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Wednesday 18 April 2012

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Mercredi 18 avril 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 ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 18 April 2012

Mercredi 18 avril 2012

The committee met at 1303 in room 228.

STANDING ORDERS REVIEW

The Chair (Mr. Garfield Dunlop): So we'll call the meeting to order, everyone. I think it's important—I know we made kind of an executive decision that we'd start with a topic and it would be private members' public business, because it has taken a lot of time in our previous meetings. We have a lot of detail, a lot of chances—a really good, open discussion today to find out where we're going with it.

Is that a good way of putting it, Trevor?

The Clerk of the Committee (Mr. Trevor Day): Basically, we're going to turn it over to Larry. He, along with the team, has done a bunch of research. We've sent some of it; some of it you haven't seen already. We have provided each of you with a binder that we'd like you to, if possible, keep bringing back to committee. We've tabbed off some headings, so if you could—

Mr. Steve Clark: I was just going to say, that's a tall order.

The Clerk of the Committee (Mr. Trevor Day): We'll see what we can do. But if you put the information that we've handed out into the binder under "Private Members' Public Business," Larry is going to be going through it right now, and we'll see if we can get some discussion from that.

The Chair (Mr. Garfield Dunlop): How would you like to handle the questions, Larry? Do you want to go so long under a few—

Interjection.

The Chair (Mr. Garfield Dunlop): Or do you want people to sort of put up their hand, and I'll break into the conversation?

Mr. Larry Johnston: Well, I think members should ask questions whenever they see fit. If we get bogged down, maybe we can set something aside for later to elaborate or whatever, but—

The Chair (Mr. Garfield Dunlop): So if you have a question, put your hand up and I'll tell him that we've got a question coming. Okay?

All right, Larry, she's all yours. You've got two hours.

Mr. Steve Clark: The Larry Johnston show.

Mr. Larry Johnston: I hope not to use two hours; that's for sure.

Among the documents you have, one is called Study of the Standing Orders of the Legislative Assembly—oh, sorry. That's not what it's called. It's called A Review of Private Members' Public Business. I guess they're all called that on here. Okay. So it's called A Review of Private Members' Public Business. It's a 17-page document, including two appendices.

I'd like to take you through that, just walk you through it, because there's a lot of detailed information in there, and just to stress some of the themes that come back time and again.

I'm going to start on page 2, just to talk about the little background here, the concerns of Ontario members expressed in the past.

In the report of this committee in 2002—

Interjection.

Mr. Larry Johnston: Yes, that's right.

The Chair (Mr. Garfield Dunlop): All right? Okay, thank you. Has everybody got the right pages? Study of the Standing Orders, please find the document titled A Review of Private Members' Public Business.

Mr. Gilles Bisson: Is it inside this binder?

The Chair (Mr. Garfield Dunlop): No, it's outside. You've got to put it in yourself. These are all research papers we'll be dealing with.

Mr. Larry Johnston: In 2002, this committee, in a report on enhancing the role of the private member, identified three concerns with private members' public business. One was the lack of opportunities; second, the inability of more than one member to co-sponsor a private member's bill; and the lack of legislative progress upon referral of bills to committee after second reading.

The committee made three recommendations. There should be additional hours for consideration, that private members' public business should run from 8:30 a.m. to 12:30 p.m. on Thursdays. Secondly, up to three members, regardless of party, should be permitted to co-sponsor a bill or motion. And a bill supported by at least 75% of the House membership should be entitled to be fast-tracked for early consideration and voting on all post-second-reading stages.

I think these issues that were addressed 10 years ago are still with us today. What I've heard from the committee so far is that the timing of private members' public business continues to be a matter of concern, but this also depends on other issues that might affect the weekly calendar that the committee has yet to deal with. While

most members would likely support more opportunities for private members' public business, to do that without addressing some of the other concerns about the lack of progress of private members' bills might be premature. The ongoing concern members have most about private members' public business is that private members' bills are rarely considered in committee when referred after second reading. There's no procedural mechanism to promote further legislative progress.

If you go back to page 1, the very bottom paragraph, I've listed there the jurisdictions that have been considered for this study. I would note there that—

Mr. Gilles Bisson: Which page 1?

Mr. Larry Johnston: Page 1 of that document.

Mr. Gilles Bisson: There's a whole bunch of documents here.

Ms. Lisa MacLeod: You know what it is, guys? It's the big one there that says A Review of Private Members' Public Business. It's the bigger of the documents.

Interjections.

The Chair (Mr. Garfield Dunlop): Thanks. Okay. All right, Larry.

Mr. Larry Johnston: Okay. I've tried to look at Commonwealth jurisdictions that the committee might be familiar with. I will note that particular attention is given in this paper to those jurisdictions in which the process appears to allow private members' bills to receive a timely resolution by means of the legislative process. Most promising in this regard are Alberta, Queensland, in Australia, New Zealand, and Scotland.

However, I would note at the start that the procedures in these jurisdictions often contain elements that suggest a different private members' culture than might be in effect here in Ontario.

Ms. Lisa MacLeod: How do you mean?

Mr. Larry Johnston: For example, and you'll see this later, in most of these places, there is a limit on how many private members' bills can be introduced by a member at any one point in time. In most, there is a limit on how many pieces of private members' legislation any individual member have in play at any point in time. In many of these jurisdictions, there is a vetting process that takes place at the outset.

I think I mention in the paragraph above, the second-last paragraph on page 1, that Parliaments which have a legislative process most likely to allow private members' bills the possibility of proceeding to the end of their legislative journey are also the Parliaments most likely to impose stronger conditions or limits at the beginning of the process.

Mr. Bas Balkissoon: Is the elected process of these Legislatures the same as ours, first past the post?

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Mr. Larry Johnston: No. It is in Alberta, of course, and New Zealand and Scotland have a mixed-member system, and Queensland has STVPR, proportional representation with a single transferable ballot.

Mr. Bas Balkissoon: So that would make a significant difference too.

Mr. Larry Johnston: Sorry. I think it's a single member STV at the lower House.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: I hear what Mr. Balkissoon is saying, but I don't think the two things are related at all.

Mr. Bas Balkissoon: I'm just asking so that we—

Mr. Gilles Bisson: No, no, but I'm just putting on the record that I don't think so.

Mr. Larry Johnston: Queensland, I believe is STVPR.

It's worth noting that these jurisdictions are all unicameral Legislatures. Queensland is the only state, for example, in Australia that doesn't have an upper chamber, and New Zealand does not have an upper chamber.

On page 4, you'll find a table—

Mr. Gilles Bisson: I'm all for the Senate; you know me.

Ms. Lisa MacLeod: Unless you get appointed there.

Mr. Gilles Bisson: Exactly, unless I get appointed there. That's right.

Mr. Larry Johnston: On page 4, you'll see table 1, which provides a summary of information on private members' bills in the provincial assemblies in Canada. I would suggest what it indicates is that most provincial standing orders provide little in the way of specific provisions for the passage of private members' business. Those ones that are shaded in the table are those that do provide some measure of progress.

In most provinces, there's no limit on second reading debate that requires the question to be put. Private members' bills can be debated indefinitely. They can be debated and relegated to the bottom of the list of priorities etc. For that reason, I would like to focus on two provinces: Alberta and New Brunswick.

Mr. Gilles Bisson: Could I ask a question please?

Mr. Larry Johnston: Please do.

Mr. Gilles Bisson: On the top of your chart it says "Ballot for priority?"

Mr. Larry Johnston: Mm-hmm.

Mr. Gilles Bisson: How do you figure Ontario prioritizes ballots? It's by a draw.

Mr. Larry Johnston: Well, you could put the word "draw" instead.

Mr. Gilles Bisson: That's what you're getting at. Okay, gotcha. Thank you.

Mr. Larry Johnston: The sequence of private members' bills in Alberta is determined by a random draw of the names of members who submit a written notice to parliamentary counsel, and a public member's bill in Alberta is submitted to the Speaker and parliamentary counsel prior to placing notice of the bill on the order paper. The Speaker decides if the bill, once enacted, would infringe on the prerogative of the crown and whether the bill is a matter that should be dealt with as a private bill. I just raise this because this theme of prior vetting of bills is something that comes up in the other processes as well. The bill may be ruled out of order on either count prior to being given second reading.

After first reading, the sponsor of a private member's bill may move to refer the bill to a policy field committee, and that committee will conduct public hearings and report its observations back to the House.

In Alberta, a member of the executive council may move to have a private member's bill that's been given first reading entered under government bills and orders on the order paper.

Ms. Lisa MacLeod: Really?

Mr. Larry Johnston: Now, whether that enhances or detracts the chance of a bill's passage, I don't know, and that's something we would need to talk about to people in Alberta to find out how that works.

Mr. Bas Balkissoon: Can we do that, at least ask them how many went that route and what's the success rate?

Mr. Larry Johnston: Yes, we can.

Ms. Lisa MacLeod: In addition to that—I think that's very interesting—can we also find—“After first reading, the sponsor of a PMB may move to refer the bill to a policy field...” Can you tell us the amount of success they've actually got with the committee actually dealing with that bill?

Mr. Larry Johnston: Well, I believe the committee has to report the bill.

Ms. Lisa MacLeod: Okay.

Mr. Larry Johnston: It's not clear here. I can check—

Ms. Lisa MacLeod: At first reading or after second reading?

Mr. Larry Johnston: This is after first reading. This is deferral to committee after first reading.

Ms. Lisa MacLeod: Right.

Mr. Larry Johnston: I would imagine that it's done primarily to lend support to the bill so that the committee comes back saying, “We think this is a good bill.” The member is probably not likely to recommend it to committee if he thinks it's going to die in the committee.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Garfield Dunlop): Jeff?

Mr. Jeff Leal: So if it goes to committee after first reading, I assume that it's advertised somehow, and then people that may have some interest in it make a presentation. That would be done at that stage. Presumably, the bill then, perhaps based on presentations made with regards to the content, would get amended and would go back to the House of the assembly in Alberta. Is that right?

Mr. Larry Johnston: I don't believe there are any amendments at that stage, but the committee may hold public hearings and then report its observations and recommendations to the assembly.

Mr. Jeff Leal: But if you're looking at that, you could change it to provide that as an opportunity—

Mr. Larry Johnston: You could.

Mr. Jeff Leal: —for amendments, to have, perhaps, a finished bill then ultimately coming back to the House based on, perhaps, a consensus of opinion from the committee members.

Mr. Larry Johnston: I should point out that in Alberta, as in many of these jurisdictions, consideration of the bill after second reading usually goes to Committee of the Whole House. So the committee, after first reading, like a policy field committee or a select committee, is an opportunity for the bill to be considered in a public forum, and to invite stakeholders in a way that we might do after second reading here wouldn't be done if we were going to Committee of the Whole House.

Ms. Lisa MacLeod: This is something that I had recommended, actually, with the two anti-bullying legislation. We had talked about the parliamentary liaison working group. So this is quite familiar, Mr. Leal, I think, from some of the discussions that we had talked about. I think this is a very attractive opportunity.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: You were so quick, Chair. A couple of questions.

Mr. Bas Balkissoon: That's the first time he's stumbled for words.

Mr. Gilles Bisson: Yeah, well, it's because I was eating my lunch. Can't have my lunch and eat it too, as they say.

Parliamentary council—is that a group of members? Is that a group of—do you have clerks? What is that?

Mr. Larry Johnston: I would imagine it's a legal counsel employed by the Assembly—

Mr. Gilles Bisson: So it's “counsel.” Okay.

And the second question, just so I make sure I understand the interpretation as per Mr. Leal: Once they say, “Yes, this bill is in order,” it goes to a committee before it goes to second reading? Is that correct?

Mrs. Laura Albanese: Right.

Ms. Lisa MacLeod: Yes.

Mr. Larry Johnston: Once they say it's in order, it's introduced and given first reading. And once it receives first reading, it goes to the committee.

Mr. Gilles Bisson: Committee, and then you come back for second reading?

Mr. Larry Johnston: Come back for second reading.

Mr. Gilles Bisson: Then you have a second reading debate, then it goes to COWH.

Mr. Larry Johnston: Yes. And then that's the next point. A private member's bill retains its place on the order paper until it has received two hours of debate on second reading, and if it passes second reading in that committee, two hours of debate in Committee of the Whole, and if it is reported back to the House, one hour of debate for third reading. So all of the stages, once it comes back from that initial committee—and it's not a given that it goes to an initial committee, but once it comes back, the remaining stages are timetabled. They take place in private members' time and that bill remains at the top of the order paper until those stages have been finished.

Mr. Gilles Bisson: Who decides what's the prioritization of the bill going into committee? Is that members or is that the government?

Mr. Larry Johnston: I believe they're considered in the order that is determined by the random draw that's held at the beginning, and then—

Mr. Gilles Bisson: All right. So—

Ms. Lisa MacLeod: So even at committee it will be determined that way?

Mr. Larry Johnston: It's first in, first out, sort of, so—

Mr. Gilles Bisson: So counsel says it's a bill that's appropriate; then there's a draw?

Mr. Larry Johnston: Yes.

Mr. Gilles Bisson: Lisa MacLeod is number one—

Ms. Lisa MacLeod: I've always thought that.

Mr. Gilles Bisson: —we start with Lisa MacLeod's bill. And then who calls it into second? Is it just an automatic?

Mr. Larry Johnston: Well, if the first reading motion calls for it to go to a policy committee and it's approved, then it goes to the policy committee automatically. If the motion does not call for it to go to committee, presumably after first reading it is then ordered for second reading.

Mr. Gilles Bisson: But my point is, is it the government that says, "Okay, I'm calling this for first reading"?

Mr. Larry Johnston: No. At that point, it is still at the top of the order for private members' bills, and the next time the Parliament meets to consider private members' business, it will be called. And in most cases, there is a rule that says private members' bills are considered ahead of other private members' business, such as resolutions.

Mr. Gilles Bisson: So the government is not in control—so in answer to my question, the government is not in control of when the bill gets called for first, second, COWH or third?

Mr. Larry Johnston: That is true.

Mr. Gilles Bisson: Okay, I got it.

Mr. Larry Johnston: It is possible—and plus, in addition to that, there are two other requirements. One is that the private member's bill that receives second reading must be called in the Committee of the Whole within eight sitting days. And a bill that is reported from the committee must be moved for third reading within four sitting days by the member who's in charge of the bill. Now, it is possible for the House to amend that, which the House can always do with procedural motions etc. But by default, this is the process set out to take a bill from beginning to end, unless it's defeated at any of the stages at which it may be defeated.

Now, the other—

Mr. Gilles Bisson: Does it preclude co-sponsoring of bills?

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Mr. Larry Johnston: I don't see any indication of co-sponsoring, but I don't know.

Mr. Gilles Bisson: Lisa and I are going to make that an amendment.

Ms. Lisa MacLeod: We're the only two non-fans of that.

Mr. Larry Johnston: I would suggest that the challenge for private members' bills in Alberta is not the process but the amount of time, because they meet for one hour per week and they meet 21 weeks a year. So that's 21 hours for private members' public business time, and you can see that any particular bill may take up five or six hours of that, assuming that everything goes well.

Mr. Bas Balkissoon: Can you explain the bottom line on that chart?

Mr. Larry Johnston: Yes, the bottom—

Mr. Bas Balkissoon: Because it seems as though they passed 23 bills and Ontario did 24. What was the time frame you were looking at? Ten years?

Mr. Larry Johnston: These are in the last 10 years to the degree that I can find progress of bills on the assembly's site.

Mr. Bas Balkissoon: So, really, their process didn't enhance it to the point that there's more legislation being—

Mr. Larry Johnston: Well, there are two qualifications that I would put. One is that they did that in much less time. Okay?

Interjection.

Mr. Larry Johnston: Yes, 21 hours, basically, a session, whereas we have two and a half hours a week for however many weeks. And they introduce far fewer private members' bills—that is true of any province in the country—introduce far fewer private members' bills than Ontario. So it's always going to be a higher percentage that's going through.

Interjections.

Mr. Bas Balkissoon: Probably because of the vetting—

Mr. Larry Johnston: In part, there's vetting, and in part, because there's a limited amount of time. In some cases—and I'm not sure if this is true in Canada but it is in other places—private members' bills can only be introduced during private members' business time. They cannot be introduced in the normal introduction of bills. That's not the case here, but—

The Chair (Mr. Garfield Dunlop): Jonah.

Mr. Jonah Schein: You probably said this and I missed it, but are we the only province in Canada that does not vet private members' bills?

Mr. Larry Johnston: No. Actually, Alberta seems to be the only one that does, plus the Parliament of Canada.

Mr. Jonah Schein: Sorry. Explain again why we introduce more private members' bills than anywhere else?

Mr. Larry Johnston: There are a number of possible explanations, and I, beyond my—

Interjection.

Mr. Gilles Bisson: I didn't hear the question.

Mr. Jonah Schein: I asked why we introduce more private members' bills than any other province.

Interjections.

Mr. Larry Johnston: The Parliament of Canada and the Ontario Legislative Assembly seem to be the leaders in terms of introducing private members' legislation.

The Chair (Mr. Garfield Dunlop): Okay. I think it's Bas first—

Mr. Gilles Bisson: Yeah, that's fine.

The Chair (Mr. Garfield Dunlop): Bas?

Mr. Bas Balkissoon: If I go to the Alberta model package, on page 3, you have the statement here, "The Speaker has encouraged" the House "to revisit this rule." So I'm assuming that there must be some problems. Is there any way we could at least get a summary from the Speaker's office and maybe—

Mr. Larry Johnston: I can address that.

Mr. Bas Balkissoon: —the Clerk's office there as to what is the latest status and what is their experience with this rule?

Mr. Larry Johnston: This rule in particular that's discussed in the Alberta document—

Interjection.

The Chair (Mr. Garfield Dunlop): What document are we on now? Sorry, guys.

Mr. Steve Clark: Bas—he's in the Alberta document.

The Clerk of the Committee (Mr. Trevor Day): Just so you know, not all these documents were prepared by Larry. So you've got to give him a minute to sort of acclimatize when you switch documents.

Mr. Bas Balkissoon: No, no—well, that's what I'm saying. Because of that one statement, I just want to make sure we—

Mr. Larry Johnston: The Alberta document makes reference to a motion that allows a member to request that their bill be considered before its due date. In other words, it's not part of the process that I've described to you. It's another part of it, and I'm not going to bog you down with all of the details and all of the processes. But it says, "When a member requests that his or her bill be considered before its due date, the bill will be called after debate is concluded on the private member's public bill that is then before the House or Committee of the Whole, assuming no other bills have reached their due dates."

As I've said before, because a bill retains its place in the order until it's finally disposed of, another member might be impatient or have an urgent reason for getting their bill—

Mr. Bas Balkissoon: To the front of the line.

Mr. Larry Johnston: —to the front of the line, and this standing order would allow them to make such a motion. That is the rule that the Speaker has asked the House to reconsider.

The Chair (Mr. Garfield Dunlop): Gilles, you had a question?

Mr. Gilles Bisson: Yes, it was more a comment. The answer to the question: "Why do we have more bills passed than other jurisdictions?" It's because our bills are pretty weak. The ones that make it through the private members' process are either co-sponsored or it's about motherhood and apple pie. We're not a Legislature that tends to pass bills of any kind of substance through the private members' process.

However, that being said, members have introduced substantive private members' bills that have been

adopted by the government in another bill. So I wouldn't hang my hat on the argument of, "Twenty-four? My God, we ought to be doing it better." If you look at the list of the bills, they're not very substantive.

Mr. Larry Johnston: There is another possible explanation, too, and I should raise that.

Mr. Gilles Bisson: Maybe we're just all crazy.

Mr. Larry Johnston: No. If you look at the—six of the 10 legislatures in Canada have less than 60 members, which means that once you factor the cabinet, the parliamentary secretaries and the principal opposition critics, there are not so many backbenchers around to introduce bills, and for that reason there may not be the same culture of members introducing bills.

I'll give you a case in point. Australia, as a national Legislature, has 150 members. That's pretty small for a national Legislature, and they've only passed 20 private members' bills since 1901. So there seems to be some correlation there.

The Chair (Mr. Garfield Dunlop): Steve?

Mr. Steve Clark: I just want to pick up on a point Gilles made. I think it's important to look at those bills that were passed in Alberta versus the ones that were passed in Ontario, because I think that would be an interesting comparison about how substantive the Alberta bills were versus some of the more—I would call them more proclamation-type bills that we have passed over the last couple of years. So I'd love to be able to see the comparison.

The Chair (Mr. Garfield Dunlop): Lisa, you have a question?

Ms. Lisa MacLeod: Just to further that point, I think we're actually almost comparing apples to oranges, because of (a) the political culture, (b) the type of legislation that we decide to put forward, and then I think (c) is also a bit of a process issue here. So I too would be interested in seeing what type of legislation has been passed there. Is it far more substantive?

I view this Alberta model—it's quite intriguing, actually, because I think it provides an area of study that we have not done here with private members' bills. In fact, it might be the other way to get around the co-sponsoring of bills if members in committee can actually work through a piece of legislation together and it's something that they believe in and they're able to contribute, I think, at a far more substantive level than what we do with many of these co-sponsored bills here in our chamber.

Many of the bills that we're co-sponsoring here are not detailed and in-depth policy statements, so to speak. They're, as Steve just said, proclamations, things that many of us agree with. If not the entire 100% of us, it's something that certainly a majority of us feel should be proclaimed.

So my view is that we need to take a look at what they're turning out and then get back to this committee, because I think this is a pretty attractive model. But I think it's far too early to say if it's something that we should adopt.

The Chair (Mr. Garfield Dunlop): Laura?

Mrs. Laura Albanese: Just to follow Lisa's comments, you were mentioning, Larry, at the beginning that—I think it was the last study in 2002 that was done here. One of the concerns was that private members' bills were not being co-sponsored.

Mr. Larry Johnston: Right.

Mrs. Laura Albanese: I just want to make sure that I got this right. We have made some progress. We are co-sponsoring bills, but the nature of them in the first few years that we've co-sponsored has been sort of the proclaiming type. Is that correct?

Mr. Larry Johnston: Yes.

Mr. Gilles Bisson: Or pretty weak bills.

Mrs. Laura Albanese: Or weak bills.

Mr. Larry Johnston: In the 2002 report—

Mrs. Laura Albanese: But it's the first time that we're doing it. I think it's sort of the infancy of the co-sponsored bills; right? Is that where we are or is there a history?

Mr. Gilles Bisson: It used to be, prior to all of this, what you would have is horse trading with House leaders. Before we did all of this, people would introduce their private members' bills and we'd debate them at second reading. Then, at the end of the session, it was, "Okay, the Liberals are the government. You're going to get to pick three, the Tories are going to get to pick two and we're going to get to pick one, but we all have to be in agreement on what your three, your two and your one is." So it tended to bring more substantive bills forward into committee.

Mrs. Laura Albanese: Okay.

Mr. Gilles Bisson: But then that all blew up because of craziness at House leaders' meetings and certain House leaders, which I'm not going to mention.

Mrs. Laura Albanese: But there's no history way back where bills used to be co-sponsored and used to be substantive in Ontario? Am I correct?

Mr. Larry Johnston: As far as I know, it's early days. It's only been since 2008 that co-sponsorship has been in place.

In 2002, the committee said that allowing members to co-sponsor bills would foster co-operation among members, give private members' business more credibility and generally enhance the role of the private member. Whether that is the case is for members to judge.

1330

The Chair (Mr. Garfield Dunlop): Okay, Larry, go ahead on that Alberta model.

Mr. Larry Johnston: I just want to move on from Alberta for now, but one point I did forget to say is that you may like the way Alberta looks on paper. We don't know how Alberta works in—I can't claim to know how Alberta works in practice—

Mr. Bas Balkissoon: That's what I wanted to make sure we get—

Mr. Larry Johnston: —so the committee, if it is really interested in Alberta, needs to have more information on the ground in terms of how it—

Mr. Bas Balkissoon: One other issue, Chair: I wouldn't mind if—

The Chair (Mr. Garfield Dunlop): Is this back to Alberta now?

Mr. Bas Balkissoon: Yes.

The Chair (Mr. Garfield Dunlop): Because he's dealing with Alberta now.

Mr. Bas Balkissoon: Larry mentioned the vetting process really quickly, and I'm not sure I caught exactly how it works. It's the only province with a vetting process, so can you tell us slowly so I understand?

Interjection.

The Chair (Mr. Garfield Dunlop): Okay.

Mr. Gilles Bisson: I appreciate that the Clerk is here, and if we can invite her to the table if she wants to participate, I would be happy.

The Chair (Mr. Garfield Dunlop): She's more than welcome to come in here if she wishes.

The Clerk of the Assembly (Ms. Deborah Deller): I'm just in here to listen, actually. I have a few minutes between meetings. I'm happy to sit here for a few minutes. I do have to be out of here by 2, though. But as long as I'm just listening.

The Chair (Mr. Garfield Dunlop): Okay, Larry.

Mr. Bas Balkissoon: I just needed you to detail the vetting process so I understand it.

Mr. Larry Johnston: According to the standing orders, before the notice of a bill is placed on the order paper, the bill is submitted to the Speaker and it is perused by the Speaker and parliamentary counsel to determine two things. One is whether the bill infringes on the prerogative of the crown, and the other is whether the bill is a matter that should be dealt with in a private bill as opposed to a private members' public bill. It's a very shallow vetting, if you like. It's procedural. It's not really with respect to, "Is this a good bill? Is this a substantive bill?" It's, "Does the bill satisfy certain parliamentary conventions?"

Mr. Bas Balkissoon: Okay, if I go back to the Alberta pages that we got from the Clerk's office, the paragraph on page 2 that talks about a bill or motion cannot authorize spending of public money etc.: The Speaker does not rule on that, per se?

Mr. Larry Johnston: If a bill does, yes, because that's—

Mr. Bas Balkissoon: He will?

Mr. Larry Johnston: The reason a bill does not authorize spending is that's a prerogative of the crown.

Mr. Bas Balkissoon: Okay, so the Speaker will rule on that, and there'll be some guidelines for him to work with—him or her. Okay, I just wanted to verify that. Thanks.

The Chair (Mr. Garfield Dunlop): Okay, Larry, your next section?

Mr. Larry Johnston: I wanted to just speak briefly about New Brunswick in that it has a wrinkle that doesn't show up elsewhere in Canada. That's that government members' private bills are carried on the order paper under government bills and orders.

The Chair (Mr. Garfield Dunlop): Same page, page 5?

Mr. Larry Johnston: I'm on page 5. That means that they have to be called for debate by the government House leader. The opposition members' private members' bills are taken up Tuesdays in the order that they're presented to the House in private members' public business time. That is subject to a rotation of seven items from the official opposition to one item from the third party. That order can be changed on a motion. I would suggest that that suggests that party leaders probably have a role to play in the ordering of private members' public business in terms of the priority.

All private members' bills that are called in New Brunswick receive up to two hours of second reading debate that concludes with a vote. A private member's bill receiving second reading is referred to the Committee of the Whole House. It is up to the government House leader whether or not—or when—that bill is called for consideration in the Committee of the Whole House. If that bill is reported from committee, a government member's bill again stands ordered at the government House leader's discretion. An opposition member's bill that's reported from committee is ordered for third reading and can be called during private members' public business time according to the same rules about the rotation—

Mr. Gilles Bisson: Can or can't?

Mr. Larry Johnston: Can. So the key in that process is getting out of the Committee of the Whole House.

Mr. Gilles Bisson: I have just a quick question. Except for those rare occasions where there's been no opposition—

Interjection.

Mr. Gilles Bisson: No, that's Nova—yeah, New Brunswick. Most government sides of the House have very few backbenchers who are not PAs in government; right?

Mr. Larry Johnston: I can't speak to the size; cabinets are usually smaller in smaller Legislatures as well and ministers double up on portfolios, so I'm not sure—

Mr. Gilles Bisson: Okay. If you can give us some information, that would be interesting.

Mr. Larry Johnston: I also thought it would be logical to proceed from the Canadian provinces to the Australia state Legislatures next and—

The Chair (Mr. Garfield Dunlop): Okay. You're not getting to Canada yet?

Mr. Larry Johnston: I was going to do the National Assemblies together because there are some features that are in common there.

The Chair (Mr. Garfield Dunlop): All right.

Mr. Larry Johnston: Generally speaking, the standing orders of Australia's state Legislatures don't prescribe a separate legislative process for private members' bills. The two exceptions that I found are the rules for the Legislative Assembly of New South Wales and the Parliament of Queensland.

In New South Wales, there's two points I'd draw to the committee's attention. First, in New South Wales, private members' bills can only be introduced and considered on the day for considering general business and at the time reserved for that purpose, which means one day a week, Thursdays between 10 a.m. and 11:30 a.m.

The first half-hour is reserved for the mover of a private member's bill and his or her agreement in the principal speech. The remaining hour is occupied with consideration of bills that have already been introduced. Any item that is interrupted at 11:30 is set down as an order of the day for the next general business day.

The second point is that in New South Wales, after a bill has been agreed to in principle, any member may move that the bill be referred to a legislation committee for consideration and report. The legislation committee is the special committee struck to consider that bill. So they're not referred to a standing committee or an existing select committee, and this requirement of the legislation committee is true for all public bills—private members' bills, government bills.

The committee is comprised of an equal number of government and non-government members, and it must table its final report no later than six months from the date of the committee's establishment. At that point, there are no further specific provisions for private members' bills in New South Wales.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: So referred not to a standing committee but to what the old committee stuff was at the very beginning, back in the days. It's a committee that's struck only to look at that one bill and then when it's done, it's done.

Mr. Larry Johnston: Same as it is in Ottawa.

Mr. Gilles Bisson: Oh, okay. That's interesting.

Is that what they do in Ottawa?

Mr. Larry Johnston: Yeah.

Mr. Gilles Bisson: Oh, I didn't know that.

Mr. Larry Johnston: Yes. Standing committees in Ottawa don't have a legislative function. They have on oversight or a—

Interjection.

Mr. Gilles Bisson: So all private members' bills go to a special committee just for that bill?

Mr. Larry Johnston: Presumably, yes.

The Clerk of the Assembly (Ms. Deborah Deller): Not just private members' bills.

Mr. Larry Johnston: All bills.

The Clerk of the Assembly (Ms. Deborah Deller): Bills go to a specific committee, a legislative—

Mr. Gilles Bisson: Oh, to a specific—no, no. What I was getting—

The Clerk of the Assembly (Ms. Deborah Deller): No, no. I mean a legislation committee that is set up specifically to consider that particular bill.

Mr. Larry Johnston: There's a striking committee that determines the membership of each committee, as necessary.

Mr. Gilles Bisson: I didn't know that. I'll say it like my grandson: "I didn't know that."

Mr. Larry Johnston: I'll turn to Queensland then.

The reason that Queensland is interesting, first of all, is that unlike the other Australian state Legislatures, it only has one House. Its standing orders provide, again, as in New South Wales, that a member introduces the bill during the time for private members' statements, and this time is set by a sessional order; in the last Parliament—Queensland is currently facing an election—it was Thursdays between 2:30 and 4. So very similar to New South Wales, an hour and a half a week. That's the only time private members' legislation can be introduced.

The introduction of a bill in Queensland involves reading the long title, tabling a copy and delivering an explanatory speech of up to one hour. After the introduction and the explanatory speech, the member moves first reading of the bill and the question is put without debate or amendment.

If the question for first reading succeeds, the bill stands referred to the portfolio committee or any other committee nominated by the member. The committee, of course, examines the bill, decides whether to recommend its passage, whether amendments should be recommended, and if the bill is in compliance with the Legislative Standards Act of Queensland. The examination of the bill is to include stakeholder engagement, departmental briefings and prompt publication of submissions and expert or technical advice received by the committee. Now, these provisions apply to all public bills in Queensland.

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The committee must report to the House on a bill within six months of the bill's referral, same as in New South Wales, or at any other time fixed by the House or the Committee of the Legislative Assembly. Following the tabling of the committee report on the bill, the bill is set down for second reading stage. Second reading of a private member's bill will be brought in on the sitting Wednesday evening next following the passage of three calendar months after the tabling of the committee's report on the bill. So just to go back: after first reading, to committee, which must report within six months, and then the bill cannot be debated for at least three months after it has been reported to the House.

Once it is scheduled for debate in second reading, it will be continued to be debated every Wednesday evening until its final disposition has been determined. It's a long process to get to second reading, and then once you make it there, the process continues until the bill is passed or defeated. Like Alberta, but different.

Table 2 on page 8 provides an overview of private members' provisions for selected national Parliaments and the Scottish Parliament, which, of course, sees itself as a national Parliament as well. Again, there are jurisdictions that are conducive to providing a timely resolution of private members' bills and those which are not. I'm going to comment just briefly on Australia, Canada and the United Kingdom—the House of Commons in the

latter two cases—because there's not a lot of support for the existing private members' public business process in any of these jurisdictions. These three jurisdictions are also bicameral; in other words, there's an upper House, which is another set of hurdles that any private member's bill must face.

I would suggest that the main barrier to the passage of private members' bills in Australia's House of Representatives seems to be a lack of time to complete its legislative stages and perhaps unwillingness by the Selection Committee to streamline the process. Australia has something called a Selection Committee, which is composed of the Speaker, the government whip, the official opposition whip, the third party whip, three government members, two opposition members and two non-aligned members.

Ms. Lisa MacLeod: Would that be independents? Or is it just—

Mr. Larry Johnston: I assume it's independents, but again, in Australia, there's a traditional divide between Labor and the Coalition, which is the National and Liberal Parties. If a party is not aligned with either of those groups—there are a number of small parties. I'm not sure about the definition of non-aligned, but we could determine that.

This committee is responsible for determining the order of private members' business. The committee may determine the order of the consideration of matters, the time allotted for debate on each item and for each member speaking. So there is flexibility there to design the process, to fast-track the process, to do whatever the Selection Committee wishes to do with the process, but as I've indicated before, very few private members' bills pass in Australia. There doesn't appear to be a strong culture for passing private members' public bills.

Mr. Jeff Leal: Slow process.

Mr. Bas Balkissoon: That's probably because of the upper House, too.

Mr. Larry Johnston: That is an element. In fact, more bills have originated in the upper House than in the lower House, of those that have passed.

The Canadian House of Commons: Again, I would just like to talk about basically three things. One again is, we have a vetting process at the beginning. We have a random draw of members' names on a ballot to establish a list for the consideration of private members' business, and the first 30 names on that list constitute an order of precedence for private members' business.

Before that business is conducted in the House, a subcommittee of the Standing Committee on Procedure and House Affairs must designate items on that order of precedence as non-votable or votable. This is important because a non-votable item is debated for one hour in private members' time and then dropped from the order paper.

Mr. Bas Balkissoon: What does that accomplish?

Mr. Gilles Bisson: At least you have them in discussion, right? We're raising the issue.

Mr. Larry Johnston: Now, the briefing document that you've got from the Clerk's office on the House of Commons has a footnote which describes the criteria that are applied by that committee in determining whether a bill is non-votable. They are all items which are fairly self-evident. The bill's not—

Mr. Gilles Bisson: Can you go through it quickly?

Mr. Larry Johnston: Can I go through it? Yes, I can, once I find it.

The Chair (Mr. Garfield Dunlop): So you're going through the Canadian House of Commons section now?

Mr. Larry Johnston: Yes.

The Chair (Mr. Garfield Dunlop): Okay. Everybody got that group of pages?

Mr. Larry Johnston: I'm just looking at the bottom of the first page on the House of Commons document.

"An item will be designated as non-votable if it (a) concerns a matter that is outside federal jurisdiction, (b) clearly violates the Constitution (including the Charter of Rights and Freedoms), (c) deals with a matter that is substantially the same as a matter that has already been voted on by the House earlier in the session, or as a preceding item on the order of precedence, (d) anticipates government business already on the order paper or notice paper, or (e) is similar to a preceding item on the order of precedence."

Mr. Gilles Bisson: What's considered votable and non-votable?

Mr. Larry Johnston: Sorry?

Mr. Gilles Bisson: What makes it votable or non-votable?

Mr. Larry Johnston: These criteria.

Mr. Gilles Bisson: Those are the criteria? Okay, gotcha.

Mr. Larry Johnston: Yes.

Mr. Gilles Bisson: I thought that was just to get on. Okay.

Mr. Larry Johnston: Now, a votable item is entitled to two hours of debate, with the question being put at the end of the second hour. However, an item is debated for one hour, and if not disposed of in that time is dropped to the bottom of the order of precedence. It will not be debated for a second hour until it reaches the top of that order of precedence again. For a private member's bill, this is true of each stage that's debated in private members' time. It is also possible in certain circumstances for any member to extend debate at report or third reading stage for another five hours.

The application of a votable/non-votable designation to items by the subcommittee and the number of times an item must work its way back to the top of the order of precedence have both been, understandably, unpopular with federal private members.

Mr. Gilles Bisson: Could you say that again? I didn't hear you.

Mr. Larry Johnston: Okay. The application of the votable/non-votable distinction and the number of times an item must work its way back up to the top of the order

of precedence in order to proceed have both been unpopular with federal private members.

Mr. Gilles Bisson: Gotcha, gotcha, gotcha.

Mr. Larry Johnston: However, I do think it is worth considering not the distinction of votable or non-votable, but other possible distinctions that might be made by a committee when private members' bills are introduced. I'll leave that to your imagination.

The Chair (Mr. Garfield Dunlop): Steve?

Mr. Steve Clark: Just so I'm clear with this, because I've skipped over on page 2 where it talks about seconders and 20 members, that replaces our convention where we have co-sponsoring?

Mr. Larry Johnston: Yeah. It's just names of people—

Mr. Steve Clark: You could have up to 20 people that would second your motion on the order paper. They could be from any party, and that's how they would deal with that.

Mr. Larry Johnston: We don't have seconders here any more.

Mr. Gilles Bisson: We only have firsts.

Ms. Lisa MacLeod: When did that change by not having seconders?

Mr. Larry Johnston: The Clerk will know better than me, and it's been a while.

The Chair (Mr. Garfield Dunlop): Have you got a memory on this?

The Clerk of the Assembly (Ms. Deborah Deller): I'd have to check to give you a definitive answer. It's been quite some time.

Ms. Lisa MacLeod: Okay. As in, like, 20 years or even longer?

Mr. Larry Johnston: Probably longer.

The Clerk of the Assembly (Ms. Deborah Deller): Longer than 20 years.

Ms. Lisa MacLeod: Is that right? And have the rules and procedures in place for private members' public business in the House of Commons changed dramatically in that same period, or have they always traditionally had this seconding opportunity?

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Mr. Larry Johnston: They're basically in the format that was adopted after the McGrath report—

Ms. Lisa MacLeod: Okay.

Mr. Larry Johnston: Minor changes.

Ms. Lisa MacLeod: Yeah. Okay.

Mr. Larry Johnston: Just to give you an example of what I was talking about, you've talked before about worrying about bills that are substantial versus bills that are insubstantial or bills that are perhaps more of a formality. It might be that instead of voting items to be non-votable or votable, a committee might determine that some items declaring a certain day or a week or a month to commemorate something needn't go to committee or could be fast-tracked.

The vetting committee could determine which bills needed to be fast-tracked because, again, to go back to the previous report, the committee recommended that

bills should be fast-tracked, but left the details to be determined later.

Mr. Steve Clark: That was that 75% recommendation that they had.

Mr. Larry Johnston: Yes, 75%.

Mr. Steve Clark: Okay.

Mr. Larry Johnston: The other role for such a committee might be to program private members' bills as they are programmed, say, in Scotland, where, once a bill has been introduced and seen to be a valid bill, the role of the Parliamentary Bureau in Scotland is to determine the stages of that bill from beginning to end with a timetable. Now that timetable can be changed on motions etc., depending on how that progress goes, but at the outset, particular dates are set for when the three stages of a bill are to be completed.

Mr. Gilles Bisson: And the Parliamentary Bureau is made up of the clerks or members—

Mr. Larry Johnston: The Parliamentary Bureau is made up of the presiding officer or the Speaker and one member from each party that has at least five members in the Parliament, and one member from any group from parties that don't have five members, and independents who align themselves in a group of five or more.

The Chair (Mr. Garfield Dunlop): As you go through this, is there something in the Canadian Parliament that jumps out at you that could be something pretty positive to move towards or—

Mr. Larry Johnston: Well, it's not for me to recommend to members what's positive or negative, just—

Mr. Bas Balkissoon: It depends on what it is we're looking for.

Mr. Larry Johnston: It depends what the members are—

The Chair (Mr. Garfield Dunlop): Something that I could find that your office would find—

Mr. Larry Johnston: I mentioned the examples that I did now just because the previous report—and members had expressed an interest in fast-tracking private members' bills, but said the details of such a process would need to be worked out and considered at a later date. So I was just trying to throw out some ideas for what you might want to consider in that regard.

The Chair (Mr. Garfield Dunlop): Okay. Do you have another question, Gilles? Are you okay?

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

The Chair (Mr. Garfield Dunlop): Okay. You can carry on then, Larry. Thanks.

Mr. Larry Johnston: Now, just to turn briefly to the House of Commons at Westminster, as this committee has heard previously, years ago, there are three ways in which private members' bills are introduced in the House of Commons: a ballot procedure, a so-called 10-minute rule, and by ordinary presentation.

Trevor, is the Hansard committee report in their binder?

The Clerk of the Committee (Mr. Trevor Day): The second one you sent me?

Mr. Larry Johnston: Yes.

The Clerk of the Committee (Mr. Trevor Day): Yes, it is.

Mr. Larry Johnston: You have a report from the Hansard Society on reforming the private members' bills process. It has some statistics in there on the passage of private members' bills in the United Kingdom, and of the 43 successful bills since 2000 that originated in the House—another five originated in the Lords—the ballot procedure accounts for 39 of them. Okay?

Mr. Steve Clark: Okay, 39.

Mr. Larry Johnston: All right; 39 of 43. I'm not going to talk about the 10-minute rule or ordinary presentation, but just note that the ballot procedure means at the outset of each session 20 names are drawn to establish an order of precedence. The House then sits on 13 Fridays to consider private members' bills, for five hours each Friday. So that's 65 hours in total for private members' bills. The first seven Fridays are reserved for second reading debate and the last six for post-second-reading stages.

However, without a programming motion, as the Hansard Society has noted, it is possible for one or two members to talk out a bill on a Friday and ensure that debate is not reached on bills lower down.

The Chair (Mr. Garfield Dunlop): Lisa?

Ms. Lisa MacLeod: I'm just wondering what the political culture is there? Do they sit on Fridays and engage in normal business, i.e., is there a question period and what are the—

Mr. Larry Johnston: No. They only sit on Fridays for private members' business—a private member's bill.

Ms. Lisa MacLeod: Really? So what's the attendance like?

Mr. Larry Johnston: That's one of the issues, that attendance is low.

Ms. Lisa MacLeod: I think that's one of our challenges here with a Thursday afternoon.

Mr. Larry Johnston: Certain procedures can happen with 100 members in the House, but it is rare to have 100 members in the House on a Friday.

Mr. Gilles Bisson: Yeah, but there's 600 members, right? There's 600 MPs, so I'm sure there's at least 50 of them there.

Ms. Lisa MacLeod: I just think in terms of us doing that on a—

Mr. Larry Johnston: The size of Legislatures, again, is important. As we said, the smaller Legislatures don't have many private members. Extremely large Legislatures, like the House of Commons in the UK, have so many private members, and it becomes difficult to facilitate private members' public business.

Any public member's bill that progresses beyond second reading is usually referred to a public bill committee, which, again, is like the legislation committee, but under the standing orders, only one public bill committee can be active at any one time and there's no set end point by which the committee must report its findings. The Hansard Society report provides greater detail

on these and other challenges with the private members' process at Westminster.

The House of Commons reform committee at the end of the previous Parliament also called for program motions for private members' bills and added, "We are convinced that in the new Parliament the House needs to give a high priority to an overall reform of the regime applying to private members' legislation."

I'd now like to talk—and I realize it's been long so far, but I would like to talk about Scotland and New Zealand.

The Chair (Mr. Garfield Dunlop): Sure. Any questions at this point?

Interjection.

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

Mr. Larry Johnston: Both Scotland and New Zealand are unicameral bodies, like Ontario, and they're both moderately sized Legislatures, with 121 and 129 members each. They each have an all-party body that is chaired by the Speaker, or presiding officer, which is responsible for organizing and programming the business of the House. In New Zealand, this is known as the Business Committee; in Scotland, the Parliamentary Bureau. The footnote on page 11 gives you the composition of each.

In both jurisdictions, entry to the private members' bills process—and they're known in both New Zealand and Scotland simply as "members' bills"—the process is controlled. In New Zealand, each member is limited to one proposal at any time. Notice for a proposal to introduce a member's bill is made by delivering a signed copy of the notice to the Clerk of the House and the proposal is held until the bill is introduced.

In addition, there are only eight slots for members' bills on the order paper at any one time, and these are initially filled on the basis of a ballot drawn by the Clerk. When necessary, the Clerk will draw names to fill spaces that are created when an item of business has been disposed of.

The introduction of a member's bill takes place when the Clerk announces its introduction to the House and the bill is set down for first reading on the third day following introduction. At first reading, the member moving the motion must nominate the select committee that will consider the bill. Other members may suggest a different committee and that will be determined by a vote.

The debate on first reading in New Zealand is limited to 65 minutes in total. Just to show you, the last page of this document is taken from the order paper of the Parliament of New Zealand, and you see members' orders of the day with the eight bills listed. They are listed in order of priority based on how far along they are in the process, and that remains true throughout. The last column tells you how much time is remaining on those bills. For example, number 3, which was interrupted in debate on first reading, it says that there are six five-minute speeches left and the five-minutes in reply from the mover.

Ms. Lisa MacLeod: The one thing—and I just wanted to note this with the committee. I'm sure many of you have felt the same when there's been an issue or a bill before the House that you would have liked to have spoken to, but it's private members' time and the caucus already has their three or four speakers and you really can't have a substantive debate with two or three minutes on a given topic. I think that might be something we would like to consider, if we do changes, how we deal with committees and debate time. I think that's an interesting look at this, where 12 members on item 1 each had a 10-minute speech, so they were able to contribute. Now maybe we're not going to go that far, but even if there was a rotation, that we knew there was a set amount of time for individual MPPs to speak to a piece of legislation, that might be something to consider.

1400

Mr. Larry Johnston: I would note that, again, as in Queensland, as in New South Wales, the bill goes to the select committee after first reading and that committee must report within six months. So we've got a common theme here: Giving committees six months to report a bill after first reading.

If the report is accepted by the House, the bill is ordered for second reading, which is limited to 120 minutes in total, and at the end of the debate the Speaker puts the question that any amendments recommended by the committee, by majority, be agreed to.

A bill that's read a second time is set down for consideration in committee for consideration in detail, unless the Business Committee determines the bill does not require consideration in detail. The Business Committee may also set the terms by which the bill will be considered in second committee. If the report is adopted, the bill is set down for third reading and third reading is limited to a 120-minute third reading debate.

As I indicated earlier, the standing orders provide that members' orders are arranged in order of how far along they are in the process, third reading taking precedence over committee stage, over second reading stage etc.

When a debate on a member's bill is interrupted or adjourned, that bill is taken ahead of other bills at the same stage. In other words, a member's bill that's further along than others may retain its priority until its final disposition is settled.

The Chair (Mr. Garfield Dunlop): Thanks, Madam Clerk.

Mr. Larry Johnston: Two points about Scotland, and you may not wish to hear both of them.

The Chair (Mr. Garfield Dunlop): Go for it.

Mr. Larry Johnston: Scotland has a different legislative process which applies to all public bills and it has a specific process for the introduction of members' bills. While your document talks about the stages of legislation, first, I'm wondering if you might prefer if I move to how a private member's bill gets on the agenda in the first place in Scotland.

The Chair (Mr. Garfield Dunlop): Yeah, go for it.

Interjection.

Mr. Larry Johnston: There's no ballot. Instead, there's an extensive pre-legislative stage. Each member again may introduce no more than two members' bills in the same session. The process begins by submitting to the Clerk a draft proposal, and that draft proposal consists of the short title, a brief explanation of the purposes the bill is set and either a consultation document, which is to serve as the basis for a public consultation that will last no less than 12 weeks, or a written statement of reasons why that consultation based on published evidence elsewhere is not required.

The Chair (Mr. Garfield Dunlop): Who are they submitting this to now?

Mr. Larry Johnston: This is being submitted to the office of the Clerk—to the Parliamentary Bureau. Sorry.

The Chair (Mr. Garfield Dunlop): And they will decide then when—

Mr. Larry Johnston: They will decide, or their staff—well, if a consultation document is provided, that means that a consultation will begin and that document will be put up on the website. There will be 12 weeks for people to respond, and there may be hearings held etc. on the bill.

If it's a written statement of reasons that says, "We don't need a public consultation," the draft proposal goes to a committee whose remit is the subject area of the draft proposal. So if it's a bill about highways, it will go to the committee that deals with transportation. If it's a bill respecting libraries, it'll go to the committee that deals with culture.

They will consider the written statement of reasons, whether or not that's an adequate basis to not have a consultation, but either at the end of the consultation period or at the end of the one-month period or sooner, if the committee is satisfied with the statement of reasons, the member then lodges with the Clerk a final proposal which must be broadly similar to the draft proposal and accompanied by the summary of the consultation responses or the statement of reasons that was lodged with the draft proposal.

That final proposal is printed in the Business Bulletin.

Again, the second-last page of this document is from the Scottish Business Bulletin, section G, bills. You see the subtitle "Proposals for Members' Bills," and, halfway down the page, "Current Final Proposals," and here you see "Mark McDonald: Proposed High Hedges (Scotland) Bill" and then you see a list of names down below.

This final proposal is printed in the first issue of the Business Bulletin for one month, and during that one-month period, any member may notify the Clerk that he or she supports this final proposal. The member who has lodged the proposal obtains the right to introduce a bill only if at least 18 other members notify the Clerk of their support for the proposal and among those 18 members are at least half the parties represented in the Parliamentary Bureau—

Mr. Bas Balkissoon: I kind of like some of that.

Mr. Larry Johnston: —and during that one-month period the executive has not given an indication that it

plans to initiate legislation in the same session on the same topic or that the UK government has initiated or will initiate legislation during the current or next session to give effect to that proposal.

The Chair (Mr. Garfield Dunlop): How many get passed in Scotland?

Mr. Larry Johnston: Back at table 2: 18 out of 47. So more than a third, and that's between 1999 and 2011. Again, it would be interesting to do a comparison of the subject matter of the bills which pass in Scotland compared to elsewhere.

Okay, so that's how you get to introduce your bill. However, you should also know that the Scottish bills process requires that every public bill, when it's introduced, must have accompanying documents—we're back on to page 13 now. The accompanying documents consist of a statement from the presiding officer that the bill's provisions are within the legislative competence of Parliament; a financial memorandum giving best estimates of costs and time scales of those costs with respect to government, local authorities, individuals, businesses; explanatory notes on each provision in the bill; a policy memorandum setting out the objectives, if alternative ways of meeting those objectives were considered, and, if so, the rationale for the approach taken in the bill, a summary of the consultation, as we've heard, and an assessment of the effect of the bill on equal opportunities, human rights, island communities etc; and, for a bill with a provision charging expenditure on the Scottish consolidated fund, a report from the Auditor General for Scotland on whether the charge is appropriate.

The Chair (Mr. Garfield Dunlop): Yes, Jeff.

Mr. Jeff Leal: So the Auditor General in Scotland does the necessary detail analysis?

Interjection: Presumably.

Mr. Jeff Leal: None of those jurisdictions use an independent budget officer to look at these things? Somebody who's a public servant, but outside of sort of the Ministry of Finance?

Mr. Larry Johnston: I can't speak authoritatively to that. I was just looking at the standing orders. We can always find out.

Mr. Jeff Leal: Okay.

Mr. Larry Johnston: I won't go into any more detail about the Scottish legislative process except to note that it consists of three stages: consideration of general principles, consideration of details, and final consideration, and the first two are mostly done in committee.

The business program, which is what the Parliamentary Bureau creates—and I've talked before about the Parliamentary Bureau as an all-party committee with the Speaker. In Scotland, that Parliamentary Bureau programs all legislation. It programs everything that goes on—the timetables, everything that's taking place in the House—and it will set out for each bill a timetable in terms of when stage one is expected to be completed, when stage two is expected to be completed and when stage three is expected to be completed, and there are rules about a minimum time elapsing between the stages.

Again, just to draw out the common themes, the processes that take legislation through from beginning to end or require it to be defeated usually have some kind of vetting process at the start. They seem to limit the number of private members' bills that are in the system. In most cases, they limit the number of bills that a member may introduce, and they go to committee after first reading in most of these cases.

1410

The Chair (Mr. Garfield Dunlop): Okay, so you've taken us through that first section. Are you spending more time on—do you have something else to go to, or do you want to have an open discussion on this now?

Mr. Larry Johnston: I am done.

The Chair (Mr. Garfield Dunlop): You're done. Okay, I guess just to open it up again to everyone.

The Clerk of the Committee (Mr. Trevor Day): In your binders, under the private members' public business section, there was stuff sent out electronically; it's in there in terms of reading material. We have some information that was on your desk today. Larry's gone through a great deal of it. I believe we have information also on Quebec and British Columbia. Now it's really just a case of we're going to sit back and listen to what you have to say.

The Chair (Mr. Garfield Dunlop): Trevor, are you looking for a whole dialogue this afternoon?

The Clerk of the Committee (Mr. Trevor Day): It's fine. We can do a couple of things. We have time right now to maybe go over some of the areas that you're currently not pleased with within our system. I think Larry, through the previous report, has touched on what previous committees haven't been pleased with, and we're trying to rectify that. Is there anything that you're seeing here that you think we should maybe focus on a little more? We're just open for now around the discussion of private members' public business. Where should we start to focus some of our efforts? Are there ideas that you don't like at all?

The Chair (Mr. Garfield Dunlop): If I could make a couple of suggestions. One I think we heard fairly early in the meetings with the Clerk was, first of all, the timing and the interest in having more members in the Legislature to debate it. Certainly, I'd like to throw that out there for the members of the committee to talk about. Are you always happy with Thursday afternoon, having three in one afternoon? I know that I've seen a lot of people nod in sort of a favourable way when we've talked about maybe one each day for three days of the week and using maybe three hours up that way.

Can we maybe start with the timing? I'm thinking more than anything about the interest in having more people watching the debate and taking more of an interest in it. Can I just throw that out for any of the members to make a comment on?

The Clerk of the Committee (Mr. Trevor Day): I guess the other thing is that timing will be something that we will be looking at. Again, I think some of that has to do with what process you land on. We have heard that

Thursday afternoon is not ideal or is an item for concern. I guess some of the things that Larry had put forward—how do we feel about a vetting process early on or not everyone having a private member's ballot item? Some of the stuff that we've heard from other—

The Chair (Mr. Garfield Dunlop): First Jeff and then Steve.

Mr. Jeff Leal: Thanks Garfield. I think you're on to something.

First of all, thanks very much, Larry. This is a very comprehensive report. You and your team have done a very good job of highlighting how private members' business is done in a number of jurisdictions, which I think is very helpful for all the members of this committee.

I think there is a problem on Thursday afternoon. If we could find a mechanism—I'm just speaking from my own experience of being here almost nine years now—to look at ways to spread out the discussion of private members' business, because there are a lot of very serious issues and ideas that are raised through the private members' process. I think it would provide for a better debate to spread things out over a number of days. If it's an hour each day—I'm not sure what the optimal allocation of time should be, but I think, out of mutual respect for all members of the House, that would be a better mechanism.

The opportunity to take a look at these bills at a very early stage would also be helpful. We have an interesting situation this Thursday: We have two private members' bills that are virtually identical, one from Mr. Fedeli and one from Mr. Mauro. I've taken a quick look at each one of them and there's not a lot of differences. So on Thursday afternoon, we'll spend an amount of time debating two bills which both have merit but essentially achieve the same objective. So if there's some way we could deal with those kinds of issues early on and then that would free up opportunities for other members to deal with a private member's bill. Thanks, Mr. Chair.

The Chair (Mr. Garfield Dunlop): Okay. Steve?

Mr. Steve Clark: I just want to make a couple of comments as well. I think it goes back to what we want to accomplish by the reforms to the private members' bills process. If we have a philosophy that we want to strengthen the individual member, there are a number of recommendations and a number of instances, as Larry has highlighted, where the individual member can have that opportunity to put ideas on the floor. I agree that Thursday afternoon, in my opinion, is not the right place to maximize private member participation. I certainly agree that the three mornings—the Tuesday, Wednesday and Thursday mornings, maybe an hour a shot—would be more appropriate.

I would want to say, though, that there should be some discussion about the vetting process. You used Mr. Mauro's and Mr. Fedeli's bills. I think Ms. MacLeod earlier had just touched upon Bills 13 and 14—

Mr. Jeff Leal: There are lots of examples.

Mr. Steve Clark: And I agree: As you said, there are lots of examples. I think there are some other opportunities, and whether we as private members want to have the availability where we can sponsor eight or nine or 10 bills, as a handful of members do. I'm not sure that volume is strengthening the role of the individual member, and that some of the opportunities where there are two, where you have to prioritize, have some more substantive process, and talk about—and I really like what's in Scotland about the documentation, the consultation, some of that substantiveness that I think private members' bills should have.

I think there's a lot of good in some of those reports. It's just a matter of what we, as individuals, want private members' bills to be. In my opinion, it's got to have some strength and some decision from us as members on what we're going push—in this case, using one of the examples, two ballot spots. It's an interesting dilemma.

The Chair (Mr. Garfield Dunlop): Laura, and then Gilles.

Mrs. Laura Albanese: I agree that Thursday afternoon is perhaps not the ideal time. We discuss a number of important issues, but we know that we try to give some deference to the members that are from out of town, and really you just have a closed number of members: the ones that are presenting a bill and the usual, closer GTA members that stay back, that participate in the debate and that will maybe have a chance to say—and they're not heard at large by all the other members.

I don't know if spreading it out one each morning is the ideal thing to do as well. It may be too spread out. But I agree that we need to look at that, so that's one area of interest for me. We may have to look at the schedule first, the rest of the schedule, so that we can—the vetting process is interesting. I think it would avoid some duplications. Some examples have just been brought forward.

I'm also interested in the co-sponsoring in a more substantive way. I do at times think of issues that I'm interested in and wonder if this would be interesting to someone on the other side, and how we could perhaps get some co-operation and bring it forward. So I am interested in that as well.

The Clerk of the Committee (Mr. Trevor Day): Just a quick question: When you say “co-sponsoring,” when you're referring to it, are you referring to members being able to sign on to a particular bill, like the Scotland example, where there's a minimum threshold—

Mr. Steve Clark: I like the second idea, myself—the one that they do in the federal Parliament. The example that they showed us was Scotland, where other members can sign on as agreeing with the intent of the bill.

Interjection.

The Chair (Mr. Garfield Dunlop): Gilles—

The Clerk of the Committee (Mr. Trevor Day): Would that work into—sorry—just a minimum threshold of some sort?

Mr. Larry Johnston: I just want to point out that in the Scottish process, the members sign on to the final

proposal, and that's not the bill itself. The bill comes forward if—so it might very well be that you have ideas; you've signed on, you're talking to the primary mover—the person who's done the proposal. When the bill is drafted, it may be that some of your concerns and the other people who've signed on to that bill are incorporated in the drafting, because now you have a group of people who've indicated, “We support this final proposal.”

1420

The Chair (Mr. Garfield Dunlop): Gilles had a comment, and then Bas, too, as well.

Mr. Gilles Bisson: I guess a couple of things, just from my perspective. I think there's a little bit of something good in all the different jurisdictions. Trying to copy one of them, sort of, wholly, I don't think is the way to go, but I think we can cherry-pick.

Just a couple of ideas for people to consider: I like the ability that members can introduce a bill. We should never take that away from them; that would be one of my principles. But there needs to be some sort of—I'm not sure if it's a vetting process or some sort of programming motion tied to private members' bills.

I would suggest the following: that you have something that essentially is akin to what I heard in one of these presentations, but it might be, maybe, morphed better into some of our own experiences here in Ontario and, that is, that you have a sort of programming motion that is agreed to about how we will move forward with those bills that receive second reading.

In other words, you have the ability to get to second reading; short debate at second reading, and if you happened to pass, there's some sort of a programming motion at that point that then allows you to say as caucuses, “Okay, government caucus, you decide which percentage”—you know how we go by percentages? Certain things we do by percentages, striking of committees, all that kind of stuff. So you'll say, “Okay, a certain percentage of the bills for the Liberals, a certain percentage of bills for the opposition, each party.” It's then up to those caucuses to decide what they want to put forward as their one or two items that move forward. Because then it makes the caucuses—it forces the members to get some of their own caucus members on side. That's one version.

Or the other version: You have some sort of threshold, if you can sign up X amount of members with the proportion from each caucus, that allows you to be into the programming process. Either one of them kind of works for me.

The point is, we need to allow members to introduce bills; we should never take that away from them. They should all have an ability to have a debate, as per the ballot item pick, but I think where it gets more substantive, and where I think we need to change it, is what happens after second reading. So there is, really, an ability to move substantive bills beyond the second reading stage into some form of committee, whatever that is, and then either to Committee of the Whole or com-

mittee, and then it's not dependent on the government for it to be called at third reading.

The Chair (Mr. Garfield Dunlop): Okay. Bas and then Jeff.

Mr. Bas Balkissoon: I just wanted to comment that it may sound on the surface to debate one bill every morning as a perfect solution, but then you run into the problem: Who's going to stay here on Thursday afternoon to do the regular business debates? It comes up with the same problems. Scheduling will always be a challenge.

I sort of like some of the ideas in the Scotland model. I really like the fact that you table the idea with the financial basis for it, the policy basis for it, and there's that process. Because, to me, if you do that, we would get legislative ideas coming forward that have some meat to them; they would be substantial and they would be relevant. I think we should really look at that because it has some real merits to it.

The Chair (Mr. Garfield Dunlop): Jeff, and then Gilles.

Mr. Jeff Leal: The other issue, Garfield—I don't know if we want to address it through this process too. But, essentially, what we've noticed over the last number of years is two types of private members' bills. We have what I would call proclamation bills and then we have policy bills.

In the sense of proclamation bills, everything that we agree to—like, we had Italian Heritage Month, Jewish Heritage Month and General Brock day. Those are all things that we rush through. We give them second, third and royal assent on any given day, and we need to do those kinds of things. But that kind of activity is quite a bit different from other bills that are private members' bills that are a policy in nature, like, do we demand that all homes in Ontario have carbon monoxide detectors, which is really a policy bill that's going to dictate a specific series of consequences as you move forward, as opposed to a proclamation bill. They both take the same amount of time, but they're two different things that we're really dealing with.

The Chair (Mr. Garfield Dunlop): Jonah, do you want to do it? And then Gilles's got a question.

Mr. Jonah Schein: Sure. I think we talk a lot about trying to move policy in a way that's not as partisan. I wonder if private members' business is a way to do that, potentially, and I wonder if there's a way—you know, there's some stuff that just needs to get done and that sometimes gets slowed down by partisanship. I wonder if there's a way to weight private members' bills, based on the kind of consensus you can build, before they even come to the floor—so something could be prioritized based on almost a petition so you could gain support privately for something, and that would take priority. I think that that might be an interesting way to try to move some stuff forward in a less partisan way, if that makes sense.

Mr. Larry Johnston: Well, really, what the Scottish proposal is saying is that you get to introduce your bill if you've got 18 members, and half of those members come

from at least half of the parties in the—or those members come from at least half of the parties in the Legislature. So it's never going to be a bill that's supported by just one party, or just members from one party.

The Chair (Mr. Garfield Dunlop): Absolutely. Steve?

Mr. Steve Clark: I just want to bring up another point. Just as we talked about the Alberta model earlier today, and understanding ultimately what were those private members' bills that were passed, I'd be really interested, with the Scottish proposal, on the history of whether there were proclamations in addition—we're focussing now on the whole substantiveness of that Scottish process, but I'd like to see in a written form the bills and what they were—

Interjection.

Mr. Steve Clark: A bill summary or just an overview and just a paragraph explanation of what they were. I think it would give me, certainly, a better understanding of what cause and effect happened in Scotland. So my request is the same as the Alberta legislation: I'd like to see the final bills for Scotland as well.

The Chair (Mr. Garfield Dunlop): I think what I am hearing here today—and I hope I'm correct on this. I think people, at least the committee members, really appreciate private members' time and private members' resolutions. I think I heard Gilles say that very clearly. Are there any thoughts that we're trying to put too much emphasis on this or should we continue this—

Mr. Bas Balkissoon: No, it needs to be cleaned up.

The Chair (Mr. Garfield Dunlop): Yeah, continue this dialogue between the—to strengthen this. Because I've got to tell you, as a member—I'm in my 13th year here. I have to say, one of the things that for me has been disappointing is the number of private members' bills that have not had a chance to pass. There's been some really good stuff out there and sometimes the government will grab the bill and run with it, or it'll just completely fall into oblivion with the loss of the Parliament. So I think if we're on that path and we can strengthen that in any way—as good as we can together.

Mr. Steve Clark: But again, Chair, I just want to bring up a point that I think perhaps the Clerk made. We have to understand, when we lay out a change in the system, that members from all parties, whether they're government or opposition, are going to use whatever system is at their disposal. The case in point I use is that I had a very early ballot date, so I made a decision: Did I want a bill that passed, which was my proclamation bill? Did I want to make a statement from the election that I knew wasn't going to be supported by one or the other parties? What was I going to do?

I used the system that was available to me, because I had an early ballot date; to take something I could get consensus on that I perhaps wouldn't get consensus on now or six months from now, as opposed to the bill I'm presenting today, which I know to some degree that government and the opposition supports, but the stakeholder just wants the idea out there.

I think no matter what we decide, we have to look at the result in those other Legislatures. I just want to reiterate that I've asked for Alberta and Scotland. Maybe we need to understand the other provinces and the other countries, just to understand what is getting passed, what is not getting passed; in our Canadian system, what does get passed aside and not voted on versus something that ultimately gets to a vote. I think it's important to see how those Legislatures and those other governments use their private members' bills and what the end result becomes.

The Chair (Mr. Garfield Dunlop): Thanks, Steve. Over to Bas.

Mr. Bas Balkissoon: Just a quick comment: When we do the research on these two models, always the one question that we should ask is, if you had a chance to redo this, what would you do different?

Mr. Steve Clark: There's always something.

Mr. Bas Balkissoon: So I leave that with the research officer, so at least we know what their concerns are.

1430

The Clerk of the Committee (Mr. Trevor Day): We have been trying to, and this is sort of ongoing. A lot of the information you're seeing here is based on what's in writing: standing orders, stuff that's in print. Our system here, when other people look on, looks really good in writing as well. So we are trying to contact them, procedural to procedural to say that—

Ms. Lisa MacLeod: We look good on paper, guys.

The Clerk of the Committee (Mr. Trevor Day): —to find out what the downfalls might be with someone who's living through the system.

Ms. Lisa MacLeod: So you're basically calling us the Toronto Maple Leafs of Legislatures or something, eh?

Mr. Bas Balkissoon: That's why you have to ask the question: If you had the chance to change it, what would you change?

Ms. Lisa MacLeod: Well, that's the question: If you had the chance the change it, what would you change? To Mr. Balkissoon's comment, I think obviously that's why we're here. We're wondering how we do that. And it strikes me—you know, the Chair just spoke about it and I think we've all said it from time to time, and Mr. Clark did as well—that we're talking about ideas and how to best leverage this assembly to pursue our ideas.

Those can come in many different forms. For those of us who are in the opposition, it could be a critic-related idea. For all of us, as private members, it could be a riding-related idea; it could be an interest-related idea. And I think sometimes we'd like to pursue them, and sometimes, actually, legislation isn't the appropriate venue; it perhaps could be at committee. I think this is where we have to decide: Is there a balance between what goes through the legislative process as a private member's bill and what might go through the legislative process at committee by empowering private members to do a more directed study?

Ms. Albanese and I are the only two females here, and I normally wouldn't say that, other than we did have our first women's caucus meeting last night of all three

parties. I think one of the things that we talked about, as a shining example of this assembly in the last decade that everyone can point to, was the Select Committee on Mental Health and Addictions. Everyone is proud of the work that was done there and we certainly talked a great deal about that last evening. Now, while that might not have a direct impact on the private members' bill process, it is another avenue for bringing those ideas from our constituents and from committed community organizations, and even from the backbenches or in the opposition benches where we have ideas of mutual concern.

So I think maybe when we're talking about private members' business, we shouldn't just look at it as bills and legislation. I think if we wanted to have a section on empowering the private member, that might be an opportunity for us, because, as Mr. Schein was talking about what kinds of bills were passing or if there is a way for consensus—there might be, but maybe it's not on the legislative tool.

I've grappled with this. I have a ballot question coming up in September. I'm wondering, do I do it in my critic area, or is there an issue at home I want to do? Then there's another issue that's important to me, child protection, and I want to do something on that, but I only have one ballot. And then you're thinking there, how do I best contribute my private members' time for all of those competing demands on all of our collective times? And so there might be, if there were a number of people that had—and I'll use child protection again as an example. Maybe legislation from one private member isn't the way to go, but maybe there is a committed group of legislators from all three political parties—whether it's a select committee or another group that would advise a minister or something—where they could actually put forward their ideas.

I would just like to know if there's a place in the Commonwealth that's doing that really, really well. I just feel that there's more opportunities for us than what we actually have before us. So if we were to say, "What are we doing well?" let's answer that question, but if we could do it over again, like Mr. Balkissoon said, how would we do it? So that's my two cents, Chair.

The Chair (Mr. Garfield Dunlop): Okay, Larry. Do you have comments on that?

Mr. Larry Johnston: Just to add on that last point: I didn't get there, but a member in Scotland may submit a draft proposal for a bill to a committee. It actually goes to the Parliamentary Bureau to be referred to a committee within whose remit that proposal falls, and the committee may consider whether or not it should make the proposal a committee bill, which, again, has its own set of rules under the rules for committee bills. And if that proposal is introduced, it's treated as a member's bill for the purposes of the rule that the member can only have two bills in a session. But it goes through the committee. It's similar.

The Chair (Mr. Garfield Dunlop): Okay. Any other comments? We sort of started talking about the interest in timing of the bill, and we've had a pretty thorough—I

guess, as we look towards the next meeting, this is just sort of an initial meeting of chatting about private members' bills and resolutions. What else would the committee like to see in the discussion, if we take it to the next step now? Am I clear on this, Trevor? Are you fine with that?

The Clerk of the Committee (Mr. Trevor Day): What we're looking for—the hope would be that perhaps we come back next week, we continue the discussion on private members' business, but we try to get a little more substantial. This was a learning curve—

Mr. Bas Balkissoon: We should focus on the two models, but—

The Clerk of the Committee (Mr. Trevor Day): A lot of the stuff you got was just sort of dropped in front of you today, so there is some reading and there is some to go over.

Mr. Bas Balkissoon: Is one week enough?

The Chair (Mr. Garfield Dunlop): We're going to have to work away till we get set.

Mr. Bas Balkissoon: We could move on to another area and let them do the research and bring proper research to us on private members' bills.

Interjections.

The Chair (Mr. Garfield Dunlop): Hold on a second. Larry, what did you say?

Mr. Larry Johnston: I'm presuming you would want research on the next area as well. I'm not sure that we can—

The Clerk of the Committee (Mr. Trevor Day): That's the balance.

Mr. Larry Johnston: —balance that.

The Clerk of the Committee (Mr. Trevor Day): The next topic we'd like to touch on is, again, committees, but in order to do it well, we'd like a little time to accumulate that research.

Mr. Bas Balkissoon: I think we're going in the right direction. If we see Scotland and Alberta and—

The Clerk of the Committee (Mr. Trevor Day): Even if you can take this away with you and speak to your colleagues—we know what the topic is now; there have been some ideas floated, and there's more in the information—to see if you can get, not even a consensus, just some ideas from other members about what part would they like to change, what would they like to do differently here.

The Chair (Mr. Garfield Dunlop): Trevor and Larry, can we start the work on—let's say we come back here next week and we follow through with Scotland and Alberta. In the meantime, though, can we be starting to do research on committees?

The Clerk of the Committee (Mr. Trevor Day): Oh, yeah, and that's a given. That's what we're going to—

Mr. Larry Johnston: But before I do research on committees, I would like to know what the members' main concerns are about committees and what it is that members want to have information about.

The Chair (Mr. Garfield Dunlop): Okay. Lisa?

Ms. Lisa MacLeod: I'm just wondering: Time is ticking here; we're now in the middle of April. We have a report to write, or an interim report. I'm wondering if we can—and I might not be popular for saying this. Is there any way we can add meeting times, like do a working lunch or something?

Mr. Bas Balkissoon: You mean the schedule?

Ms. Lisa MacLeod: Yeah. You know, what I'm thinking, Bas—Mr. Balkissoon, for Hansard—is to do some dedicated time where we actually—two hours at a time, once a week, is just not enough.

Mr. Bas Balkissoon: You mean for us as a committee?

Ms. Lisa MacLeod: Yes, so that we can do some directed study.

Mr. Bas Balkissoon: It depends on everybody else's committee schedule.

Ms. Lisa MacLeod: I know

The Clerk of the Committee (Mr. Trevor Day): One of the things that I can point out is, this committee is actually authorized to meet after lunch, from noon till 3 o'clock. We've been meeting at 1 in order to try to allow you to get some lunch and to not be here right away. We can move up that start time, at the will of the committee.

Ms. Lisa MacLeod: I'm just going to propose that we consider that. I actually support it. I just feel that we're now at 2:38—the House is going to resume in a few minutes—and we've got a lot to cover.

The Chair (Mr. Garfield Dunlop): Yes, I understand.

Mr. Steve Clark: I think we need that extra hour too, Chair, if we can try that next week—if the committee's willing. I certainly agree with Ms. MacLeod that we should take advantage of the time. So if we can meet—I'd like to hear from the other members—

Interjection.

The Chair (Mr. Garfield Dunlop): We're talking now about meeting more often.

Mr. Gilles Bisson: More often is fine, Chair.

The Chair (Mr. Garfield Dunlop): Probably the best way is to do it on Wednesdays at noon, as opposed to 1 o'clock, and that would give us an extra hour a week. Ms. MacLeod is worried about getting some things accomplished.

Mr. Gilles Bisson: Well, I'm going to defer to my good friend Mr. Schein, because there are going to be some times—as House leader, there are things that always happen after question period, and it's hard to get to.

Ms. Lisa MacLeod: Then can we amend that, maybe, to 12:20?

Mr. Gilles Bisson: Let's say 12:30. Can we do that? Can we split the difference?

Ms. Lisa MacLeod: That's gives us an extra half-hour.

The other thing I would like to have considered is if there's an opportunity for us to do, on a two- or three-day

period of time, where a lot of this is fresh in our mind—I don't know if we have—

1440

Mr. Gilles Bisson: During constituency week, you mean?

Ms. Lisa MacLeod: Yeah. You know what? I'm sorry to do this to you guys. The last place I want to be on a const week is sitting here with you guys, but I'm cognizant of the—

Mr. Gilles Bisson: Listen, there are some wonderful little cafés in downtown Toronto.

Ms. Lisa MacLeod: Well, except for you, Leal. I want to be sitting here with you.

The Chair (Mr. Garfield Dunlop): We'll have to deal with that when we get there, because people may have other plans.

Ms. Lisa MacLeod: My sense is that we do have a lot of ground to cover, and I think that if we had two or three days of just—maybe it's two days; that it's just directed, four or five hours each, where we can move through a lot of this and even speak to a few people.

Mr. Bas Balkissoon: We have four weeks before the next break. Why don't we use three of those four to see how far we can get, then make that decision?

Ms. Lisa MacLeod: On the fourth week?

Interjection: Yes.

Ms. Lisa MacLeod: Okay. So that can be our fail-safe, then.

Mr. Bas Balkissoon: This guy's saying that after next week, we may not be here.

Ms. Lisa MacLeod: Oh, come on.

The Clerk of the Committee (Mr. Trevor Day): Okay, so what we're looking at now—

Mr. Bas Balkissoon: Which way are you voting?

Ms. Lisa MacLeod: I'm voting against you, but I hope to see you the following day. Let's just put it—

Interjections.

The Chair (Mr. Garfield Dunlop): Okay, guys, hold on.

The Clerk of the Committee (Mr. Trevor Day): Next week, on the topic of private members' public business, we are going to sort of go through an itemized list of "How do you feel about this? How do you feel about this? How do you feel about this?", from how they get introduced—one of them will be, "When is the timing of it? How they get introduced," stuff like that, to try to get an idea of where you want us to look.

We're at 2:41.

Mr. Gilles Bisson: I have a question. I'm sorry, I had to step out for a few House leaders' things.

Can I just test—because I had raised a few issues before, and I don't know if you had a further discussion, but I was trying to put in my head what are sort of the components of what it is that we agree on and what parts we can look at. Can I try this?

Just a bit of a show of hands without making it a binding vote: Do we all believe that we should give every member the ability to introduce bills?

The Chair (Mr. Garfield Dunlop): Yes. We agreed to that.

Mr. Gilles Bisson: Okay. And number 2: that every member should have an ability to debate, on a ballot selection—time for debate. When it is, I don't care; that's a whole other debate.

So then the next part comes: the idea of some form of programming motion or mechanism that allows bills to get into committee in an easier way is sort of where we want to go, so they get committee time.

Mr. Bas Balkissoon: Well, we'd like to see the Scotland model of preparation and vetting.

Mr. Steve Clark: Just as we said with Alberta: that we want to see what type of bills ultimately got—

Mr. Gilles Bisson: Yeah, yeah.

Mr. Steve Clark: We want to see the same with Scotland, to see how that programming, how that—

Mr. Gilles Bisson: Yeah, so we look at—but let me—I'm almost done. To that point: Whatever way it's done—and I don't care if it's Scotland, whatever, a combination thereof. But the issue is, we need to give members who have had their bills passed at second reading some time in committee so that they can be heard in a timely fashion. I guess that would be the way to put it.

Then, once that happens, that there is an ability to have that bill called for third reading without being hostage to the government in some mechanism.

Mr. Bas Balkissoon: Well, I wouldn't go there yet, Gilles—

Mr. Gilles Bisson: Okay, that's fair.

Mr. Bas Balkissoon: No, no, and I'm going to tell you why. I mentioned that if you look at the Scotland model and you look at the preparation steps and the vetting steps—I could be wrong, but my vision is that you're going to see much better-quality bills come from private members, and maybe the third stage will never become problematic, or it'll be limited.

The Chair (Mr. Garfield Dunlop): Okay. Anyhow, that gives Larry some direction, I think.

Mr. Gilles Bisson: I was just testing the waters. I think Jeff wanted to add to that.

The Chair (Mr. Garfield Dunlop): Jeff?

Mr. Jeff Leal: Gilles, you and I have had this discussion: the ability to kind of separate what is essentially a proclamation. I think we look at some mechanism to handle that, because they're very important and they have great meaning. But to separate that from what are essentially policy bills—bringing in carbon monoxide detectors for every house in Ontario, right? Because they're two different issues. They need to be treated and need to be looked at, but I think there are two mechanisms to handle these two poles, right?

Mr. Gilles Bisson: I agree. That's a very good point.

Mr. Jeff Leal: That's all.

The Chair (Mr. Garfield Dunlop): Okay. So we're going to give Larry the last word here today, guys. I want to get Larry's summary on this so he can—

Mr. Larry Johnston: I just wanted to—

Interjections.

The Chair (Mr. Garfield Dunlop): Larry?

Mr. Larry Johnston: On the opening page, I did suggest—

Interjections.

Mr. Larry Johnston: No, no, it's just—obviously members are concerned about bills stagnating in committee once they've been referred to it and how do you get them out of it. I did suggest on the first page that from all we've seen and the processes we've looked at, there are really one or two things that happen. Either there are provisions in the standing orders that allow a bill that receives second reading, or first reading in some cases, whatever bill it is, to proceed through the remaining legislative stages unless it's defeated. We see that in the Alberta model; we see that in the Queensland model. How many bills that allows to go through is the issue. The alternative is programming motions, as Mr. Bisson is talking about. But then the question arises: Who does the programming? And where we see programming motions, it's usually where we have an all-party committee that makes that decision, but that very often is programming the business of the House as well.

Mr. Gilles Bisson: But I guess my point was, Larry, is there a hybrid? Because where they do that type of thing is right at the beginning of the process in those other jurisdictions. Is there a hybrid that allows us to maintain the tradition here of being able to introduce bills and get a debate and use their vetting process to get to the next stage? And to Jeff's point, and I think you're 100% right: separating substantive and non-substantive bills, whatever way you want to say it.

Mr. Larry Johnston: Well, Scotland seems to be that hybrid, in that it doesn't restrict any member from introducing a proposal, and it allows any proposal that is supported by 18 other members with cross-party representation to go forward. If it goes forward, it is then automatically programmed by the business committee.

Mr. Gilles Bisson: I hear you, Larry, but I guess what I'm saying is, I want to give the member the ability to raise the wacky issues, because sometimes what sounds

wacky is something that we come back at one point and deal with. I'm just saying, if we can preserve the ability to have that second reading debate so the person gets their one hour—

Mr. Larry Johnston: But that debate, in other places, I would submit, is probably done in resolutions. If it's not a bill, it may be done in a resolution—

The Clerk of the Committee (Mr. Trevor Day): Mr. Bisson, just to check, what I'm hearing from you is, you're okay with our process—forget the timing—up to, say, second reading debate has passed.

Mr. Gilles Bisson: Yeah.

The Clerk of the Committee (Mr. Trevor Day): Now we're getting a bottleneck in committee and maybe there's some way to sort of sort those through so that you've made it to second reading, you've passed, but some of the more substantive ones are going to be on one track and we can sort of unplug that committee system so that it can make it the rest of the way through. Is that—

Mr. Gilles Bisson: Yeah, that's kind of what I'm saying. Thank you, a very good synopsis, Trevor.

The Clerk of the Committee (Mr. Trevor Day): Thank you.

The Chair (Mr. Garfield Dunlop): Larry, are you okay—

Mr. Larry Johnston: I'm fine.

The Chair (Mr. Garfield Dunlop): —for some direction for next week? Okay. So we'll meet at 12:30 next week. Is that—

Mr. Jeff Leal: At 12:30.

The Chair (Mr. Garfield Dunlop): At 12:30? Okay. Are there any other comments anyone would like to make today as we move forward here? Lisa.

Ms. Lisa MacLeod: On behalf of the committee, obviously, we'd like to thank Larry for doing the outstanding work that he's doing. We really appreciate it, so thank you very much.

The Chair (Mr. Garfield Dunlop): Okay, folks. Don't forget your binders, and we'll see you here next Wednesday at 12:30. The meeting is adjourned.

The committee adjourned at 1448.

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Mr. Grant Crack (Glengarry–Prescott–Russell L)

Also taking part / Autres participants et participantes

Ms. Deborah Deller, Clerk of the Assembly

Clerk / Greffier

Mr. Trevor Day

Staff / Personnel

Mr. Larry Johnston, research officer,
Legislative Research Service