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**Official Report
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Wednesday 16 May 2012

**Journal
des débats
(Hansard)**

Mercredi 16 mai 2012

**Standing Committee on
the Legislative Assembly**

Standing orders review

**Comité permanent de
l'Assemblée législative**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 16 May 2012

Mercredi 16 mai 2012

The committee met at 1302 in room 228.

STANDING ORDERS REVIEW

The Vice-Chair (Ms. Lisa MacLeod): Good afternoon, ladies and gentlemen. I'll be in today. We'll do a few housekeeping announcements before we start. Hopefully, that will allow our colleagues who are still downstairs to come up.

I just quickly wanted to draw your attention to a sheet of paper circulated by the clerk, from the Canadian Study of Parliament Group. There will be a conference at the Government Conference Centre in the city of Ottawa on Wednesday, May 23—that's a week from today—from 8:30 until noon. As a non-member, the fee is \$200, and you're welcome to attend this. The committee will cover your costs if you're interested in attending this. It's a technical briefing on how the legislative process works, and there will be a discussion panel with sitting and former members of Parliament and senators, and they'll talk about their diverse experiences as legislators, including frustrations, victories and suggestions for people involved in staff support. That will be taking place next week. Again, the cost is \$200 and, as a member of this committee, that fee will be covered by the committee. If you're interested in attending, please see the clerk.

Mrs. Laura Albanese: Do you know if it will be available online—

The Vice-Chair (Ms. Lisa MacLeod): I believe it's just available in person. However, we could request that the clerk see, if there are any circulations or handouts, that they be sent—

Mrs. Laura Albanese: I will not be able to attend on May 23. I have a day procedure, a personal health matter, that will not allow me to attend.

Mr. Bas Balkissoon: Is the committee picking up the fees and transportation, or just fees?

The Vice-Chair (Ms. Lisa MacLeod): The question is, does the committee pick up the fees and the hotel and travel?

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

The Vice-Chair (Ms. Lisa MacLeod): Yes. So, Mr. Balkissoon, if you're interested in attending that, please feel free to let the clerk know if you're representing the committee.

The second thing is, for those of us who will not be attending, we're wondering if there might be an ability for us to receive any of the handouts or any other marketing material.

Mrs. Laura Albanese: Or online, if it's being filmed.

The Clerk of the Assembly (Ms. Deborah Deller): I'll pick it up for you.

The Clerk of the Committee (Mr. Trevor Day): The Clerk is going to be there.

The Vice-Chair (Ms. Lisa MacLeod): So the Clerk will attend and she'll pick it up for us.

Mr. Balkissoon, you're interested in attending this?

Mr. Bas Balkissoon: I have to check. I already made commitments for next week, but I'll see if I can fit it in.

The Vice-Chair (Ms. Lisa MacLeod): Just quickly, I'd remind members to take their microphones and put them down just for Hansard's sake.

Mr. Dunlop is away today. He will not be here, so I'll be chairing the meeting. Also, Larry, our researcher, is not here. Peter will be here instead for him.

Today we're going to be discussing tabs 26 to 29. We'll start off where we left off last week. I'd ask that the Clerk walk us through the financial provisions draft options document. That's tab 26.

Mr. Clark?

Mr. Steve Clark: Thank you, Chair. I just want to thank you for this wonderfully organized binder. I just want it on the record that I'm extremely impressed. Despite all my attempts to be unorganized in this committee, it's nice to see someone's looking after us.

The Vice-Chair (Ms. Lisa MacLeod): That's great, thanks. Any other comments before the Clerk makes a presentation?

Okay. All yours, Clerk.

The Clerk of the Assembly (Ms. Deborah Deller): Just by way of a refresher, this came about because when we discussed private members' public business initially, there was some discussion about the money bill provision that exists in the standing orders and potentially some concern about how that was or wasn't applied. This was intended to address that, and I'm going to let my colleague walk you through it.

The Deputy Clerk (Mr. Todd Decker): This document basically is talking about a financial initiative of the crown, which is really a constitutional provision, a legislative provision, and is also in our standing orders. It gets to the very heart of responsible government in that the

government of the day is responsible, as Mr. Balkissoon was talking about at an earlier meeting, for the spending of the government, for guarding the treasury of the province.

The principle has arisen whereby only a minister of the crown, only the government of the day, is able to initiate a piece of legislation or some other proposal that would cause money to be spent or to impose a tax on the general public in any other way. What this means is that private members cannot by way of a motion or in a piece of legislation put forward a proposal that would expend funds from the consolidated revenue fund or that would impose a tax.

One of the issues that was broached by Mr. Balkissoon at that earlier meeting was that, as a private member on the government side, he feels constrained to bring forward proposals that, even if they aren't infringements on the financial initiative of the crown, still would have some sort of cost attached to them.

Nothing here would actually get at that, but what this document also talks about is some language that has started creeping into the drafting of private members' public bills here—and in other Canadian jurisdictions, by the way; this has become a common thing. On the second page of this are examples from recent bills here in Ontario, private members' public bills, that make a financial provision that, if passed, would ostensibly require an expenditure to be made, but with the condition that it's out of money appropriated by the Legislature or if the Legislature, by appropriation, authorizes payment. That seeming condition has been understood to be enough to exempt the bill from being found to be a money bill.

The real problem, though, is that if any of these ever pass, there's no real way to keep track of them in the statute database. Going forward, if they were to pass, they seem to require a discrete and separate appropriation. How would that be brought to the attention of the Legislature? Will the Legislature in a separate estimate, in a separate line item, separate vote, actually be asked to vote specifically for that expenditure that's in a private member's bill?

One other thing I would say in passing is that in the House of Commons, private members can introduce legislation that is a money bill. That's not disallowed there. The bill cannot, though, go forward and be passed unless the recommendation from the Governor General is eventually received. That would be at the request of the government of the day, of a minister of the crown. So while there they can actually introduce bills that, if passed, would cause expenditure of public funds, that would only be so if—in our case, it's the Lieutenant Governor's recommendation; in the government of Canada the Governor General's recommendation would have to be brought forward by a minister of the crown.

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This is just making the recommendation that this was perhaps a slippery slope with this kind of drafting and the committee might want to consider whether or not it's appropriate to have those bills come forward in Ontario.

The Vice-Chair (Ms. Lisa MacLeod): Clerk?

The Clerk of the Assembly (Ms. Deborah Deller): If I could just add to that, this kind of wording has, for some time now, caused us some concern because, in our view, it's a kind of back-door way of getting a money bill introduced into the House. That's a bill that would not otherwise have been allowed.

The Vice-Chair (Ms. Lisa MacLeod): Any comments? Mr. Balkissoon?

Mr. Bas Balkissoon: If I look at the first page, which is standing order 57, it talks about imposing a tax or spending money, but my interpretation of the removal of the HST on home heating is a loss of revenue to the treasury. This doesn't talk about loss of revenue. So even 57, as it stands today, has a flaw in it. To me, that bill was a money bill because it does cause a loss of revenue to the government, and that bill should not have been allowed, in my interpretation. Maybe my interpretation is too narrow, but that's the kind of concern I have. If you look at 57, it just talks about additional spending. It doesn't talk about lost revenue. A member can bring a bill and get it passed, and it causes a loss of revenue. It should really say "directly or indirectly," too, because some of them have major costs to implement what is being suggested in the private member's bill.

The Vice-Chair (Ms. Lisa MacLeod): We have a speakers list. Clerk, would you like to—and then Mr. Bisson. Go ahead, Mr. Bisson.

M. Gilles Bisson: Deux affaires : premièrement, je pense que ce qui arrive, c'est qu'on se mélange un peu avec où on est rendu.

I'll let you put on your écouteurs in case there are those that need translation. I tried to start that very slowly. I'll just let you get your écouteurs.

Donc, le point que je fais c'est qu'il y a deux affaires ici. Premièrement, c'est seulement le gouvernement qui est capable d'appeler un projet de loi à la troisième lecture. Donc, le fait qu'un député décide de dire, « Je veux introduire un projet de loi avec ces provisions », ça donne l'occasion au député ou à la députée de dire, « On va proposer quelque chose de différent qui va arriver » que d'habitude le gouvernement, peut-être, ne veut pas faire. Et la sauvegarde, c'est que c'est seulement le gouvernement qui a le droit d'appeler ce projet de loi, si passé après la deuxième lecture et au comité, à la troisième lecture. Le gouvernement, ultimement, a le droit, l'autorité et tout dont ils ont besoin pour être capable de contrôler ce qui va arriver à la fin de la journée.

Le deuxième point que je fais à ceci, c'est sur le dernier point que M. Balkissoon fait. Il dit qu'il y a l'autre occasion où un député introduit un projet de loi où ça va réduire—parce qu'on peut introduire un projet de loi qui dit : « Je propose que certaines taxes soient réduites. » C'est alloué sous nos règles. Et encore, je fais le même point : si on commence à éliminer et réduire l'habileté des députés de tous bords de la Chambre d'introduire des concepts—peut-être que je ne suis pas d'accord avec ce projet de loi, mais il y a un député qui a

le droit d'avoir ce débat à l'Assemblée, qu'on peut avoir cette discussion publique. Encore, ça revient au premier point que j'ai fait : c'est le gouvernement seulement qui peut décider si ce projet de loi va être appelé pour la troisième lecture.

Donc, je comprends le point de M. Balkissoon parce que le problème que vous avez, c'est que dans votre caucus, parce que vous êtes au gouvernement—puis j'imagine que c'était le même pour les conservateurs, puis peut-être que c'était le même pour nous autres; je ne m'en rappelle pas. Mais le gouvernement dit : « Écoutez, faites attention avec vos projets de loi privés parce que le gouvernement va être vu, parce que vous êtes dans le caucus du gouvernement, d'une certaine manière si tu proposes quelque chose qui va nous coûter de l'argent, ou bien qui va dans une direction opposée à celle du gouvernement. » Mais ne faites pas de ça la raison pourquoi on veut réduire l'habileté d'un député de faire son travail. C'est important, je pense, qu'on puisse pousser la question sur quelque chose que possiblement le gouvernement n'est pas en accord avec, mais la sauvegarde, c'est toujours le gouvernement qui a le droit et l'autorité de décider si un projet de loi va être appelé à la troisième lecture.

The Vice-Chair (Ms. Lisa MacLeod): Thank you very much, Mr. Bisson. I know Mr. Clark had his hand up. Would anybody else like to add their name to the speakers list?

Mr. Steve Clark: No, I just want to follow up on what Mr. Bisson said. I tend to agree with him that third reading control, ultimately, is the government's responsibility, and we all know that even in a minority Parliament the government still has a pretty significant hand in which bills get put forward. I appreciate what you've said. I certainly tend, at least personally—it does not necessarily reflect the views of some people in my caucus, but I wouldn't be opposed to opening it up in other ways, like what happened in British Columbia with some of the direct democracy opportunities that the public have to get a bill before a committee of a Legislature and ultimately to the floor of that particular Legislature. So I don't particularly share some of those concerns. I think the system that we have, although not perfect, has some controls that bills don't get through; case in point, the bill that Mr. Balkissoon refers to, Mr. Mantha's bill, Bill 4. I don't see it rushing back to the floor of the Legislature to have a third reading debate.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Balkissoon?

Mr. Bas Balkissoon: I don't disagree with what they're saying, that a member should have the opportunity to raise an issue and have a debate about it, but we have two processes here: We have a process of a motion, which is raising the awareness and getting the debate out there, and we have the process of a bill, and a bill is legislation. If you proceed to second reading, then you go out and do public stakeholder meetings, you're raising the hopes of people. To me, that is inappropriate. So if I had an issue that I wanted to raise and I wanted to raise

the awareness of the government and say, "Look, this is something the public is concerned about," we have the motion route. But the legislation route is to take a piece of legislation and amend it or create a new piece of legislation. That's the way I look at it and that's why I raised the issue.

The Vice-Chair (Ms. Lisa MacLeod): Okay, Mr. Bisson and then Mr. Clark, and then we'll ask the Clerk to speak.

Mr. Gilles Bisson: Pas beaucoup d'autre, mais c'est exactement la raison pourquoi on a besoin de donner au député cette habileté d'introduire son projet de loi. Si tu ne peux pas—comment dire?—attirer l'attention du public sur une question, pourquoi est-on ici? Une partie de ce qu'on fait comme députés, c'est, oui, de représenter nos communautés à toutes les affaires qu'on fait, mais aussi d'avancer des concepts qui ne sont possiblement pas en vogue aujourd'hui.

Par exemple, si quelqu'un a une initiative qui n'est pas acceptée par la majorité, et même si elle a des conséquences fiscales, le point c'est d'avoir le débat. Et je pense que le public comprend que c'est un projet de loi d'un membre privé et que ça va prendre une majorité de l'Assemblée, y inclus le gouvernement, pour être capable d'accepter que ce projet de loi passe en vigueur.

Donc, je pense que c'est notre responsabilité et c'est pour cette raison qu'on a besoin de toujours respecter le droit des députés d'introduire ces projets de loi pour au moins avoir le débat. Là, ça devient que le gouvernement fait une décision. Soit qu'ils disent : « Bonne idée », à quel point, d'habitude, quoi qu'il arrive, le gouvernement introduit son propre projet de loi. C'est comme ça que ça doit être. Moi, je n'ai pas de problème. Ou, le gouvernement dit : « Non, on n'est pas d'accord. » Puis au moins tu as eu le débat et ça continue.

The Vice-Chair (Ms. Lisa MacLeod): Merci, monsieur Bisson. Mr. Clark?

Mr. Steve Clark: I don't want to belabour the point, Chair, but on the issue of creating false hope for constituents, I think it's part of our job as members of the Legislature to communicate to people the process that we have. I had a constituent who felt, at our debate yesterday about gas prices, that we were able to, just by discussing it in the Legislature, have them reduced at the pump that night. So that's part of our education process. The resolutions and the bills that I table, I make sure, as I'm sure we all do, to communicate properly. But I believe firmly that the individual member should have all of those tools, no matter what he or she chooses to use. Whether it's an order paper question or a member's statement or a bill or a resolution, we should have that right to table that bill or that tool in any way we can.

The Vice-Chair (Ms. Lisa MacLeod): Ms. Albanese and then Ms. Cansfield.

Mrs. Laura Albanese: I just wanted to point out that there's no question that we're all here to raise awareness, to bring points of view that may not be popular with the public at the moment, as Mr. Bisson was mentioning. It's not the only way to debate, though. To the example that

MPP Clark just made, yesterday's debate was based on a motion. When it's a private member's bill—

Mr. Bas Balkissoon: It's different.

Mrs. Laura Albanese: —we're talking about false hope or, in a way, trying to really be truthful to people as to what's possible and not possible.

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The Vice-Chair (Ms. Lisa MacLeod): Just quickly, Ms. Cansfield and Mr. Bisson.

Mrs. Laura Albanese: Or frank; maybe not truthful. Frank, honest. I may not be using the right adjective.

The Vice-Chair (Ms. Lisa MacLeod): I think your point is clear. Ms. Cansfield?

Mrs. Donna H. Cansfield: I guess for me, the issue is the question of why the bill is placed in the first place. If a person puts forward a bill, usually they anticipate that it will ultimately pass and become a piece of law. That's why you do it.

I think if you don't do it with that intent, that's disingenuous to begin with. But if that is the intent, then you have to be able to put forward something that you believe in fact has, working through the processes, the opportunity for success. I've unfortunately witnessed a few of the opposite, where folks have their hopes up; they have felt that there was something that might succeed because it was a private member's bill, but it wasn't going to succeed because it just wasn't in the cards to do so. I think that it's disingenuous to that individual and raises a hope when they can't possibly go through.

Again, you have to have some rules to play with in the game, and I think that the way the process is—I mean, yes, you could turn around and say, "All right, we have a bill. We're going to go through the process. We'll take it to second reading. It will have a money part to it. We'll go out and do all this public consultation"—which is public dollars to do this; this is all costing money as well—"but ultimately it will never be called." So what's the point of putting it in? I mean, that's to me not looking towards the final success of what you want to achieve.

The Vice-Chair (Ms. Lisa MacLeod): As the old adage goes, democracy ain't cheap.

Mrs. Laura Albanese: You can do it through a motion.

Mrs. Donna H. Cansfield: Yes, there are other options. If ultimately what you want to achieve is success with whatever you are attempting, then you either furnish the bill in an appropriate way that provides for that success or you use the other options that are available to you; for example, a motion, which can be—

Mr. Bas Balkissoon: It's the right way.

Mrs. Donna H. Cansfield: Yes, you're right. It's the right way in which to do it.

So we agree to disagree.

The Vice-Chair (Ms. Lisa MacLeod): Thanks for your comments.

Mr. Bisson, you had your hand up. Would you like to make one more comment?

M. Gilles Bisson: Juste courtement. Écoute, je pense que c'est regrettable d'utiliser le terme que ce n'est pas

honnête pour un député d'introduire un projet de loi qui, il sait, ne peut pas passer à la troisième lecture. Premièrement, il n'y a quasiment pas de projets de loi de députés privés qui sont passés à la troisième lecture, so let's not kid ourselves, comme ils disent en bon français.

Deuxièmement, la question devient qu'il y a certains projets de loi qui, tu le sais quand tu les introduis, n'ont aucune chance de passer à la deuxième lecture, mais tu veux avoir le débat—et d'autres occasions où il y a une chance de passer à la deuxième lecture, et tu sais qu'il ne va pas passer à la troisième lecture. Pourquoi? Parce que tu veux avoir le débat.

Par exemple, on va prendre notre ami, M. Mike Mantha, qui a un projet de loi qu'il a introduit qui est passé à la deuxième lecture, sur la TVH. Sur ce cas-là, M. Mantha et d'autres députés voulaient faire une expression contre une politique du gouvernement. C'est l'habileté de l'opposition, où même d'un membre du gouvernement, de faire ça, et dire que ce n'est pas honnête de faire ça, je pense, est regrettable.

The Vice-Chair (Ms. Lisa MacLeod): Merci, député. Clerk, would you like to respond to this? Or very quickly, Ms. Cansfield.

Mrs. Donna H. Cansfield: Thank you. I understand what you're saying, but if in fact the issue then is not to present a bill in order to have something become legislation, which is what I always thought a bill was supposed to do, but to raise an awareness about an issue, then the question becomes, is the bill the only format that you have in order to do that? That's a whole different question. So if the purpose is to raise awareness around an issue and encourage debate, what are the processes that are available for a member to do that? Right now, I guess Mr. Bisson is saying the only way to do that is through a private member's bill.

Mr. Gilles Bisson: No, it's not the only way.

Mrs. Donna H. Cansfield: Okay, but you're using that as an opportunity, as one of the ways. I guess, for me, I would think that there are other ways, or there should be a multitude of ways, to do it other than just having a private member's bill to raise awareness around an issue.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Balkissoon had a comment?

Mr. Bas Balkissoon: Madam Chair, I hear Mr. Bisson clearly. I'm assessing what he's saying, and he's saying that a member like Mr. Mantha, who raised that bill, wanted to raise a bill to show his opposition to the government—fair. But you know what? On private members' bills days, government is not sitting on the other side to defend those bills. It's private members like us, who are allowed to vote on private members' bills based on our opinion. So if you're challenging the government, that's not the place to bring it. You should be bringing a motion, as I stated before, because a motion will allow you to debate your opposition to the government. But when you bring a bill, it's a piece of legislation.

If Mr. Bisson is right, and he wants it to be that way, then I would say the whole government has to always be there to defend their position. That's not what private members' bills are for. To be honest with you, if you listen to the debate in the House on a regular basis, yes, when the opposition members bring a bill to oppose the government, a lot of times they attack the members on the opposite side speaking—that they're defending the government's position. And a lot of the times, you force the members on the other side to defend the government. I think that's inappropriate if it's private members' business. I should be able to stand up on a private member's business and speak my opinion. But quite often, I look at it, and it's an attack on the government, and therefore my personal opinion doesn't count; I have to defend my government.

I say this in all fairness to Mr. Bisson. Today, we're in government; tomorrow, it'll be somebody else.

The Vice-Chair (Ms. Lisa MacLeod): Well, we're hoping.

Laughter.

Mr. Bas Balkissoon: Let's look at a process that works for everybody.

The Vice-Chair (Ms. Lisa MacLeod): Did I say that out loud?

Mrs. Donna H. Cansfield: You did. It's in Hansard.

Mr. Bas Balkissoon: It's in Hansard.

I mean, I've been in government long enough to know that it changes. So let's put a process in place that is fair and equitable to all and so that the general public, looking at what we're doing, says, "I've sent my member there, and they're doing the job the right way," not the way to hook the government, not the way to embarrass the government; when you do that, all you do is deteriorate this place.

The Vice-Chair (Ms. Lisa MacLeod): Thank you very much for your comments, Mr. Balkissoon. I want to know, does anyone else have anything further to add on this point? Or shall we go to the Clerk?

Mr. Gilles Bisson: I will not be baited into another round. I will not be baited, is my point, et que vous comprenez très bien. Non, c'est fini.

The Vice-Chair (Ms. Lisa MacLeod): Merci. Madam Clerk, would you care to respond to all of these comments and ideas?

The Clerk of the Assembly (Ms. Deborah Deller): I'll do my best.

Can I just go back to the financial provisions? The rules around what constitutes a money bill are constitutional in nature, and the standing orders that we have reflect that. Currently, the rules that define a money bill are that a bill has to have a recommendation of the crown, the Lieutenant Governor's recommendation, and can only be introduced by a minister if it imposes a tax or causes a direct expenditure from consolidated revenue. So you're right, Mr. Balkissoon: A provision that would reduce a tax or provide for a tax credit, for example, which has been allowed, too, wouldn't fall under the constitutional definition of what makes up a money bill.

Every bill in some way costs money, but it has to be shown to be a direct expenditure.

The issue of whether it's more appropriate to have something as a resolution or a bill, I think there is some merit to that discussion. But with respect to the money provision, that provision applies equally to a resolution as it does to a bill. So if you're not allowed to do something by way of legislation because, for example, it increases a tax, you also would not be able to do that by way of resolution or motion.

Mr. Bas Balkissoon: Then we need to find a new way.

The Clerk of the Assembly (Ms. Deborah Deller): But I'm just putting that out there. Whether it's a motion or a bill, the same rules apply.

To address Mr. Bisson, I think that's very true. In my view, every member has a right to introduce legislation as long as that legislation follows the rules that are set out in the standing orders. So to the extent that the legislation introduced by a private member does not increase tax or cause a direct expenditure from consolidated revenue, I think it's fair game for a private member to introduce.

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At the same time, I think that it's important to remember that there is also the principle that the government has the right to determine what is going to proceed through third reading. They always have—and must have—that final decision to make about whether or not a proposal for public policy is actually going to be passed into law.

I think the whole discussion about whether something that is brought to the attention of the public for consideration is more appropriately done by legislation or by motion is really a discussion for members to have, so I'm not going to wade into that.

This whole discussion, though, may be part of the reason why I think the House of Commons, over time, has really, more so than we have, relaxed their application of the money bill provisions for private members' bills and, in part, that's with the knowledge that the government ultimately has the say in what's going to move forward anyway.

I'm not sure if I hit all the points.

The Vice-Chair (Ms. Lisa MacLeod): Okay? Shall we move on? All right.

The next tab is 27, draft options for the Speaker's authority and opposition days. Is anyone interested in commenting? We had a brief discussion on this last week.

Mr. Gilles Bisson: Can you help me, Chair? Can we have the Clerk just walk us through it without reading it word for word?

The Clerk of the Assembly (Ms. Deborah Deller): The "members with a disability" one?

Mr. Gilles Bisson: That one I think is pretty clear. I think what you were—yeah, there's that, then the opposition day, if we can go through that. Oh, no, we talked about this last week. Sorry.

The Vice-Chair (Ms. Lisa MacLeod): Yes, we had that conversation last week.

Mr. Gilles Bisson: We had it last week. I'm so sorry.

The Vice-Chair (Ms. Lisa MacLeod): These draft options have been amended as a result of our discussion.

Mr. Gilles Bisson: Okay. Then I know what I'm going to talk about.

The Vice-Chair (Ms. Lisa MacLeod): Okay. Well, I guess we could have the Clerk, if you'd like, recommend or read into the record of the committee our recommendations, or would you prefer if I did that?

Interjection.

The Vice-Chair (Ms. Lisa MacLeod): Oh, these are the same documents. Okay? Any comments? Just for the record, for the members with a disability:

"The committee therefore recommends that the following standing order be added:

"The Speaker may alter the application of any standing order or practice of the assembly in order to permit the full participation in the proceedings of the assembly of any member with a disability."

Is everybody happy with that? Okay.

The next page is opposition days:

"The committee therefore recommends the following amendment to standing order 43:

"43(d) After two hours of debate on an opposition day held on a Monday, or at 5:50 p.m. on an opposition day held on a Tuesday or Wednesday, the mover of the motion or any member of his or her party may reply for up to five minutes, which reply shall conclude the debate. The Speaker shall thereupon put the question, and if a recorded vote is requested, the division bells shall be limited to five minutes. Such vote may be deferred pursuant to standing order 28(h)."

Interjection.

The Vice-Chair (Ms. Lisa MacLeod): Last week, we had discussed moving that to 4:45 for a 10-minute bell.

The Clerk of the Assembly (Ms. Deborah Deller): To 5:45.

The Vice-Chair (Ms. Lisa MacLeod): To 5:45, and a 10-minute bell.

Mr. Bisson, you had a comment?

Mr. Gilles Bisson: Just one second. So, under the opposition day, should the deferral only be allowed by the mover, by the party that moves? I just want to hear your thoughts on that.

The Clerk of the Assembly (Ms. Deborah Deller): Currently—sorry, Madam Chair.

Mr. Gilles Bisson: I understand. Currently, you can defer anything.

The Clerk of the Assembly (Ms. Deborah Deller): Currently, wherever there's a deferral, it's allowed by the whip of any of the three parties, and that's in recognition of the fact that if any of the whips, for whatever reason, don't have all of their members there, then it gives them the option to defer the vote so that they will have members there.

I guess in our minds, we were just thinking that it made sense to apply that same practice to a deferral—the same way we would defer any other vote on any other matter, that it would be up to any whip from any party.

Mr. Gilles Bisson: Can I ask if it's possible we just can, on that one point, hold it back, because we're having a bit of an internal discussion about the deferral and I haven't had a chance to talk to my colleagues? Can we just put that one off till next week or the week after?

The Vice-Chair (Ms. Lisa MacLeod): Are you guys fine with that, Mr. Clark?

Mr. Steve Clark: That's fine.

The Vice-Chair (Ms. Lisa MacLeod): Okay, sure. We'll defer that.

We'll move now to tab 28. Tab 28 is private members' public business. There are a number of options here, so I'll ask the Clerk to walk us through this part of the presentation.

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

This was really drawn up based on the discussions that the committee had a few weeks ago around private members' public business. What it basically does is put some verbiage around what you did discuss, and you're going to have to kind of help us here. What you'll notice is that we've set out a number of options for you, which you can take a look at, change or dismiss. We tried to gather all of the comments that you'd made in that committee meeting and put them down in some format that was easy to go through.

Our perception from those discussions was that there really isn't much of an issue with the front end of the private members' public business process, meaning that we didn't think that anybody expressed any concerns with the balloting process or any concerns with the ability of members to trade places in that ballot. We didn't hear any concerns except for the issues around the money bill and concern around the introduction part of private members' public business. The ability for members to introduce bills or to provide notice of a resolution: Everybody seemed to be okay with those practices. In addition, we really didn't hear any comments that expressed any concern about private members' resolutions in the House. In other words, if a private member introduces a resolution as opposed to a bill, again, we didn't hear really very many concerns about that process as it currently stands.

That took us down to the issue that seemed of most concern, which was the post-second-reading segment for private members' legislation. A bill gets essentially an hour's worth of debate on Thursday afternoon. Assuming it is passed, it gets second reading. Most typically now, it gets referred out to a standing committee of the sponsor's choosing. That seemed to be where there was a higher level of discussion, and that focused around the logjam that occurs now with private members' legislation sitting in committee and then committees not actually ever getting to consideration of that private members' business.

There are some things the committee may want to consider in terms of setting up a process whereby private members' public bills can actually be considered in committee. We have presented a number of options, and again, this is really just our musing. You may have better

ideas. One was that if a large number of MPPs sign on to a bill, it must, within a certain period of time, be considered by a committee. You may want to establish either a percentage threshold or a numerical threshold. There obviously should be representation from all parties in the House that make up that threshold, and that some kind of a register be kept, probably in the Clerk's office, that members can sign on to and that indicates when the threshold has been met.

There's also some discussion here about a fail-safe mechanism that, in the event that the threshold is met and a committee does not consider it within a certain time, it automatically be referred back to the House without amendment in a required time. Then there was some discussion about what that threshold of support might be: It could be a two-thirds majority, 60%; it could be 50% plus one. That would be something for the committee to determine.

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Another option is, instead of a sign-on process, committee might consider some sort of a panel of members that decides which bills should move forward and which bills, ultimately, might not. That's similar to what is done in some other jurisdictions with committees that will take a look at private members' bills and determine—in the case of Ottawa, for example—what might be votable and what might not be votable.

The other option here really has to do with sort of post-committee consideration, and that is that where bills appear at third reading on the order paper, the committee might consider putting a provision in the standing orders that, in that case, allows those bills to be retained on the order paper even past prorogation. What that's intending to avoid is, in the situation where a private member's bill has gone through the private members' public business process—it's gone through second reading, it's gone through the committee process and it now sits on the order paper awaiting third reading—it can continue at the third reading stage even after the House prorogues, so that when the House resumes the next session, the whole process doesn't have to be started all over again and we're not then considering the same bill in committee multiple times. There are examples that you can look at of bills, within the term of a Parliament, that have come before the House again and again, one session to the next, because they've died on the order paper.

You could consider that same provision for bills that are referred to committee, where if a bill has met whatever threshold you determine and it's going to be considered by committee, you could also consider that it be revived at the same stage on the order paper as it was at prorogation, so that it doesn't die.

The other option that has been set out here is the possibility of creating a private members' legislation committee—you don't have to call it that—some kind of a committee that is dedicated solely to consideration of private members' bills. The advantage to that, I guess, is that then the existing committees don't have to interrupt consideration of government legislation or other matters

that may have been referred to them by the House in order to consider private members' legislation. So if the sole purpose of that committee is to consider private members' bills, then there's a greater likelihood that more private members' bills will actually get considered in committee.

If you explore that option further, you may find that there's really no necessity to have some other provision—in other words, a panel of members or a threshold—for consideration of private members' business because you've got a committee that's only doing that anyway, and the committee itself will determine which private members' bills it's going to consider.

The other thing that got a lot of conversation in this committee was the whole issue of so-called proclamation legislation, which are those bills that proclaim certain days or weeks. The committee may want to consider an accelerated path—and if that's something the committee wants to consider, we can flesh out a little more for you what that path might look like—but some kind of an accelerated path for those proclamation bills to sort of fast-track them through the system.

Alternatively, the committee could also consider a consistent manner by which days are proclaimed, as an example. In other words, currently we have days proclaimed by legislation or by motion in the House. So the committee may enshrine in the standing orders some mechanism where, if you're going to proclaim a day, this is how you do it, and it might be by motion as opposed to by legislation.

There was some discussion about the number of items of private members' business that are discussed every week. You might want to consider that a little further. Currently we do three items of private members' business on Thursday afternoon. Sometimes we go on to government business later in the day, sometimes not. There are some statistics here about when another matter of business has been called for consideration.

If you wanted to increase the number of private members' ballot items, one option might be to add a fourth one on Thursday. Presumably, though, at some point you'll get to a discussion about the daily schedule of the House, so you might want to kind of set this aside until you have that discussion.

The Vice-Chair (Ms. Lisa MacLeod): Thank you very much, Clerk. We do have a speakers list that's developed. I'll go with Mr. Clark, Mr. Balkissoon, then Mr. Bisson.

Mr. Steve Clark: Thank you, Chair, and thank you for the report. I agree 100% that we should have a document looking at options to deal with more proclamation-type pieces, whether it be by resolution or legislation. I really believe that that should take place.

I also believe that we should have the discussion on the legislative timetable before we make the final decisions on this. Further, I think this document, with the multiple options, is exactly the piece—we mentioned it at a previous committee meeting—where we would take some ideas back to our individual caucuses to bounce

them off, and I think this is exactly the type of recommendation that I would like to have a discussion on with the members of our party's group. This is exactly what I hoped would be tabled in front of the committee. So I look forward to that other piece, if members of the committee concur with that. I do think the proclamation piece should accompany this and, as well, some consensus or some options on the legislative timetable.

The Vice-Chair (Ms. Lisa MacLeod): Thank you very much, Mr. Clark. Mr. Balkissoon?

Mr. Bas Balkissoon: I tend to agree with Mr. Clark 100%, but I had one question of the Clerk. Under the current system of our standing committees, is there any tradition or is it written in any place that, really, the standing committees' main order of business is government business? Because to me, if we start adding on more private members' bills and we start doing other things, how does a committee determine priority?

The Clerk of the Assembly (Ms. Deborah Deller): In certain instances, there are things in the standing orders that say government—for example, the 126 matter. Government legislation takes priority over anything that might be considered under 126. Certainly, in any of these scenarios, you can write something into the rules that says that government legislation takes priority, so that's something that you'd want to consider.

Mr. Bas Balkissoon: But if you state that, does that make it automatically understood that the government House leader does have a say in the committees' business? Because I think we've had some discussion—a few people are interested in seeing the Chairs have total control of committee business, so that they call meetings at the call of the Chair, they set the agenda at the call of the Chair. I'm thinking, well, if the government has the ultimate say to govern, you can't have both.

The Clerk of the Assembly (Ms. Deborah Deller): Okay. What I would say is currently there is no rule that says that government business takes priority over private members' business in committee, except for 126 matters.

Mr. Bas Balkissoon: Okay.

The Clerk of the Assembly (Ms. Deborah Deller): And that has not hindered the government from having its business—

Mr. Bas Balkissoon: But today the House leaders get together and actually discuss committee business or what goes to committee first or second or whatever, as I understand it, unless I'm wrong. I don't sit in the House leaders' meetings.

The Clerk of the Assembly (Ms. Deborah Deller): Absent the direction from the House, the committee itself decides how it's going to order its business. So typically, the majority on a committee will decide which issue it's going to consider.

Mr. Bas Balkissoon: Okay.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Bisson?

M. Gilles Bisson: C'est une question très intéressante parce que, franchement, les comités sont capables de faire beaucoup selon leur propre autorité, mais c'est les leaders parlementaires, comme on parlait au début, qui,

des fois—comment dire?—nous nient l'habileté d'être capables de faire ce que les députés peuvent faire sur un comité. Mais c'est toute une autre question. Je ne veux rien que donner des commentaires sur les recommandations qui ont été mises en place—

The Clerk of the Assembly (Ms. Deborah Deller): Can I just—sorry. They're not really recommendations.

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Mr. Gilles Bisson: No, they're ideas.

The Clerk of the Assembly (Ms. Deborah Deller): They're kind of options.

M. Gilles Bisson: OK. Ce n'est pas une méchante idée. C'est des idées. Je veux seulement commenter sur une couple.

Premièrement, avoir un seul comité qui serait capable de prendre les projets de loi privés, peut-être c'est quelque chose qu'on peut regarder. Peut-être une autre idée, et on en a parlé au dîner, c'est de regarder s'il y a un processus que—présentement, on a neuf comités à l'Assemblée. Je dirais que les estimés et les comptes publiques, c'est possiblement pas une bonne place pour envoyer un projet de loi de membre privé; les autres, c'est questionnable. Mais supposons que, pour les sept autres, on dit, « OK, on a le droit de référer des projets de loi privés à tous ces comités, mais il y a un pourcentage du temps dans chaque comité qui va être utilisé pour avoir des audiences publiques ou du temps au comité sur un projet de loi privé. » On dit 10 %, 20 %, quelque chose comme ça.

Possiblement, ce n'est pas un problème, mais ma crainte c'est que si on a seulement un comité, ça peut devenir très difficile d'avoir le temps nécessaire pour les députés d'avoir une chance d'aller devant un comité. Donc, oui, ça va augmenter l'habileté dans la situation d'un gouvernement majoritaire, parce qu'au moins tu es garanti que tu vas avoir un comité pour ceux qui sont acceptés pour aller là. Mais ça va être difficile de les faire avancer—première affaire. Comment le faire, je ne suis pas exactement sûr. La seule suggestion que je fais : possiblement un pourcentage de temps sur chaque comité, mais je ne suis pas fixé sur l'idée.

L'autre affaire : l'idée d'avoir une liste qu'on signe avec le greffier ou quelqu'un pour déterminer, une fois que tu arrives à un certain pourcentage, que tu peux avancer au comité. Je peux dire que c'est un peu la même affaire que ce qu'on appelle—those cosponsored bills that Lisa and I love so much. Ça va devenir, ça va être seulement les projets de loi les moins controversés qui vont avancer dans cette manière-là. C'est ma crainte. Seulement pensez-y. Avoir un panel pour être capable de décider ce qui va aller au comité, je pense que ce n'est pas une méchante idée. C'est fait dans d'autres juridictions. Je pense qu'on a besoin de regarder de manière très approfondie si on veut donner cette habileté seulement à des présidents de comité ou si c'est mieux d'avoir un comité représenté de chaque parti, où tu as une habileté de décider qui va aller au comité.

L'autre point que je ferais c'est que, possiblement, ce qu'on peut avoir—parce qu'il y a déjà la précedence dans

nos règles. Tu peux avoir un tel comité, mais un pourcentage est donné à chaque caucus pour les projets de loi qu'ils veulent mettre en avant. En d'autres mots, si le gouvernement fait 60 % de la Chambre, que 60 % des projets de loi qui sont alloués à aller au comité viennent du gouvernement. Si l'opposition officielle, on va dire, est à 22 %, eux-autres ont 22 %, et le troisième parti, whatever the percentage is. Donc, peut-être on peut regarder ce modèle-là.

Le dernier point que je veux faire : blocking votes on items on PMBs. Please tell me why we would even want to consider that, Clerk.

The Clerk of the Assembly (Ms. Deborah Deller): It's a resurrection of an old procedure that we had—

Mr. Gilles Bisson: Yeah, I know. I thought we got rid of it for good reason.

The Clerk of the Assembly (Ms. Deborah Deller): Well, the reason it's here is because it was a manner by which the House determined whether something would end up being voted on or not. So 20 members could stand up in the House and prevent a vote on something, which was really the expression of the House that there was no interest in moving this any farther along.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Bisson?

Mr. Gilles Bisson: Just on that point, isn't that then a danger that the government could use its majority to continually block private members' bills?

The Clerk of the Assembly (Ms. Deborah Deller): It could, yes.

Mr. Gilles Bisson: Yeah. That was the alarm bell that went off in my head. Okay.

The Vice-Chair (Ms. Lisa MacLeod): Might I suggest—I think there's a bit of a consensus here to refer this to our respective caucuses and to come back and make recommendations.

Any further comments on this before I move on? Ms. Cansfield.

Mrs. Donna H. Cansfield: I just wanted to have a better understanding of your rationale on the panel idea. Earlier in our discussion, a couple of weeks ago, maybe longer, we spoke about the need for committee members to have expertise in particular fields, i.e. social policy, whatever. How does one assume that kind of expertise on private members' bills, which have a whole host of variety of different subjects, if you like, that they come from? One is kind of juxtaposed to the other's position. That was one I'd like to have an understanding of.

The other is, you did indicate that you didn't really feel that private members' business could interfere with government business, and you haven't seen any evidence of that. But I think actually we have seen evidence of that, where private members' bills have been given more public hearing days versus government-moved bills, so there are instances where in fact that has occurred. So what would you put in place, if in fact part of the idea is to move government legislation forward as a priority, if it's not an identified priority? Those are those two areas.

The Clerk of the Assembly (Ms. Deborah Deller): I'll deal with that last point first. I think where you see

private members' legislation being given more hearing time than government legislation, it's typically because the government legislation has been time-allocated, so in fact the House has imposed a restriction on the amount of time that's going to be considered—

Mrs. Donna H. Cansfield: That isn't the case now. I think you could use the pit bulls as an example. It has had three days of hearings, I think.

The Clerk of the Assembly (Ms. Deborah Deller): Sorry, which?

Mrs. Donna H. Cansfield: The pit bull bill.

The Clerk of the Assembly (Ms. Deborah Deller): Right, but you can't time-allocate a private member's bill. What I'm saying is, those hearings may be longer because they're not time-allocated.

Mrs. Donna H. Cansfield: Okay. You're saying if it's time-allocated, but—

The Clerk of the Assembly (Ms. Deborah Deller): The government bills—I mean, what we're most used to seeing, not in this Parliament but in recent Parliaments, are government bills that have been time-allocated and given, you're right, sometimes a very short period of time for consideration in committee.

Mrs. Donna H. Cansfield: That's an assumption of a particular or previous practice, but do you want to build that practice in? Anyway—and then the other was the issue around the expertise and the rationale, when on one side you said how important it was to have people who knew and understand and consistency.

The Clerk of the Assembly (Ms. Deborah Deller): Yes, and you're right. I think, in my opinion, absolutely committees would probably operate better if members were allowed to develop an expertise in a certain policy field area, like social policy or justice policy. In that instance, you're absolutely right. The ideal would be to continue to send private members' bills out to the committee that is most appropriate to deal with them. The idea of having a panel—there are two options written in here—is not so much for those members to consider the bills. The panel idea is a group of members who would determine which bills should be considered by a committee, so it may be a health-related bill in social policy, but for that committee to decide which bills move along in the system.

The other option, though, which is probably more relative to what you're talking about here, is having a committee dedicated to private members' business, and you're absolutely right: There are so many different issues related to private members' public legislation that it would be impossible for that committee to develop an expertise. It's an option that's presented by way of giving you an option that would provide for private members' bills to be considered in committee without actually disrupting the work that other committees are doing largely with respect to government legislation.

Mrs. Donna H. Cansfield: So if I may, as a follow-up, then: You're suggesting sort of a vetting-process-type committee. Then two questions would fall out of that.

One is, are you usurping the House leader? And then second would be—

Mr. Bas Balkissoon: How do you balance the membership?

Mrs. Donna H. Cansfield: Yes. Well, not even balancing the membership; how you develop criteria that in fact would play out in terms of the fairness and equity and transparency and accountability provisions. I might think my bill is really important and you think it's a dog's breakfast.

The Clerk of the Assembly (Ms. Deborah Deller): You'd certainly have to have some guidelines or criteria. This is loosely developed on the House of Commons model, where there is a decision made about which bills are votable or non-votable. Help me out here, Peter: It's done by a liaison committee? Is that what it's called?

Mr. Peter Sibenik: It's done by the subcommittee of the procedure and House affairs committee, the counterpart to our committee here, the Legislative Assembly committee, and they have a list of five or six criteria that they apply with respect to every bill or motion. It's the application of these criteria that will determine whether it is votable, and therefore gets more debate time, or non-votable, in which case it will only get an hour's worth of debate during private members' time.

1400

Mrs. Donna H. Cansfield: Is that made up of someone like our House leaders or—

The Clerk of the Assembly (Ms. Deborah Deller): No. If you wanted to have the direct comparison, it would be this committee's subcommittee.

Mr. Peter Sibenik: That's correct, and the criteria are listed in tab 2, at the bottom of page 1 of that particular paper.

Mrs. Donna H. Cansfield: Okay.

Mr. Peter Sibenik: The criteria that they apply: Is the matter within federal jurisdiction? Does the matter offend a liberty interest, the Charter of Rights and Freedoms? Has the matter been already discussed by the House? Does it anticipate a matter that's already on the Orders and Notices paper? So it's those kinds of criteria that this subcommittee will apply in its decision-making.

Mrs. Donna H. Cansfield: So a whole host of things could not go through if it's already on the government's agenda, is what you're suggesting?

Mr. Peter Sibenik: I'm sorry, I didn't quite hear that.

Mrs. Donna H. Cansfield: You said if it's on the government order paper?

The Clerk of the Assembly (Ms. Deborah Deller): On the order paper of the House. If it anticipates a matter that's on the order paper, that's—

Mr. Peter Sibenik: That's correct. So that is in footnote 3 on page 1 in tab 2. It's a complete list of the criteria.

Mrs. Donna H. Cansfield: Thank you.

The Vice-Chair (Ms. Lisa MacLeod): Any further comments on this, or would you like to take the time to go back to your respective caucuses and come back? Okay. So I think—

Mr. Bas Balkissoon: Absolutely.

Mr. Steve Clark: Chair, may I just ask one other question?

The Vice-Chair (Ms. Lisa MacLeod): Sure, one quick question.

Mr. Steve Clark: So with that report on the proclamations, would that be available to us at the next meeting or during break week?

The Clerk of the Assembly (Ms. Deborah Deller): Sure. Yes, we can do it fairly quickly.

Mr. Bas Balkissoon: Can the Clerk give us something for the proclamation to adopt—

Mr. Steve Clark: Because I think we need to include that as well.

The Vice-Chair (Ms. Lisa MacLeod): That's great. You guys are of the same mind, so it looks like we're going to have a consensus-filled process.

Mr. Bas Balkissoon: I told you I agreed with him 100%.

Mr. Steve Clark: I don't know that we are.

The Vice-Chair (Ms. Lisa MacLeod): That's fantastic.

Thanks very much, Clerk, for those options as well, and Peter for helping guide us through this.

Our next tab is under tab 29, sitting hours in the Canadian House of Commons and the provincial Legislatures. Of course, we're well acquainted with when and where we sit, but now we have an opportunity to find out how wonderful everyone else's lives are as well. So, Clerk, would you like to walk us through each one of these pages?

The Clerk of the Assembly (Ms. Deborah Deller): Probably the more interesting of the two pages—maybe not—is the very first page, which actually lists all of the jurisdictions and then identifies the number of weeks, hours, days that each jurisdiction meets. These are approximate. They're pretty close, but they're approximate, because there are a number of, as you know, variables in any House's schedule.

What you notice from that little chart is that Ontario, Quebec and the House of Commons in Ottawa are fairly close in terms of the number of weeks per year that we meet. Ontario exceeds Quebec fairly significantly in the number of hours that we meet per year. Much depends on the size of the Legislature. We had this discussion, I think last week, on the size of the Legislature and the number of members. Some jurisdictions don't have as robust a committee system as we do, so there may or may not be committees. Some jurisdictions don't have committees that meet when the House is actually in session. All of that impacts on the amount of House time that there is.

In terms of the rest of the document, what it does is show you exactly what each House does with the time allocated to it. I think what you notice there is that for some jurisdictions, they don't have exactly the same schedule each sitting day. Just as an example, the House of Commons, if you look—well, first of all, the House of

Commons sits on Friday morning, which I don't recommend.

Laughter.

Mr. Bas Balkissoon: You're not supposed to have any biases at all. I think a little bias of the Clerk came out there.

The Vice-Chair (Ms. Lisa MacLeod): Anyway, we'll take the recommendation from the Clerk. I think that there's unanimous consent for that.

The Clerk of the Assembly (Ms. Deborah Deller): However, what you do notice is that there's a time for private members' business that occurs three times a week—not three times a week; every day of the week, but at different times. So Mondays from 11 to 11:15; is that right, Peter?

Mr. Peter Sibenik: On Mondays, it would be in the morning.

The Clerk of the Assembly (Ms. Deborah Deller): I think that's for voting.

Mr. Peter Sibenik: My understanding is it's an hour each sitting day, but I'll check into that.

The Clerk of the Assembly (Ms. Deborah Deller): Okay. But you can see that Monday morning, it starts off with private members' business; Tuesday, Wednesday and Thursday, the day ends with private members' public business; and then the same thing with Friday. Question period is consistent from Monday to Thursday, but then Friday there's a different time for question period, and that's because of the half-day sitting period.

They're fairly self-explanatory in terms of how the daily schedule is laid out. The only thing I would say is that what you'll notice for a number of them—if you take Quebec, for example, you'll notice that routine proceedings happens pretty much at a different time at every different day of the week. What would be happening in the times when the House is not sitting is likely committees meeting.

The Vice-Chair (Ms. Lisa MacLeod): Thanks very much, Clerk. I really appreciate this.

Ladies and gentlemen, do you want to take a brief recess to review all of these or shall we just start talking about what we would like to do? I'm at the pleasure of the group right here.

Mr. Bas Balkissoon: Personally, since we changed that we don't meet evenings, I'm happy with the schedule we have. So what are your concerns, so we can take it back to our caucus?

The Vice-Chair (Ms. Lisa MacLeod): It would be helpful if Mr. Bisson were here. I know that there are a few things that—

Mr. Bas Balkissoon: We've asked him several times and he won't share it. I don't know why.

The Vice-Chair (Ms. Lisa MacLeod): Right. But he's usually a sharing type of guy.

So you're happy with the way things are. I know that there's a view that routine proceedings could be brought back together. That's certainly a view that I've heard predominantly—

Mr. Bas Balkissoon: But it's how you fit it back into the schedule. So if somebody has an idea, I'd like to look at it. I think my caucus and House leader would like to look at it. I sat on the committee when we created the schedule, and it wasn't easy because you couldn't make it work.

The Vice-Chair (Ms. Lisa MacLeod): Are there any other comments to this? Otherwise, I think it might be best if we went to our respective caucuses and reported back after the break.

Mr. Bas Balkissoon: I think you have to throw on the floor: What are your concerns and how do you suggest to solve it? Otherwise, we'll go nowhere with scheduling.

Mr. Steve Clark: Chair, if I might: I agree with that proposal to take it back to the caucuses, because of the comments that Mr. Balkissoon talked about, that it is so hard to change it, and to have a concept to say, "Let's move question period back to the time it used to be."

There are other ramifications, based on some of the discussions on private members' business: whether we want to separate that, whether we want to have it on multiple days, try to change the way we start Monday, or respect some of the comments that I think I heard regarding members from the north who may want to leave Thursdays—

Mr. Bas Balkissoon: I'll share with you why routine proceedings and question period are separated too. If you look at it carefully, as a minister, it gives you that half a day, every day, to go and do the primary responsibility you have here, which is doing your ministerial duties, rather than being tied up in the House for question period and routine proceedings together, which it used to be. We changed it because we heard from everybody last time. We looked for a schedule, and that's what we came up with.

Mr. Steve Clark: But I think the schedules in other jurisdictions are helpful in understanding how some of the other provinces deal with it. So if it is helpful for the group, for us to go back and take this back to the caucuses, then I'm certainly in favour of that.

The Vice-Chair (Ms. Lisa MacLeod): One thing I might suggest, if we could have the various drafts from the Clerk or from legislative research, wherever it's best directed, of what the previous schedule was before we changed—

Mr. Bas Balkissoon: We were up to 9 o'clock at night, I think it was, or 9:30. Was it 9:30 or 9?

The Vice-Chair (Ms. Lisa MacLeod): We did. We stayed late. I remember those nights.

1410

Mr. Bas Balkissoon: And we started at 1 o'clock in the afternoon; we didn't start at 9.

The Vice-Chair (Ms. Lisa MacLeod): Yes. So if we could perhaps have the old schedule and then some of the options that were presented to this committee a few years ago when Mr. Bryant was the government House leader, those might be some good options for us to bring back. There won't be any caucuses next Tuesday, so for the following week, if everyone could endeavour.

In the meantime, are there any concerns with the way the House is currently sitting? I know from the Conservative caucus, in which I sit, question period is an issue, as well as the Monday morning travel. Mr. Bisson, on behalf of the NDP, do you have any suggestions or concerns at this point in time?

Mr. Gilles Bisson: No, I just think it's all interesting information.

Interjection.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Schein is upset. I'm sorry.

Mr. Gilles Bisson: We'll take it back to our caucus. We're fine.

The Clerk was going to say something. I'm just interested in what you were going to say.

The Clerk of the Assembly (Ms. Deborah Deller): I was just going to make a comment about the night sittings. The night sittings weren't embedded in the House. They were by motion, so that the—

Mr. Bas Balkissoon: On the previous schedule?

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

Mr. Bas Balkissoon: I know the first two years I was here, it went to 9 o'clock almost every night.

The Vice-Chair (Ms. Lisa MacLeod): I know, but it was by motion, Bas.

The Clerk of the Assembly (Ms. Deborah Deller): True, but it was by motion.

Mr. Gilles Bisson: Can I just have a question to the Clerk? The House of Commons schedule is interesting in the sense that they split their private members' hours across—the difference is they sit on Friday, right?

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

The Vice-Chair (Ms. Lisa MacLeod): If you'll look at page 2, it shows that they do sit about nine hours more a week than we do.

Mr. Gilles Bisson: Yeah. That's why I was saying they've got Fridays and they sit till 6:30.

The Vice-Chair (Ms. Lisa MacLeod): Yes.

Mr. Gilles Bisson: I'm just curious how members feel about splitting private members' over different—rather than having three back to back, maybe having them in the afternoon or the morning on three days or whatever. Are there any thoughts from the government on that one? It's curious—

Mr. Bas Balkissoon: Unless we see a schedule, Gilles, it's really hard to pick out what the ramifications are.

Mr. Gilles Bisson: No, no, I understand that, but just as a concept. I'm just wondering.

Mrs. Donna H. Cansfield: If I may, part of the challenge—or not challenge. How many members are in the House of Commons, 304?

Mr. Gilles Bisson: Yes.

Mrs. Donna H. Cansfield: And so you can spread a lot of people, because when you look—if you watch the channel, every once in a while, it's empty, so that's the other part of this. They've taken 304 people and spread it

across the days. That's a lot of folks you can rearrange and schedule. Obviously they're not all sitting there every day—

Mr. Gilles Bisson: No, they're in committee or whatever.

Mrs. Donna H. Cansfield: —because it's empty. That would be the only consideration: How do you manage the people? It's a time-scheduling thing for both people who live outside of where the House resides and even for people here, getting down, getting back and forth.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Bisson?

Mr. Gilles Bisson: Just a couple of things for people to think about as you go back to your caucuses. One is, I'm not wedded one way or another. If you spread private members' one way or another, if it's a block of three or it's three separate days—if that can work in some way, to me it's not a big deal. I think the bigger issue is trying to rejoin question period with statements and all that stuff, routine proceedings.

Mr. Bas Balkissoon: But Donna just made a point: Joining it for the purpose that, what, the House would be full? Because most of the ministers used to get up and leave anyway.

Mr. Gilles Bisson: It was a heck of a lot—no, no. It was—

Mr. Bas Balkissoon: As soon as you got into routine proceedings, they were gone.

Mrs. Donna H. Cansfield: It didn't work the other way any more than it works this way, right, in terms of keeping them there.

Mr. Gilles Bisson: I disagree. I think you had—it was rather embarrassing. I think when we first went to this system, and still, we'll see a lot of times at routine proceedings the government will be doing a statement on something important and there's not a lot of people there sometimes. I think the fact that members come in for question period is the time when everybody is there. For some reason, we all love question period and we're all there, by and large. It seems to me rejoining those things is logical; it makes some sense. I just ask people not to decide today, but it's something they should think about.

Just for the record, anything that has to do with sitting at night we should stay away from with a 10-foot pole. I think some of the nastier, stupider things that have happened around here are a result of sitting at night. I would just say—and I think it was the government members that made the point, or maybe it was Mrs. MacLeod; I can't remember—we somewhat accommodate ourselves now by allowing the House to only start at question period at 11 o'clock on Monday, which allows out-of-town members to get in, which I think is a good idea. The only problem I have with private members' is essentially I'm here every Thursday, which means to say I don't go back until Friday because there's generally a private member's bill that I'm interested in that I want to be here for, either to vote or participate in debate, and is that the best time? Because, on the flipside, most of us who have to travel out—well, maybe not you because you have flights every

hour to Ottawa, but all of us in northern Ontario, if you don't get on the 5 o'clock flight, it's 11:30 at night or the next morning. So if there's some way of accommodating that reality, that would be quite helpful.

Mrs. Laura Albanese: But wasn't Thursday afternoon chosen or favoured purposely for that? So the majority of the members who come from out of town and come from the north would leave after question period, and in the afternoon, I would say, it's mostly GTA members. Unless a member has a private member's bill or really would like to speak to a specific private member's bill that afternoon, they all go home and we're sort of here to fill in, really.

Mr. Gilles Bisson: Well, it might be the reality for some. I'm not saying that's not the case for some members. I'm just saying for myself and most of my northern colleagues, we end up being here on Thursdays because there's always something of interest. Last week, it was ESA. The week before that, it was something else, and even in the majority government it was the same thing.

Mr. Bas Balkissoon: Is it because we're a minority government?

Mr. Gilles Bisson: I'm saying, even a majority government, it was the same.

Mrs. Donna H. Cansfield: If I may?

The Vice-Chair (Ms. Lisa MacLeod): Just one second. We have a speakers list. We do have Ms. Albanese, we do have Mr. Clark and then Ms. Cansfield.

Mrs. Laura Albanese: I think I made my point, and that was the fact that private members' business, as far as I knew, really helped the members that come from out of town and the northern members.

The Vice-Chair (Ms. Lisa MacLeod): Perhaps with receiving the timetable from the previous Parliament we could also perhaps get the rationale of why the previous committee and the previous government House leader decided to move it.

Mr. Bas Balkissoon: It wasn't easy.

The Vice-Chair (Ms. Lisa MacLeod): Yeah, I know it wasn't an easy process.

Mr. Bas Balkissoon: It was a little sticky.

The Vice-Chair (Ms. Lisa MacLeod): Mr. Clark, then Ms. Cansfield.

Mr. Steve Clark: Just from a concept, to Mr. Bisson, I liked the concept, if it's able to be scheduled, of spreading out—it may not be three days; maybe it's two PMBs on two days. But I do like that concept of spreading them out over a couple of days if it assists with some of the other scheduling, like changing the order—

Mr. Bas Balkissoon: But if you look at it, though, you'll have to schedule a regular debate on the Thursday afternoon, which means to say more members will be forced to stay because of expertise.

Mr. Steve Clark: Again, I think from a concept, it would be great. When we execute to get all of the other little intricate things that we want, it may not be able to be accomplished, but I wanted to give him my feedback.

Interjection: Let's see a bunch of drafts.

The Vice-Chair (Ms. Lisa MacLeod): Okay. Ms. Cansfield and then Mr. Bisson.

Mrs. Donna H. Cansfield: Thank you. I think now that we have a minority government, we have far more people in the House. For nine years I have sat every Thursday, and I can assure you it's been more than empty many times with 11 people in there for quorum. So the same folks vote on the private members' bills every Thursday, and they typically are Toronto and GTA members, or close by, so that the others can go home to the north.

The challenge then becomes the same people are voting all the time on the private members' bills and that's an onus that maybe isn't fairly shared. So there should be a rationale, or some other opportunity, for broader participation. I think the only reason we have it now, quite frankly, is because we have a minority and every vote counts, so folks are being asked to hang around for that.

But if a member has a druthers—and I understand that getting home is a priority after you've been away from your family for a number of days. For me, I live here, so I don't mind helping out the other folks, but the downside risk for me is that I'm voting on every private member's bill that comes forward over and over and over. So there has to be some way to either share it or look at it. I agree with you. I can speak for myself, obviously, but there are a few others who have been in the same boat who share the same thing and would like to see broader participation.

The Vice-Chair (Ms. Lisa MacLeod): Thank you very much for your comments, Ms. Cansfield. Mr. Bisson.

Mr. Gilles Bisson: Listen, it was the same in the majority government as I found myself—back in the day when we had private members' bills in the morning and we had orders of the day in the afternoon, the order of the day, as you know, might be a bill that's been in the House three or four different debating days, so I would arrange my schedule not to speak on a Thursday but to speak on the Wednesday or the Tuesday or whatever it might be, so that you actually can get back.

For us that live out of town, most of your AGMs and stuff are on Thursday nights, so you're trying to get back on the 5 o'clock flight—

Interjection.

Mr. Gilles Bisson: No, I'm just saying, you're trying to get back on the 5 o'clock flight so you can make it to the CNIB AGM on Thursday night.

What I've found since we moved private members' bills to the afternoon—and this is my experience—I've been here almost every Thursday, and not just in a minority Parliament, but in the majority Parliament, because now we have three bills, and it's more likely that there's a bill that comes up that I want to be there for to be recorded on the vote. It's been the same with most of our northern members. I don't know about Ottawa, but that's where we find ourselves.

I'm just saying, the beauty of having orders of the day at the end on Thursday is that members can better

arrange their schedules to say, “This is really important to me. Unless it’s a vote, I’m going to speak on Tuesday, and I’ll be out of here Thursday afternoon, thank you very much, Whip.” And that’s the point I’m making.

Interjection.

The Vice-Chair (Ms. Lisa MacLeod): Yes. I just want to comment briefly with Mr. Bisson, because we’ve found now in the minority Parliament, and I can speak as an opposition member who’s out of town as well, that that day where a vote may be whipped and the travel changes occur, it does pose a bit of inconvenience for the caucus or myself or the group that we’re going to be meeting with that evening. There is a financial cost as well to all of us changing our flights. Perhaps this is an issue of when votes occur as well, not just when private members’ bills take place.

I guess we have agreed that there is consensus that we will take this back, shop it around our collective caucuses and bring something back for resolution, or at least as close to one as possible, the week we return.

This concludes what we’ve got on the agenda. Is there any further business or any other comments members would like to make at this point in time? Mr. Bisson.

Mr. Gilles Bisson: We had a very short conversation, and I don’t want to get into the conversation again today, but if the committee can do some research and the clerks can do a bit of work in preparation for a session on the

delegated authorities of the Legislature, I think that’s one of the key issues that we need to look at. I understand there are things that need to be left to regulation, and I’m not an anti-regulation kind of guy as far as that you shouldn’t have some delegation, but the trend has been there’s more and more of our legislation by which we’re delegating authority to cabinet. I think that is a problematic thing that we need to look at.

The Vice-Chair (Ms. Lisa MacLeod): Any further comments, folks? Okay.

I would just remind you that the Canadian Study of Parliament Group is meeting next Wednesday, May 23, from 8:30 a.m. until 12 p.m. at the Government Conference Centre in the greatest city in the world, Ottawa. It will be a technical briefing on the legislative process and how it works. The cost for any attendees is \$200, which will be covered by the committee if you choose to attend. If you do not choose to attend, please note that the Clerk will be in attendance—

Interjection: “The” Clerk.

The Vice-Chair (Ms. Lisa MacLeod): —“The” Clerk—and will bring back any information that is circulated at that time.

Ladies and gentlemen, we are adjourned until the following Wednesday after break week, at the end of May.

The committee adjourned at 1424.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

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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)

Mr. Steve Clark (Leeds–Grenville PC)

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

Mr. Jeff Leal (Peterborough L)

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mr. Jonah Schein (Davenport ND)

Also taking part / Autres participants et participantes

Ms. Deborah Deller, Clerk of the Assembly

Mr. Todd Decker, Deputy Clerk of the Assembly

Clerk / Greffier

Mr. Trevor Day

Staff / Personnel

Mr. Peter Sibenik, procedural clerk,
Journals and Procedural Research Branch