have her come back.

The Chair (Mr. Garfield Dunlop): Are you comfortable with this?

The Clerk of the Assembly (Ms. Deborah Deller): I'm at the—

Mr. Gilles Bisson: Chair, can I?

The Chair (Mr. Garfield Dunlop): Go ahead, yes.

Mr. Gilles Bisson: I just want Ms. MacLeod to understand that I understand you're trying to do the right job; I'm not trying to knock you off at the kneecaps here. But there's a certain context—I assume the presentation is how long? That's the first question.

The Clerk of the Assembly (Ms. Deborah Deller): Probably another, I don't know, 15—I haven't really timed it.

Mr. Gilles Bisson: Fifteen or 20 minutes, right? And my point is, if we can just go through what she has to say, so there can be some context to it. Because right now we're jumping all over, and I think we're missing part of what this is about.

The Chair (Mr. Garfield Dunlop): Mrs. Cansfield.

Mrs. Donna H. Cansfield: I understand both perspectives, but actually I'm with Ms. MacLeod on this. I like this dialogue. I like the conversation, as opposed to the briefing presentation and I'm writing down questions to ask. I really quite prefer this engagement, so I'm kind of with you on this. I appreciate the time constraint, but if we're going to do this, get it right and ask the questions as they come to your mind, because then they are relevant to what you're saying. So I prefer that.

The Chair (Mr. Garfield Dunlop): Okay, I think we're going to continue down the path we have been here.

The Clerk of the Assembly (Ms. Deborah Deller): If it would help—if the will of the committee is to carry on in this way and do question and answer, that's fine with me. I'm happy to have the conversation too. What I can do then—because part of my presentation was really in

terms of giving you some guidance or focus, in terms of the spheres of procedure that you might consider, and then, within those spheres, what specifics—is provide that for you in writing and talk about it at another time, if you like.

I think what you're looking for is some kind of focus, which I think you're going to need to have.

The Chair (Mr. Garfield Dunlop): Okay. So we're going to continue. Ms. MacLeod, you have one other comment, and then over to Mr. Balkissoon and then to Mrs. Albanese.

Ms. Lisa MacLeod: Great. Thanks very much to my colleagues for bringing that up. The reason I like this, much like Mrs. Cansfield, is that we have the ability to actually do something that this Legislature doesn't do very well, and that's to actually have a conversation. We're feeding off one another in a very positive way right now, and I appreciate that.

You talked about relevancy of committee and expertise—those nodes of excellence we could create. I'm reminded that as a young staffer on Parliament Hill, I would often attend different committees, whether it was the fisheries committee in the Senate, whether it was SCNDVA, which was the Standing Committee on National Defence and Veterans Affairs. Those members often were long-standing members of that committee. There was often a chair from one party and a vice-chair from another party, which created, I think, lifelong friendships and an ability to reach out beyond party lines from time to time on specific areas of interest and expertise.

In addition to that, there was an ability for each of those committees to be very in-depth, not just dealing with legislation but making recommendations to the House of Commons or to the Senate about issues of the day. They may not have been approved by any government of the day, but at least people in the field, whether they're stakeholders or everyday citizens, actually felt that their concerns were being heard through the committee.

One of the things that I was surprised by when I did come here was the rigidity of the committee structure, the fact that we don't travel to other communities across Ontario. For example, all of you know I'm from Ottawa; once in a blue moon we get a committee to travel that far east. I can only imagine, for example, if you're from northern Ontario, how much less that possibly is. That, I think, speaks not only to our credibility but to that legitimacy that you're talking about.

So, (a) we don't have six or seven experts from all different parties on mental health, for example. But not only that, we're not accessible to people. That concerns me.

I've been on committees, and I know everyone here has been as well, where we would make a decision that we were going to have public hearings, but we needed to have the advertising out in less than a week, and everything is hurried, and then it doesn't happen until the bill has been passed where actually the public knows we've

passed it. It's an awful lot of onus on an actual constituency MPP. I'm not talking about a government or opposition or third party MPP; I'm talking about an actual private member.

I would be very interested to hear, from your perspective, how we restore the relevancy of committee. I think it's a perfect time for us to have that conversation right now.

The Clerk of the Assembly (Ms. Deborah Deller): Okay—

The Chair (Mr. Garfield Dunlop): Go ahead and answer that, and then I'll get another couple over here.

The Clerk of the Assembly (Ms. Deborah Deller): Sorry, Chair; I keep not waiting to get recognized. I so rarely have the opportunity to speak.

Mr. Gilles Bisson: Don't filibuster.

The Clerk of the Assembly (Ms. Deborah Deller): Part of what has happened over time, over a significant period of time—probably since the late 1980s—is there is a propensity in this Legislature for legislation in particular to be time-allocated. So what that created was a rush in committee because the bill would be allocated to a committee. Sometimes that time allocation motion wouldn't pass until the day before the bill was going to be referred to committee. The committee might only have two or three days allotted for consideration of the bill, which doesn't allow for things like travel or lengthy public hearings and clause-by-clause. That's one of the things that has impacted on the work of committees in this place.

There are many members who, I think, haven't experienced anything but a time-allocated review in committee. That's kind of an unfortunate thing because the best reviews are the ones that are not governed by the clock.

You may take a look at the ability to time-allocate and when, and maybe put some parameters around time allocation in terms of maybe there should be a minimum length of time, when a bill gets referred to committee, that it needs to be in committee. We currently have a standing order that says that a bill can't be considered in committee until five days after it's referred, but when the House time-allocates, they can override that standing order. That's when you get this quick turnaround from second reading to committee consideration of a bill, which doesn't make for the best consultation process. But what you can do is take a look at that time allocation motion and embed in that certain restrictions in terms of the speed with which the consideration can be started and the length of time that it should be considered in the House.

Committees are a critical component of a Parliament: They are the liaison between the House and the public. They are the ability for the public to access members and to have their say. So I think it's important—one of the most important things, I would say, that you can do if you're looking at the standing orders is to take a look at the committee structure and system and try and strengthen it a little bit. You could look at a number of different things.

I don't have a magic bullet, but you could look at a number of different things. You could allow committees a little bit more autonomy. I hesitate to say this with the government whip in the room, but you could allow committees to determine their own meeting dates and times, for example, which means the committees themselves have to make the decisions about when and for how long they will meet and what times actually are more consistent with the ability of the public to attend. Maybe it makes more sense for a committee to meet in the evening, for example, so that there's a greater participation among—sorry, Trevor—the public who are going to be—

Ms. Lisa MacLeod: Just not the Legislative Assembly.

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The Clerk of the Assembly (Ms. Deborah Deller): And that allows also for committees to have potentially more time to complete their work, because it's possible that they'll decide they're going to meet two or three days a week instead of only one.

I think that you might want to give some consideration to how legislation gets referred to committee and what legislation gets referred to what committee, so that there is some consistency in terms of which bills on which subject matter, or which matters.

Mr. Gilles Bisson: Just a quick question: When you're saying how a bill gets referred to committee, what are you getting at specifically? You're talking about where the bill gets sent, not how it gets referred.

Mr. Steve Clark: She's talking about both.

Mr. Gilles Bisson: I'm asking her to clarify.

The Clerk of the Assembly (Ms. Deborah Deller): Well, a little bit of both. Some jurisdictions, for example, require that all bills must go to committee. Some jurisdictions have a requirement that certain contentious bills go to committee, and then there are other processes for less contentious bills—the main committee, for example.

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

The Clerk of the Assembly (Ms. Deborah Deller): There's a process in some jurisdictions where they have a main committee, which is kind of a parallel House.

Mr. Gilles Bisson: A main?

The Clerk of the Assembly (Ms. Deborah Deller): Yes.

Mr. Gilles Bisson: Committee of the Whole.

The Clerk of the Assembly (Ms. Deborah Deller): And the resurrection of our Committee of the Whole might be helpful in this regard, too, so that when bills maybe don't need public hearings but need to be altered a little bit, they can go to Committee of the Whole instead of out to a standing committee and back.

The Chair (Mr. Garfield Dunlop): If you've got a couple of other comments, can we make those now?

The Clerk of the Assembly (Ms. Deborah Deller): Yes. Just one other small item on the whole committee thing is, you might take a look at the rules around substitution, too. You might consider even tightening up those rules around substitution, because what you have

currently is sometimes you've got a set of hearings, and you may have witnesses on one day who are speaking to an entirely different committee than they spoke to the day before, so there isn't some continuity in testimony. You don't have a group of members who are all hearing the full breadth of testimony all at the same time, so that again causes members not to develop the sort of expertise in the area.

The Chair (Mr. Garfield Dunlop): Okay. Thank you, Ms. Deller.

Mr. Balkissoon, you had a comment, and then Ms. Albanese and—

Mr. Bas Balkissoon: Well, I sort of had a question based on what I've heard. What I heard from you about the time allocation of debate—before it occurred, basically people would get up in the House and speak, and they'd speak, as you said, with relevance to the bill, knowledge about what's going on. If you were to go back to such a situation, how would we deal with that? Would it be a model somewhat like, once the bill is presented, then each member who's interested in the bill make a submission, either in writing or whatever, to their individual House leaders? I'm interested in speaking on the bill—and instead of time-allocating bills, what you do for debate is you actually have a limited number of speakers. Would that work?

The Clerk of the Assembly (Ms. Deborah Deller): It could. I see what you're saying, and then much like we have with debates where there's a block of time allocated to each caucus, and so they determine within that timeframe how much time each member gets to speak—

Mr. Bas Balkissoon: Because then people who are submitting their names, saying, "I'm interested in this bill," would actually be speaking with relevance, knowledge and expertise, or they have an interest because of their own riding, and we wouldn't get into the chocolate story and all the other things we see.

Mr. Gilles Bisson: But we do that because it's restricted debate here.

Mr. Bas Balkissoon: I just wanted to hear the Clerk's comment. If we were to get rid of the restriction, is there any Parliament that actually uses that model?

The Deputy Clerk (Mr. Todd Decker): Saskatchewan adopted some changes to their methods a few years ago whereby, like us, they have a fall and a spring sitting period. Their system now works in such a way that the government—and this would be a big leap for us—is obligated to have its legislative program introduced by a certain point in each of those sitting periods. It is then the opposition that picks the amount of time that's going to be allocated to consideration of all of that business for that sitting period. So the opposition is then deciding, "This one's important; we want to spend a lot of time on it. This one, not so much." What's in it for the government is that there's a cut-off date in each of those fall and spring sitting periods by which they get votes on the legislative program that they've introduced.

So, in that way, the opposition has a little bit more control over the debate. Presumably, you're only going to

select items for debate for a specific amount of time to meet the interest that's there among the members. The government gets its way—at the end, it gets its decision made on the items. And there are a couple of little safety valves; for instance, the budget bills, of course, don't have to be introduced until the budget, and there's a mechanism for emergency things or things that couldn't have been foreseen by the cut-off date for those still to be introduced and to have their vote on. But I think it kind of works for both sides of the House.

Mr. Bas Balkissoon: How long have they done this? How long ago?

The Deputy Clerk (Mr. Todd Decker): I think it was around 2007-08, somewhere in there, where they made changes to the—

Mr. Bas Balkissoon: Okay. Has there been any situation since then where—I go back to the first two principles of the Clerk: The opposition has its duties to do and the government has its role, which is to govern. Have there been any situations where something was delayed, where the government could not govern and get its business done, since then?

The Deputy Clerk (Mr. Todd Decker): I don't know for sure, but I don't have the impression that it hasn't been working for them.

Mr. Bas Balkissoon: Okay.

The Clerk of the Assembly (Ms. Deborah Deller): The Yukon subsequently adopted a similar process. Essentially, it is, "Here's a block of time"—and there are certain limitations on it within—"and here's the legislative agenda." So then it puts an onus on the opposition to make some decisions about the things they're going to talk out and the things that aren't so contentious and they could let go of. That would be the debates we currently have where everyone stands up and says, "We're in agreement with this bill," that might take a lesser amount of time. But it also means that, at the end of the day, all of those things get voted on.

The Chair (Mr. Garfield Dunlop): Mrs. Albanese.

Mrs. Laura Albanese: My comment goes back to the conversation we were having earlier on whether to hear the Clerk's presentation or to continue with questions as we have been doing. I was just going to propose, hopefully, the best of both worlds, in that I'm interested in the focus that the Clerk wanted to present, and maybe if we could have a bit of a presentation, followed by questions that may arise, and then perhaps if it's divided in chunks—

The Chair (Mr. Garfield Dunlop): Okay. We'll try to stretch it out a little more that way, then.

Mrs. Laura Albanese: It's just a suggestion.

The Chair (Mr. Garfield Dunlop): Yes, okay. Before we go into that—you're sort of the next round here—Mr. Clark, you had another comment?

Mr. Steve Clark: Yes, just a very short one. I like some of the questions you've thrown up on committees, because I feel a certain level of frustration over the last two years in the way the committees have operated. I know you've thrown up some great suggestions with

Saskatchewan and the Yukon in terms of the bills. Any ideas, any jurisdictions come into your head on committees that have changed their committee structure in the last few years?

The Clerk of the Assembly (Ms. Deborah Deller): Yes, the Senate of Canada.

Mr. Steve Clark: Well, no, it's true.

The Clerk of the Assembly (Ms. Deborah Deller): It's true. They actually have a really, really good committee system, but I guess their advantage is that—

Mr. Gilles Bisson: They don't get elected.

The Clerk of the Assembly (Ms. Deborah Deller):—they don't get elected, so there's not as much of a party focus. Plus, they have the luxury of time, in many cases, anyway. But it might be worth taking a look and seeing what some of their procedures are in committees.

The Chair (Mr. Garfield Dunlop): Mr. Bisson, you had a comment there?

Mr. Gilles Bisson: I can skip. I'll come back. I'm okay.

The Chair (Mr. Garfield Dunlop): Okay, then go to the next part of your presentation. Thank you. Ms. Deller.

The Clerk of the Assembly (Ms. Deborah Deller): Okay. Really where I was going next was to talk about these sorts of spheres of consideration. I think you need to think about what it is a Parliament is supposed to do, what are those kinds of large areas that Parliament is supposed to be responsible for, and then develop functional spheres within that to explore. Some of those would include accountability. You know, we have a system of responsible government, which means that the executive is accountable to the legislative branch. Some of the processes in place to keep the executive accountable are things like question period or things like written questions.

Financial scrutiny is an extraordinarily important part of what a Parliament is supposed to do. You might then take a look at our financial procedures—the estimates process, the public accounts committee, concurrences, pre-budget consultations, those kinds of things—as one sphere to take a look at.

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Public consultation: Public consultation includes the kinds of things we've just been talking about, committee system again, pre-budget consultations, petitions—that kind of thing. What would be included in that, Mr. Clark, I think is the discussion you had about how committees engage the public and whether there's a greater ability to use technology to do that.

I think one of the spheres is the role of the private member. That includes private members' business—how that's considered, how that's dealt with. Standing order 126 is the standing order that allows certain members of committee to determine an investigation into something that is within the responsibility of that committee. That's one way that private members can engage a process in this place.

Opposition days: You might take a look at certain elements of opposition days.

The legislative process is another sphere. Within the legislative process, you have three different kinds of bills: public, private and private members' bills. Again, we talked about the means by which those bills are referred to committees. You might take a look at all of the processes, including Committee of the Whole.

There's some reluctance to go into Committee of the Whole based on what happened in 1997. I can tell you—I'm going to say this on the record very clearly—what happened in 1997 when the Committee of the Whole met for nine days straight around the clock had nothing to do with the process of Committee of the Whole; it had everything to do with the time allocation motion that was imposed on it at the time that required that the committee meet until completion of clause-by-clause. Without that order of the House, Committee of the Whole can easily go in and out of session, and it is a very good procedure for dealing with clause-by-clause of legislation. I think this committee would do well to kind of revisit.

Mr. Gilles Bisson: Just on that, we used to do that quite a bit [*inaudible*] because it allowed you to take a bill out of second reading and say, "Okay, we all agree there are three or four amendments that need to be dealt with." The minister would come in with their staff, we'd deal with the amendments, you'd have your discussion. It wasn't lengthy and, boom, you're into third reading. And you never had debate at third reading at that point, either.

The Clerk of the Assembly (Ms. Deborah Deller): One easy method that you might use for focusing in on your discussion is to take a look at the broad headings in the standing orders themselves. You're going to take a look at some of those headings and you say, "Okay, we don't have any concerns with any part of this" and throw those out, but what it will do is serve to narrow down where your areas of interest are when you're looking at the standing orders.

I think, then, you take a look at those headings. You decide which ones work fine; you kind of park them over there. You define in which other areas you might generally agree on a specific change and set those aside, and then take a look at maybe ones that require more consideration, maybe a look at other jurisdictions, that maybe are a little bit more contentious, and then make those the greater focus of this committee's hearings.

Once you determine what areas you really want to focus in and concentrate on, we obviously can provide you with whatever background information you need—any information or suggestions for where you might go or who you might hear from.

Again, I think it's important to explore how it's done elsewhere. Mr. Bisson asked for a list of those things that we have seen elsewhere that you might be interested in taking a look at. We'll provide that to you.

Where travel isn't possible, consider having witnesses in. Again, we can give you some assistance in that regard. If you're interested in knowing further, for example, what the process was for the McGrath committee, certainly we can bring Mr. DesRosiers out of retirement and have him meet with you for an afternoon or something like that.

There are former members whom I think it would be worthwhile talking to, in particular members who have had experience sitting on both sides of the House and who have had multiple roles in the House—roles as a backbencher, roles as a House leader, roles as committee Chairs, for example. There are a number of former members who have some good suggestions to offer, in particular; now that they're not here anymore, that makes them a little freer to speak to them. Also, they can give you a perspective of maybe how things work in the House today as opposed to how they once worked and how we might get back a little bit of that relevancy in the House.

In terms of reporting, somebody mentioned an interim report. My advice to you is to do that kind of slow and easy approach. Don't try and aim for a final report right off the bat. You might want to do a series of interim reports.

The other piece of advice I have for you is, if you recommend standing order changes, in particular if they are significant, it's always a good idea to recommend that they be put in place on a provisional basis. Try them out for a while, and see how they work. If they do, then great. If they do with some tinkering, that's good. If they don't, then abandon the idea. There's nothing that says that once in place, they're written in stone.

Now, I do have some sort of specific areas—

The Chair (Mr. Garfield Dunlop): We're going to go to Ms. MacLeod. She has one question now before you get into the specific areas.

Ms. Lisa MacLeod: Sure. Just on that, two things, actually. One is, could you consider drawing up a list for us—I think I asked for this last week, but your advice on this I think would be really important—of other experts we may want to bring in? I had mentioned a few former members; for example Norm Sterling, who I know myself, and Mr. Clark has spoken with Claude Des-Rosiers. But perhaps others that you think we could—in terms of just people who have observed the system, whether it's been here or elsewhere.

Just quickly, I know that we're talking a bit about McGrath, and we're talking about the old system that was—the report here, the procedures committee. I'm wondering: The last three times, over the past three different parties that have come to power, when they changed the standing orders, have background materials been provided or, I guess, accumulated over those years? I think, for example, of the major amendments that happened, by John Baird. Do we have details with respect to that? Is there a report, either (a) done by committee or (b) that type of report when you talk about the—

Interjection.

Ms. Lisa MacLeod: Excuse me, if I could just finish my thought. Is there that implications study?

The Clerk of the Assembly (Ms. Deborah Deller): There is for some. In some instances, a motion for standing order change simply went on the order paper as a motion, not necessarily intended to engage much consultation. In those instances, there really isn't anything,

any kind of background, because the motion appeared on the order paper one day and was debated and passed the next. For some of those, there isn't a lot of background material. What I can share with the committee is we do have a table of standing order changes, which tells you what standing order changes took place when, and where we know what was behind them, we've included it in the chart. We'll make sure that you get a copy of that chart.

The Chair (Mr. Garfield Dunlop): I think we have to keep in mind, too, that we're down to about a half an hour with Ms. Deller and Mr. Decker today. We have to have them out of here by 10 to 3. Is that okay with you folks? We can keep going, then?

The Clerk of the Assembly (Ms. Deborah Deller): Yes.

The Chair (Mr. Garfield Dunlop): Okay. Thank you. Go on to your next section, then.

The Clerk of the Assembly (Ms. Deborah Deller): So I think as you move forward with this, there are going to be areas that you are thinking about. There may be issues that you already have with some procedures in the House that you want to pursue. Certainly, at some point, if you want to have me back to comment on any of those, I'm happy to. There are some that we have determined may be of interest to you either because members have come to talk to us or because we've just observed some issues. So we've made a note of some of those.

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Meetings of the House itself, in terms of the schedule of meeting times of the House: This was something that was altered recently, and I think members have a varying degree of happiness with the new arrangement. I said at the time and I say it again: However you arrange the meetings of the House has to work for the members. The House staff and the operations of the House are adapted to whatever works best for you. In our observation, though, the separation between question period and the other routine proceedings has maybe not had the most positive effect. I'm not talking here about whether it should happen in the morning or in the afternoon; what I'm talking about is the unification of question period along with those other routine proceedings. What has happened as a result of separating them is, some of the very important proceedings of the day—for example, introduction of bills; ministerial statements—have become less—

Interjection.

The Clerk of the Assembly (Ms. Deborah Deller): Well, there's less exposure for those things, and they are important parts of the proceedings of the House. We have more specific recommendations if you like, depending on where you want to go with this, but you may want to take a look, again, at the meetings of the House and the agenda of the daily business of the House and just see if there are any adjustments that you might want to make in that area.

We've talked about the rules of debate. One of the things was strengthening the rules around irrelevancy in debate and the kinds of things you might do to improve

that. The other thing you might do is to take a look at the whole questions and comments process—not that it’s not working; it’s just that in other jurisdictions, there are other procedures employed to do the same kind of thing. The intent for questions and comments was to restore a more debate style into the House so as to have some give and take among the members in the House. In some jurisdictions, notably in Westminster, for example, what you’ll find is that a member will be speaking and another member will ask if the member would yield. So it’s a little bit like this discussion: a member will be speaking and another member will have a question or a comment at that moment on that particular thing that that member just said, and if the member agrees, then the other member can, at that moment, insert a question or make a comment. There are obviously issues with that, as there are with the questions and comments process here. What I’m saying, though, is, you might want to take a look at questions and comments and other methods that are employed elsewhere to, again, try and establish that more give-and-take debate style to the House.

Oral question period: It might come as a surprise to all of you, I don’t know, but at 60 minutes, Ontario has the longest question period of any jurisdiction in the country except for Nunavut, which also has 60 minutes, I believe. It may be that that’s a length of question period that is suitable; it may be that you want to take a look at some things in question period that could maybe tighten it up a little bit, make it a little bit more free-flowing, and wouldn’t require the full 60 minutes.

There are other things you might take a look at in question period. One thing I would say is that I do hear some concern about what are considered to be friendly questions from the government backbench. What you need to keep in mind is that the accountability here is the accountability of the executive by the legislative, and the backbench members on the government side are as much a part of the legislative as opposition members. What you need to imbed in any change is to imbed and protect the right of all private members on both sides of the House to ask questions. Now, you may adjust how that’s done in some way, but you have to keep in mind that there is a right for private members on both sides of the House to ask questions of the government.

Public bills: This really goes back to, I think, members developing an expertise or relevance in debate or even the amount of time that’s allocated to legislation. We have seen, over time, an increased method of introducing bills that cover a large area. I’m speaking here of omnibus bills, really. “Omnibus” isn’t a procedural term, but you all know what I mean. It’s a bill that maybe amends a number of different acts or deals with a number of different issues, all contained in one bill. The concern with those is, it’s very hard, then, to get a really good handle on what the entire scope of that bill and what the ramifications of it are because it’s quite large.

The other thing is that there may be 90% of that bill that members can agree to, and then there’s a 10% part of that bill that members simply can’t agree to, and they’d

love to be able to vote for this and against that. In some Australian jurisdictions, they’ve come up with an interesting way of dealing with it. They don’t have omnibus bills. There is a requirement, in some Australian jurisdictions, that bills can contain only a single provision. But they have also, then, established a procedure whereby, in certain circumstances, separate bills can be debated and voted on together. So it ensures that there’s no additional House time then required for the consideration of 10 bills as opposed to one, as long as it’s thematically similar legislation. It allows members of the House to vote separately on each of those bills and then each of those provisions. Instead of an omnibus bill, what they’ve got are separate bills, but they have a process that allows them to debate those bills that are thematically similar together.

The Chair (Mr. Garfield Dunlop): And that’s in other jurisdictions, you say?

The Clerk of the Assembly (Ms. Deborah Deller): There’s an Australian model.

The Chair (Mr. Garfield Dunlop): Okay. All right. Lisa had a question here.

Ms. Lisa MacLeod: Do you know what? I’m going to let you just finish and just maybe, if we don’t have a lot of time here, I guess perhaps invite you back. I find that this is probably one of the best sessions of this Legislature since I’ve been here for three terms—honestly. It’s very good.

Laughter.

Ms. Lisa MacLeod: Don’t laugh; it’s true. I feel it’s very good. Let’s keep going.

The Chair (Mr. Garfield Dunlop): Steve, did you have a comment?

Mr. Steve Clark: No, no.

The Chair (Mr. Garfield Dunlop): Okay. Keep going, then. Thanks.

The Clerk of the Assembly (Ms. Deborah Deller): Committee of the Whole: I would really relish the opportunity to speak to you more about that, because most of you—I don’t know whether any of you have experienced Committee of the Whole.

Mr. Gilles Bisson: Yes.

The Clerk of the Assembly (Ms. Deborah Deller): You have. You will agree with me that it is a really good procedure to have in place and to make use of. I would really encourage you to become familiar with what Committee of the Whole is all about and to even make recommendations. The standing orders are there. It still exists. We could still use it, but you may want to consider making recommendations to actually restore its utilization in the House.

Mr. Gilles Bisson: Just very quickly: For example, Bills 13 and 14 are one of those things we could have done in Committee of the Whole very quickly. But you wanted—

The Clerk of the Assembly (Ms. Deborah Deller): I think that committees, we’ve talked about at some length.

Private members’ public business: I hear from many private members on both sides of the House, I think,

some level of frustration with the ability of private members to move forward with private members' business. There are a number of jurisdictions that have tried a number of things to change the way private members' public business is done. Some have been successful, some not as successful. In the realm of unintended consequences, I invite you to take a look at the Alberta model and what they did with private members' public business that had significant unintended consequences and may not have had the result that they would have hoped for.

What I'm going to suggest with respect to private members' public business is that you take a look at a number of different areas and then do some cherry-picking. Adapt what's out there to fit this Legislature. So, for example, in Westminster there's something called a Backbench Business Committee, which takes a look at bills and decides which bills are going to move forward, how much time they're given and that kind of thing. The House of Commons in Ottawa has a similar mechanism. Essentially, what you may consider is something like this—and there are other things to consider, but just as an example: Bills currently go through their one hour of debate time at private members' business on Thursday afternoon. If it's a bill, it gets second reading and gets referred out to a legislative committee. Then I think what is sometimes frustrating for members is, it sits there in committee and nothing happens further. What you can do is look at something like having a standing order that says, "A private member's bill, once referred to committee, has to be considered within a certain time frame or else it's deemed to be reported to the House without amendment."

Interjection.

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The Clerk of the Assembly (Ms. Deborah Deller): No, but then you want to put some guidelines around that, because there are a lot of private members' bills that get referred out to committee. So what you want to do, I think, for this place is to put an "if" at the end of that. If a private member's bill in committee hasn't been considered by that committee within a certain time frame and it has the signatures of a certain percentage of the House or the agreement of a certain percentage of the House, whatever the mechanism is for that—something is filed with the Clerk with the signatures of however many members of the House, representative of all three political parties—then it must be considered in a certain time frame or moved forward. That's a version of the Westminster model.

Ms. Lisa MacLeod: And that's being done in Great Britain.

The Clerk of the Assembly (Ms. Deborah Deller): Yeah. Well, what I'm suggesting to you is a version of that, yes.

In Great Britain, a bill has to be considered within a certain time frame or it's deemed reported without amendment. Within the time frame, the committee has the ability, like it does with any other bill, to report the

bill, report it with amendment or report that it be not reported.

Mr. Gilles Bisson: But you have to be selected to get your bill read.

The Clerk of the Assembly (Ms. Deborah Deller): Yes. There are all kinds of other fairly complex elements to that procedure which govern how a bill gets to the committee in the first place. So you do have to look at, really, the broader sense.

But you can, I think, explore some of the procedures in place in other areas and then maybe make some decisions around what might work in this place. There are a couple of principles that you have to keep in mind, and that goes back to the government has the right to govern. I think you want to be careful not to implement a process in private members' public business that is going to allow for a private member to introduce a bill, have it go through a very contracted debate at second reading and potentially a protracted consideration at committee, and then have the government forced to pass it at third reading. You have to maintain the prerogative on the part of the government to determine what gets voted on at third reading, because ultimately the government has to govern, and they will be the ones responsible for the implementation of the legislation.

Private members' legislation is legislation that becomes province-wide policy, so that the government does have some control, ultimately, on what bills achieve third reading. But you may take a look at how you can effect some sort of committee consideration of more private bills than we have now.

We have had a number of members come to the table and ask us about e-petitions.

Mr. Steve Clark: I like it.

The Clerk of the Assembly (Ms. Deborah Deller): There are lots of things you have to consider with respect to e-petitions. You have to consider residency requirements. There are jurisdictions that have gone the route of e-petitions and then found out that they were getting a petition that had 10,000 names, but most of them might have been from New Zealand. You have to consider, then, what is the relevancy of that petition? So there are residency requirements that have to be considered.

You have to decide how to do it. In other words, is it something that's going to be hosted on the Legislative Assembly website that the public can access? Do we maintain the same process we have now, where members sponsor a petition, but the public can sign on electronically? I think if you want to pursue that, there are a number of things that you should consider carefully.

The other thing to keep in mind about e-petitions is it makes it very, very easy for people who might not be as serious about the issue to sign on, and you do get thousands and thousands and thousands of names. In some respects, that has the potential to dilute the effectiveness of the petition process, because now there's no way of determining whether it's one person signing 10,000 times or 10,000 people signing once. So there is a lot to be considered, I think, with respect to e-petitions.

A number of jurisdictions are going in that direction. In Canada, the only jurisdiction that currently does it is Quebec, and they have only recently started to do it. But it's—

The Chair (Mr. Garfield Dunlop): We have a comment here from Mr. Clark at this time.

Mr. Steve Clark: I know we talked about this before. I think the Quebec-Ontario meeting took place. I never saw anything come back from that. I know there was a delegation that went down. That was one of the items that they wanted to get some information on.

So I'd love to see what the Quebec experience is because, let's face it, right now, we've had a couple of quite interesting issues that have hit us. I've had the daemon email in my inbox to some thousands and thousands of emails. I had them from all jurisdictions. I got some from places in the United States and some from other provinces just on issues that we've dealt with in the last month. I've been shocked with just petitions that I've put on my own website—and again, I encourage them to follow our rules: original signatures. I can't get over how many people from other parts of the province have filled them in and mailed them to my constituency office.

Again, it goes back to what I said earlier about streaming our proceedings. The Internet is an opportunity for us to engage voters. While I do think we need to have those safeguards, it all goes back to some of those best practices, so I'd like to get some information from Quebec, because I think that's something our constituents feel is the way that we're supposed to move.

The Chair (Mr. Garfield Dunlop): We're taking down a lot of notes here today, so we're giving a lot of good ideas and lot of positive things.

Carry on, then, Ms. Deller.

The Clerk of the Assembly (Ms. Deborah Deller): Really, just two other quick things: Standing order 126 has resulted in a couple of very, very good committee reports and committee reviews; off the top of my head, the alternative dispute resolution report was one of them. I think it can be again. The rule itself is there. It really just needs to be put into more use, I think. The best reviews that occur out of standing order 126 are those reviews that aren't based on the headline of the day, but are based on a real and serious concern that members have about something in the province.

Mr. Gilles Bisson: Just on the 126s, when I first got here, they were “any member can ask.” You got—what is it?—a one-day time at committee; it was limited to how long it could be in committee, but you got it, if I remember correctly. It wasn't dependent on what government—

The Clerk of the Assembly (Ms. Deborah Deller): On a two thirds vote.

Mr. Gilles Bisson: No, no, prior to that.

The Clerk of the Assembly (Ms. Deborah Deller): Yeah, that's what you're saying—

Mr. Gilles Bisson: When I came in in 1990, it was pretty open-ended, because I remember Dianne Poole did some really good work on daycare; there was a number of different issues.

It seemed to me the government couldn't restrict what the hearing was going to be about. Anyway, maybe I—

The Clerk of the Assembly (Ms. Deborah Deller): You know what? We'll have to take a look at how the standing order was written previously.

The Chair (Mr. Garfield Dunlop): Okay. Carry on.

The Clerk of the Assembly (Ms. Deborah Deller): I guess one last word: opposition days. The opposition days were created as a replacement for what was once referred to in this House as emergency debates. The process for emergency debates was that a member could stand up and ask the Speaker for a debate on something of urgent public importance. It didn't work all that well because the poor Speaker was in the position of having to decide whether something was an emergency or not an emergency. It didn't really matter which way the Speaker ruled: One side of the House was going to be angry. So in one of the committee reviews of the standing orders—I think it was the procedural affairs one—they replaced that emergency debate process with opposition days, and that's why we now have opposition days.

We have perceived lately that there's a bit of a game of chicken that goes on with respect to opposition days, because there's a question of each side wanting the last word—

Mr. Gilles Bisson: The right of reply, you mean.

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The Clerk of the Assembly (Ms. Deborah Deller): Yeah. One of the elements in a Parliament is a consideration given by all members that the mover of any motion has the right to wrap up the debate.

We have a process in the standing orders now that allows the minister or parliamentary assistant who moves second or third reading of the bill to have a right of reply. That is, at the end of the debate, typically what should happen is the Speaker then turns to the minister or parliamentary assistant, whomever moved second or third reading, and says, “Do you want to reply?” That closes out the debate.

There was an intent that that same process should be used on opposition day. That's why what you'll notice in the standing orders is that there is an ability for the mover of the motion to reply to debate, as long as it's done within the allotted time for that caucus.

Both of those things have fallen into disuse, but what we have ended up with is this kind of jockeying during some of those debates, to make sure that one side or the other gets the last word. There are things you can do as an amendment to the standing orders to fix that, if you do something like embedding that right of reply so that, currently, you may take two minutes out of each caucus's time and allocate it at the end and give it specifically to the mover for a reply to the debate on that motion. So there are those kinds of things that you can think about doing as well.

The Chair (Mr. Garfield Dunlop): Ms. MacLeod has a question on this as well.

Ms. Lisa MacLeod: Just very quickly. In federal Parliament, they have emergency and take-note debates. How do those work compared to our system?

The Clerk of the Assembly (Ms. Deborah Deller): A take-note debate doesn't result in a decision of the House. It's just—

Ms. Lisa MacLeod: Neither does an opposition day, though.

The Clerk of the Assembly (Ms. Deborah Deller): It's just an opportunity to speak on some issue, which sometimes the House wants to do. It's certainly something to look at.

The Chair (Mr. Garfield Dunlop): If I could make a comment on how effective this committee could be, I think one of the things—it's probably not part of our scope, but I keep looking at the fact that voter turnout is declining almost every election. I'm wondering how we, as a committee, can work towards helping Ontario citizens become more interested in the process.

I just want to get some clarification from Trevor where we're going with this, but you mentioned about question period time, when it was changed and how it got away from the interest in things like members' statements and—statements by ministers etc., because it's now in the afternoon, and we usually have hardly anyone in the House at that time. Are you suggesting that's an area we should examine carefully?

The Clerk of the Assembly (Ms. Deborah Deller): I'm suggesting that you may want to take a look at the meetings of the House and the structure of the agenda of the House.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Bisson.

Mr. Gilles Bisson: Just a very quick question on opposition days: Would it make sense, especially in a minority Parliament, where we're tied like this, to defer opposition day votes? For example, if you have your guy in the chair or your person in the chair, is there a reason why you couldn't defer the vote to another day, just as any other bill? As a standing order change, is there some logic why you wouldn't do that?

The Clerk of the Assembly (Ms. Deborah Deller): I can't think of any pitfall to doing it. It wasn't done just because—well, partly because we had opposition days before we had deferral of votes.

Mr. Gilles Bisson: Ah, that's a difference. Okay.

The Clerk of the Assembly (Ms. Deborah Deller): The other thing was to wrap up the matter in one single day. But certainly if this committee thought it would make sense to defer the vote on opposition day motions—

The Chair (Mr. Garfield Dunlop): I think we've had a fairly good discussion at this point, to both the Clerk and the Deputy Clerk today. We're probably going to have you back again. I can see that there's been a lot of interest in your comments today. Because I know you have to be in the House in the next short while, I think it's a good time to excuse you from this meeting and maybe we can just have a wrap-up after with the remainder of the committee. Would that be fine with you, folks?

The Clerk of the Assembly (Ms. Deborah Deller): Absolutely, and please don't hesitate to have us back. We're more than happy to provide whatever assistance—

Mr. Gilles Bisson: You're going to give us that in writing, some of the stuff?

The Clerk of the Assembly (Ms. Deborah Deller): Yes. I'm going to do up maybe a road map for you.

The Chair (Mr. Garfield Dunlop): On behalf of the committee, I want to thank you both very much for your time here today. I think we've had a great conversation. We'll take a few more minutes to clear up here after you've left.

The Clerk of the Assembly (Ms. Deborah Deller): Okay.

The Chair (Mr. Garfield Dunlop): Thanks so much.

Mr. Steve Clark: Thank you very much.

The Chair (Mr. Garfield Dunlop): Go ahead, Mr. Bisson.

Mr. Gilles Bisson: As a way forward, I think at this point, if we can get some of that information that was given and some of the references given to us, if at all possible, sooner rather than later, so that we can actually start thinking next week about how we start ordering up some of the work that we want to do in specific areas.

The Chair (Mr. Garfield Dunlop): Yes. I think we've been discussing that as well.

Ms. MacLeod, before we turn it over to Trevor.

Ms. Lisa MacLeod: Sure. I guess this is to our clerk: We did discuss last week about a timeline, effectively a work plan. I think the Clerk today was very helpful in (a) telling us some jurisdictions that we should observe, and (b) was very helpful in telling us her suggestions for areas we may want to look at in terms of standing order changes. So I think she was very helpful in those two regards.

I'm wondering if by next week we can have a draft plan ready for us that sort of maps out our work—whether or not we pass it next week I guess is not the issue—and perhaps have a subcommittee before then.

The Clerk of the Committee (Mr. Trevor Day): Just to respond, the only difficulty at this point with the draft plan is we need the committee to determine how big or how small this is going to be.

Ms. Lisa MacLeod: I see.

The Clerk of the Committee (Mr. Trevor Day): The initial sort of thing that we brought out didn't envision anything past the possibility of June.

Ms. Lisa MacLeod: No, I think we said till—

The Clerk of the Committee (Mr. Trevor Day): Oh, right, August 31. But again, if that's the type of thing we're looking for, it would be helpful to get a feel for—and I think this would probably be what we'd be doing next week, to say, "Okay, this is the information that we have before us. Here's some research"—not all of it—"to start pinning down some areas, big areas." Not specifics, but bigger areas that we can look at, and then we can look to where the information is out there that we can get to you.

Ms. Lisa MacLeod: So what I'm wondering, then, is if we can have a subcommittee meeting maybe next Tuesday after our caucus so that we could all bring to our caucus some—

Mr. Gilles Bisson: After the caucus or before?

Ms. Lisa MacLeod: After our caucuses.

Mr. Gilles Bisson: After? Oh, okay.

Ms. Lisa MacLeod: Yes. I was wondering if we could have, beforehand, the report that we could take to our caucuses on Tuesday, so that Tuesday, after caucus, we could have a subcommittee meeting to make a recommendation to committee next Wednesday. We're away for a week after that and then we come back. We do have a five-week session.

I'm finding this was an incredible opportunity today, but two hours went very, very quickly. So, in order for us to meet any type of timelines, I think anything you could provide to us by the end of the week that we could take to our caucuses next Tuesday, to have that subcommittee just to start the ball rolling.

The Clerk of the Committee (Mr. Trevor Day): So we'd sort of draft out what we think to be timeline based on the August 31—

Ms. Lisa MacLeod: And at subcommittee we can go with the direction where our caucuses are comfortable with, and then we can pass or change it the next day.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Bisson.

Mr. Gilles Bisson: I partly agree with what you're saying, Lisa, because we are pressed for time. I think a subcommittee meeting is important so we can start putting the task forward so we can see an end to this.

I'm a little bit leery about you doing a draft sort of timeline or what we're going to do when. I'm more interested, if we can get this week, what are the different areas that we want to look at? Private members—you know, some of the stuff that was raised by the Clerk so that we can start picking, at that subcommittee meeting, what the things are that we want to spend some time on, and then the committee can say, "Okay, let's start doing a draft plan based on those decisions."

The Clerk of the Committee (Mr. Trevor Day): Basically, what I have so far, and what we're considering, the Clerk made initial reference to the standing orders, the opening index that runs through the different areas.

I think she also, in her presentation, had sort of mentioned different spheres that there might be. I can speak with her and try to get to you an outline of what we consider different spheres and what might fall under each of those spheres so that you can start looking at, "We have interest in this, not this; this, not this."

Mr. Gilles Bisson: Yes, and maybe the timeline would work if it falls within the time period, but I guess my fear is that we may not have enough time to do everything. We may have to start deciding we've only got time to look at this, this, this and that; right?

The Chair (Mr. Garfield Dunlop): Ms. MacLeod.

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Ms. Lisa MacLeod: Let's attach some timelines to it. If we have to amend them later on, we can do that. But I think at this point, time is ticking, right? We don't have a lot of time. It's two hours a week for something that basically took a period of years to do previously. I would appreciate that. I think we can, through our meetings with our caucus members and colleagues next Tuesday, identify those areas and, in turn, whittle that down, the time frame—

The Chair (Mr. Garfield Dunlop): I'm just a little bit concerned about how much time we'll get at caucus ourselves. That would be my concern because our caucus meetings go quickly, too. So—

Ms. Lisa MacLeod: A lot of this stuff can be done by email. Our caucus, I know, Garfield, has spoken at great length about this issue for quite a period of time. I'm happy to go to them today with an email and say, "Let's start talking about it."

The Clerk of the Committee (Mr. Trevor Day): The other thing is—sorry, I'm looking for permission on here—should we be writing to the House leaders to say we'd like time over the summer—

Mr. Gilles Bisson: That's what I was going to suggest. I think—

The Clerk of the Committee (Mr. Trevor Day): I wouldn't limit it to anything at this point. It would be at the call of the Chair, so that we aren't limited.

Mr. Gilles Bisson: You can put in that request, and we can discuss it in Friday's House leaders' meeting. I so move such a motion. Anybody want to second it?

Ms. Lisa MacLeod: I'll second.

The Chair (Mr. Garfield Dunlop): We've got a seconder. Okay, so we've got a motion to write the House leaders to ask for permission to work over the summer. All in favour of that? It's carried.

Ms. Lisa MacLeod: As long as it's somewhere outside.

The Chair (Mr. Garfield Dunlop): Okay. To make sure we're clear on this for the—

Interjections.

The Chair (Mr. Garfield Dunlop): Folks? Let's make sure we're clear on this for the clerk so we know exactly where we stand going into next week's meeting because we want to make sure we make full use of the two-hour meetings each week from now on. Have you got a clear direction for next—

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

Mr. Gilles Bisson: Can I suggesting something? You're putting that together, and the subcommittee is actually going to need to decide "Oh, this looks good—some good suggestions. Let's move forward. Let's amend," whatever. Is there any business that we want to look at next week? Do we want to get the clerks or somebody to come before us to say, "Let's pick one area that we may want to look at right now"? Maybe private members next week so that at least we can start doing something next week?

Ms. Lisa MacLeod: Are you confident we can actually get the subcommittee report passed?

Mr. Gilles Bisson: Well, I don't think we need the subcommittee report to start because the subcommittee report is going to have different parts: private members, question period, routine proceedings. It's going to have different areas. I'm just wondering: Is there one of those areas that we may want to start having a discussion on next week as far as having information brought before us?

The Chair (Mr. Garfield Dunlop): Yes, okay, I hear the question. Ms. Cansfield?

Mrs. Donna H. Cansfield: I understand, but I'd also like to see the information that the Clerk was going to give to us and then make some decisions rather than just sort of picking something out of the air. I'd like to see what she has identified and then maybe have a discussion about—what might be of interest to you may not be to us, that kind of thing. Then we end up deciding something and then it gets changed somewhere else. I'd rather have the information at hand to review first.

The Chair (Mr. Garfield Dunlop): Okay, so the Clerk's responsibility—go ahead.

Ms. Lisa MacLeod: To Ms. Cansfield's point, I agree with her. I think if we were to talk next week, which we have to and which we want to, why don't we take back those standing order ideas from our own caucuses and perhaps bring back the Clerk with her ideas and present that to our clerk and our legislative researcher so we have a basket of ideas that have come from the three parties as well as from the Clerk's office? Some of them may be the same; some of them may be different. Then we can start there with sort of our inventory list.

The Clerk of the Committee (Mr. Trevor Day): So what I'm hearing is, we're going to bring the Clerk back next week; we're going to invite her back next week. Each of the three caucuses will have some recommendations. The Clerk had sort of alluded to some recommendations. That would be our starting point, sort of a shopping list, to make our way through.

Ms. Lisa MacLeod: Yes, and if we could have a subcommittee after that caucus meeting to discuss a work plan.

The Chair (Mr. Garfield Dunlop): Okay, that's going to be the problem because we haven't had a subcommittee meeting yet since we started. Will we be

able to put a meeting together? We have to set that. We should be able to set that right now.

Ms. Lisa MacLeod: I'll be available for a subcommittee meeting after caucus next Tuesday.

The Chair (Mr. Garfield Dunlop): Would you be, Mr. Balkissoon?

Ms. Lisa MacLeod: We have the parliamentary liaison working group at 4 p.m., but we are always finished at caucus by 3, so I could suggest maybe 3:30 or something around here by the government House leader's office because we have to saunter there anyway.

The Clerk of the Committee (Mr. Trevor Day): Prior to that subcommittee, you're looking for what from us?

Ms. Lisa MacLeod: A work plan.

The Clerk of the Committee (Mr. Trevor Day): A work plan. Okay.

Mr. Bas Balkissoon: Actually, rather than at the end of caucus, I think it would be better right after the House recessed. Sometimes it recesses at 11:30, sometimes at 11:45.

The Chair (Mr. Garfield Dunlop): You mean before caucus? But we wouldn't—

Ms. Lisa MacLeod: We wanted to go to our caucuses, I think, with—

Mr. Gilles Bisson: I'm free for 3. Why don't we say at the start of orders of the day? Would that work, at the start of orders of the day, Lisa?

Ms. Lisa MacLeod: Why don't we meet at 3 o'clock, Tuesday, opposition lobby; does that work?

Mr. Gilles Bisson: No, it would be more like 3:30 or 3:45, after—

The Clerk of the Committee (Mr. Trevor Day): After we get through routine proceedings.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Garfield Dunlop): Okay. Right after routine proceedings, then, next Tuesday, April 3.

Mr. Bas Balkissoon: Trevor, you'll send a note around?

The Clerk of the Committee (Mr. Trevor Day): I'll take care of the scheduling with all your offices.

The Chair (Mr. Garfield Dunlop): All right. Is everybody comfortable with that? Okay. Is there anything else anyone would like to discuss today?

Okay, ladies and gentlemen, thank you very much. The meeting is adjourned until next week.

The committee adjourned at 1455.

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