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ISSN 1180-436X

**Legislative Assembly
of Ontario**

First Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Première session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 25 April 2012

**Journal
des débats
(Hansard)**

Mercredi 25 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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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Wednesday 25 April 2012

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The committee met at 1231 in room 1.

STANDING ORDERS REVIEW

The Chair (Mr. Garfield Dunlop): We'll call the meeting to order. Welcome, everyone. Thank you for bringing those sandwiches forward. We'll see if we can get a productive afternoon in here. Trevor has already gone over the format of the meeting. Larry, maybe we'll turn it over to you to begin with and you can go through what you've presented to the committee today.

Mr. Larry Johnston: You should have a document in front of you called Private Members' Public Bills—Additional Research. This presents three tables, one for Alberta, one for Scotland and one for Ontario, listing the private members' public bills passed since January 1, 2002.

There's also a preliminary table on page 2 which provides some summary statistics. You can see the number of bills passed during that period; the average length of the bills in terms of sections; the number of new acts introduced, as opposed to acts that were amending existing acts; and a breakdown in terms of the number of bills introduced by a government private member, as opposed to an opposition private member.

In the case of Ontario, you'll see that during this period 10 bills were co-sponsored as well. Eight were co-sponsored by three members; two of them were co-sponsored by two members. You'll see that in the Ontario table where it says co(3) and co(2).

I would note the note to table 1, that using the number of sections to measure length is an inexact measure, but it's as good as we've got.

We've also provided you with three bills from Alberta: Bill 201 from 2011, the Health Insurance Premiums (Health Card Donor Declaration) Amendment Act; Bill 202 from 2010, the Mandatory Reporting of Child Pornography Act; and Bill 205 from 2009, the Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act.

The Chair (Mr. Garfield Dunlop): So the intent was to just give—say, for example, the Alberta example. That's just for our information. That's what their bills look like.

Mr. Larry Johnston: Just for your information. I believe one of the members had asked in particular for a comparison of legislation in terms of seeing what the

quality is of legislation elsewhere, compared to anywhere you like.

Mr. Bas Balkissoon: I think the issue that I—if it was me—raised also is, there was some form of a vetting process before. Do we know how it works? Is it in here?

Mr. Larry Johnston: It should be. In your presentation from last week?

Mr. Bas Balkissoon: Yes. I mean, these are examples of stuff that has gone through, but I think our issue here is the stuff gets in and it sort of gets lost. Is there a process to move it ahead? I know that was Mr. Bisson's concern. How do you get to that other stage with a proper assessment process in terms of, if you look at the number of bills that we have presented by members versus those that are approved, you have to look at the process and say, "Is this efficient? Is this the best use of taxpayers' money?" I had heard from others that the Alberta model might be a little bit better than ours, and that was the kind of research I was hoping we'd get also.

Mr. Larry Johnston: If I could just explain briefly, Alberta basically timetables the stages of its private members' bills. So there's a limit on how long a bill is debated at second reading; there's a limit on how long it's debated at committee in the whole; there's a limit on how long it's debated at third reading. And then there are certain deadlines in terms of how long a committee has before it can call a bill—a minimum length of time when third reading is called.

The process sort of goes, once a bill gets second reading, the bill sort of continues on its process until the bill is passed or defeated. What we talked about before last week, though, was that there's only one hour a week for private members' business in Alberta. So that limits the number of bills that realistically could be passed in any session, given the number of minimum hours.

Mrs. Laura Albanese: However, I believe that there was another example that was brought forward. I cannot recall which jurisdiction—perhaps Scotland. It had what MPP Balkissoon refers to as a vetting process. It had a mechanism that looked at the bills beforehand, before they were presented, and some were deemed good and others would be discarded.

Mr. Larry Johnston: In Scotland, the process before introduction consists of considering proposals. Members submit a proposal on a topic on which they would like to introduce a bill. That proposal must be accompanied by certain documents, and then the bill is posted on the

business bulletin. The bill may be introduced if the proposal receives the support of I believe it is 18 other members, and that membership must consist of at least half of the parties in the Parliament. It has to be cross-party support.

The Chair (Mr. Garfield Dunlop): Steve, you had a—

Mr. Steve Clark: No. I appreciate the work that you've done, Larry, and I think table 1, the summary statistics for Alberta, Scotland and Ontario, and then the accompanying list of the bills and what they accomplish—that's exactly what I wanted, because what I feared was what I see in the table. While we've passed a little more than Alberta, when you look at our bills, there was a significant amount—and you've mentioned 10 that were co-sponsored—that were more proclamation-like, ceremonial-like. I was interested in the discussion that you and I had before the committee about the fact that in other jurisdictions, that's done through a process of motion, and it also gave the ability for members to sign on to a particular motion so that it could be moved along through the process. If it didn't get that support, at some period of time it would dropped off.

It's not the same vetting process that Mr. Balkissoon talked about, but I think that that has some merit, so I'd like you to explain it to the committee.

Mr. Larry Johnston: All right.

The Chair (Mr. Garfield Dunlop): Larry, before you explain it to the committee, is there anywhere the process is outlined in here at all? You had asked for an example of the vetting. Is there any way that the three processes are outlined, and how we get to them?

Mr. Larry Johnston: The processes are outlined in the document that the committee received last week. That should be in your binder.

The Chair (Mr. Garfield Dunlop): Okay. So we already have that information when it comes to making the final decision. I'm just trying to clarify what we actually have in writing in front of us.

Mr. Larry Johnston: Yes. Admittedly, there were several processes gone over last week, and it's easy to get lost in terms of which one is which. I can do it as easily as anybody else as well.

The Chair (Mr. Garfield Dunlop): So we've come back to the three examples of the types of bills, and now we're discussing votes. Okay.

Mr. Bas Balkissoon: Chair, just one question for clarification, because I think that's where I was confused a little. So the vetting process we've heard in Alberta is more the scheduling process; things get dropped off because there's no more room to debate it.

Mr. Larry Johnston: There's a very preliminary vetting process in Alberta, if you like. The bill is examined by the Speaker and parliamentary counsel with respect to whether it violates the prerogatives of the crown. There were two items there.

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Mr. Bas Balkissoon: So that's similar to here, then.

Mr. Larry Johnston: It's similar to here but it's done formally, as opposed to informally here.

Mr. Bas Balkissoon: Okay; all right. And the Scotland process that makes it somewhat of a vetting process is that the idea is presented and then it works its way through.

Mr. Larry Johnston: It's an extensive examination of the proposal and any public consultation and other steps that are required, culminating in an indication of cross-party support that then entitles the member to introduce a bill with respect to the final proposal.

Mr. Bas Balkissoon: This might be a wrong question, but maybe, in your opinion, the Scotland process would—does it have an experience of leading eventually to legislative changes that do occur versus what we do here?

Mr. Larry Johnston: Well, I leave it to members to judge from the list of bills that I've provided in table 3, I believe. Have a look at the three bills that we've provided you with, if you like, and I'll come back to Mr. Clark's question about motions, if I might, in a second.

Mr. Steve Clark: Sure.

Mr. Larry Johnston: If you look at the three Scottish bills—Bill 10, which is the Disabled Persons' Parking Places Act; Bill 15, the Breastfeeding etc. (Scotland) bill; and Bill 55, the Dog Fouling (Scotland) bill—these are three pieces of private members' legislation from Scotland.

In addition, we have provided with each bill one of the accompanying documents. So with the disabled persons' parking act, we've provided the delegated powers memorandum, in which the member is required to indicate where regulations would be required under the act and details of those requirements. With the Breastfeeding etc. (Scotland) bill, we've provided a copy of the financial memorandum, which was attached to the bill, as well as the presiding officer's statement on legislative competence. With the last act, the dog fouling bill, we've attached a copy of the policy memorandum that was required as well.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: I walked in late so maybe I missed something here, but I'm not particularly interested about what a bill does in Scotland, Alberta or anywhere else. I'm more concerned with the process by which we deal with bills. So is this relevant to the discussion? I don't understand.

Mr. Bas Balkissoon: Oh, yes.

Mr. Gilles Bisson: Why? Explain it to me.

Mr. Larry Johnston: Members asked for this research to be done at the last meeting, so it was done.

Mr. Gilles Bisson: No, I'm missing something here. The content of the bill in Scotland doesn't explain to me what is the possible amendment to the private members' process that allows members to get private bills.

Mr. Bas Balkissoon: You have to go back to what's in our binders that we got last week. Add the two together and you'll see the difference between the two models.

The Chair (Mr. Garfield Dunlop): Donna?

Mrs. Donna H. Cansfield: If I may, I mean, that's the challenge. We have a fair amount of material in front of us. Not everybody has had the chance to read it, so some of the conversation that we're having is included in the new information we've received, and then it's attached to some stuff—for example, on page 16, in the appendices, it virtually, very clearly, articulates how a private member's bill goes forward in Scotland and what is required. It's a comparison. So there's a private member's bill here, what we do, and we have some of that in the charts—

Mr. Bas Balkissoon: In the material today.

Mrs. Donna H. Cansfield: Yes, in the material you gave us today, for example, with the charts that speak to what the private members' bills do in other assemblies, whether it's priority, vetted etc.

What we need to do is to determine whether any of that is of interest to us, whether or not we want to have a conversation about changing how we manage private members' bills.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: I understand all of that. I've read the binder. What I'm trying to figure out is, are you trying to tell us something by way of the content that those bills are relevant to this discussion?

The Chair (Mr. Garfield Dunlop): No, just examples.

Mr. Bas Balkissoon: Examples, and also, to me, it's whether the system leads to an end result and whether it's efficient or not.

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

One of the questions that came up with these processes, the early vetting and that, was, do they lead to perhaps a better quality of bill, more substantial bills? That's where research was going with the information.

Mr. Gilles Bisson: Okay. So we're not going to spend a lot of time on the content of the bill. We're going to start talking about process.

The Chair (Mr. Garfield Dunlop): No, we're not going to talk about breastfeeding and dog fouling and all that kind of thing.

Ms. Lisa MacLeod: I would suggest that, simply, Larry has given us examples of different pieces of legislation, with the process they've gone through. For example, with Scotland, the documentation is quite a bit different than what we put forward here. It speaks to the process by which they select their private members' bills and vote on them. I think that the work has been outstanding, and I appreciate it. It must have taken quite a long time.

Mr. Larry Johnston: It was fun.

The Chair (Mr. Garfield Dunlop): Okay. Larry, do you want to continue—

Ms. Lisa MacLeod: And I might actually lift one of the bills from Alberta that I just saw. Anyone want to make a guess which one it is? Election financing.

Mr. Gilles Bisson: Yeah, I saw that.

The Chair (Mr. Garfield Dunlop): Larry?

Mr. Larry Johnston: Mr. Clark asked about a conversation we'd had, as we were eating lunch, about motions in Scotland. I was indicating that members' business in Scotland takes place at the end of each sitting day and often deals with motions.

The Scottish Parliament guidance on motions indicates that the motions that are debated are determined by the Parliamentary Bureau. They use the following criteria to determine which motions will be selected: "Motions will (a) have an explicit local or regional dimension; or (b) raise issues of national policy in a local or regional context and have cross-party support; or (c) raise issue-commemorating anniversaries or marking national 'weeks' or special events and have cross-party support..."

In addition, it notes: "As members' business debates provide an opportunity for particular issues to be raised without a decision being taken, motions will not 'call on' anybody to undertake specific actions or to take or reverse particular decisions."

These debates take place for about 45 minutes, and there's no question put at the end.

The motions sit on the business bulletin once they're proposed by a member, and if they are required to have cross-party support, they are marked as such. Once they receive that cross-party support, they'll be marked in a different way, indicating that they've received cross-party support. Then they are eligible to be called for debate in private members' time. But in that sense, the motions, like the bills, must achieve cross-party support on the business bulletin before they may be called.

Mr. Steve Clark: And that's why we don't see in the Scottish Parliament the proclamation-type issues that we would see in our Parliament, because, as you say, they're dealt with during motions. But they have to have cross-party support before they get called. That's the only prerequisite, correct?

Mr. Larry Johnston: That's correct. After six weeks, any motions that remain that haven't been called are generally taken off the paper. Those that have the support of 30 members, with cross-party support, can stay on.

The Chair (Mr. Garfield Dunlop): Okay. We've got some examples here. I'm just going to open it up now to questions, and maybe comments from the Clerk. After seeing this first portion on private members' public business, any comments on it, or thoughts?

The Clerk of the Assembly (Ms. Deborah Deller): If I could, I think it might be helpful for the committee to kind of parse the subject out into manageable pieces. One of the things you've been talking about today, and that came up last week, was this sort of prior vetting, some kind of a prior vetting process. My personal opinion is that I would be careful about doing something like that. Currently, any member has the ability to introduce a bill, and I believe that that's fundamentally, in a parliamentary setting, something that should be the right of any member: to introduce any bill and to identify their subject matter, to proceed through the private members' process.

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I guess in my conversations with members, my impression is that the front end of our process is not what is of concern. In other words—and Mr. Bisson may be the exception here, because he always ends up far down on the ballot list.

Mr. Gilles Bisson: Finally, you admit it.

The Chair (Mr. Garfield Dunlop): How'd that happen?

Interjections.

Mr. Gilles Bisson: They have a lottery to see how close I'm going to be to the bottom.

The Clerk of the Assembly (Ms. Deborah Deller): But by and large, I think—and please jump on me if I'm wrong—members are pretty satisfied with the way the ballot list is determined. It's completely random. It's conducted by the Clerk, and it produces a list so that everyone knows where they fall on the list and dates are assigned.

I think that, as far as allowing the individual members to determine what their item of private members' public business is going to be, that is, again, one that most members are happy with. I think what happens, though, is that farther down the process in consideration of private members' business there's some dissatisfaction with a logjam that occurs, where bills that maybe most could agree have some merit get caught up in that logjam and they don't get through even the committee process.

So I think what the committee might want to do is say the front end of things for the most part works fairly well. It's once we've achieved second reading of a bill that potentially we might want to look at some alternate ways of determining how it gets to committee, how it proceeds through committee, whether there should be some kind of deadlines established in terms of how long the committee has to consider it. Maybe there's some threshold in terms of the number of members, a percentage number of members who support that piece of legislation, that's required before the bill moves forward, those kinds of things.

There is an interesting conversation, though, going on, having said all of that, about some of the things that we currently do by legislation that we don't need to do by legislation and could just as well be done by motion. The committee might want to have a sort of sidebar discussion about those kinds of things too and develop some kind of guidelines around that.

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

Mr. Bas Balkissoon: Madam Clerk, I raised one issue with you and it's still of concern to me because there are some private members' bills in the written upfront process that if you read between the lines, there is cost to the government if the government was to implement it, but the bill does not identify that and it gets past the current definition of a private member's bill in this place because people are being assisted in how to find the right word and construct it etc. If we clean up that process, I don't have a problem.

The other thing is, maybe if that's a roadblock to some members getting their bills forward—I could go back to my municipal days—instead of bringing it as legislation, it could be here as a motion and then the minister and the ministry will report back on if this is viable legislation or if it has a cost or whatever. But at least the member will have an opportunity to present the viewpoints of their constituents and it gets reviewed and researched and properly reported out.

I know many of us on the government side purposely don't write bills that will look like it will cost the government money. Sometimes when we try to at least get some discussion with our own colleagues or even a minister, we see that there's a logjam so we avoid it. But there are cases where I've seen bills get debate and I know that the bill will have a financial impact, indirect or direct, and I vote against it because the rule is you have to allow the government to govern within the budgets they have already set.

So whether we could provide the opportunity for ministries and the government to say, "Okay, this has a cost. It will not be considered today, but it'll be considered at a future date"—I have a problem with the front end.

The Chair (Mr. Garfield Dunlop): Okay, so—

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

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

The Clerk of the Assembly (Ms. Deborah Deller): I kind of don't want to engage in a debate, except that what your problem is really, specifically, is with respect to money bills and the rules around money bills. Currently, the rules are fairly narrow. They have to either impose a tax or they have to incur a direct expenditure from the consolidated revenue fund. But if that is of concern, that may be an issue in the standing orders that you might want to look at to change anyway and make it even more specific; in other words, to address the issue that you have with money bills—

Mr. Bas Balkissoon: And that's why I kind of like the Scotland model because it does have something that says you have to identify that.

The Clerk of the Assembly (Ms. Deborah Deller): That you have to identify what the cost is of any legislation.

Mr. Bas Balkissoon: Right.

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

Ms. Lisa MacLeod: Mr. Balkissoon makes some very valid points in terms of making sure that private members' motions or bills, specifically bills, don't incur additional costs. There are some rules around that. I think we would be open, on this side, in any event, to look at those with him.

I do tend to agree, however, with the Clerk. One of the big concerns I think we have is ensuring that we have substantial bills that move forward at private members' business. One of my frustrations is these proclamation bills that—of course we all support them and they make an awful lot of sense, but I wonder if it's a good use of

folks' time. That's why I look forward to talking about these motions in a different way and possibly one that doesn't eat up that private members' public business time that is scarce.

We're looking at, with 107 members—and in the event, after the next federal election, that we adopt an even greater seat count in our chamber, it's going to be even more rare to get a PMB within a calendar year. So I think it's really important that we address this now to ensure that those types of proclamations are dealt with, but then that the serious issues of the day that require legislation, whether it's because of a critic area or a parliamentary secretary area or, on the other hand, it's a local initiative that needs to be addressed—I would like to see that take more precedence and have a process by which those proclamations could be dealt with in another way.

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

Mr. Gilles Bisson: Two things. One, I agree with the latter part of what Ms. MacLeod said, which is I think we can all agree that there could be a smarter way to deal with proclamation bills/motions, and certainly there are models there that we can speak to later.

To Mr. Balkissoon's point, I want to say I vehemently disagree. There are already limits on what a member can do in a private member's bill. We can reduce a tax, but we can't cause a new tax, so it's pretty clear.

Parliament is a really wonderful institution that has been developed over 1,000 years by all kinds of history, and within that, there has always been a recognition that the crown, at the end of the day, has that final authority. Parliament, being the government, representative of the crown, has that authority. Only they can spend money.

So to have a bill that says we call on the government to do something about anaphylactic shock, leaves it to the government, should it pass third reading, to decide how they're going to deal with that. The test of how they deal with it is subject to what the voters decide on election day.

I think to limit members' abilities to introduce bills that would never contemplate having an ability for the government to decide to spend whatever amount of money on whatever really takes away your ability to do almost everything by way of a bill, so I vehemently this oppose. I hope you're not taking it personally, but I just think that is not the problem.

Mr. Bas Balkissoon: No, no.

The Chair (Mr. Garfield Dunlop): Laura's got a question, then Donna.

Mrs. Laura Albanese: On that matter, with these money bills, I think what I'm interested in, and I believe Bas is as well and perhaps other government members, is creating an even, level playing field.

We're strongly encouraged, as government members, to put forward bills that—we have to be very mindful of the cost of government, aside from the rules and regulations that are there in respect to a tax. That's very important.

So again, it's about finding a way that creates a level playing field that is even for everybody, right? Maybe that could be perhaps determining the cost, asking ministries to determine a cost, and if it's a cost that it's maybe not over a certain amount—I don't know. I leave it open for discussion. Maybe we can have some creative, innovative ideas—

1300

Mr. Bas Balkissoon: Or we can bring back some of our bills and read them here.

Mrs. Laura Albanese: Yes, we can bring back some of our bills and read them.

Interjection.

Mrs. Laura Albanese: Yes, but basically that's my main concern. It's about creating something that is even for all members. I do agree with the fact that we should find a quicker way to deal with the proclamations and the motions. I think we all agree with that. Whether we do it up front before the bill is presented, or after—well, what I'm talking about has to be done before. But then again, you may get to present a bill and then it dies, it doesn't go forward, and guess why?

The Chair (Mr. Garfield Dunlop): Donna, you had a comment? And then Lisa, and then Jonah.

Mrs. Donna H. Cansfield: I guess I'm having some challenge with the understanding of what a private member's bill really is. I thought it really was a private member's bill, and that they had certain rights and obligations in order to put them forward. I appreciate that there could be a better process for proclamations or motions, and I do understand the need to identify the cost so that there's full disclosure, but I'm having some difficulty around restrictions on a private member's bill. Sorry, that sort of goes against the whole fundamental premise of democracy, of why we're here. There's that conversation that maybe needs to be placed.

I have no challenge with process, but I do have a fundamental challenge around the rights. Yes, we get—and I know it was suggested very strongly that we have consideration around cost when bills are introduced, and I know that there's "gotcha" politics. Sometimes bills are introduced to exactly do that, sorry.

Interjection.

Mrs. Donna H. Cansfield: That's right, or maybe not. I haven't thought all this through. Because sometimes you're not in government; sometimes you're in opposition. That's the politics of it. But aside from all of that, there's still the fundamental premise of the individual members' right to private member bills introduction, and the limitations—I would be interested in hearing from the Clerk—around that fundamental premise of what is the private member's bill.

The Chair (Mr. Garfield Dunlop): We'll go to Lisa. We've got two or three other questions. Why don't you answer that question now because it was directed to you? Then I'll go back over to Lisa. We've got three questions on this side.

The Clerk of the Assembly (Ms. Deborah Deller): I'm just going to go back to what I said initially, which is

that I don't actually—aside from the money provisions, and even that, I will tell you, there are a number of jurisdictions who are going exactly the opposite way of the way you're suggesting and they were relaxing the rules around money provisions for private members' business. But I believe in the right of a member to introduce a piece of legislation, any piece of legislation, as long as it conforms to the required format and rules of the House.

Again, I would be careful about going in the direction of trying to vet what kinds of legislation, or motions, even, can be introduced by private members. I think that might be doing the opposite of what you're trying to do, which is to try and expand the ability of private members to take some initiative and put forward initiatives in the House.

The Chair (Mr. Garfield Dunlop): Thank you. Wait, I've got three questions down here.

Mr. Bas Balkissoon: Chair, just put my name.

The Chair (Mr. Garfield Dunlop): Okay, sorry. Lisa, then Jonah.

Ms. Lisa MacLeod: I guess at this point—we're now into a day and a half of PMBs—I think we all recognize members should have the right to put forward whatever piece of legislation they may want. Some of us, I think, are of the opinion that there might be a better way to deal with some proclamations in a quicker and timely fashion. I think many of us acknowledge the reality that getting private members' public business into third reading or out of committee has been a challenge over the years. I think that there is an acknowledgement, particularly in tough economic times, that perhaps maybe it wouldn't—what's the word?—eliminate or put a bill out of order. But perhaps it would be a good practice to look at the financial implications of some bills. I just put that out there because I think that it's not unreasonable, but I do see the other point that we should be allowed to put whatever we want out there.

My question, I guess, for the Clerk or for the committee Chair is, how do we move forward now? I think there's sort of a general agreement on some of these terms and not agreement on other terms. I know we probably wouldn't mind, at the end of the day, having a consensus report here, because time is ticking and we do have a lot of work to do.

What is the best way for us to move forward on private members' public business at this point in time so that we can, for example, move on to the next steps? I guess that's what's becoming unclear to me. There's a lot of research on it, which has been very well, and it's shedding a lot of light. We all have our own opinions, but at some point, we're going to have to move toward recommendations and take them to our caucuses. I envisage this is going to be a very lengthy process.

The Chair (Mr. Garfield Dunlop): I don't think for a second it's not going to be a lengthy process. Personally, as Chair of the committee, I want everyone to have as much input as possible as far as questions and answers. If it takes a lot longer than we thought, I guess that's my fault for trying to not speed it up, but—

Ms. Lisa MacLeod: Oh, no, that's not what I was saying, Chair. I was just wondering how we—

Interjections.

The Chair (Mr. Garfield Dunlop): We've got a couple—okay.

Ms. Lisa MacLeod: That's not what I was saying. My point was effectively, what's the process? I know we've spent some time on this one, and I'm looking at a lot of work. My House leader has talked to me, as has my leader, about when we're going to be making recommendations. So if I bring a sense of urgency, it's not that I want to rush the process.

The Chair (Mr. Garfield Dunlop): The Clerk, first of all.

The Clerk of the Assembly (Ms. Deborah Deller): Your able research officer has provided you today with a list of questions relating to private members' public bills specifically. I think what you'll find is that if you go down that list of questions and answer them, it will structure a framework for you that will allow you to move forward. It will identify the areas that you see are problematic and the areas that you see maybe aren't as problematic. If the committee can kind of work its way through some of these questions, we can then develop for you an outline with certain options about what you might consider.

If this committee is going to consult with former members in other jurisdictions, though, I would encourage you to do just that; in other words, come up with options that you want to consider for private members' public business and then not make a decision on those options until you've canvassed maybe some former members, other jurisdictions and that kind of thing. But I think this list of questions might help you construct a kind of framework.

The Chair (Mr. Garfield Dunlop): Okay, I want to finish the questions people have—the comments. Jonah, you were first, and then Steve.

Mr. Jonah Schein: Thanks. So I'm happy when the Clerk's in the room, because I've learned a lot when you're here and really happy to take your opinion on what's going on here.

You mentioned that a big issue you find is when it gets to committee and how bills are ordered there and what happens and how they come out of there. I'm curious to know about what the process is and what the problems are from your perspective, in terms of fairness, in terms of speed and so forth.

The Chair (Mr. Garfield Dunlop): Steve, you had a question, and then Bas.

Mr. Steve Clark: I just wanted to back up what I think Jonah said. The Clerk made a very good point: that we have to look at not just models that are before us but also our own existing model and look at what the frustration is. I think most of us agree that it's the bills that have the general consensus amongst the members, that those types of bills don't get the consideration.

If you go back and read what Larry has given us about Scotland, they have three stages: general principles,

details and the final consideration. We have this process that doesn't bring those consensus items to a committee and back to the Legislature. That, as far as I'm concerned, is one aspect that we have to address at this committee.

I think that would go a long way in dealing with some of the issues, regardless of whether some want vetting or some don't want vetting. That, to me, is a huge issue.

I think we have some consensus on proclamations and dealing with motions. Again, at some point, we'll have to revisit some of the criteria that other Parliaments use for their motions, because I think, at least in Scotland, they don't just deal with proclamations but also local issues.

So I go back to the Clerk's original comment: The frustration is getting a bill that has consensus to committee and then back to the Legislature for final consideration.

The Chair (Mr. Garfield Dunlop): Do you want to comment on that?

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

Yes, some of the concerns, actually, that were raised over here with respect to money bills, if you think about how a bill goes, what the process is—in fact, financial implications of any bill, whether it's a private member's bill or a government bill, should be fully vetted when the bill reaches committee stage. That's when members should be sitting around the committee table and asking the question, "What are the financial implications of this piece of legislation?" That should happen regardless of where the bill originates. I think if you concentrate on that post-second-reading stage of private members' public bills, you might solve even the problems that you're identifying as potentially at the front end of the process.

The logjam in committee: I think what you need to do is develop some kind of mechanism by which there is a decision made about which bills go forward in the committee process and which bills will be allowed to die at the committee stage, because there isn't enough time in the day for the committees of this place to consider every single private member's bill that gets referred out to committee. So what you need to do is develop a process that is fair, that builds in some kind of criteria for determining which bills go forward, in what period of time, before a committee.

I hesitate to talk about the old days, but there used to be an almost natural selection process that occurred with respect to private members' bills, and that was when the House employed the use of committee of the whole House. After private members' business, if a bill was not referred to committee, passing second reading, it was automatically referred to committee of the whole. That's still the case. It used to be that when there was a general consensus that while the House was pleased to pass a bill at second reading stage, they weren't really interested in moving beyond that—and so the bill would always end up in committee of the whole, and the only way that it would not is if a majority agreed that it should go to a

standing committee. It was kind of a natural selection process. Everybody knew that if a bill went to standing committee, there were going to be hearings, it was going to be more fully considered and likely be reported back to the House. Everybody also knew that if the bill got referred to committee of the whole House, it was likely not going to move any further than that. That doesn't exist anymore. So I think that what you need to do is consider ways that you might build a process to determine which bills should move forward.

I've got to say one more thing—I'm sorry, I don't want to take up a lot of time. You have to keep in mind, too, that whether it's a government bill or a private member's public bill, once it is passed, it is of the same nature. In other words, it becomes a matter of public policy that affects everyone in the province. Part of the issue with passing private members' public bills into law is that they're subjected, currently, to a very restricted debate at second reading. You could argue that they are not fully vetted the way a government bill might be, in terms of debate at second reading, so you'll want to take a look at that too. You'll notice that places like Scotland and the House of Commons, for example, have put in place procedures that allow, for bills that might proceed, a longer debate period. In other words, they might be only subjected to the one-hour debate at private members' business on Thursday afternoon, but then if they're to proceed, they're subjected to further debate along the road.

The Chair (Mr. Garfield Dunlop): Bas, and then Donna.

Mr. Bas Balkissoon: Chair, I just want to make a couple of comments. The Clerk referred to this document, and I think it's great, but I would ask that committee reserve this for the next meeting so at least we have a chance to digest it.

What I'm hearing is, and I think all of us came here with the same—it's the logjam that exists in our process today that some people don't like. I think it's on all sides; I don't think it's just on one side. You can't develop a process that's new and keep some of the things you have today—which Donna mentioned, that I would say, as a committee, I hope we could deal with, is the "gotcha politics" kind of bills. You can't have your cake and eat it.

I would remind all of us that today the Liberals are in government, but tomorrow it'll be somebody else. Whoever is in government, whatever we create, you'd better like it. I would say, sitting on the government side today, I don't like the "gotcha politics" bills; I don't like the bills that force on the government some expenditures, and they don't have a chance to say yea or nay. Maybe in the minority government state that we're in today, all of these things will become law and will become government policy for the general public. I have my hesitation to see what government would look like if you would have this happening on a routine basis.

I like what the Clerk has said: Whatever we create, make sure that it's fair. I truly agree also that every

member should have an opportunity or have the right to present a bill on behalf of their constituents. Whatever the vetting process is to get to that final decision, I'm happy to listen to a solution so we can work on it. But I go back: If we have a both-sides process and an open process where everything goes to the House for a vote and it has to become law, then I would say that the home heating oil bill that was in front of the government—that would have become law, and it would have been a \$300-million loss to the government in revenues. That's why we have the logjam: so that the government can protect itself.

If you're going to remove the logjam, you have to be fair.

The Chair (Mr. Garfield Dunlop): I think we understand what you're getting at.

Donna and then Gilles.

Mrs. Donna H. Cansfield: I'd like to go back to what the Clerk was saying, and I think, actually, Lisa as well. If you look at the 26 bills, I think 13 of them were proclamation bills: awareness days, special heritage days. So you could actually look at a process that the Clerk could help to develop in terms of what should be a motion being proposed? Is it a motion, is it a proclamation or is it legislation? That's a third party, truly objective approach. It doesn't have to be vetted through—I mean, that's one opportunity. That would then limit the number of the bills that would come forward to committee, and hopefully, that would then allow the process to work through committee.

I share with you one of the challenges that I see. I think good bills come from all sorts of different political parties; no one has ownership on them. What happens is that they end up getting played off at the end of the year, "You pass this, I'll pass that" kind of stuff. It drives me nuts. Some really good piece of legislation gets lost because we're playing those kinds of politics. If there is a process that we could put in place that legitimately looks at those bills, then at least you don't end up going to your community and saying, "Look, I can put in a private member's bill, but has it got a hope in hell of passing?" It will never get through to the committee where it will get on any agenda because it's going to get played with in the politics of the governments of the day—on all sides. That demeans the process for me and the legitimacy around private member's bills.

I think that we could look at that process, which is about the logjam that you're looking at. I think the Clerk and the Clerk's department can play a very critical role in helping us to definitively take out the proclamation kinds of things, look at what could be a motion and what is legitimate—that conforms to the rules around the money, the whatever and the whatever.

What I was going to propose is that maybe that could have some discussion somewhere, and we could come back and put that on an agenda for another day down the road.

The Chair (Mr. Garfield Dunlop): Okay. Gilles, and then I'm going to ask Larry to go over—Gilles, I'll ask you, and then I want to go to Larry for a moment.

Mr. Gilles Bisson: Yeah, if you want to go there first, I'm fine.

The Chair (Mr. Garfield Dunlop): No, I just thought, Larry has prepared this. We're not asking everyone to make a decision on it today, but—

Mr. Gilles Bisson: Well, that's where I was going, Chair, if you let me.

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

Mr. Gilles Bisson: I hear all of the arguments. I don't agree with most of what's being said here, and I don't mean that in a partisan way. I think the issue is—

Mr. Bas Balkissoon: We're here to disagree.

Mr. Gilles Bisson: No, no, the issue is that you must maintain the ability for members to introduce bills, and he or she should be able to introduce whatever bill they want as long as it conforms to the rules, including the way that we do it now. For example, Mr. Levac put forward a bill on anaphylactic shock. There's a cost to the government for that. It's up to the government to figure out how they're going to do that or vote it down on third reading. So there are mechanisms to deal with that.

What I was going to suggest to my good friend Mr. Larry Johnston is exactly where the Chair was going. I think what's useful is, let's find out what we agree on collectively and what we have grey areas on or disagree on so that we can start focusing this conversation a bit more.

The Chair (Mr. Garfield Dunlop): Madam Clerk, and then Lisa.

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The Clerk of the Assembly (Ms. Deborah Deller): I guess one of the things that I'm suggesting is that you develop a process for the committee-stage consideration of private members' public bills. I firmly believe that it is still in the interests of the House to ensure that with respect to third reading, it is the government's prerogative to call legislation for third reading.

Interjection.

The Clerk of the Assembly (Ms. Deborah Deller): That may be the case, but what I'm suggesting is that just because you're developing a process that bills actually would get considered in committee, it doesn't bind the hands of the government, ultimately—necessarily.

Mr. Bas Balkissoon: That's not what I heard from the other side.

Mr. Gilles Bisson: Listen, the government, at the end of the day, must govern. The only one who can move a bill in the House and the only one who can expend money is the one who's sitting on your side of the House. You need to maintain that principle throughout this.

Mr. Bas Balkissoon: But what I'm hearing from you is, you don't want the government to do it that way. You want to see a vote in the House—

Mr. Gilles Bisson: No, that's not what I'm saying.

Mr. Bas Balkissoon: —unless I'm wrong, because I heard you say that the government can vote it down. When you say the government can vote it down, it means that the government has to put it to a vote. I'm listening carefully to what you're saying.

Mr. Gilles Bisson: Let's go through the legislative thing, and I think it will answer all the questions.

The Chair (Mr. Garfield Dunlop): Okay, ladies and gentlemen, let's take a look at Larry's research paper here, and possible follow-up questions. We're not asking anybody to vote on this today. We're asking them to possibly look at some of these alternatives.

Oh, yes, Lisa had a—

Ms. Lisa MacLeod: Just a point of clarification. This document here, Larry—just for clarification, for me. This documentation of 12 questions, very well thought out, would form the basis of committee recommendations, after we answer them, that we would vote on? Is that the notion that is before us?

Mr. Larry Johnston: I see this as a process to identify those areas in which the committee would like to consider further, not necessarily at the recommendation stage. These are ideas that the committee has an interest in and would like either further research or further time to contemplate or to receive proposals on, or, if it travels anywhere, to go out and see, "Okay, what's done here? How does that factor into what we're interested in?"

Ms. Lisa MacLeod: Okay, I see. Thank you.

Mr. Larry Johnston: Basically, these are some ideas that came out of the discussion we had last week about the process in other jurisdictions.

Ms. Lisa MacLeod: That's what I was wondering. From our Hansard today and from last week, it appears we haven't quite made a recommendation, but I think that there is sort of a general area where we're interested, and this is how the process is flowing internally.

Mr. Larry Johnston: It's structured in terms of trying to go through the process from the beginning to the end. If members have no interest in a particular idea, that will be useful, because we can then take it off the list.

The Chair (Mr. Garfield Dunlop): Let's do one section at a time, and at the end of the section we'll take questions, okay? Larry, go ahead.

Mr. Larry Johnston: The first is actually "General considerations and enhancing the quality of private members' bills." As I say here, "Without compromising any private member's right to introduce bills, does the committee have any further interest in"—the first point is "limiting the number of bills ... a member may have in progress at any point in time," which is done in several jurisdictions, and that, I guess, helps prevent the logjam later. But if the committee has no interest in that, then we can move on.

Mr. Gilles Bisson: Not for me.

Interjections.

The Chair (Mr. Garfield Dunlop): Are you asking—

Mr. Gilles Bisson: Because you only get to debate one of them, so if you want to introduce 10, then introduce 10. I don't care.

The Chair (Mr. Garfield Dunlop): So, what are you saying? Limiting the number of bills, but not motions, a member may have in progress at any one time?

Ms. Lisa MacLeod: Yeah, we already have a process in place that allows us only—on our ballot, we're only

allowed to do one. For example, I know our colleague Randy Hillier has about six on the order paper now. I think that's fine. I think it's him expressing his rights.

Mr. Gilles Bisson: Yeah, we all agree.

Ms. Lisa MacLeod: Yeah, I think we're agreed.

The Chair (Mr. Garfield Dunlop): Okay. I'm hearing "no" on that one.

Mr. Larry Johnston: Number 2, "reviewing bills prior to their introduction for any purpose," such as considering "whether a bill might more properly be a private bill or a motion; to identify bills which, if they receive second reading, could be set down for third reading; to make recommendations on programming a bill."

Mrs. Donna H. Cansfield: Chair?

The Chair (Mr. Garfield Dunlop): Yes, go ahead, Donna.

Mrs. Donna H. Cansfield: There's a whole bunch of discussion that I think needs to go on in another place first, to be honest with you. I'd like to talk to some folks about some of the proposals. For example, can you set out proclamations and motions, and what would be the rigour around how the Clerk might determine—that kind of thing, as opposed to ticking off, "I agree," "I disagree"—

The Chair (Mr. Garfield Dunlop): This is not binding at all. It's just: What are your thoughts on this today?

Mrs. Donna H. Cansfield: I thought you were actually asking the question.

Mr. Larry Johnston: What I'm hearing from you is that you have interest in having this considered further.

Mrs. Donna H. Cansfield: Oh, further discussion. Okay.

Mr. Larry Johnston: That's all that this is.

The Chair (Mr. Garfield Dunlop): Gilles.

Mr. Gilles Bisson: So you mixed a whole bunch of issues on point 2, which makes it a little bit difficult to say no or yes.

Reviewing bills prior to their introduction: Well, that's already done by the legislative counsel. You can only introduce a bill if it's in order, so we're kind of doing that. Mr. Balkissoon's point: He wants to be able to limit what you can do with a money bill. As long as it meets the current test—this is just my view—the member should be allowed to introduce a bill.

Mr. Bas Balkissoon: No. I think part 2 is more whether it's a motion or a bill, and then we separate out motions and proclamations.

Mr. Gilles Bisson: That's my point. Legislative counsel, when you sit down with them, will tell you what your options are, and if I decide I want it as a motion, it's probably because I don't want it going to committee, right? If I want it as a bill, it's because I want time in committee. So my point is that it's a member's choice. Once the bill is drafted, I think what we want to maintain is that members should have the full choice to decide if they want the item to stand as a bill or stand as a motion. There are reasons why you do both. To that part, I would say I have no interest in that.

To identify which bills receive second reading: No, I don't think—that should strictly be the ballot item, as far as I'm concerned. A member gets chosen a ballot; your ballot comes up; you do whatever bill you want to do. That's my view.

Mr. Larry Johnston: But that's not what—

Mr. Gilles Bisson: Well, that's what I said. To identify bills if they receive second reading.

Mr. Larry Johnston: No, it would “identify bills which, if they receive second reading, could be set down for third reading.” So if it was a proclamation-type bill, then you could decide—

Mr. Gilles Bisson: Okay, I was reading it as once sentence.

Mr. Larry Johnston: —if this bill isn't amended at second reading, there's no reason why it needs to—

Mr. Gilles Bisson: That kind of gets me to the last point, and that's why I was saying we're mixing a few things. So the programming of the bill essentially is what this speaks to, and I think there is a need for this committee to look at, if a bill makes it past second reading, what is a mechanism by which we deal with the bill after that? I think there needs to be some way of prioritizing bills so that we can determine if they're ever going to get the light of day in committee. I think you need to have some sort of process to deal with that.

My preference would be there would be a representative from each party on some kind of a committee, and then there would be some sort of discussion about, “Okay, you represent a certain percentage of the House, a certain percentage, a certain percentage.” Then it's up to each caucus to decide—

Interjection: No, no.

Mr. Gilles Bisson: Listen, you can shake your head and disagree. I'm putting this on the table.

Interjections.

The Chair (Mr. Garfield Dunlop): Okay, guys, we're not going anywhere here. Let's let Larry go through each section. We'll do the first five and then we'll ask questions at the end.

Mr. Larry Johnston: What I'm hearing is that there is interest in further discussion of number 2.

Mr. Gilles Bisson: We don't disagree on the mechanism but we disagree on the discussion.

Mr. Larry Johnston: Okay. Number 3: Are members at all interested in requiring bills to have accompanying documents of any kind?

Mr. Gilles Bisson: No. Not me.

Mr. Bas Balkissoon: It depends on what process we adopt. Because if you look at the Scotland model, it has documents. If you look at the Alberta model and the Ontario model, it has no documents.

The Chair (Mr. Garfield Dunlop): Can we say there's some interest in this?

Mr. Bas Balkissoon: Yes.

The Chair (Mr. Garfield Dunlop): Okay. Number 4.

Mr. Larry Johnston: “Allowing members to endorse a bill during the period between its introduction and the call of the motion for second reading.”

Mr. Gilles Bisson: For the record, I don't have any interest, I just want you to know, to have documents on the bill. Sorry, Chair.

Mr. Larry Johnston: Number 4: “Allowing members to endorse a bill during the period between its introduction”—

Mr. Bas Balkissoon: That would go back again to tie it whether we endorse the Scotland model, so that would have to say—

Mr. Larry Johnston: It doesn't necessarily mean adopting the Scottish model, where endorsements are a trigger for introducing a bill. It could be just an indication of cross-party support, as I think happens in Ottawa, but I'm not going to say definitively.

The Clerk of the Assembly (Ms. Deborah Deller): I'm sorry if I'm wrong on this, but my feeling on what this deals with is co-sponsorship of bills and freeing it up a little bit so that you're not limited to the three co-sponsors or the up-to-three co-sponsors at the introduction stage; that, in the process of considering a bill, co-sponsors can be added on or taken off—

Mr. Bas Balkissoon: —if you look at our experience, co-sponsoring has only been successful in the proclamations and—

The Clerk of the Assembly (Ms. Deborah Deller): And I'm not—

Mr. Bas Balkissoon: So if we move proclamations away, I don't think we need co-sponsorships.

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The Clerk of the Assembly (Ms. Deborah Deller): I'm not trying to engage in a discussion about the merits of it; I'm just saying I think that's what this one's about.

Mr. Steve Clark: I do think we have to have some discussion on it, because I certainly favour that it doesn't have to happen for introduction. But I think if it's going to move forward in the process, you're going to need it. So I would say yes, personally.

Mr. Larry Johnston: We can provide some further information on that.

Finally, in this section, making cross-party support for a bill a condition, either for its introduction, for its progress or for fast-tracking its progress.

Ms. Lisa MacLeod: Not at all.

Mr. Larry Johnston: Again, I only bring it up because a previous report of this committee recommended that fast-tracking on the basis of—

Ms. Lisa MacLeod: The only problem with that—well, there are a number of problems, but if we're going to be truly private members' business, we can't introduce partisan fast-tracking.

Look, I have a quick question, and it's only because this has been raised not by my House leader, but others. Is there a way, as we proceed through this, that we can actually—and I mentioned this, I think, in the first meeting, and we do have a bit of a work plan. But is it possible for us to have—this is something we would have done in government agencies and in public accounts—a time frame for when we expect to have our report-writing

done, how much time we would allot to each initiative and when we would see follow-up recommendations?

That would really help me along the process, because I'm a little nervous that we're not going to meet the deadline of the House, and I'm very concerned that we might get bogged down on certain elements without putting anything forward, even in an interim report, before the House rises in a few weeks.

I'm wondering if there's any interest in that. But I'd like to see something like that, and if possible, I will move a motion.

The Chair (Mr. Garfield Dunlop): Well, what Lisa is basically asking for is some kind of a report to the House, an interim report. Are you asking to get this all finished by a certain date?

Ms. Lisa MacLeod: No.

The Chair (Mr. Garfield Dunlop): What are you asking?

Ms. Lisa MacLeod: This committee dissolves when the House sits again in the fall, in September. So with that in mind, we do have time constraints, and I concur with my colleague Ms. Cansfield that I would like to do a good job. We've got a number of things that we have to do. I'm not frustrated with the process, but I'm a little concerned.

One is, we know that there is a possibility that we would like to have public hearings. We would like to talk to perhaps some former members, maybe parliamentarians from elsewhere. There is potential for us to visit some other assemblies, which would probably be a good idea while we're doing this type of work. We do have to do our own study, which is what we're doing now, and also come out with our own recommendations to guide the process and what we want to see. I would like us to have a time frame.

If we have to go back to the House—and Mr. Bisson and I were the only two who had the benefit of sitting in the parliamentary liaison working group yesterday. I think that there was agreement around the table that if we're not finished, the House leaders will re-strike this committee in September so we can finish our work.

But I would hate for us to lose this opportunity. I'm just not clear that we're focused yet, and I just would like to know what the steps are.

Interjection: That's what we're trying to do here.

Ms. Lisa MacLeod: Well, you know what? You can say that this is what we're doing, but I'd like to at least have a work plan in place that would say, "Okay, this is designated travel time, this is designated public hearing time," so that there are always goals. And when we meet those goals, we meet those targets, then we move on.

If we need to amend it, I'm totally cool with that; I think that that's fine. I'm just nervous that we have a lot of work in front of us. I understand that this is focusing us, but I don't know what the next steps are.

The Chair (Mr. Garfield Dunlop): Well, I think, right off the bat, if we're going into the kind of detail that I'm seeing so far in the first five or six weeks, then I think the timelines are completely unrealistic to do the

magnitude of this work. To have it done by June or for September—I don't think it's possible. I don't think there's a chance in the world it'll happen unless we just skim over everything quickly.

Ms. Lisa MacLeod: If that is the view of the committee, I would make a recommendation that we inform our House leaders of that so that we can put the appropriate motion before the assembly as soon as possible to let us do our work.

Let me be very clear: I thought when I was first assigned to this committee that this could be something like a four-week process. But I must say, after having sat down here and gotten involved in this, I think this could take about nine months, if not longer, if we truly want to do that well.

The problem we now have is, everyone in this committee is involved with this process—we're enjoying it; we're learning an awful lot. But what's happening is, I think that we have to manage the expectations of our colleagues and our caucuses, who actually think we're going to be able to whip up some changes to the standing orders in the next week or two. I'm certainly getting that from our end. I don't know, from the others, if that's what they're sensing. If that's not the case, I'd just say that we'll be very clear about that. I, for one, agree with everybody that we'd like to do this, and we'd like to do it well, but we do have a motion before the assembly at this present time that does constrain us.

The Chair (Mr. Garfield Dunlop): Donna, do you have a comment?

Mrs. Donna H. Cansfield: I appreciate and I understand the issue of being able to report back and that you've got some pressure from your colleagues. But if you go back and you look at this reasonably, I think that it was done in 1980-something and then again in 2002. We're not going to do this in four weeks or six weeks or eight weeks. We're going to do this and take the appropriate time—recognizing that, right now, the configuration is this, tomorrow it might be that, or it might be something else—so that it's a balanced and fair report that is very representative of the House and rules and procedures, not of a particular partisan perspective. At least, that's what I'm hoping that we're planning to do. That's why, for me, it's really important to have the discussion as to what role the Clerk can play—this interaction.

So if the motion means, "Go back to the House. We need some more time to do our jobs thoroughly and well," I have no problem at all. But if it was to go back and say, "You've got four weeks, honey, and you've got to present us with something," then I certainly do think that's a disservice to our colleagues.

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

Mr. Gilles Bisson: I'm not going to belabour the point, but there already is a quasi-understanding amongst the House leaders that in fact we're going to do what Mrs. MacLeod has asked for. I think we all recognize around the table that we're not going to be able to get a

finished product on the entire standing orders by September 1 or August 31. So I think we're all on the same page.

I understand the frustration that Mrs. MacLeod is putting forward. It's just like, if we can have some sort of timeline as far as, "Okay, we're going to look at private members'. This is what we're doing for the next little while. There are going to be hearings on these particular dates," I don't think that's a bad idea. We don't have to have the full debate now, but maybe the Clerk can turn their attention to that. I think it would be helpful, just so we can structure ourselves a bit.

Mrs. Donna H. Cansfield: If I may, on that—because there was a discussion about travel.

Mr. Gilles Bisson: Well, that'll be in the summer, right?

Mrs. Donna H. Cansfield: Okay. Well—

Mr. Gilles Bisson: We don't have to even talk about that right now. I think the point is, do we want to travel? We can talk about that later. I don't want to have that full conversation now, because I don't know what I want to travel to see yet, to be blunt.

Mrs. Donna H. Cansfield: Yes, exactly.

Mr. Gilles Bisson: But to finish my point, I'm supportive of what my colleague has said.

I have a question to Larry in regard to point 4, under your first heading, and maybe it's because I went through it a little bit too quickly. I partly agree with what you're saying here in point 4, that there may be a way forward in what we do after second reading. All I was trying to indicate—I don't want some kind of a process that would vet who gets to second reading. I think second reading, we could all agree, is a ballot, and whatever bill the member wants to bring is up to them. I think the issue is, if there's a way of looking at how we can deal with after second reading, if there's some mechanism that weights bills in some way—I take it that this is what this is speaking to—I'd like to see what's possible. I don't know which one I like or dislike.

The Chair (Mr. Garfield Dunlop): Do you want to answer that? Then I've got to go back to Steve and Deb.

Mr. Steve Clark: Yes, let him answer.

Mr. Larry Johnston: The first five things are only offered as possible means to address the problem later that I hear the committee is—

Mr. Gilles Bisson: Yeah. No, I hear you.

Mr. Larry Johnston: Otherwise, there's no reason to consider them.

The Chair (Mr. Garfield Dunlop): Deb, did you have a comment, to go back to that, first of all? Because I was going to go to Steve if you didn't.

Ms. Deborah Deller: Can I just say—only one thing about timetabling. What you want to do is maximize your consultations too. If you're going to have people before you, or go and look at other jurisdictions, you want to make sure that you've had a full discussion about all of those areas of the standing orders before you go, so that you can ask not just questions about private members' business but private members' business committees, question period—

Mr. Gilles Bisson: Opposition days, whatever.

Ms. Deborah Deller: Yeah, so that you're—
Interjection.

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

Mr. Steve Clark: I think it goes back to the discussion we've just had around the table. The issue the member from Nepean–Carleton talked about is the fact that we have a motion on the books that disbands this committee once September comes. At the rate we're going, we're never going to have that level of detailed discussion so that we'll have a report put forward. So I think we need to have that extension, but we also need to have a work plan where we can actually be able to report something to the committee on where we're going to travel, who we're going to see and what parameters we're going to talk about. But we need to have that clarity.

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I agree with her in terms of a motion. We need to have some consensus today to move forward. I want to do the level of detail that Ms. Cansfield talked about.

The Chair (Mr. Garfield Dunlop): Just to inform you, we have written to all the House leaders asking them for it, so we can sit over the summer. We haven't had a response back yet.

Okay, go ahead.

Mrs. Donna H. Cansfield: Again, I agree. I don't have a problem. My difficulty is that you want to put together a work plan on things we haven't even talked about. I don't know if I want to, in a time of constraint, travel. To where and for what reason? Yet you're going to put travel. It's the same as, "How much time do we want to allot to witnesses?" Good point. I don't know, but we haven't talked about that. So how do you develop a work plan on things you haven't even discussed?

I'm happy to have a work plan once those discussions take place. Whether you do it at a subcommittee is fine with me, but I don't think we can move forward on a work plan and ask the Chair to put that together without having at least some consensus that we're prepared to travel and where we want to go. Do you want to go to Scotland?

The Chair (Mr. Garfield Dunlop): Lisa.

Ms. Lisa MacLeod: Well, if I could just answer that. I don't think that we will prescribe every step, but I think that—and maybe "work plan" isn't the appropriate term; maybe it's a time line. I think we're going to have to go back to our colleagues and House leaders with a degree of credibility that says, "This work that you've expected us to do by" whatever the date is, September 1 or 14, "won't be completed, and this is why."

I think we know now that there are some places of interest that we would like to consult, whether they come here or we go there; or, consequently, is it previous members that we want to bring in for hearings? Are there some parliamentary experts? I think we know that if we had public hearings here, it probably wouldn't take over a week, but it will be good if we could designate it.

My point is simply this: The summer will be coming. I think we had a conversation yesterday that would

indicate there will be an ability for us to sit over the summer. I know that they're going to give us the ability to sit over the coming constituency week, so long as it's requested by the committee, and that will help us. But again, we do have a real issue with what has been decided in the House with committee being disbanded.

Myself and Mr. Bisson were there when there did seem to be agreement that if we needed to extend our time, we could, but I think if we're going to do that, we should probably let them know at this point in time that completion will be very difficult—again, just simply setting out a time line that can manage our colleagues' expectations on what we're trying to achieve.

When we hear that there have been year-long processes in place to actually deal with the standing orders to ensure that any standing order changes will be efficient in the House and will work, it's going to be very important for us to be able to do the same; I don't discount that. I fully admit that when we first entered into this, I thought it would be much easier than it would be, and now I know it's far more complicated. But we do have a real challenge before us because the House has decided we will be extinct the first day we are back here.

The Chair (Mr. Garfield Dunlop): Okay. We've heard a lot of comments. Larry, do you want to just continue on, then?

Interjection.

The Chair (Mr. Garfield Dunlop): I'm sorry. Madam Clerk?

The Clerk of the Assembly (Ms. Deborah Deller): Can I just offer something up? This has been a very good process, first of all, and I would hope that you don't get discouraged by how this committee is conducting itself with the length of time, because this is exactly the kind of process that really good committee considerations of standing order reviews have dealt with. So I'm heartened to see this process taking place and for an acknowledgement that this is not a quick exercise.

But if it would be of assistance, what we can do as your clerks' team and with research is, now that we've listened to you talk about private members' business for a couple of meetings and we have gleaned from those discussions the concerns that you have and some potential areas that you might be interested in looking at, we can now go away—I think we can probably answer a lot of these questions—and put together some verbiage for you to look at, which outlines what you think the issues are, and then has, for your consideration, a variety of different options so that you can then say, "Okay, that's that chapter. We'll make the decisions on that at the end of this process, but these are the things we want to consider now." We're quite happy to go away and do that as long as you understand that we're not trying to put words in your mouth or make the decisions for you. We're just giving you something for your consideration; anything can be eliminated or added to that document. Does that make sense? And then that allows you to move forward to the next item, which I think is committees, and now put this discussion of private members' business to one side.

Mrs. Donna H. Cansfield: I think that's an excellent suggestion, Chair, and I would endorse that. It would give us something, and then out of that we can then have discussions about what witnesses we might wish to call and if we've got slates that we'd like to present and such. So I would concur with the Clerk. And I don't think you need a vote. I think it's just good sense to move forward on it.

The Chair (Mr. Garfield Dunlop): Okay. Are you clear on that, exactly?

The Clerk of the Committee (Mr. Trevor Day): If I'm hearing the committee correctly, on private members' public business, again, we will move away, look at the discussions—what the Clerk has said—that have taken place, and attempt to draft options for you, so that you will have something substantial and you can then look at different options.

The Chair (Mr. Garfield Dunlop): Okay, we'll come back. But just so I'm clear on this too: We're going to take in the considerations we've had with the vetting in other jurisdictions along with the ideas on the financial implications as well? That will all be part of it?

The Clerk of the Assembly (Ms. Deborah Deller): What we'll do is put together something for you to look at that will have the verbiage leading into it that highlights what the concerns are that have been discussed here, and then put together certain options that the committee might want to consider for all of those areas.

We have had the advantage of being here and listening to you in this discussion, which we don't often have, and we have determined where some of the areas of concern are. We might be wrong, so if we're wrong, just—

The Chair (Mr. Garfield Dunlop): Okay.

Interjection.

The Chair (Mr. Garfield Dunlop): All right, though. Hold on a second. I just want to make sure we're clear, because we've got a lot of sections to cover. We're on section 8 right now?

The Clerk of the Assembly (Ms. Deborah Deller): That's right.

The Chair (Mr. Garfield Dunlop): Okay, and we've got everything else to cover, the committees and all those things. Can we do the same for everything? I don't know, because—

The Clerk of the Assembly (Ms. Deborah Deller): I think, if that's what the committee would like, and if it works for you, then yes. I think having this kind of a discussion now on the next subject, which is committees, helps us to understand better what your areas of concern are, and then we can try and do the same thing.

Mr. Bas Balkissoon: Mr. Chair, we went through—

The Chair (Mr. Garfield Dunlop): We haven't gotten through that part yet.

Mr. Bas Balkissoon: We went through the priorities, so we'll just take the next top one and attack it.

The Clerk of the Committee (Mr. Trevor Day): Okay, so if we look at the next one that we're looking for next week, which is committees, we have a list of preliminary questions. It's not tying you to anything, but it

gives us an idea as to where we might go with committees so we can get ready for that meeting. I'm going to hand these out, and if we can just go through them we can get an idea as to what you might be interested in for the next meeting.

The Chair (Mr. Garfield Dunlop): Okay, but before you hand those out, I just want to make sure I'm clear: Larry is not finished with the report he had here.

Mr. Larry Johnston: Apparently, I am.

Interjection.

The Chair (Mr. Garfield Dunlop): Pardon?

The Clerk of the Assembly (Ms. Deborah Deller): I mean, we'll go away now and take the discussions we've heard on the private members' public business, along with Larry and—

Mrs. Donna H. Cansfield: May I, Chair? I think you're correct. We got to the first page. We didn't do pages 3 or 4. Is what you're asking.

The Chair (Mr. Garfield Dunlop): Yes.

Mrs. Donna H. Cansfield: Is there anything that jumps off the page on pages 3 or 4 from the members that would be helpful in the discussions coming back to us next week?

Ms. Lisa MacLeod: Why don't we just finish this?

The Chair (Mr. Garfield Dunlop): Just go over it quickly, if you don't mind, Madam Clerk, and then we can—

Mr. Larry Johnston: There's no problem with number 6, right, the ballot conducted to determine the order for consideration? I think I've heard that members are happy with that.

Mr. Gilles Bisson: I want to maintain that the ballot is the one that drives it. Is that what you're suggesting?

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Mr. Larry Johnston: Yes. I've also not heard committee members talk about the time allotted for debate, but the Clerk made a good point about considering how much time second reading debate occupies. Whether the committee wants to consider that in—

Ms. Lisa MacLeod: We had mentioned that previously—I know I had—that we might want to have an opportunity for certain pieces of legislation. I like what they do federally—I mean, if you look at what they did with the gun registry, where it had significant debate after it came out of committee. We might want to consider that.

Mr. Larry Johnston: Okay. We can come back to that, then.

So on page 3, basically a question for referral after second reading: "Do committee members have an interest in considering any of the following alternatives to the current practice:

"(8a) consideration in a Committee of the Whole House?

"(8b) consideration in a committee mandated to consider private members' bills?

"(8c) consideration by a legislation committee struck for the purposes of reviewing a particular bill?"

Mr. Gilles Bisson: I just would ask the Clerk to turn her mind to (8b). If you did go to one particular committee to deal with private members' bills, it seems to me that that would limit the ability to have a committee deal—there might be less bills dealt with. So, turn your mind to—we don't want to have a situation where we end up limiting or reducing the ability of a member in getting their bill heard.

The Chair (Mr. Garfield Dunlop): Okay.

Mr. Larry Johnston: I guess the thought there was that that might be the only business that committee deals with—

Mr. Gilles Bisson: No, I understand—but depending on how it's ordered up in committee, right? I'm just asking them to think that through. I don't want to get into debate today. Just think it through.

The Chair (Mr. Garfield Dunlop): Okay.

Mr. Larry Johnston: Since I just mentioned the legislation committee again, I'm going to take the liberty just to note the note of clarification on legislation committees in Ottawa at the bottom of the page.

Interjection.

Mr. Larry Johnston: If you'd read that carefully, I think I misdirected the committee last week in answer to a question, so just to clarify that. The use of legislation committees in Ottawa remains optional, and most bills do in fact go to a standing committee. The McGrath report actually recommended that all bills go to legislation committees, and that was not followed. So just to clarify, for the record.

Post-second reading stages: "Does the committee have any interest in prescribing for these stages:

"(9a) deadlines when each stage must begin (or be completed)?

"(9b) limits on the debate at each stage?"

Mr. Gilles Bisson: Yes, I think we need to look at that.

Mr. Larry Johnston: Okay.

"Does the committee have any interest in the use of programming motions:

"(10a) for all private members' bills?

"(10b) for some private members' bills?"

Mr. Bas Balkissoon: Just the proclamation ones.

Interjections.

Mr. Gilles Bisson: But there's also the issue that the Clerk raises, that more substantive bills may be on a different track as far as a bit more debate. I think we need to look at that.

Mr. Larry Johnston: Okay. Number 11: "Does the committee have any interest in considering how the post-second reading stages of private members' bills might be conducted during the time established for private members' public business?"

In my other Parliaments, private members' business time doesn't just include second reading; it includes the third reading and even the committee stages.

Mr. Gilles Bisson: The only difficulty is that by the time you go through all of the ballots, it takes fairly long to get there. If we end up using the time to re-deal with a

bill—does that mean actually doing Committee of the Whole for a private member's bill? Is that what you're getting at?

Mr. Larry Johnston: No. I'm just suggesting that there's a certain time set aside on the weekly calendar for private members' business, and that's where you also would put in your third reading stage or your committee stage—

Mr. Gilles Bisson: Oh, I see what you're getting at. Sorry. I thought you meant something else.

Mr. Larry Johnston: Rather than calling it during orders of the day.

Mr. Gilles Bisson: Yeah, and I think if it's a way of being able to deal with allowing members to bring their bills to the next stage that have passed the test, that have gone through committee, I think we can look at that.

Mr. Larry Johnston: That raises question 12, which is: "Does the committee have any interest in considering ordering post-second reading stages by giving priority to bills that are furthest along in the legislative process"? What that means is that bills that are ordered for third reading would take precedence over bills that are at report stage, which would take—

Mr. Gilles Bisson: Then you would never get your second reading bills.

Mr. Bas Balkissoon: No. That's not fair.

Mr. Larry Johnston: All right. Okay, no interest in that.

Mr. Gilles Bisson: Unless there was another way of morphing it, right? I think the principle that we all agree on is that members should get their ballot spot, and if there's some way of dealing with third reading outside of the government's—

The Clerk of the Assembly (Ms. Deborah Deller): What you might want to consider is having a report stage debate.

Mr. Gilles Bisson: Yes.

The Clerk of the Assembly (Ms. Deborah Deller): Something between the second reading and committee consideration and third reading, for private members' bills.

Mr. Gilles Bisson: That makes sense.

The Chair (Mr. Garfield Dunlop): Okay, so if I can sort of make a summary here: You have some thoughts here from the committee. You're going to come back with another report basically with the verbiage that would indicate the actual wording we could look at. Would that be the wording that we would actually see in the standing order?

The Clerk of the Assembly (Ms. Deborah Deller): I think what we're talking about doing is putting together some verbiage for you that says, "These are the concerns," and then indicating where there might be some options for what the committee might want to consider. I'm going to suggest that you take a look at that, you leave the options there, you add others if there are some, or you take out ones that we may have put in that you're not really interested in, and then set that aside. Then, as you go through the process of consulting with other

jurisdictions and that kind of thing, you can flesh out the options a little bit more.

The Chair (Mr. Garfield Dunlop): As we go through each section now with committees etc., we will do the same thing.

The Clerk of the Assembly (Ms. Deborah Deller): If it helps the committee to just focus a little bit.

Mrs. Donna H. Cansfield: Excellent idea. I just wondered if it's a possibility—and I also recognize constraints—to have that information before the meeting so we can read it and digest it as opposed to trying to do it all at the meeting.

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

Mrs. Donna H. Cansfield: I realize the constraints. But if it's possible to get it—even the night before would be of some help as opposed to trying to read it here.

The Clerk of the Assembly (Ms. Deborah Deller): If I could ask this: if we can go away now and work on the private members' public business, and then at your next meeting I think you maybe discuss committees. If it's all right with you, we'll come to that meeting, too, to listen. In the meantime, we'll work on the private members' public business, and as soon as it's ready, we will—okay?

Mrs. Donna H. Cansfield: That's great; thank you.

The Chair (Mr. Garfield Dunlop): Okay, so now what we have prepared—I hope this is fine with everyone—is some preliminary questions on the committees section.

Can everyone have a quick look at the document before you? I'll ask Larry to walk us through it. This is on the preliminary questions on the committees portion of the standing orders.

Mr. Larry Johnston: The hope with this document was to get some feedback from members on what their concerns and interests are with respect to committees, in part to guide research so that we can go away and come back with some reports on how committees function elsewhere, what options might be available for consideration.

The first part, A, is just some general considerations to frame the debate. Different Parliaments have a different ethos or culture with respect to the work that their committees do. We may wish to think about: What is the role of committees in the Ontario Legislature? In some places, committees are an adjunct to the House; they don't do anything except what the House delivers to them or refers to them. If you were to look at the Scottish Parliament, you would see that most of the work of Parliament is done in committees, and the House has more of a plenary role in improving or finalizing the work that has been done in committees. You can have a continuum from one end to the other.

Mr. Gilles Bisson: Just a quick question: You're getting at standing orders 111 and 126, that kind of stuff? Is that what you're getting at here?

Mr. Larry Johnston: Yeah. There are committees that have a prescribed role in the standing orders that

says, “You can do this or you can do that.” Other committees await instruction from the House.

Ms. Lisa MacLeod: Can you tell us how the Scotland model works?

Mr. Larry Johnston: Why don’t I put that down as an element in the report I prepare for you on committees, okay?

Ms. Lisa MacLeod: Sure, because I would be specifically interested in knowing—it’s topical right now, and I think most people who have been part of the Select Committee on Mental Health and Addictions would agree that we’re not making as much use out of those.

1400

Mr. Larry Johnston: I’ll tell you one thing right off the top, and that is that the Scottish Parliament sits three days a week. Tuesday is entirely committee work. Wednesday morning is entirely committee work. The House sits from Wednesday afternoon and then Thursday morning and Thursday afternoon.

Mr. Gilles Bisson: So, question: I take it what you’re indicating is, a lot of the genesis of legislation is actually created through committee in that model. Is that what you’re getting at?

Mr. Larry Johnston: Most of the work at stage 1 and stage 2, which we looked at last week, is done in committee. The approval to go from stage 1 to stage 2 is made by the House, but most of the work is done in committee and reported back to the House.

Mr. Gilles Bisson: Well, I’m not sure I’m entirely clear, but anyway.

Mr. Larry Johnston: We’ll come back with something for you.

“The different dynamic of policy committees versus oversight committees.”

Mr. Gilles Bisson: What are you asking there?

Mr. Larry Johnston: What is the committee most interested in—the work of policy committees; the work of—so far, in terms of oversight committees, all I’ve heard is some concerns about the deadline for estimates, but there are other issues. I think there was a suggestion that pre-budget consultations should be put into the standing orders for the Standing Committee on Finance and Economic Affairs.

Does the committee have concerns on both areas, or is it mainly concerned about policy committees? When you’re thinking about the committee system, you might want to think about both halves or both parts of the committee system. Don’t just think about the policy committees; think about the other things as well.

Ms. Lisa MacLeod: I think we need to look at both.

Mr. Larry Johnston: Just tell us what you want further research on; that would be useful. And the primary role of committees, whether it’s legislative or what I would call evaluative or investigative.

Ms. Lisa MacLeod: Wouldn’t they be more based on whether or not they’re policy or oversight—what their role is?

Mr. Larry Johnston: That would make sense, but there’s also a model that says that policy committees can

spend much more time in investigating policy issues or doing accountability issues, such as receiving annual reports from the ministries or the agencies in the area.

Ms. Lisa MacLeod: I see. So social policy committee could then ask the Minister of Health to provide an annual report, and they could investigate that. Is that where we’re going?

Mr. Larry Johnston: Many annual reports are tabled in the House; they go to the Speaker. It could be set out that they were tabled to committee.

Ms. Lisa MacLeod: Can you add that flexibility in even if it’s a legislative function, to encourage an investigative function as well?

Mr. Larry Johnston: I believe the idea is that in addition to considering bills, members want to spend time doing other work in committee, and this allows them to do that, rather than wait for instructions from the House. There’s a set of issues that, by default, go to the committee unless the House orders otherwise. Right now, there’s no committee for the Environmental Commissioner to report to; there’s no committee for the IPC to report to. These are examples of how a policy committee—

The Chair (Mr. Garfield Dunlop): How do we get there? Why is there not a committee that the Environmental Commissioner would report to? Is that just something that we’ve never done?

The Clerk of the Assembly (Ms. Deborah Deller): Actually, we used to have a Standing Committee on the Ombudsman that was charged with—

Mrs. Donna H. Cansfield: I thought they reported somewhere here.

The Clerk of the Assembly (Ms. Deborah Deller): That’s right. It was a Standing Committee on the Ombudsman, so the Ombudsman report was referred to the committee. Where the Ombudsman had made recommendations to ministries and where it had been determined that those recommendations couldn’t move forward, then there would be a committee that would consider those, or at least hear why the ministries couldn’t move forward. The other thing is that it had some oversight ability with respect to the Ombudsman.

In the late 1990s, when we reduced the number of members of the House, we also reduced the number of committees of the House, and one of the committees that was eliminated was the Standing Committee on the Ombudsman, but that function for oversight of the Ombudsman actually became a part of this committee’s mandate.

Mr. Steve Clark: But it’s not mandatory, because I joined the committee last year. We were looking to do some different work. I remember contacting the Ombudsman’s office, because I knew it came under this committee, and he said, “I don’t have anything to talk to the committee about.” I do think that you make a good point that some of those officers should have committees assigned to them so that they could make those reports, or so that we could call them on a particular issue.

The Clerk of the Assembly (Ms. Deborah Deller): I think it’s something that in your deliberations you might

want to consider having a committee or committees that have some function with respect to oversight of parliamentary officers. Currently the parliamentary officers are appointed, and then there is little or no accountability or connection to the Legislature. They are independent of the government, but they are still officers of the House, and there should be a reporting function to some arm of the House.

The Chair (Mr. Garfield Dunlop): I guess what I look at more than anything, Deb, is the huge expense that goes into all the reports the Environmental Commissioner brings forward, and the Ombudsman a number of times through the year. I'm wondering, does it just stop there? It seems to be nothing but a photo op at times—you know, a media event and then it's over with. Maybe there should be some kind of accountability there.

Ms. Lisa MacLeod: A reporting process.

The Chair (Mr. Garfield Dunlop): Yes. So why wouldn't we make that something to consider in this—

Mrs. Laura Albanese: How many parliamentary officers—can we delineate them? Is it only two or—

The Clerk of the Assembly (Ms. Deborah Deller): I think we're at eight now?

Interjection.

The Clerk of the Assembly (Ms. Deborah Deller): Oh, there are seven. The Chief Medical Officer of Health is sort of a hybrid. She's appointed by the House but still resides within the Ministry of Health, reporting to, I think, an ADM. So seven fully independent parliamentary officers.

The Chair (Mr. Garfield Dunlop): I'm sorry to drag this on, but on Steve's comment about approaching the Ombudsman last year, it looks like, under the standing orders now, we have the authority to ask him to come here. Did they refuse to come?

Interjection.

Mr. Bas Balkissoon: He probably called him directly. It should have been the Chair that wrote him a letter.

Ms. Lisa MacLeod: I will say this, just in the defence of the Ombudsman, who lives in Nepean–Carleton: The Ombudsman did contact me once and said that he would be happy to come to committee. So take that, Mr. Clark.

Interjections.

Ms. Lisa MacLeod: Next week, he's going to call my mother to come to committee and she's also going to decline.

Mr. Steve Clark: I am. I'm calling her in Nova Scotia.

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

Mr. Gilles Bisson: So to your general framing consideration, one of the things that I'm interested in seeing—some of the best work this House has done is where you've had sort of pre-first-reading work done to develop a bill. It's less partisan, more thoughtful, and then you end up with a product that makes a little bit more sense. That's the kind of stuff I'm interested in, number one, and I think you're sort of touching that.

The other thing is that I think you also have to have an ability for members or caucuses, whatever way you want to do it—and I would argue probably for members—to be able to somehow get a matter before committee in order to start a discussion about a policy area that may not be being discussed out there. So Mr. Balkissoon is really interested in issue A. He has a mechanism by which to get some sort of—we have standing order 126 now, but I think we've got to think about how we do that with a lesser threshold so that you could raise issues that may not be popular and jazzy today but start the catalyst of a discussion and lead to something else. That is my second thing.

In regard to the oversight committees, I do agree that we should have—well, that's in the next part, so I won't touch on that. The oversight committees—I'll touch on that in the other part as well. Good.

Mr. Larry Johnston: Just to note that at the end of this document, in the last section, there is some reference to 126 issues.

Mr. Gilles Bisson: I saw that reference. But that's what you were getting at about the general framing. I'm just saying that what I'm interested in the clerks coming back with, if they're going to start putting a document together, is that we can start looking at various models. Those are kind of the principles that I was looking for.

Mr. Larry Johnston: Part B, some general questions: How many committees should there be? Again, that's where thinking about policy committees versus oversight committees might be useful. I'm not sure that you would want to expand the oversight committees, perhaps, past a committee that deals with parliamentary officers, but are three policy committees adequate? I think the suggestion was made previously that we have more committees.

Mr. Gilles Bisson: Yes, we need some way, it seems to me—the Clerk spoke to this and I think it's a very important point—that having members become a little bit more expert in certain policy areas so that when matters are referred to by a ministry, you have people that have sort of a larger, broader understanding of that particular policy field. I think it enhances the ability to do better work. So the idea of being able to refer—you're ministry X; you should go to that particular committee—I think is a better thing than allowing to go anywhere, because caucuses can then say, “Who's interested in health issues? All health bills go in this particular committee. Who's interested in labour issues? All labour bills go to that committee.” Do you know what I'm getting at? That, to me, is intriguing.

Interjection.

Mr. Gilles Bisson: No, you can order them anywhere.

1410

The Chair (Mr. Garfield Dunlop): Donna?

Mrs. Donna H. Cansfield: Thank you. I don't disagree with anything that's been said. One of the questions I had, though, is that when you talk about the role of the committee and the different jurisdictions—and it was raised—if you look at Alberta, Alberta sits 21 weeks a year; that's all.

Mr. Gilles Bisson: Oh, boy, I like that schedule.

Mrs. Donna H. Cansfield: If you go to the United States, they sit even less. A lot of the work is done by committee. So my question is, is there a role for the function of what we heard earlier, limiting the House to, let's say, Monday, Tuesday, Wednesday, and committee is all day Thursday? I think we need to look at that as well, because essentially, a lot of the work is done in committee and referred back to the House, and if you have the kind of expertise, it will move that issue forward. It's just a thought, because when you do look at the other jurisdictions, we actually are one of the few that sit long, long days. So I guess the question then becomes: Fair enough, we sit long days; what do we accomplish?

Mr. Gilles Bisson: I think that's a fair point.

The Clerk of the Assembly (Ms. Deborah Deller): We had this discussion today or yesterday. We actually used to do that. The House used to sit Monday, Tuesday, Thursday and Friday morning, and Wednesday was devoted to cabinet and committees.

Mr. Bas Balkissoon: When did it change?

The Clerk of the Assembly (Ms. Deborah Deller): On Tuesdays and Thursdays, the House used to sit until—first of all, we didn't start until 2. We used to sit until 6. We broke for two hours, came back at 8 and sat until 10 on Tuesdays and Thursdays.

Then it changed, because there was an attempt before the most recent one to get rid of night sittings. So when that happened—

Mr. Bas Balkissoon: Lisa won't go back to night sittings.

The Chair (Mr. Garfield Dunlop): She wants to be family-friendly.

The Clerk of the Assembly (Ms. Deborah Deller): When that happened, Wednesday was inserted for House sitting time.

Mrs. Donna H. Cansfield: I'd just ask, if I may, Chair, that that be a consideration when you give us some options.

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

Mr. Larry Johnston: Related to the question of how many committees is, on what basis are they organized right now? Policy committees are based on broad policy areas. In some places, like in Ottawa, they more closely mirror the ministries. If you have more committees, then you need to consider which way you want to go with that.

Mr. Gilles Bisson: What's interesting, if you read—I think it's in Bosc. There's a really good description about how committees started in the first place. Actually, committees were struck for specific issues and they were fairly small. Then when they were done, they sort of folded up. I don't argue that, but is there some ability to—do we have to have as many members on a committee? I know it's problematic, but if there's some logic to coming around to having good policy committees that deal with specific policy issues in a Parliament of 107 members, how can we make that work? I think that's what I'd like the clerks to get their heads around, because

I'm not sure what the answer is, if there is an answer, even.

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

Mr. Steve Clark: Just on the other question—it's because of what Donna said about Alberta and some of the US Houses, in terms of committees meeting on break weeks or when the House isn't sitting—can someone enlighten me? Is that the history in some of the other provinces, that when they do have breaks, they actually have committee meetings? We've drifted into—

Mr. Bas Balkissoon: There was one Parliament that—

Mr. Steve Clark: But I'm just asking the question: What did they do, then, with their committees? Do they have a robust committee system and meet regularly?

Mr. Larry Johnston: They often meet during the other weeks.

Mr. Gilles Bisson: We used to do most of our work in the intersession. It used to be here that you would have a debate at second reading, let's say, in the spring. You would normally finish second reading in the spring session. In the intersession you did your committee and then third reading came in the fall. So it allowed a longer process of discussion and a much better ability for committees not to meet two hours here and two hours there, running all over the place. You come in and you say, "Okay, we're going to meet one week, end of June, we're going to meet another week, middle of July, and we're going to do whatever," and you really did some interesting work.

The Clerk of the Assembly (Ms. Deborah Deller): In the days when I was a committee clerk, most of the committee work was done in the summer and winter recesses.

Listen: Committees used to travel for weeks on end. I can remember, as a committee clerk—Trevor's not going to like this—that committees would meet sometimes for three, four, five, six weeks. We'd go out on the road, come back, do laundry, pack the bags and be out again, travelling around the province. It was what we referred to as "the circuit" that we used to travel, which attempted to ensure that, with the exception of the Far North, any citizen of the province could appear before a committee with a maximum of a two-and-a-half-hour drive.

Mr. Gilles Bisson: The other wonderful part was that, because members travelled together, there was a lot less partisanship, because you got to know each other.

Ms. Lisa MacLeod: Just to that point, for sure I remember when I first was here, as well, there was a lot more committee time. Granted, many of us have just spent a summer on the election trail, and then it took about six weeks to get us all ready to be sworn in and move our offices. We were here for three weeks, a big break where there were no committees, and we're really just getting back at it now, since last June. But it is, I think, something that's really important.

I lament, as many others will, the lack of travel throughout the province, I think, for two reasons. One is

accessibility. If people don't think their provincial Parliament is accessible to them, then we have a credibility problem. The second part—and I found this, having done some travel during the last election—is just a greater appreciation you have for the rest of the province. I can certainly give you my experience in Ottawa, but it is much more rich when I can also speak to something I have seen, whether it's in Thunder Bay or Sarnia. So that's one thing that has disappointed me.

I'm very much interested in giving committees more flexibility to meet when the House isn't in session. Just simply yesterday, talking about this committee and the need for us to meet over the summer and during the May break week, a question I have is, should that have to go to House leaders? Maybe that's something we have to address.

Now, I do apologize; I did step out briefly and I don't know if you've addressed that. But to me it is something that doesn't make any sense. If this committee feels—we're governed by all three political parties. We should have a say, without having to go back to the House, whether or not we want to meet if we have a clear majority. I think that's something I would suggest we look at.

The Chair (Mr. Garfield Dunlop): Thanks, Lisa. Larry, do you want to continue?

Mr. Larry Johnston: The last question at the bottom of the first page: "What kinds of mandate should or could committees have?" Again, these are questions that, if the committee is interested, we'll go away and do research on and come back with some information.

Turning the page: "What is an ideal size of membership of a committee?"

The Chair (Mr. Garfield Dunlop): I think Gilles talked about that.

Mr. Larry Johnston: "What authority should committees have?" I've listed some different possibilities here.

The Chair (Mr. Garfield Dunlop): On that one, I noticed—sorry, before you get too far into it, I think this section goes right back to what the Clerk mentioned in one of her earlier comments about the importance of the committees and, as far as our democratic system, it's the key area between citizens and their legislators. So I think we'd better keep her comments in mind as we go through this part right here. That's what you were referring to, right?

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

Mr. Larry Johnston: "Under what authority should they have matters referred to by the House, matters that stand referred automatically, functions or tasks that are mandated under the standing orders or the rules, and perhaps rethinking what kind of legislative role they have?"

The Chair (Mr. Garfield Dunlop): Donna?

Mrs. Donna H. Cansfield: If I may, then, in the context of those questions, I guess the understanding for me would have to be—and maybe it's just a reading

thing I have to do—is what role the Legislature plays in those determinants, because a committee virtually exists by privilege of the House, right? So those determinants would actually answer a lot of those questions, and what would be our authority to make those determinants and what is the House's authority. If you could keep that in mind in your discussions, it would be helpful.

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The Chair (Mr. Garfield Dunlop): Just on Donna's comments and on what the Clerk had said earlier, I think this is a really, really important part of the standing orders, to make sure we really get this right. If there are any changes we make or any discussion or debate—we have a lot of strong debate around this because, as a member of this Legislature, you tend to forget why you were sent here, at times. I hate when I see that people—sometimes they think they're muzzled from making comments on whatever the issue may be. As someone who's here now, if we're doing anything with the standing orders, I hope that this is an area we can strengthen to make everyone feel really good that we made really good, strong decisions on this.

Mr. Larry Johnston: Just to second that, I think many who have studied parliamentary reforms suggest that committees are the area where private members have the most opportunity to flourish, if committees are working properly. That probably has greater potential than any other area of the standing orders that the committee looks at.

The Chair (Mr. Garfield Dunlop): So as we go through this page, are you creating verbiage for this as well?

The Clerk of the Assembly (Ms. Deborah Deller): I guess what I wouldn't mind is if you engage in the same kind of exercise you did with private members' public business and where you continue to discuss committees to the extent that we can get some indication of what kinds of—

The Chair (Mr. Garfield Dunlop): Okay, so I'm just looking at the next meeting. We're talking about committees at that meeting, right? Is that what you're—sorry. Gilles?

Mr. Gilles Bisson: To the Clerk's point, to give you just my views—and again, people may have different ones. In the four points, "Matters as referred by the House?", I think you always have to have that. Essentially, that's a legislative process. But what I'd be interested in is what I talked earlier about. Are there ways of being able to start the legislative process in committee—in other words, white paper drafting, first reading, that kind of stuff? It'd be kind of interesting.

"Matters that stand referred automatically?": I'm not quite sure I understand what you're getting at, Larry. Can you clarify, or Deb, one of you?

Mr. Larry Johnston: It could be some of those reports that we were talking about previously: that the committee would expect certain reports to come, and out of that, may have hearings. The other thing is that certain statutory reviews are in the legislation, but the committee

doesn't hold them until the House gives permission. It might very well be that those are the kinds of things that could be made more automatic.

Mr. Gilles Bisson: Clerk?

The Clerk of the Assembly (Ms. Deborah Deller): Yes, there are certain things that are currently automatically referred to committee: the public auditor's report, for example—

Mr. Gilles Bisson: Estimates.

The Clerk of the Assembly (Ms. Deborah Deller): The estimates are automatically referred to committee. So you may want to consider whether there are other things that you may want to see automatically referred to a committee, yes.

The advantage to doing that is, it gives the committee a term of reference or a mandate to discuss something without it specifically being an instruction by motion of the House.

The Chair (Mr. Garfield Dunlop): Gilles, did you have other things on that list here?

Mr. Gilles Bisson: Yes. That clarified it. I think that makes some sense: that some of those reports need somewhere to go, and maybe there's some way of dealing with that at committee.

Again, a question: "Functions or tasks mandated by the rules?" I take it that means exactly what you're saying, but that's a pretty big mouthful, that one, right?

Mr. Larry Johnston: Yes. I'm sorry; you're asking what that—

Mr. Gilles Bisson: Yes, what are you getting at?

The Chair (Mr. Garfield Dunlop): Okay, Gilles, let Larry take—

Mr. Gilles Bisson: I just asked a question.

Mr. Larry Johnston: For example, if you look at the standing order that deals with government agencies, you'll see that the whole process for the review of appointments is set out in that standing order. Similar prescriptions for pre-budget hearings, for example, could be in the standing order. I'll let the members think creatively about what they would want to do.

Mr. Gilles Bisson: Yes, and I guess to that, I figured it was what you were up to. I think the review of agencies is one that I'd be interested in. It's something that we haven't done in years. Agencies—we probably should do a better job of reviewing some of them. We end up in a situation, as we are now with the ONTC, where the government says, "Oh, we've got a problem. We need to deal with it. We need to divest." I don't want to get into that debate, but maybe if you had a better process of having agencies come before a committee more regularly, you're able to flag issues before they become a bigger problem, right? That's kind of my thinking.

That would be it, on those four points.

The Chair (Mr. Garfield Dunlop): Steve had a question for Larry.

Mr. Steve Clark: I just want to support some of these things. I agree with Gilles about the agency board and commission-type review. But he mentioned a white paper, and it brought something—because you did men-

tion that; that's something that committees have done in the past. They've gone out, travelled and developed white papers and come back. Can you re-educate me on—

The Clerk of the Assembly (Ms. Deborah Deller): They didn't actually develop a white paper.

Mr. Steve Clark: —why we got away from that, I guess?

The Clerk of the Assembly (Ms. Deborah Deller): A white paper, or sometimes referred to as a green paper, was referred to a committee. So it's essentially referring a matter to a committee. Typically, there had been some advance work done, usually by a ministry, on that subject matter. Then, rather than bring forward legislation, the government may decide that it would like to engage in a consultation process. So something like a white paper gets referred out to a committee, and the committee then can determine who it's going to talk to, where it might travel to consider that matter and make certain recommendations if legislation is required and what it should look like, if it comes before the House.

I think the last time we did it—and correct me if I'm wrong—graduated driver's licensing was done in that manner.

Mr. Steve Clark: But that's government-initiated, right?

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

Mr. Steve Clark: House leaders. Okay.

The other thing, I think, that's not here, Larry, that you didn't include that I think we should have some discussion or debate over, is the use of technology in committees. I had mentioned some of the hearings that aren't accessible to those who can't come to the city of Toronto, when we're just having Toronto-based hearings. I do believe that we should have a discussion at some point about having consensus over live streaming of all our committee hearings. I know other provinces do that. Some of them even post them on their website.

I know that there would probably be a cost when it comes to our existing committee rooms, but I do believe that when we speak about committees, we have to look at access and use of technology. So I'd like to see that as part of a report back or a comment from the Clerk, at some point.

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

Mr. Bas Balkissoon: I just wanted the Clerk to expand on the committee developing legislation in terms of—I know you mentioned the one on graduated driver's licensing; it was initiated by the House referring it to committee. But I just want to clarify: That type of process, the initiation part, can it come from anywhere—like a party, a member—or is it strictly government or is it the Legislature?

The Clerk of the Assembly (Ms. Deborah Deller): Currently the committees all are arms of the Legislature, so they operate under the authority of the House, with few exceptions, like standing order 126 and standing

order 111, where members of committee can initiate matters for consideration.

Everything else is either mandated by their terms of reference set out in the standing orders or by an instruction of the House.

Mr. Bas Balkissoon: Okay, because I just want to clarify what Mr. Bisson is suggesting, that somebody can bring something to committee and then it turns into legislation. How would that get started? Like, a member just can't come to committee.

The Clerk of the Assembly (Ms. Deborah Deller): Under the current standing orders, a committee that considers—is it 111 or 126?

The Deputy Clerk (Mr. Todd Decker): It's 111.

The Clerk of the Assembly (Ms. Deborah Deller): A committee that considers a matter under standing order 111 can produce what's called a committee bill—

The Clerk of the Committee (Mr. Trevor Day): It's 126.

The Clerk of the Assembly (Ms. Deborah Deller): It's 126? Sorry, standing order 126—and it gets introduced into the House by the committee Chair. I'm trying to think of the last time we did that. I believe it was the bill that set up the association of former parliamentarians that was done that way.

Mr. Bas Balkissoon: No, I can understand that, but I'm trying to grasp what Gilles was trying to say. He wanted a place where a member can go and get legislation started on a particular issue that everybody—

Mr. Gilles Bisson: I think what I was suggesting is—there are two different things. There is a government need to want to draft legislation. The Ministry of Transportation says, "I want a graduated driver's licence system"—

Mr. Bas Balkissoon: Or a senior's driver's licence, or whatever.

Mr. Gilles Bisson: There are two ways of doing it. The ministry can go away and draft the bill, and the minister and staff decide what the draft looks like. Then the government is forced to defend it. That's what normally happens. Or you can have a process—and I wouldn't say it's the exclusive way, but that we have some way that entices the government to say, "We want to do a graduated driver's licence system, with the following principles, as a white paper." You go into first reading; the committee does its work. They come back to the ministry through a report from the committee. Then the minister and the ministry say, "Oh, here are some ideas," and they pull it together and draft a thoughtful bill. I just think that when we've done that, we've had better bills.

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The second issue is: Mr. Balkissoon is interested in some transit issue that nobody is talking about, right? I'm just saying it as an issue. You have no mechanism now except for standing order 126—

Mr. Bas Balkissoon: And that's what I want the Clerk to clarify. How would something like this happen without

the House's knowledge? I mean, if you bring a private member's bill, the House would be knowledgeable.

Mr. Gilles Bisson: No. We have standing order 126 now and we have standing order 111. So 126 allows any member of the assembly to bring a matter before committee and that it be studied, provided there's a two thirds majority of the committee in agreement. The problem is that getting that threshold is very hard. It used to be that the threshold was lower. So I'm saying that that is a really good mechanism to surface issues that eventually get taken over by someone to bring over.

Mr. Bas Balkissoon: So the problem today is the threshold, in your mind?

Mr. Gilles Bisson: The threshold and the use of standing order 111. Because, other than standing order 111 and a majority, the government controls the other side, so the 111 doesn't work for the rest of the House, right? So we need some way that the government always must get its agenda through, because that's the principle of Parliament, but there needs to be an ability for members of all sides to be able to bring issues forward in some way that there could be some discussion that may not be necessarily on the agenda of the government.

Mrs. Donna H. Cansfield: Will you do that through private members' bills?

Mr. Gilles Bisson: Well, that is one mechanism, but there are also other mechanisms, like committees, that could be far more useful.

Mr. Larry Johnston: There's a hybrid in Scotland. In Scotland, a member's bill can be introduced through committee. So instead of the process we've talked about further, a member can bring a bill to committee to ask the committee to adopt that bill as their own.

Mrs. Donna H. Cansfield: That can happen here, currently, but you need a two thirds majority of the committee to do it.

Mr. Larry Johnston: But that's the committee membership. This allows any member to bring a bill to a particular committee.

Mr. Bas Balkissoon: But does the committee have to automatically support it, or can they say no?

Mr. Larry Johnston: No, it's up to the committee to determine—

Mr. Bas Balkissoon: Okay—but simple majority, or two thirds?

Mr. Gilles Bisson: Well, it depends on the jurisdiction; everybody does it different. Here there are two mechanisms: There's 126, which is two thirds, and 111, which is majority of the committee. Majority of the committee works now because we have a minority Parliament, so it works for me. It doesn't work so well for me when you have a majority government.

What I'm trying to say to you is that I understand the principle that the government, at the end, must get its agenda through. You're the government; you have the right and the responsibility to get your agenda through. That's what you're elected to do. But I think we need some kind of mechanism there that allows members of the government and members of the opposition to say,

“Okay, that’s all really important, that stuff, but I have an issue that I would like to raise.” For example, I did revenue-sharing through a private member’s bill, which has sort of taken on a life of its own now. You need more than that, I think, for us to be able to raise such issues so they end up on the radar in our society and eventually society and Parliament deals with them. That’s all I’m saying.

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

Mr. Larry Johnston: Just to maybe finish off the 126 issues, I have suggested here that currently, section (a) allows each member to introduce one per session, if I’m not mistaken. That may need to be rewritten if you downsize the membership of committees, particularly if we’re still in sessions that are no longer annual sessions. Because if you have a smaller committee, all of those opportunities could be gone in the first year. So it’s just another thing to consider in terms of—

Interjection.

Mr. Larry Johnston: Okay. Is there a role for the Committee of the Whole?

Mr. Gilles Bisson: Yes, absolutely.

The Chair (Mr. Garfield Dunlop): Donna?

Mrs. Donna H. Cansfield: I guess I’d like, again, a flushing out of the Committee of the Whole before we just sort of ram in there with a “yes.” You don’t need to do it now, but I think that we need to have, again—this is just me—a full understanding of the implications of the whole process before, and then, again, applications.

The Clerk of the Assembly (Ms. Deborah Deller): I mean, I think it’s important too, because it’s an important process—

Mrs. Laura Albanese: Why is it not being used now?

Mr. Gilles Bisson: Excuse me?

Mrs. Laura Albanese: Why is it not being used?

Mr. Gilles Bisson: Well, the standing orders allow—

The Clerk of the Assembly (Ms. Deborah Deller): 1997.

Mr. Gilles Bisson: Yeah. The standing orders allow for it, but because the opposition use it a little bit too successfully, governments have been very reluctant to throw things in Committee of the Whole. Is that a nice explanation?

The Clerk of the Assembly (Ms. Deborah Deller): No, it’s not, and I need to take the opportunity to repeat this again. I keep saying it and I’m going to keep saying it until it finally kind of registers. The problem occurred—we used to use Committee of the Whole frequently. In 1997, when we were doing the city of Toronto amalgamation legislation, that bill was scheduled to go to Committee of the Whole House. It was under a time allocation order of the House, and the time allocation order said that the Committee of the Whole shall continue to meet until completion of clause-by-clause consideration of the bill—shall continue to meet. The problem then occurred that the very—

Interjection.

The Clerk of the Assembly (Ms. Deborah Deller): Yes, the very clever New Democratic Party filed, by the

deadline, some 10,000 amendments to Bill 103, and then I think the Liberals filed, for their part, some 2,500 amendments to Bill 103. So when Bill 103 was called for consideration in committee—

Interjections.

The Clerk of the Assembly (Ms. Deborah Deller): When Committee of the Whole was called, and the bill was before it, now it was under an order of the House to meet until it had finished clause-by-clause, and it had before it in excess of 12,000 amendments. What happened then was that as soon as that committee started to meet, it could not get out, so it had to meet non-stop. It ended up meeting for nine days around the clock, 24 hours a day. Because it, like a standing committee, is a creature of the House.

I guess my point, though, is—and that was a situation that did occur. It was more because of the way the time allocation motion was written than because of the process of Committee of the Whole House. Committee of the Whole House is actually fairly easy to get in and out of. At any time, you can move that the committee rise and report, which is, like an adjournment motion, non-debatable. The committee can vote on that, and the committee then resolves back into the House. So under normal circumstances, it’s easy to move in and out of Committee of the Whole. In that one circumstance in 1997, it was horribly impossible to get out of Committee of the Whole. We’ve only gone back to Committee of the Whole one time since then because everybody’s afraid to. I think initially it was because everybody was afraid to, but I think now it’s because nobody understands that it even exists.

Mr. Gilles Bisson: The beauty of Committee of the Whole was, if you had a bill in second reading—let’s say it went off to committee and came back, and we decided it needed one little amendment that we forgot or whatever, you were able to order it into Committee of the Whole, do that and come right back out again; or, in some cases, right from second reading into third.

Mr. Larry Johnston: Every provincial jurisdiction and the Parliament of Canada uses Committee of the Whole quite regularly. Ontario—

Mr. Gilles Bisson: We also skipped over, Larry, the issue of flexibility in setting their own meeting times and should they be able to meet when the House stands recessed.

The Chair (Mr. Garfield Dunlop): I think he’s dealing with 126 issues first here.

Mr. Gilles Bisson: Oh, that’s why. Okay. You just—

Mr. Larry Johnston: No, I went back up to the role of Committee of the Whole, and I was going to next to: Are there any reporting requirements the committee should be subject to?

Mr. Gilles Bisson: I would agree yes, you need to report the work that you’re doing in some way. We now have that with reports by committees. Is there a better way of doing that? I’d be interested.

Mr. Larry Johnston: Again, I’m thinking in terms of legislative stages. In some jurisdictions, once a bill is

referred to committee, the committee has a certain length of time in which it must report that bill, or the bill stands ordered for the next stage.

Mr. Gilles Bisson: Oh, I see what you're saying—a kind of programming.

Mr. Larry Johnston: But it's not programming on a bill-specific basis. It's saying that the committee, when it has a task to do, has so long to do that task.

Mr. Gilles Bisson: I don't know about that. I'd like to hear more about it.

The Chair (Mr. Garfield Dunlop): Well, that's there. We're going to question that, so yes.

Mr. Gilles Bisson: Yes. I need more information.

Mr. Larry Johnston: So, then, how flexible should committees be in their own meeting times?

Mr. Gilles Bisson: On that, I think—I don't want to mix apples and oranges. The parliamentary calendar and committees sitting on certain dates is important for all kinds of reasons. I don't think we want to give the Chair the ability to, all of a sudden, say, "I'm going to meet on Wednesday instead of Tuesday," because then everybody would be running around this place not knowing what's going on. But for the ability to sit, for example, in constituency week or to be able to sit in the summer break, I'm on the side that if the committee decides they want to ask the Chair to do that, it should be a motion of the committee that decides.

Ms. Lisa MacLeod: Agreed.

Mrs. Donna H. Cansfield: If I may, that's nice—it's not without its challenges, though, because if you do it by voting or by consensus, it would make a difference.

Mr. Gilles Bisson: Yeah, consensus is always better; I agree with you. Absolutely.

Mrs. Donna H. Cansfield: Because if you've got the majority of votes and say, "Well, I'm going to meet the month of July," and the other members say, "Sorry, I can't. I've got this, this and this," you could say, "Too bad, so sad. We've got the votes." Do you know what I'm saying? So whether it's done by voting or by consensus, it can be a challenge.

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Mr. Gilles Bisson: There is a challenge; I accept that.

Mr. Larry Johnston: I think you've answered the next question: "Should they be able to meet when the House stands recessed?"

"How should the assignment of Chairs be determined?"

Mr. Gilles Bisson: Is there something more interesting out there that you're referring to?

Mr. Larry Johnston: Not necessarily, but I know it was an issue recently.

Mr. Gilles Bisson: No, that wasn't the issue. The issue wasn't how we elect the Chair; the bigger issue was in regard to composition in committee.

Mr. Larry Johnston: Well, there has been a question from time to time of whether or not the Chair of the Standing Committee on Government Agencies should be an opposition member.

Mr. Gilles Bisson: Oh, that's what you're getting at. I see.

Mr. Larry Johnston: That has been argued in the past—of course, it's not at present.

Some are prescribed and some are not, under the standing orders, so that's just a question—

Ms. Lisa MacLeod: Oh, you're talking in terms of if it's an opposition member, not as a caucus—

Mr. Gilles Bisson: Should an oversight committee be chaired by an opposition member or by—

Ms. Lisa MacLeod: Right, I see. Okay. Well, I think that's worth talking about.

Mr. Gilles Bisson: Yeah.

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

Interjection.

The Chair (Mr. Garfield Dunlop): I just thought that maybe you were wanting to comment on it.

The Clerk of the Assembly (Ms. Deborah Deller): No. I mean, if the committee wants to take a look at that, they should.

Mr. Larry Johnston: "Should committee reports be required to be debated in the House?"

Ms. Lisa MacLeod: Do you know what? I don't know if it's necessarily required, but there are some good reports out there that we spend a lot of time on, and then they sort of get tabled and nothing happens. I don't know if it should be required, but I think we might want to look at some model where there's an opportunity.

Interjection.

Ms. Lisa MacLeod: Pardon me?

Mr. Bas Balkissoon: Tabled without a decision.

Ms. Lisa MacLeod: Yeah. I've been party to a lot of that, where it's—

The Chair (Mr. Garfield Dunlop): It's worth discussion, though.

Ms. Lisa MacLeod: Yeah, it really is.

Mr. Larry Johnston: Sometimes there's a minimum prescribed debating time. It might be 20 minutes; it might be half an hour or less.

The Chair (Mr. Garfield Dunlop): Let's discuss it, at least.

Ms. Lisa MacLeod: Yeah.

Mr. Larry Johnston: The last one here is under standing order 130, and that's the vote of the Chair. "Should the Chair's vote be deliberative?"

Mrs. Laura Albanese: Personally, I don't think so. I see the Chair in a committee as a sort of extension of the Speaker, and I think it should be non-partisan in sort of having that mediating role, unless there is an even vote.

Mr. Larry Johnston: I only raise it because I saw somewhere in the standing orders where it said that the vote of the Chair is deliberative and shall be cast in the event of a tie.

Ms. Lisa MacLeod: Can we look at it, though?

Mrs. Laura Albanese: We can look at it.

The Chair (Mr. Garfield Dunlop): Sure.

Does anybody have anything else to add under questions, as we approach next week and talk about

committees? Gilles, do you have anything else you'd like to see added on there?

Mr. Larry Johnston: Can I have some direction in terms of priorities in preparing for next week's meeting? What are your top three?

Ms. Lisa MacLeod: Is it possible, maybe, for us to start looking at A and B and—sorry, there are only two As and Bs. Let's look at A next week, then. I'm sorry, I just thought it might have been broken down a little bit more.

Why don't we have the general framing considerations first? I think that then helps us decide what we're looking at in terms of what a mandate should be.

Mr. Larry Johnston: The other thing we could do is take something like that or maybe provide you with background on the committee system in maybe two or three jurisdictions so that you get a contrast with what you're used to, somewhat as we did with the private members' system.

The Chair (Mr. Garfield Dunlop): Donna?

Mrs. Donna H. Cansfield: Next week, we're going to discuss the paper that the clerk is going to prepare with options—is it next week or the following?

The Clerk of the Assembly (Ms. Deborah Deller): No, I think you're going to proceed—

Mrs. Donna H. Cansfield: Then I agree. I think you need to have some background material.

The Chair (Mr. Garfield Dunlop): Okay. We'll go to the framework stuff first. Is that all right with everyone?

The Clerk of the Committee (Mr. Trevor Day): We'll set up some background material on committees. We'll try to pinpoint stuff we've heard in the discussion today—anything that stepped out—and that will be a starting point for our discussion on committees.

Mr. Steve Clark: So what's our start time?

The Chair (Mr. Garfield Dunlop): Same time, 12:30.

Ms. Lisa MacLeod: Yeah, I like this time. I'm sorry I wasn't here for lunch with you.

The Chair (Mr. Garfield Dunlop): So 12:30 is when we agree to get a bit more done?

Ms. Lisa MacLeod: Just to be clear, Mr. Chair: Will Mr. Bisson be in charge of the menu selection for next week?

Mr. Gilles Bisson: Oh, God. If I'm in charge of the menu, you guys will eat.

The Chair (Mr. Garfield Dunlop): This is fine.

Mr. Gilles Bisson: Excuse me, Chair. I just want you to know that that's not food, okay? I want you not to think for one second that is a good diet.

The Chair (Mr. Garfield Dunlop): We have to look at the strict budget we're on.

Mr. Gilles Bisson: Well, then, people can go buy their own lunch.

The Chair (Mr. Garfield Dunlop): I'm not sure what you're eating, but this is pretty reasonable.

Mr. Gilles Bisson: The cafeteria had a very good pasta for \$8.95 today.

The Chair (Mr. Garfield Dunlop): Anything else for the good of the committee today?

Ms. Lisa MacLeod: Yes, Chair. I've obviously communicated with our House leader's office and indicated, obviously, our caucus's willingness to continue to pursue this even if the end date moves forward. Is there a way to direct the committee to contact House leaders to inform them that we will need more time?

The Chair (Mr. Garfield Dunlop): We've already requested we meet over the summer, and we can add more to it. The workload's getting heavier—

Ms. Lisa MacLeod: Yes, because I would just like to make sure we're managing the expectations of our colleagues who aren't on this committee so that they know that we are doing an in-depth study that is worthwhile, that will take additional time, and that we want to do it right for all members and future generations of assembly members.

The Clerk of the Committee (Mr. Trevor Day): One of the possibilities open to the committee, and it's up to the committee, is that we indicate to the House leaders that we would like possible exemption from the motion that's already been passed or a subsequent motion that would change the fact that perhaps this membership will stay intact throughout.

Ms. Lisa MacLeod: Gilles, you're the only House leader here. Are you good with that?

Mr. Gilles Bisson: I'm good with what? Sorry, I was doing something that I shouldn't have been doing.

Ms. Lisa MacLeod: You're ordering next week's lunch.

Mr. Gilles Bisson: No, I was actually looking at emails from your House leader.

Ms. Lisa MacLeod: Okay, well, can you email him back?

Mr. Gilles Bisson: Jim and I are having a conversation about something. Sorry.

Ms. Lisa MacLeod: Maybe you want to repeat—

The Clerk of the Committee (Mr. Trevor Day): One of the options open to the committee is to request of the House leaders that a subsequent motion be put before the House exempting us from the September 1—not September 1; September 7, in around that time—membership—

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

Mr. Gilles Bisson: I like the death motion; it's there for a reason.

Under consideration and advisement, thank you.

The Clerk of the Committee (Mr. Trevor Day): Can we maybe take it up next week?

Mr. Gilles Bisson: Yeah.

The Chair (Mr. Garfield Dunlop): We'll keep working as hard as we can. There's nothing else we can do.

Mr. Gilles Bisson: Just so you know, we had a conversation at House leaders', and what we kind of agreed on, but we haven't formalized, is that if this committee is not finished that we would re-strike it and continue in September. So whatever way we do that, we have to figure it out, but we're not there yet.

The Chair (Mr. Garfield Dunlop): We'll continue to put as much effort into it as we can. I don't know how we can do any more to keep everybody happy.

Based on what Lisa said, though, is it the will of the committee that we perhaps draft a letter to each of the House leaders saying that this is very time-consuming and at least let them know that—

Ms. Lisa MacLeod: Let them know that this is not just each caucus coming together with a list of laundry items that we expect are going to be done, because I think that is what the expectation is. I think that it's really important to let them know that we're going in a bit of a different direction than that.

The Chair (Mr. Garfield Dunlop): What we'll do is, we'll have a letter drafted for next week that we can review before we send it off, okay?

Ms. Lisa MacLeod: Thank you.

The Chair (Mr. Garfield Dunlop): Anything else anyone has?

To the Clerk and the Deputy Clerk, thank you once again for taking part. It's great to have so many people involved in this.

With that, we'll adjourn until next week at 12 o'clock for lunch, if you want to have lunch, and the meeting begins at 12:30 on May 2. The meeting's adjourned.

The committee adjourned at 1449.

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Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Vice-Chair / Vice-Présidente

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Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)
Mr. Bas Balkissoon (Scarborough–Rouge River L)
Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)
Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)
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Mr. Jeff Leal (Peterborough L)
Ms. Lisa MacLeod (Nepean–Carleton PC)
Mr. Jonah Schein (Davenport ND)

Substitutions / Membres remplaçants

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