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**Official Report
of Debates
(Hansard)**

Monday 18 June 2012

**Journal
des débats
(Hansard)**

Lundi 18 juin 2012

**Standing Committee on
Finance and Economic Affairs**

**Strong Action for Ontario Act
(Budget Measures), 2012**

**Comité permanent des finances
et des affaires économiques**

**Loi de 2012 sur une action
énergique pour l'Ontario
(mesures budgétaires)**

Chair: Bob Delaney
Clerk: Valerie Quioc Lim

Président : Bob Delaney
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

Monday 18 June 2012

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Lundi 18 juin 2012

The committee met at 0908 in room 151.

COMMITTEE BUSINESS

The Chair (Mr. Bob Delaney): Good morning, everybody. I hope everyone had a good weekend and is fresh and ready to go. The Standing Committee on Finance and Economic Affairs will please come to order.

I have a few housekeeping notes before we get under way. First, we need to take care of a matter relating to the committee's review of the auto insurance industry. As you know, the order of the House dated May 31, 2012, has assigned this committee to conduct that review.

The order also authorized us to meet on up to four days in June or July in any locations in Ontario established by the committee. I would like to seek agreement from the committee to delegate authority to the subcommittee to establish those dates and locations. Do we have that agreement? Agreed.

A few other housekeeping notes: The standing orders do provide that each party may have a staff member seated with the caucus members in a manner such as you'll see behind the three PC seats, so if the different parties would like to have a staff member seated behind them, that is provided for in the standing orders and, given the gravity of what we've been discussing the last few days, feel free to do that. Let's just get it right.

I'd also like to note for all of those who have come to pay a little bit greater attention to us than we were paid on Thursday, you're welcome to take pictures and videos, but I would like you to be behind the tables, please and thank you.

Now we're to resume clause-by-clause consideration. Mr. Shurman.

Mr. Peter Shurman: Can I request one additional housekeeping item?

The Chair (Mr. Bob Delaney): Yes.

Mr. Peter Shurman: May we have an additional senior staff person for each party make use of the chairs ordinarily used for deputants, if they so wish?

The Chair (Mr. Bob Delaney): With the proviso that should we need to ask ministry staff to come up and to explain something that they may temporarily displace the staff person?

Mr. Peter Shurman: Not a problem.

The Chair (Mr. Bob Delaney): Be my guest. Or, if you wish, the Chair so assents.

Before we get under way, is there anything else that anybody wants to add? Okay.

**STRONG ACTION FOR ONTARIO ACT
(BUDGET MEASURES), 2012**

**LOI DE 2012 SUR UNE ACTION
ÉNERGIQUE POUR L'ONTARIO
(MESURES BUDGÉTAIRES)**

Consideration of the following bill:

Bill 55, An Act to implement Budget measures and to enact and amend various Acts / *Projet de loi 55, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter et à modifier diverses lois.*

The Chair (Mr. Bob Delaney): So we'll resume clause-by-clause consideration of Bill 55, An Act to implement Budget measures and to enact and amend various Acts. You will also find hard copies of amendment number 120A in front of you, which was emailed out last Friday. Please add that, in order, to your package. As was the case with the other amendments last week, it was in fact filed in time and owing to an administrative error was omitted from your package. So please put in amendment 120A, in order, in your package.

When we concluded last week, we were considering schedule 16, section 7. We now have PC amendment number 39 in front of us. Mr. Shurman.

Mr. Peter Shurman: I move that subsection 7(3) of schedule 16 to the bill be struck out and the following substituted:

“Compliance

“(3) The administrative authority shall comply with the policy directions as soon as possible and, in any case, shall implement measures to do so within 30 days after the policy directions are issued.”

The Chair (Mr. Bob Delaney): Any comment? Mr. McNaughton.

Mr. Monte McNaughton: This amendment will create no obligation to implement a policy that needs time to be implemented—for example, it needs two years to transition—but the authority will have to commit itself to implementing the directive; for example, enacting a bylaw with certain sections coming into force in two years.

The Chair (Mr. Bob Delaney): Okay. Any other comments? Shall the amendment carry? Mr. Naqvi.

Mr. Yasir Naqvi: I ask for a five-minute recess.

The Chair (Mr. Bob Delaney): A five-minute recess having been requested, we are in recess until 18 minutes after 9.

The committee recessed from 0913 to 0916.

The Chair (Mr. Bob Delaney): We'll come back to order. We are now voting on number 39 in your package, a PC amendment. All in favour of the amendment? All opposed? It carries.

Shall schedule 16, section 7, as amended, carry? All those in favour? All those opposed? It carries.

Mr. Yasir Naqvi: Chair, which section are we at now?

The Chair (Mr. Bob Delaney): We are at section 8 of schedule 16.

Mr. Yasir Naqvi: Just give me one minute to find it. We're going to section 8, which is entitled "Consultation"?

The Clerk of the Committee (Ms. Valerie Quioc Lim): Yes.

Mr. Yasir Naqvi: Yes? Thank you.

The Chair (Mr. Bob Delaney): There are no proposed amendments to sections 8 and 9 of schedule 16. Shall section 8 and section 9 of schedule 16—

Mr. Peter Shurman: I need a two-minute recess.

The Chair (Mr. Bob Delaney): A two-minute recess having been requested, we're in recess.

The committee recessed from 0918 to 0919.

The Chair (Mr. Bob Delaney): We'll please come back to order. Shall section 8 and section 9 of schedule 16 carry? Carried.

There is one proposed amendment to section 10 of schedule 16, a PC amendment. Mr. McNaughton.

Mr. Monte McNaughton: I move that section 10 of schedule 16 to the bill be amended by adding the following subsection:

"Who may require review

"(3) The Minister's power to require reviews and specify persons or entities under clause (1)(a) or (b) may also be exercised by any of the following persons, and in that case subsections (1) and (2) shall be read with all necessary modifications:

"1. The Speaker of the Assembly.

"2. The Auditor General.

"3. The Environmental Commissioner.

"4. The Information and Privacy Commissioner.

"5. The Integrity Commissioner.

"6. The Ombudsman."

The Chair (Mr. Bob Delaney): Any details? Mr. Shurman.

Mr. Peter Shurman: Unnecessary.

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? All those in favour? All those opposed? The amendment carries.

Shall schedule 16, section 10, as amended, carry? Carried.

There are no proposed amendments to sections 11 and 12 of schedule 16. Shall sections 11 and 12 of schedule 16 carry? Carried.

There's an amendment proposed to section 13 of schedule 16, number 41 in your package. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 13 of schedule 16 to the bill be struck out and the following substituted:

"Notice of revocation

"13.(1) Before revoking a delegation, the Lieutenant Governor in Council shall give at least 30 days notice of the intent to revoke to,

"(a) the Speaker of the assembly; and

"(b) the delegated administrative authority.

"Exception

"(2) If the Lieutenant Governor in Council considers a revocation urgently necessary in the public interest, the Lieutenant Governor in Council may shorten the 30-day notice period or dispense without notice.

"Same

"(3) If the Lieutenant Governor in Council acts under subsection (2), the Lieutenant Governor in Council shall provide an explanation of the reasons for doing so to,

"(a) the Speaker of the assembly; and

"(b) the delegated administrative authority.

"Definition

"(4) In this section and in section 14, 'revoke', when used in connection with a delegation, means to amend a regulation made under subsection 4(1) so as to withdraw the delegation of delegated legislation, remove a corporation's status as a delegated administrative authority, or both."

The Chair (Mr. Bob Delaney): And for clarification, as the text that you read is a little different, would you please reread the section "exception" and it's (2).

Mr. Victor Fedeli: "Exception

"(2) If the Lieutenant Governor in Council considers a revocation urgently necessary in the public interest, the Lieutenant Governor in Council may shorten the 30-day notice period or dispense with notice.

The Chair (Mr. Bob Delaney): Thank you.

Any discussion? Shall the amendment carry? I declare the amendment carried.

On 41(a) in your package, there is a notice from the PC Party. Is there any comment on that?

Mr. Peter Shurman: I wish to withdraw 41(a).

The Chair (Mr. Bob Delaney): Please note that item number 41(a) in your package is withdrawn.

Shall schedule 16, section 13, as amended, carry? Carried.

Schedule 16, section 14, a PC notice, number 42: Mr. Shurman.

Mr. Peter Shurman: The Progressive Conservative Party recommends voting against section 14 of schedule 16 to the bill.

The reason for a notice rather than a motion: If the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it.

The Chair (Mr. Bob Delaney): Shall schedule 16, section 14, there being no proposed amendments, carry? All those in favour? All those opposed?

Mr. Peter Shurman: Opposed.

The Chair (Mr. Bob Delaney): Let's try this again. I'm going to need a show of hands on this one. Shall schedule 16, section 14, carry? All those in favour? All those opposed? I declare the section lost.

There are no amendments to section 15 of schedule 16. There is a notice from the PC Party. Mr. Shurman or Mr. McNaughton?

Mr. Monte McNaughton: We'd like to withdraw.

The Chair (Mr. Bob Delaney): Withdrawn. Shall schedule 16, section 15, carry? Carried.

There are no amendments proposed to schedule 16, section 16. Shall schedule 16, section 16, carry? Carried.

We're considering section 17 of schedule 16, item number 44 in your package. We have a proposed PC amendment. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 17 of schedule 16 to the bill be amended by adding the following subsection:

"Notice to Assembly

"(1.1) Within 10 days after the minister gives the document containing the requirement to the administrative authority, he or she shall also provide a copy of the document to the Speaker of the assembly."

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 17, as amended, carry? Carried.

We're now considering section 18 of schedule 16, a government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 18 of schedule 16 to the bill be amended by striking out "responsible" in subsections (2), (3) and (4) and by adding the following definition to subsection (5):

"'deputy minister' means the deputy minister of the responsible minister's ministry ('sous-ministre')."

The Chair (Mr. Bob Delaney): Any discussion?

Mr. Yasir Naqvi: This is just a technical clarification requested by legislative counsel. Essentially, what it clarifies is that the deputy minister referred to in section 18 is the deputy minister of the delegating ministry.

The Chair (Mr. Bob Delaney): Mr. Prue.

0930

Mr. Michael Prue: Yes, it may be technical, but there is a thing around here called ministerial responsibility, and we do not favour giving the deputy minister the authority that is normally exercised by the minister. We think that this is a step backwards. Our deputy ministers are public employees. They are bound to do what is considered the right thing to do, but it is the minister's responsibility to steer this through and the minister is ultimately responsible. We cannot vote for this because it takes away a little bit of ministerial responsibility, which is the hallmark of our entire system, so we will be voting no to this amendment.

The Chair (Mr. Bob Delaney): Further discussion?

Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Number 46 in your package, PC amendment. Mr. Fedeli? Oh, sorry. Mr. McNaughton.

Mr. Peter Shurman: Mr. Shurman.

The Chair (Mr. Bob Delaney): Mr. Shurman, by the process of elimination.

Mr. Peter Shurman: It's not a problem.

I move that section 18 of schedule 16 to the bill be amended by adding the following subsection:

"Minister's approval and notice required

"(2.1) Despite subsection (2), if the delegated legislation requires persons to make payments to the responsible minister or deputy minister, the administrative authority is entitled to receive those payments only if the following conditions are satisfied:

"(1) The minister has, in writing, authorized the administrative authority to receive the payments.

"(2) The minister's authorization has been tabled with the Clerk of the Assembly."

The Chair (Mr. Bob Delaney): Comments? Discussion?

Shall the amendment carry? The amendment carries.

We're on number 47 in your package, a PC motion. Mr. McNaughton.

Mr. Monte McNaughton: I move that section 18 of schedule 16 to the bill be amended by adding the following subsections:

"Minister's approval required

"(3.1) An appointment made by the administrative authority under subsection (3) does not become effective until the minister approves it in writing.

"Notice

"(3.2) Within 10 days after approving the appointment, the minister shall notify the Speaker of the assembly of the approval."

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? The amendment carries.

Shall schedule 16, section 18, as amended, carry? Let's try that one again. We're considering schedule 16, section 18, as amended. All those in favour? All those opposed? It carries.

Mr. Michael Prue: One to nothing.

The Chair (Mr. Bob Delaney): Soccer scores in committee.

Mr. Michael Prue: Thank God I voted.

The Chair (Mr. Bob Delaney): That would have led to an interesting question to the clerk's staff.

We are now considering a proposed new section, schedule 16, section 18.1. There is an NDP motion before the committee, number 48 in your package. This amendment attempts to indirectly amend the Ombudsman Act, which is not open in the bill, and I therefore rule it out of order.

Mr. Michael Prue: Mr. Chair, I beg to differ. If I could just speak to that very briefly: I recognize the authority of the Chair to rule it out of order, but I disagree because this particular bill is amending a lot of bills that aren't normally found in the budget. We have things on

the Endangered Species Act, we have arbitration rules, we have any number of statutes which are not normally contained within a budget, which have found their way into this one. This is an attempt to ensure that the Ombudsman has authority over this particular section, which is section 16, or has some authority within section 16. We think that since the bill has been opened up that far, it is not out of order any more so than any of the government motions to include arbitration, the Endangered Species Act, the Environmental Protection Act etc.

The Chair (Mr. Bob Delaney): There is no debate on a ruling by the Chair, but if you wish, you can appeal the Chair's ruling to the Speaker. Do you wish to do so?

Mr. Michael Prue: No, I've made my statement. I will decline that opportunity.

The Chair (Mr. Bob Delaney): Thank you.

In your package, number 49, a government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: To Ms. Wong. Ms. Wong, Chair.

The Chair (Mr. Bob Delaney): To Ms. Wong.

Ms. Soo Wong: I move that schedule 16 to the bill be amended by adding the following section:

"Right to use French

"18.1(1) A person has the right to communicate in French with, and to receive available services in French from, a delegated administrative authority.

"Board to ensure

"(2) The board of directors of the administrative authority shall take all reasonable measures and make all reasonable plans to ensure that persons may exercise the right to use French given by this section.

"Limitation

"(3) The right to use French given by this section is subject to the limits that are reasonable in the circumstances.

"Existing delegations

"(4) This section does not apply to a corporation that is deemed to be a delegated administrative authority under subsection 11(1) until the day specified in a regulation made under clause 40(1)(c.1).

"Definition

"(5) In this section,

"'service' means any service or procedure that is provided to the public by a designated administrative authority in the administration of its delegated legislation and includes,

"(a) responding to inquiries from members of the public, and

"(b) any other communications for the purpose of providing the service or procedure."

The Chair (Mr. Bob Delaney): Thank you. Mr. Naqvi.

Mr. Yasir Naqvi: This is an important amendment which extends the right to use French in dealings with delegated administrative authorities. It requires DAs to take all reasonable measures and make all reasonable plans to ensure that that right may be exercised, and it

applies to all new DAs and will also apply to existing DAs subject to the Lieutenant Governor in Council's timing regulation.

I strongly suggest that all members vote in support of this amendment. Thank you.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? Carried.

Mr. Peter Shurman: Where are we at?

The Chair (Mr. Bob Delaney): We are at section 19 of schedule 16.

There are no amendments proposed to sections 19 and 20 of schedule 16. Shall we consider the two together?

Mr. Yasir Naqvi: Please.

The Chair (Mr. Bob Delaney): Okay. Shall sections 19 and 20 of schedule 16 carry? Carried.

Section 21 of schedule 16—in your package, PC amendment number 50. Mr. McNaughton.

Mr. Monte McNaughton: I move that subsection 21(1) of schedule 16 to the bill be amended by striking out "The responsible minister may, by order" in the portion before the clauses and substituting "An order issued by a resolution of the assembly or by the responsible minister may".

0940

The Chair (Mr. Bob Delaney): May I request that you read that over again from "I move"?

Mr. Monte McNaughton: Sure. I move that subsection 21(1) of schedule 16 to the bill be amended by striking out "The responsible minister may, by order" in the portion before the clauses and substituting, "An order issued by a resolution of the assembly or by the responsible minister may".

The Chair (Mr. Bob Delaney): Thank you. Any discussion? Shall the amendment carry? It carries.

In your package, number 51, PC motion: Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 21(3) of schedule 16 to the bill be struck out and the following substituted:

"Conflict

"(3) In the event of conflict between an order under subsection (1) and a bylaw or resolution of the administrative authority, the order prevails.

"Same

"(4) In the event of conflict between an order under subsection (1) issued by the assembly and one issued by the minister, the order of the assembly prevails."

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 21, as amended, carry? All those in favour? All those opposed? Carried.

There are no proposed amendments to section 22 of schedule 16. Shall schedule 16, section 22, carry? Carried. See, those are the easy ones.

Section 23, schedule 16, number 52 in your package, government motion: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 23 of schedule 16 to the bill be amended striking out "The minister may" and substituting "The responsible minister may."

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, an explanation: Another technical change. The proposed motion would clarify that the minister who can alter the size of a delegated administrative authority's board of directors is the minister responsible for the delegated legislation.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 23, as amended, carry? Carried.

We're considering schedule 16, section 24, a PC amendment: Mr. Shurman.

Mr. Peter Shurman: I move that section 24 of schedule 16 to the bill be struck out and the following substituted:

"Appointment of chair by Lieutenant Governor in Council

"24(1) The Lieutenant Governor in Council shall appoint a person to be the chair of the board of directors of a delegated administrative authority.

"Same

"(2) If the person is not a member of the board before being appointed chair,

"(a) he or she becomes a member by virtue of the appointment;

"(b) the rules established under clause 21(1)(b) do not apply to the person; and

"(c) for the purposes of subsection 22(2), the person shall be counted as an appointee of the minister.

"No delegation

"(3) The appointment power set out in subsection (1) shall not be delegated."

The Chair (Mr. Bob Delaney): Discussion?

Mr. Peter Shurman: No discussion.

The Chair (Mr. Bob Delaney): Shall the amendment carry? The amendment carries.

Shall schedule 16, section 24, as amended, carry? Carried.

We are now looking at schedule 16, section 25, PC amendment. Mr. McNaughton.

Mr. Monte McNaughton: I move that section 25 of schedule 16 to the bill be struck out and the following substituted:

"Public access to corporate bylaws

"25. The delegated administrative authority shall make its corporate bylaws available for public inspection within 30 days after they are made by the board."

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 25, as amended, carry? Carried.

We're considering schedule 16, section 26; in your package, PC motion number 55. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 26 of schedule 16 to the bill be amended by adding the following subsections:

"Five-year waiting period

"(3) The administrative authority is not entitled to impose the membership requirement described in subsection (1) until the later of the following dates:

"1. The fifth anniversary of the day the regulation prescribing it as a delegated administrative authority comes into force.

"2. The fifth anniversary of the day section 4 comes into force.

"No double charges

"(4) If a fee is charged for the licence, permit, certificate or other authorization described in subsection (2), no fee or other charge may be imposed in connection with the membership requirement described in subsection (1).

"Requirement imposed under predecessor act

"(5) A membership requirement that was imposed under the Safety and Consumer Statutes Administrative Act, 1996 ceases to have effect on the day section 4 comes into force."

The Chair (Mr. Bob Delaney): Mr. Fedeli, would you please read the paragraph, (5), the last one, one more time.

Mr. Victor Fedeli: "(5) A membership requirement that was imposed under the Safety and Consumer Statutes Administration Act, 1996 ceases to have effect on the day section 4 comes into force."

The Chair (Mr. Bob Delaney): Thank you.

Any discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 26, as amended, carry? All right, let's do this with a little emphasis: All those in favour? All those opposed? It carries.

There are no amendments proposed for schedule 16, sections 27 through 32, inclusive. May we consider the lot of them together?

Mr. Yasir Naqvi: Yes.

Mr. Peter Shurman: Agreed.

The Chair (Mr. Bob Delaney): Shall schedule 16, sections 27 through 32, inclusive, carry? Carried.

We're considering schedule 16, section 33; in your package, number 56. Mr. Shurman.

Mr. Peter Shurman: I move that section 33 of schedule 16 to the bill be amended by adding the following subsections:

"Five-year waiting period

"(5) Despite anything else in this section, the fees, costs and other charges established under clause (1)(b) do not become effective until the later of the following dates:

"1. The fifth anniversary of the day the regulation prescribing the administrative authority as a delegated administrative authority comes into force.

"2. The fifth anniversary of the day section 4 comes into force.

"Fees, etc., imposed under predecessor act

"(6) Fees, costs and other charges that were imposed under the Safety and Consumer Statutes Administration Act, 1996 cease to have effect on the day section 4 comes into force."

0950

The Chair (Mr. Bob Delaney): Thank you. Any discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 33, as amended, carry? Carried.

There are no proposed amendments to schedule 16, sections 34 and 35. Shall we consider the two together?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 16, sections 34 and 35, carry? Carried. Thank you.

Schedule 16, section 36: in your package, number 57, a PC amendment. Mr. McNaughton.

Mr. Monte McNaughton: I move that subsection 36(2) of schedule 16 to the bill be struck out and the following substituted:

“Form and contents

“(2) The report shall be in a form acceptable to the minister and shall include the following information with respect to the year to which the report relates:

“1. For every person who was employed by the administrative authority and whose remuneration in all forms (including without limitation salary, service fees, allowances, bonuses, expenses, pensions and benefits) exceeded \$100,000, details of his or her name, title and remuneration.

“2. For every person who was retained as a consultant, advisor or other external source of services by the administrative authority and whose earnings in all forms from the administrative authority (including without limitation service fees, allowances, bonuses and expenses) exceeded \$10,000, details of his or her name and earnings.

“3. Details of the administrative authority’s operating expenses.

“4. Details about the administrative authority’s compliance with the Freedom of Information and Protection of Privacy Act.

“5. Details about the number and character of complaints that were received and the number and character of complaints that were resolved.

“6. The results of an annual survey of the administrative authority’s clients and members, including direct questions about satisfaction with the administrative authority and the desire to see its existence continued.

“7. Any other information that the minister requires.”

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

In your package, number 58, a government amendment: Ms. Wong.

Ms. Soo Wong: I move that the English version of clause 36(4)(a) of schedule 16 to the bill be amended by striking out “a copy of the report” and substituting “the report”.

The Chair (Mr. Bob Delaney): Any discussion? Mr. Naqvi.

Mr. Yasir Naqvi: A technical change, again, on the advice of legislative counsel, which basically will allow the delegated administrative authority to give out its annual report rather than a copy of that report before it is tabled with the Legislative Assembly.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: I just want to make sure that since you are only changing the English version, the French version does talk about the report and not a copy of the report.

Mr. Yasir Naqvi: Exactly.

Mr. Michael Prue: Already. Okay, thank you then.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 36, as amended, carry? Carried.

We’re considering schedule 16, section 37; in your package, number 59, a PC amendment. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 37 of schedule 16 to the bill be amended by adding the following subsection:

“Notice to assembly

“(3.1) Within 10 days after the administrator is appointed, the minister shall provide a copy of the order to the Speaker of the assembly.”

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

In the same section in your package, number 60, a government motion. Mrs. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 37(10) of schedule 16 to the bill be amended by striking out “the regulations” and substituting “the regulations made under this act”.

The Chair (Mr. Bob Delaney): Discussion?

Mr. Yasir Naqvi: We’re trying to make it consistent. The rest of the legislation refers to regulations made under this act, so we’re just making this section in compliance.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? Carried.

Shall schedule 16, section 37, as amended, carry? Carried.

There are no proposed amendments to sections 38 and 39 of schedule 16. We’ll consider them both together.

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 16, sections 38 and 39, carry? Carried.

Schedule 16, section 40; in your package, number 61, PC amendment. Mr. Shurman.

Mr. Peter Shurman: I move that clause 40(1)(a) of schedule 16 to the bill be struck out and the following substituted:

“(a) providing for proceedings under delegated legislation, including hearings and appeals;”

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

In your package, number 62, government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 40(1) of schedule 16 to the bill be amended by adding the following clause:

“(c.1) with respect to a particular delegated administrative authority, specifying a day for the purposes of subsection 18.1(4);”

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Chair, on the request of the Office of Francophone Affairs we have made this change, and I alluded to it earlier. This amendment would allow the Lieutenant Governor in Council to make regulations specifying when delegated administrative authorities that existed before the Delegated Administrative Authorities Act—the one which is under consideration—come into force, they must provide services in French.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? Carried.

Okay. We've got lots of work to do on this section. In your package, number 63, a PC motion. Mr. McNaughton.

Mr. Monte McNaughton: I move that clause 40(1)(d) of schedule 16 to the bill be struck out.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry?

Mr. Yasir Naqvi: Chair, point of order: You can strike out a clause? Can we do that?

The Chair (Mr. Bob Delaney): The amendment is in order. Shall the amendment carry? Carried.

In your package at number 64, government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the subsection 40(1) of schedule 16 to the bill be amended by adding the following clause:

“(d.1) exempting a particular delegated administrative authority or a class of administrative authorities from the application of any provision of this act or of the regulations made under it;”

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Fairly self-explanatory. This motion would allow the Lieutenant Governor in Council to exempt delegated administrative authorities from any provision of the Delegated Administrative Authorities Act, 2012, or the regulations under that act.

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: Just by way of discussion, Chair, I wanted to point out that our amendments in virtually all of this section pertain to making sure that accountability is supreme in dealing with delegated administrative authorities. This amendment provides very little accountability and no oversight, and it allows certain delegated administrative authorities to be basically exempt from the act. It offers a little more let's call it wiggle room for the minister to avoid this accountability, so we have a problem with this particular section.

The Chair (Mr. Bob Delaney): Any further comment? Mr. Prue.

Mr. Michael Prue: I would like to echo those comments. I think ministerial responsibility needs to be strengthened, not lessened, and I'm afraid that this amendment will lessen ministerial responsibility. We cannot find our way to vote for this.

The Chair (Mr. Bob Delaney): Further comments? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost.

Before we consider amendment number 65 in your package, the Chair needs to confer on this. We will be in recess for just a few minutes.

The committee recessed from 1002 to 1012.

The Chair (Mr. Bob Delaney): Okay, let's come back to order. We are looking at schedule 16, section 40. We're at amendment number 65 in your package, a PC motion. Mr. Shurman.

Mr. Peter Shurman: I move that section 40 of schedule 16 to the bill be amended by adding the following subsection:

“Costs and expenses

“(1.1) Clause (1)(a) does not authorize the making of regulations allowing the delegated administrative authority to recover from the parties to the proceedings the costs and expenses that the administrative authority incurs in respect of the proceedings.”

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry?

Mr. Prue?

Mr. Michael Prue: I would like a 20-minute recess at this point, please.

The Chair (Mr. Bob Delaney): If you would like a 20-minute recess, you can have a 20-minute recess. We are in recess until 32 minutes after 10.

The committee recessed from 1013 to 1034.

The Chair (Mr. Bob Delaney): Well, thanks, everyone, especially for coming back on time. Before we resume, the Chair would like to correct and make a minor amendment to a ruling I made earlier in the meeting.

I said before we started that according to the standing orders, members could have staff present. I was incorrect in that, in that while it does apply when the House is meeting in the committee of the whole House, it didn't apply to standing committees, so in view of the practice this morning, I'd like to request unanimous consent that for the purposes of this meeting only, staff be permitted to sit with the respective parties. Do I have such unanimous consent? Thank you.

Interjections.

The Chair (Mr. Bob Delaney): It means we have a much happier clerk.

Just before the commercial break, we were at number 65 in your package, a PC motion. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 40—

The Chair (Mr. Bob Delaney): I'm sorry; let me back up. We've already had that. We are at the vote on it. Mr. Shurman read it earlier. This is PC motion number 65 in your package. Shall the amendment carry?

Interjection.

The Chair (Mr. Bob Delaney): Okay, let's do this a little bit more formally.

Mr. Yasir Naqvi: With enthusiasm, support your motion.

The Chair (Mr. Bob Delaney): All those in favour? All those opposed? I declare the amendment carried.

The next item in your package, number 66, is out of order because there is no more clause 1(d). Please note that number 66 is out of order.

Shall schedule 16, section 40, as amended, carry? All those in favour? All those opposed? Carried.

Sections 41, 42 and 43 of schedule 16 contain no amendments. May we consider those sections as a block?

Mr. Yasir Naqvi: Yes.

Mr. Peter Shurman: Yes.

The Chair (Mr. Bob Delaney): Shall sections 41, 42 and 43 of schedule 16 carry? Carried.

Section 44 of schedule 16, government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 113.9 of the Electricity Act, 1998, as set out in subsection 44(2) of schedule 16 to the bill, be struck out and the following substituted:

“Conflict

“113.9(1) A regulation made under clause 40(1)(a) of the Delegated Administrative Authorities Act, 2012, requiring a review panel to review a director’s decision before the decision may be appealed to the Divisional Court under section 113.10 of this act, prevails over this part to the extent of any conflict.

“Application of subs. (1)

“(2) Subsection (1) applies only if this part is delegated legislation to be administered by a delegated administrative authority under the Delegated Administrative Authorities Act, 2012.”

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: On the advice of the legislative counsel, section 113.9 of the Electricity Act, 1998, which would be amended to refer to the Delegated Administrative Authorities Act, 2012, would also be amended so that it reads more clearly.

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: I’d just like to speak to that briefly. Our whole orientation in dealing with this section, as I mentioned earlier, was to try to make the delegated administrative authority two things: one is more accountable and the other is less loaded with red tape—God knows this province has enough red tape. So in the case of this particular amendment, it would add significant red tape to the entire DAA process. For that reason, we would have to oppose it. I wonder if the Liberal side would consider thinking about that before we call for the question.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry—

Interjection.

The Chair (Mr. Bob Delaney): Mr. Prue?

Mr. Michael Prue: Before we get to that, if you’re going to the vote, I regretfully ask for another 20-minute recess.

The Chair (Mr. Bob Delaney): A 20-minute recess having been requested, we are in recess until 11 o’clock sharp.

The committee recessed from 1040 to 1057.

The Chair (Mr. Bob Delaney): Our committee will please come back to order. We are considering government amendment number 67 in your packages. We are at the vote.

All those in favour? All those opposed? I declare the motion carried.

Shall schedule 16, section 44, as amended, carry? Carried.

There are no amendments proposed for sections 45 through 53, inclusive. Shall we consider sections 45 through 53, inclusive, as a block?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 16, sections 45 through 53, inclusive, carry? Carried.

Mr. Prue, would you like to speak to the notice, number 68, in your package?

Mr. Michael Prue: Surely, yes, if I may. In view of the many amendments that have been made and passed over the last two days on schedule 16, and in view of the letter which was written by the leader of the NDP, Andrea Horwath, to the Premier, stating that we would not be voting against this particular schedule, we—I guess we can’t withdraw this, but we are asking people to ignore it.

The Chair (Mr. Bob Delaney): Well, I’m used to “carried,” “lost.” I’m used to “withdrawn,” but I think we have a new category called “ignore.” Okay. Thank you.

Shall schedule 16, as amended, carry?

Interjections.

The Chair (Mr. Bob Delaney): Let’s make sure that we do this one. All those in favour? All those opposed? Carried. Thank you.

There are no proposed amendments in schedule 17, sections 1 through 4, which represents all of schedule 17. Shall we consider sections 1 through 4 together?

Interjection: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 through 4, inclusive, of schedule 17 carry? Carried.

Shall schedule 17 carry? Carried.

There are no amendments proposed in schedule 18, sections 1 through 5, inclusive. Shall we consider sections 1 through 5, inclusive, as a block?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 18, section 1 through 5, inclusive, carry? Carried. Thank you.

Shall schedule 18 carry? Let’s do this just on a show of hands, because it’s a whole schedule. All those in favour? All those opposed? Carried.

We are now considering schedule 19, number 70 in your packages, a government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 10.1(4) of the Endangered Species Act, 2007, as set out in section 1 of schedule 19 to the bill, be struck out and the following substituted:

“Non-commercial activities

“(4) The exemptions described in subsection (1) apply to a person who is engaged in a non-commercial activity on lands, other than public lands, that are within 25 metres of the person’s primary residence or in any other area that is associated with the person’s primary residence and prescribed by the regulations.”

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: As you may recall, during the committee hearings some environmental stakeholders felt that the exemption originally proposed in Bill 55 regarding activities conducted in close proximity to a primary residence—for example, to allow individuals to undertake reasonable activities, such as trimming the branches of a tree that is a species at risk, where the branches are touching a private residence—was too broad.

The original proposal referenced a distance of 50 metres from a primary residence as the area in which such activities would be allowed. The distance suggested by the environmental stakeholders was 10 metres. The distance now proposed in this motion is 25 metres, which represents a workable compromise. Regulations may be used to establish additional conditions on when this exemption may be used and to identify circumstances in which this exemption does not apply.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? Carried.

Shall schedule 19, section 1, as amended, carry? Carried.

Please note that in your packages there is no 71, so we go from 70 to 72.

Schedule 19, section 2: We have a PC motion. Mr. McNaughton.

Mr. Monte McNaughton: I move that subsection 2(3) of schedule 19 to the bill be struck out and the following substituted:

“(3) Clause 11(4)(c) of the act is amended by striking out ‘the fifth anniversary of the date section 7 comes into force’ and substituting ‘the seventh anniversary of the date section 7 comes into force.’”

The Chair (Mr. Bob Delaney): Any discussion? Mr. McNaughton.

Mr. Monte McNaughton: This amendment provides a firm deadline that allows for people to adjust to the regulations.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry?

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: A five-minute recess?

The Chair (Mr. Bob Delaney): A five-minute recess is requested. We’ll be back at 11:10 sharp.

The committee recessed from 1105 to 1110.

The Chair (Mr. Bob Delaney): Let’s come back to order. We are considering PC motion number 72 in your package. Shall the amendment carry? Carried.

In your package, number 74, government motion, is now out of order as some of the operative words no longer exist in the bill. So you can put aside number 74.

Mr. Yasir Naqvi: Sorry, repeat that again, Chair.

The Chair (Mr. Bob Delaney): It’s out of order.

Mr. Yasir Naqvi: Number 74?

The Chair (Mr. Bob Delaney): Number 74.

Mr. Yasir Naqvi: Okay.

The Chair (Mr. Bob Delaney): Shall schedule 19, section 2, as amended, carry? Let’s try it with a little bit

of emphasis. All those in favour? All those opposed? It carries.

There are no amendments proposed for schedule 19, sections 3 and 4. Consider the two of them as a block?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 19, sections 3 and 4, carry? Carried.

We are at schedule 19, section 5, number 76 in your package. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 18(3) of the Endangered Species Act, 2007, as set out in section 5 of schedule 19 to the bill, be struck out and the following substituted:

“Conditions

“(3) The exemptions described in subsection (1) do not apply, or shall cease to apply, to a person who, while engaging in the activity permitted by, or required to be carried out in accordance with, an instrument described in subsection (2), fails to meet the following conditions:

“1. The person must take reasonable steps to minimize adverse effects on individual members of any species that are likely to be affected by the activity and are listed on the Species at Risk in Ontario List as extirpated, endangered or threatened.

“2. If required by the regulations, the person must achieve an overall benefit for one or more of the species listed on the Species at Risk in Ontario List as extirpated, endangered or threatened, by implementing such measures as may be prescribed by the regulations.

“3. The person must comply with any requirement imposed by the instrument or any other condition prescribed by the regulations.”

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: The changes to section 18 originally proposed in Bill 55 would provide greater flexibility in the application of the protection provisions of the Endangered Species Act to activities conducted under the authority of other acts. Some environmental stakeholders objected to the proposed changes in Bill 55 and requested that section 18 be retained as it currently exists. The government motion now proposed would provide greater flexibility than under section 18 as it currently exists, but would establish additional conditions, such as requiring reasonable steps to minimize adverse effects on species at risk and requiring that an overall benefit be achieved for specified species at risk, if a regulation is passed.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Shurman.

Mr. Peter Shurman: Just a brief note so that it is on the record: This again is a situation where, unnecessarily, the government wants to add red tape to the Endangered Species Act. For that reason, we certainly are against that, and I’d call for a recorded vote.

The Chair (Mr. Bob Delaney): Thank you. Any further discussion? A recorded vote having been requested, all those in favour?

Mr. Michael Prue: I wonder if I could have a five-minute recess, please.

The Chair (Mr. Bob Delaney): A five-minute recess having been requested, we will reconvene at 19 minutes after 11.

The committee recessed from 1114 to 1128.

The Chair (Mr. Bob Delaney): We'll come back to order, please.

A recorded vote has been requested. We're considering a government amendment, number 76 in your packages, to section 5 of schedule 19.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): I declare the amendment carried.

Mr. Prue, would you like to speak to the notice, number 77?

Mr. Michael Prue: Well, I think it is so irrelevant considering how we just voted that I don't even know why it's here.

The Chair (Mr. Bob Delaney): Well, you've created a category called "ignore."

Mr. Michael Prue: Ignore it.

The Chair (Mr. Bob Delaney): Shall schedule 19, section 5, as amended, carry? Carried.

We're considering schedule 19, section 6; in your packages, government motion number 78. Ms. Wong.

Ms. Soo Wong: I move that clauses 55 (1.1)(b) and (c) of the Endangered Species Act, 2007, as set out in section 6 of schedule 19 to the bill, be struck out and the following substituted:

"(b) prescribing instruments and classes of instruments for the purposes of clause 18(2)(b);

"(c) prescribing measures for the purposes of paragraph 2 of subsection 18(3) and requiring a person who is engaged in an activity described in subsection 18(1) to implement such measures;

"(d) prescribing conditions for the purposes of paragraph 3 of subsection 18(3) including, for example, conditions that,

"(i) promote the protection or recovery of species listed on the Species at Risk in Ontario List as endangered, threatened or special concern, or

"(ii) promote the gathering and assembling of scientific information, including information obtained from community knowledge and aboriginal traditional knowledge, related to species referred to in subclause (i) or the ecology of the landscapes in which such species exist;

"(e) prescribing circumstances for the purposes of subsection 18(4) in which the exemptions described in subsection 18(1) do not apply including, for example, circumstances in which an activity described in subsection 18(1) may jeopardize the survival of a species

listed on the Species at Risk in Ontario List as endangered or threatened."

The Chair (Mr. Bob Delaney): Just for the purpose of clarification, in paragraph (c), did you mean to say "a person who is engaged"?

Ms. Soo Wong: Yes, "who is engaged in an activity."

The Chair (Mr. Bob Delaney): And in (d)(i), did you mean to say "threatened or special concern"?

Ms. Soo Wong: Yes, "threatened or special concern."

The Chair (Mr. Bob Delaney): And in section (ii), did you mean to say "related to species"?

Ms. Soo Wong: Yes.

The Chair (Mr. Bob Delaney): Thank you. Just to ensure that we've got it down right.

Mr. Naqvi?

Mr. Yasir Naqvi: Chair, the proposed motion would revise the regulation-making authorities under the act to reflect motions 73, I guess, and 76.

The Chair (Mr. Bob Delaney): Ms. Forster?

Ms. Cindy Forster: Chair, I request a 10-minute recess.

The Chair (Mr. Bob Delaney): A 10-minute recess having been requested, we will reconvene at 11:42.

The committee recessed from 1132 to 1141.

The Chair (Mr. Bob Delaney): Okay. Let's come back to order. We are considering government amendment 78 in your package to schedule 19, section 6.

Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Shall schedule 19, section 6, as amended, carry? Carried.

There are no amendments proposed to schedule 19, section 7. Shall schedule 19, section 7, carry? Carried.

Mr. Victor Fedeli: Chair?

The Chair (Mr. Bob Delaney): Mr. Fedeli.

Mr. Victor Fedeli: Page 79: That is an amendment to section 7, so we can't—

The Chair (Mr. Bob Delaney): It's a new section.

Mr. Victor Fedeli: Because it's 7.1 means it's not part of 7?

The Chair (Mr. Bob Delaney): That's correct. We're coming up to it now. All right, with Mr. Fedeli's query in mind, we'll now consider schedule 19, section 7.1, which would be a new section, and we have a PC motion. Mr. Fedeli—Mr. Prue?

Mr. Michael Prue: On a point of privilege: Unfortunately, my package does not have that motion. I go from 78 to 80.

The Chair (Mr. Bob Delaney): Then we'll get you a copy right now.

Interjections.

The Chair (Mr. Bob Delaney): Okay?

Mr. Michael Prue: Okay. Thank you.

The Chair (Mr. Bob Delaney): Everybody have a copy of it? All right.

Mr. Fedeli.

Mr. Victor Fedeli: I move that schedule 19 to the bill be amended by adding the following section:

“7.1 The act is amended by adding the following section:

“Bill 55—Strong Action for Ontario Act (Budget Measures), 2012

“58(1) This section applies only if Bill 55 (Strong Action for Ontario Act (Budget Measures), 2012) receives royal assent.

“References

“(2) References in this section to schedules and provisions of Bill 55 are references to those schedules and provisions as they were numbered in the first reading version of the bill.

“Review by Environmental Commissioner

“(3) The Environmental Commissioner appointed under the Environmental Bill of Rights, 1993 shall review the amendments to this act set out in schedule 19 to Bill 55 to determine if the amendments constitute proposals that could have significant effect on the environment and should be subject to the procedures set out in the Environmental Bill of Rights, 1993.

“Special report

“(4) At the end of a review conducted under subsection (3), the Environmental Commissioner shall prepare a report on the review and present the report to the Speaker of the assembly and the Speaker shall lay the report before the assembly as soon as reasonably possible.”

The Chair (Mr. Bob Delaney): Thank you. This amendment attempts to indirectly amend the Environmental Bill of Rights, an act which is not open in this bill.

Mr. Peter Shurman: May I speak to that for a moment?

The Chair (Mr. Bob Delaney): Well, I’m going to rule the amendment out of order, but is it going to be brief?

Mr. Peter Shurman: It will be brief. These are just a few points I want to make with regard to our anticipation that you might rule it out of order, and I guess I think maybe you might want to just take a rethink of that or consult with the clerical staff to find out whether indeed it is out of order.

The point is that the motion is within the scope of Bill 55 in our view, since the subject matter of the Environmental Commissioner’s review would specifically relate to the schedule. I understand, at first blush, the amendment could look out of order; as I said, we knew that that would come up because the role of the Environmental Commissioner isn’t actually mentioned in the statute. But the Environmental Commissioner, as an officer of the Legislative Assembly, does have the authority to review bills with environmental implications.

The review that this motion calls for would only allow the Environmental Commissioner to consider what is contained within the schedule, nothing more. So I have to make the argument that the motion is actually in order. The motion calls for what any two Ontarians can request from the Environmental Commissioner under section 61 of the Environmental Bill of Rights, specifically, a

review of legislation that would significantly affect the state of our environment.

Lastly, Chair, under the Environmental Bill of Rights, the minister does have the discretion to determine which acts would “have a significant effect on the environment” and be posted to the environmental registry. The Liberals knew full well that this schedule had significant environmental implications, but they did choose to block the public out of the decision-making process by not posting it to the environmental registry. That’s the reason why I think that this thing does mesh with the overall intent of what we’re considering.

The Chair (Mr. Bob Delaney): The amendment has been ruled out of order. You may wish to appeal it to the Speaker. Do you so wish—

Mr. Peter Shurman: Yes, I would like to appeal it to the Speaker.

The Chair (Mr. Bob Delaney): Mr. Shurman has requested that the ruling be appealed to the Speaker. Shall the ruling be—Mr. Prue?

Mr. Michael Prue: On a point of order, so I understand what I am voting on: Should this be appealed to the Speaker, will that delay in any way this committee coming to its decisions?

The Chair (Mr. Bob Delaney): It would require unanimous consent to continue with other sections, but if we appeal this ruling to the Speaker in the absence of that unanimous consent, then that would in fact delay our consideration of other sections.

Mr. Michael Prue: I don’t even know whether the Speaker is available, so I am a little reluctant here. I just have to put that on the record: I’m a little reluctant. Notwithstanding that I think the motion may have some merit or what is being said may have some merit, we have an obligation to finish by tomorrow and I’m not willing to put that at risk.

The Chair (Mr. Bob Delaney): We’ll recess—

Mr. Peter Shurman: Give us two minutes.

The Chair (Mr. Bob Delaney):—for two minutes.

The committee recessed from 1148 to 1152.

The Chair (Mr. Bob Delaney): Let’s come back to order.

Mr. Peter Shurman: Point of order.

The Chair (Mr. Bob Delaney): Mr. Shurman on a point of order.

Mr. Peter Shurman: Thank you very much, Chair. I wish to advise the committee that I’m prepared to withdraw my request for a Speaker’s ruling.

The Chair (Mr. Bob Delaney): Then number 79 in your package has been ruled of out order by the Chair.

Shall schedule 19, section—

Interjections.

The Chair (Mr. Bob Delaney): There are no amendments proposed for schedule 19, section 8. Shall schedule 19—

Mr. Yasir Naqvi: No, there is.

The Chair (Mr. Bob Delaney): I’m sorry. There is one amendment proposed for schedule 19, section 8. That’s a PC motion. Mr. Shurman.

Mr. Peter Shurman: I move that section 8 of schedule 19 to the bill be struck out and the following substituted:

“Commencement

“8(1) Subject to subsection (2), this schedule comes into force on the day the Strong Action for Ontario Act (Budget Measures), 2012 receives royal assent.

“Same

“(2) Sections 1 to 7 come into force on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Bob Delaney): The Chair is going to declare a five-minute recess while we consider this particular motion.

Mr. Michael Prue: If I might, Mr. Chair, since it's five minutes to 12, would we just come back at 1 o'clock?

Interjections.

Mr. Michael Prue: If you say three minutes, I'll agree with you.

The Chair (Mr. Bob Delaney): Let's make it three, and let's see if we can finish this particular schedule, because we're very close to finishing this schedule. I'm very mindful of the time. Thank you.

The committee recessed from 1154 to 1156.

The Chair (Mr. Bob Delaney): Okay, let's come back into order. The clerk's staff was checking PC motion number 80 in your package, just to determine whether there were any dependencies that had either disappeared or been out of order. That had not happened. The amendment is in order.

Discussion?

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: A 10-minute recess?

Mr. Gilles Bisson: Sounds like lunch.

The Chair (Mr. Bob Delaney): The Chair would like to suggest that perhaps we declare our lunch recess beginning now, and that we will resume with the consideration of item number 80 at 1 o'clock.

We are in recess until 1 o'clock.

The committee recessed from 1157 to 1301.

The Chair (Mr. Bob Delaney): Good afternoon, everybody. We're here to resume our consideration of Bill 55 and our consumption of Mr. Prue's banana bread.

When we left off before lunch, we were at the vote on number 80 in your package, which is the PC amendment to section 8, schedule 19. Shall the amendment carry? Carried.

Shall schedule 19, section 8, as amended, carry?

Interjection.

The Chair (Mr. Bob Delaney): Let's try it again. Shall schedule 19, section 8, as amended, carry? Carried. See, that wasn't very hard.

We are now at the vote on schedule 19, as amended. There is a notice in your package, number 81, from the NDP.

Mr. Yasir Naqvi: Chair, 10-minute recess?

The Chair (Mr. Bob Delaney): Mr. Prue, would you like to speak to that?

Mr. Michael Prue: I just want to say that this should be ignored, and then if he wants a 10-minute—but please ignore this.

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Ten-minute recess.

The Chair (Mr. Bob Delaney): Ten minutes?

Mr. Yasir Naqvi: Yes, please.

The Chair (Mr. Bob Delaney): We are adjourned until 13 minutes after 1.

The committee recessed from 1303 to 1313.

The Chair (Mr. Bob Delaney): We'll please come back to order. We are here to consider schedule 19. Shall schedule—

Mr. Yasir Naqvi: Chair, before you take a vote on schedule 19, I'd like to make a statement about schedule 19.

The Chair (Mr. Bob Delaney): If you needed to make a statement, you had to make it before you asked for the recess. At this point—

Mr. Yasir Naqvi: But Chair, you hadn't called the vote.

The Chair (Mr. Bob Delaney): I had called the vote and you asked for the recess, which was granted. At this point, we are on the vote for schedule 19, as amended. I will call the question on that.

Shall schedule 19, as amended, carry? All those in favour? All those opposed? I declare schedule 19 lost.

We're going to consider schedule 20. There is no amendment proposed to section 1. Shall schedule 20, section 1, carry? Carried.

Schedule 20, section 2: I refer you to number 82 in your packages, a PC motion. Mr. McNaughton.

Mr. Monte McNaughton: I move that the definition of “broader public sector” in subsection 1.0.19(2) of the Financial Administration Act, as set out in section 2 of schedule 20 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

““broader public sector” means every authority, board, commission, committee, corporation, council, foundation or organization that received public funds of 10 million dollars or more in the government of Ontario's previous fiscal year, but does not include,”

The Chair (Mr. Bob Delaney): Any discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I strongly recommend to vote against this particular motion. This will narrow the proposed definition to exclude entities which receive less than \$10 million each year and thus curtail the grant-making power set out in the act. It would cut off the scope of groups that can receive grants, which could be problematic. So I recommend that members of the committee vote against this motion.

The Chair (Mr. Bob Delaney): Further discussion? Mr. McNaughton.

Mr. Monte McNaughton: We strongly support it. It makes the definition of “broader public sector” the same in both this schedule and the Broader Public Sector Accountability Act.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost.

Shall schedule 20, section 2, carry? Carried.

There are no amendments to schedule 20, section 3. Shall schedule 20, section 3, carry? Carried.

We're considering schedule 20, section 4. In your package, number 83: PC motion, Mr. Fedeli.

Mr. Victor Fedeli: I move that section 4 of schedule 20 to the bill be amended by adding the following subsections to section 3 of the Financial Administration Act:

“Procurement policies

“(4.2) Before the Minister of Finance enters into an agreement or arrangement with any entity mentioned in subsection (4.1), the minister shall comply with the directives governing procurement issued by the Management Board of Cabinet.

“Same

“(4.3) For the purposes of subsection (4.2), an open competition must be held with respect to any agreement or arrangement valued at more than \$50,000.

“Publication in the Ontario Gazette

“(4.4) If the Minister of Finance enters into an agreement or arrangement with an entity, the following information must be published in the Ontario Gazette:

“1. The name of the entity.

“2. The services that the entity will provide.

“3. The term of the agreement or arrangement.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: I'm going to ask Mr. Jim Sinclair perhaps to come forward to give an explanation as to why it's recommended to vote against this. I'll give you a brief explanation, and he can substantiate further if need be.

Our government's recommendation to the committee members is to vote against this motion. In procuring any goods or services, the government complies with any applicable trade agreements and internal government directives. In certain jurisdictions, the province may be required by law to deal with specific service providers that are authorized under the laws of that jurisdiction. Furthermore, there are a limited number of regulated organizations that conduct central clearing of derivatives. Therefore, open competitions would not be feasible.

Accordingly, the government does not believe that the proposed motion to amend is necessary; in fact, it may cause confusion in the credit markets and increase costs. It may also adversely affect the province's ability to hedge and reduce its interest rate and currency exposure and harm its ability to complete the borrowing program.

I'll ask Mr. Sinclair if he wants to add any further explanation as to why this motion should not be supported.

The Chair (Mr. Bob Delaney): Just before you begin, just state your name for Hansard.

Mr. James Sinclair: My name is Jim Sinclair. I'm legal director at the Ministry of Finance.

Just to provide a little bit of background to the particular section of the FAA that is proposed in Bill 55, what it's trying to accomplish is to address some of the commitments that have been made under the G20 over-the-counter derivatives commitments made a year or two ago—probably two years now.

In the fall of 2010, we had introduced amendments to the Securities Act that would allow for fulfilling some of these commitments. This is in the same vein.

1320

When we're dealing in the over-the-counter derivatives market, there aren't a lot of competitors in some parts of it. One of the proposals of the Dodd-Frank rules in the United States, which are also intending to deal with these G20 commitments, is to have swaps cleared on an exchange as opposed to having them as bilateral contracts between two counterparties.

It's highly unlikely, particularly for Canadian dollar swaps, that there will be more than one clearing house and more than one exchange upon which those will trade. That will be the case with respect to Canadian dollar derivative products, not just the interest rate swaps. So the proposal part of motion 83, while laudable, will have a hard time fulfilling that in the world of the over-the-counter derivatives.

I would also add that the requirement to publish the terms of the contract in the gazette will mean that, in some cases, depending upon the type of agreement we're talking about, those in the market will see when a particular contract is coming up and there's the potential for predatory pricing. So it doesn't appear to me that these over-the-counter derivative commitments can easily be fulfilled with the motion that's proposed.

I guess the one other thing I would add is that in cases where there are difficulties in the market—and let's say a market competitor or a market dealer, for example, were to run into financial difficulty moving accounts from that entity to another and, requiring an open and competitive procurement, it will use up considerable time and there could be significant value lost when that is happening.

I guess that's all I had to say.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Fedeli.

Mr. Victor Fedeli: Chair, this actually requires the minister to provide notice and to tender any agreement the ministry enters that is over \$50,000. We don't see any confusion here, Chair. Plain and simply, this will ensure that the government is not sole-sourcing their financial providers and advisers.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? Okay. As there is a tie on this amendment, the convention is for the Chair to support the status quo. Therefore, I declare the amendment lost.

Shall schedule 20, section 4, carry? Carried. In my opinion, the section carries.

Schedule 20, section 5: We have PC motion number 84 in your packages. Mr. Shurman.

Mr. Peter Shurman: I move that subsection 5(2) of schedule 20 to the bill be struck out.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, my understanding is that subsection 5(2) is a consequential amendment arising from the proposed amendments in schedule 42, which is the Ministry of Revenue Act. As a result, the motion is inconsistent with proposed amendments in schedule 42.

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: I would simply put the comment on the record that this removes the ability of the minister to review any public body that has received funds from the government, and that is to say, bodies like charities and scholarships, and we think that that's essential.

The Chair (Mr. Bob Delaney): Further debate? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

In your packages, at number 85, we have a PC motion. Mr. McNaughton.

Mr. Monte McNaughton: I move that subsection 5(3) of schedule 20 to the bill be struck out.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: I state the same reason I mentioned earlier, that these are making consequential amendments arising from proposed amendments in schedule 42. Thus, the motion is inconsistent with proposed amendments in schedule 42 and thus should not be supported by the members of the committee.

The Chair (Mr. Bob Delaney): Discussion? Mr. McNaughton.

Mr. Monte McNaughton: For us, it's the same as our previous motion: It removes the ability of the minister to review any public body that has received funds from the government.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

In your packages, at number 86, we have a PC motion. Mr. Fedeli.

Mr. Victor Fedeli: I move that subsection 5(9) of schedule 20 to the bill be struck out.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: I state similar reasons as mentioned twice before.

The Chair (Mr. Bob Delaney): Mr. Fedeli.

Mr. Victor Fedeli: Ditto.

The Chair (Mr. Bob Delaney): You've got to like conciseness.

Mr. Yasir Naqvi: It's a technical term.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

In your packages, at number 87, a PC motion. Mr. Shurman.

Mr. Peter Shurman: I move that section 6—

Mr. Yasir Naqvi: Chair?

Mr. Peter Shurman: Go ahead.

Mr. Yasir Naqvi: I think you need to get a vote on section 5.

The Chair (Mr. Bob Delaney): My error. I was looking at a typographical error on my road map.

Before we consider number 87, I need to ask you, shall schedule 20, section 5, as amended, carry? Carried. Thank you.

We're now back to number 87 in schedule 20, section 6. Mr. Shurman.

Mr. Peter Shurman: I move that section 6 of schedule 20 to the bill be struck out and the following substituted:

"6. Subsection 38(1) of the act is amended by adding the following clause:

“(a.3) prescribing entities that are excluded from the definition of “broader public sector” in subsection 1.0.19(2);”

The Chair (Mr. Bob Delaney): Discussion?

Mr. Peter Shurman: I'll just make the following comment: The amendment removes section 6, specifically (a.3) and (c.1.1) in schedule 20, and it reinserts only (a.3). The amendment allows the Lieutenant Governor in Council to determine and make such regulations as he or she considers necessary, including what organizations are to be excluded from the definition of broader public sector in 1.0.19(2). That's the reason for the amendment.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? Carried.

Shall schedule 20, section 6, as amended, carry? In my opinion, the section carries.

1330

There are no amendments proposed for section 7 of schedule 20. Shall section 7 of schedule 20 carry? In my opinion, the section carries.

Shall schedule 20, as amended, carry? In my opinion, the schedule carries.

There are no amendments proposed to sections 1 and 2 of schedule 21. May we consider sections 1 and 2 together?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 and 2 of schedule 21 carry? In my opinion, the sections carry.

Shall schedule 21 carry? In my opinion, the schedule carries.

We're now considering schedule 22. There are no amendments proposed to sections 1, 2 and 3. May we consider sections 1, 2 and 3 together?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1, 2 and 3 of schedule 22 carry? In my opinion, the sections carry.

We'll move to the consideration of section 4, schedule 22. In order that both amendments 88 and 89 can be debated, we'll consider number 89 first. So this is an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that subsection 50.5(3.4) of the Fire Protection and Prevention Act, 1997, as set out in subsection 4(1) of schedule 22 to the bill, be struck out and the following substituted:

“Same

“(3.4) The written reasons must demonstrate that the board of arbitration has considered the criteria set out in subsection (2), and may deal with other matters as the board considers appropriate.”

The Chair (Mr. Bob Delaney): Discussion?

Mr. Peter Shurman: Yes.

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: I just want to point out for all members of the committee that an amendment like this will allow the board of arbitration, whatever that may be, to address any matter, which makes it extremely broad and time-consuming, and that could cause a further delay in arbitration decisions. For that reason, we strongly oppose it.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Government motion 88, which I believe we will discuss after this, already addresses this motion by eliminating the word “proper” from this subsection.

By removing the word “clearly” as proposed here, it would mean that arbitrators would not have to demonstrate clear consideration of the criteria on which he or she receives submissions from a party. The proposed legislation is to increase accountability and transparency within the interest arbitration system while preserving the essential independence of the decision-making process. Thus, we recommend voting against this motion.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment is lost.

Which brings us to number 88 in your package, a government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsections 50.5(3.1), (3.2), (3.3) and (3.4) of the Fire Protection and Prevention Act, 1997, as set out in subsection 4(1) of schedule 22 to the bill, be struck out and the following substituted:

“Submissions re criteria

“(3.1) A party shall make submissions to the board of arbitration on any of the criteria set out in subsection (2) in respect of which the party intends to request written reasons from the board.

“Reasons

“(3.2) When the board of arbitration gives its decision, it shall provide written reasons upon the request of either party.

“Same

“(3.3) The written reasons must clearly demonstrate that the board of arbitration has considered the criteria on which a party has made submissions under subsection (3.1), and may deal with other matters as the board considers appropriate.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi?

Mr. Yasir Naqvi: Chair, the proposed motion will amend those provisions to require a party to make submissions only on the criteria set out in the act in respect of which it intends to request written reasons from the board of arbitration, and a corresponding requirement on a board of arbitration to provide written reasons on the request of either party and to include in those reasons a clear demonstration that the board of arbitration has considered the criteria on which they received submissions from a party.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry?

Mr. Yasir Naqvi: Recorded vote.

Ayes

Fedeli, Forster, McNaughton, Naqvi, Piruzza, Prue, Shurman, Wong.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

Interjection.

The Chair (Mr. Bob Delaney): It was a close one.

In your package, number 90, a government motion: Ms. Wong.

Ms. Soo Wong: I move that subsections 50.5(5), (6), (6.1), (6.2), (6.3) and (6.4) of the Fire Protection and Prevention Act, 1997, as set out in subsection 4(2) of schedule 22 to the bill, be struck out and the following substituted:

“Time for final submissions

“(5) If the board of arbitration has not given its decision on or before the date that is 14 months after the referral date, each of the parties shall, on or before the date that is 15 months after the referral date, make its final written submissions to the board, including,

“(a) any submissions required by subsection (3.1); and

“(b) a list of any matters that the parties have already agreed upon.

“Time for decision

“(6) The board of arbitration shall give its decision on or before the date that is 16 months after the referral date, unless an extension is obtained under subsection (6.3).

“Same

“(6.1) The 16-month deadline applies,

“(a) even if replacements have been appointed under one or more of subsections 50.2(12), (13), (14), (15), (19) and (28);

“(b) even if one or both of the parties fail to make final written submissions in accordance with subsection (5).

“Same

“(6.2) Even if subsection 50.6(2) applies after the referral date, it does not operate so as to extend the 16-month deadline and, despite the operation of that subsection, the board shall give its decision on or before the date that is 16 months after the referral date.

“Application to board for extension

“(6.3) The parties may jointly apply to the board for an order extending the 16-month deadline, and in that case the following rules apply:

“1. The application must be filed with the board before the 16-month deadline expires.

“2. The board,

“i. must deal with the application on an expedited basis,

“ii. may grant only one extension in each arbitration proceeding, and

“iii. may grant an extension only in exceptional circumstances.

1340

“3. The extension, if granted, must not exceed two months after the date that is 16 months after the referral date.

“Termination of board of arbitration

“(6.4) The appointment of the board of arbitration is immediately terminated if it fails to comply with the 16-month deadline and one of the following conditions exists:

“1. No application has been made for an extension.

“2. An application for an extension has been dismissed.

“3. An application for an extension has been granted but the board of arbitration has not given its decision before the expiry of the extension period.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi?

Mr. Yasir Naqvi: The proposed subsections 50.5(5), (6), (6.1), (6.2), (6.3) and (6.4) of the Fire Protection and Prevention Act, 1997, would provide the timelines to complete an interest arbitration proceeding.

The purpose of this proposed change is to extend each timeline by four months. Specifically, the motion would amend timeline references as follows: 12 months to 16 months, 11 months to 15 months, and 10 months to 14 months.

Based upon feedback from stakeholders, it was felt that an extra four months was necessary to allow for central bargaining to occur first, and we heard that sometimes it can take a few months for unions and management to find, agree upon and have the initial meeting with an arbitrator.

The Chair (Mr. Bob Delaney): Discussion? Mr. Shurman.

Mr. Peter Shurman: I want to correct some confusion for those who may be observing these proceedings. It has been widely reported over the last couple of days since these clause-by-clause hearings have continued that somehow or other the New Democratic Party and the Progressive Conservative Party were voting similarly because we had the same reservations about our arbitration. I am certain that the NDP can speak for itself about what its reservations are. I'd like to speak for a moment about what the Progressive Conservative reservations are.

We have long been proponents of and have put forward to this government during budget discussions and in

debate in the Legislature the need for strong arbitration reform in the province of Ontario. We felt that the 12-month clause, while nowhere near enough, was something that we could live with as a basis and a foundation for where we would like to go, which is a situation where arbitration considers things like ability to pay on the part of the parties and economic conditions at the time. It doesn't, but with 12 months we would have been prepared to let it pass.

Going to as many as 16 months, it is impossible for us to accept this and that should in no way be equated with the position of anyone else. That is clearly a Progressive Conservative principle and one that we feel that the bulk of the province would support.

The Chair (Mr. Bob Delaney): Discussion?

Mr. Michael Prue: I think the Progressive Conservatives and the NDP come from a very different world on this particular issue. I am mindful that we are dealing here with number 90, but we are going to come down to the point where we're going to be voting on the schedule as a whole at number 96.

We have some considerable difficulty, when we get down that far, with not treating firefighters in exactly the same way as we have already determined we're going to treat ambulance services. It seems to me that the firefighters who go out there every single day and put their lives at risk deserve the same kind of decision and the same kind of arbitration process that the committee, in its wisdom, gave to the ambulance service drivers and people.

I do have to state for the record that although I don't have any problem with the government motion, this is one of the four bills that we have signalled that we think all workers should be treated exactly the same in the arbitration process.

If any two groups need to be treated fairly, in my view—and I think all workers need to be treated fairly, but we need to treat the firefighters who put their lives at risk in burning buildings every day and we need to treat our police officers in much the same way. They put their lives in harm's way every single day. They have an arbitration process because they cannot strike for public safety reasons.

In the Legislature on almost any given day when we are asked to comment on these two services, you will have people from party after party after party standing up, almost falling over themselves to say laudatory things and to say how important they are to the structure of Ontario. We believe that they are every bit as important as ambulance service drivers—not to denigrate them in any way, the latter group. We cannot in all conscience, even though we can support this government motion, vote for the bill when it comes to the end. All workers deserve the same protection, and if anybody in our society deserves it more than firefighters or police, I don't know who those are.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Recorded vote.

Mr. Peter Shurman: Recorded vote.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

In your packages at number 91 is a government amendment. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 50.5(6.8) of the Fire Protection and Prevention Act, 1997, as set out in subsection 4(2) of schedule 22 to the bill, be amended by striking out “submissions that comply with subsection (3.1)” and substituting “any submissions required by subsection (3.1)”.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: The proposed subsection 50.5(6.8) of the Fire Protection and Prevention Act, 1997, refers to the party’s obligation to file final written submissions with the Ontario Labour Relations Board in circumstances where a matter is referred to the Ontario Labour Relations Board. The purpose of this amendment is to make the text consistent with the amendment proposed regarding subsections 50.5(3.1), (3.2), (3.3) and (3.4).

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Recorded vote, Chair.

Ayes

Fedeli, Forster, McNaughton, Naqvi, Piruzza, Prue, Shurman, Wong.

The Chair (Mr. Bob Delaney): In my opinion, that vote carries.

In your package at number 92 we have a government motion. Ms. Wong.

Ms. Soo Wong: I move that subsections 50.5(6.9), (6.10) and (6.13) of the Fire Protection and Prevention Act, 1997, as set out in subsection 4(2) of schedule 22 to the bill, be amended by striking out “final submissions” wherever it appears and substituting in each case “final written submissions”.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: The proposed subsections 50.5(6.9), (6.10) and (6.13) of the Fire Protection and Prevention Act, 1997, refer to the party’s obligation to file final written submissions with the Ontario Labour Relations Board in circumstances where a matter is referred to the Ontario Labour Relations Board. The purpose of this proposed change is to ensure consistent use of the phrase “final written submissions.”

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Recorded vote.

Ayes

Fedeli, Forster, McNaughton, Naqvi, Piruzza, Prue, Shurman, Wong.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

Number 93 in your packages: a government amendment, Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 50.5(6.14) of the Fire Protection and Prevention Act, 1997, as set out in subsection 4(2) of schedule 22 to the bill, be amended by striking out “Subsections (2), (3.3), (3.4) and (8)” at the beginning and substituting “Subsections (2), (3.2), (3.3) and (8)”.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: The proposed subsection 50.5(6.14) of the Fire Protection and Prevention Act, 1997, refers to requirements applying to a decision of the Ontario Labour Relations Board in circumstances where a matter is referred to the Ontario Labour Relations Board. The purpose of this amendment is to make the text consistent with the amendment proposed regarding subsections 50.5(3.1), (3.2), (3.3) and (3.4).

1350

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: With respect to my friend Mr. Naqvi, the issue here remains the same for the Progressive Conservative Party. We feel and I believe the public feels at this point that arbitration has been something that has gone from the sublime to the ridiculous in the province of Ontario. Anything that is introduced by way of budget or any other measure that prolongs the arbitration process is something that we cannot live with and we don’t believe any member of the public should have to live with. Therefore, anything that prolongs the arbitration process by way of amendment will be voted against by this party and, we would hope, by all other parties.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Recorded vote.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

We will now consider schedule 22, section 4, as amended. Shall schedule 22, section 4, as amended, carry? In my opinion, the schedule carries—the section. If we miss the occasional section and schedule, the clerk will correct me. That was my error.

We are considering schedule 22, section 5. We have a government amendment, number 94 in your package. Ms. Wong.

Ms. Soo Wong: I move that subsection 50.9(2) of the Fire Protection and Prevention Act, 1997, as set out in section 5 of schedule 22 to the bill, be amended by striking out “Subsections 50.5(3.1) to (3.4)” at the beginning and substituting “Subsections 50.5(3.1) to (3.3)”.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Proposed subsection 50.9(2) of the Fire Protection and Prevention Act, 1997, deals with the transition of the bill, as enacted. The purpose of this amendment is to make the text consistent with the amendment proposed regarding subsections 50.5(3.1), (3.2), (3.3) and (3.4).

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Recorded vote.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

Number 95 in your package, same section: schedule 22, section 5. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 50.9(3) of the Fire Protection and Prevention Act, 1997, as set out in section 5 of schedule 22 to the bill, be struck out and the following substituted:

“Same

“(3) If the referral date falls on or after March 27, 2012 but before the day on which the Strong Action for Ontario Act (Budget Measures), 2012 receives royal assent,

“(a) the parties shall make their final written submissions to the board of arbitration on or before the date that is 15 months after the date of royal assent, not as provided in subsection 50.5(5); and

“(b) the board of arbitration shall give its decision on or before the date that is 16 months after the date of royal assent, not as provided in subsection 50.5(6).”

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Chair, similar reasons as before. This proposed amendment is to make the text consistent with the amendments proposed regarding subsections 50.5(5), (6), (6.1), (6.2), (6.3) and (6.4).

The Chair (Mr. Bob Delaney): Mr. McNaughton.

Mr. Monte McNaughton: We’re clearly against this amendment. This amendment describes a process for arbitration cases between March 27, 2012, and the day before this receives royal assent. It prolongs arbitration from 11 to 15 months. Clearly, we can’t support this as PCs.

Mr. Yasir Naqvi: Recorded vote.

The Chair (Mr. Bob Delaney): Further discussion? A recorded vote is requested.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

Shall schedule 22, section 5, as amended, carry?

Mr. Yasir Naqvi: Carried.

The Chair (Mr. Bob Delaney): In my opinion, the section carries.

Mr. Monte McNaughton: No, sorry.

The Chair (Mr. Bob Delaney): Did you say no?

Mr. Monte McNaughton: We said no. Correct?

Mr. Peter Shurman: We said no.

The Chair (Mr. Bob Delaney): Oh, I’m sorry. The Chair apologizes. I didn’t hear you say no.

Let’s take it from the top: Shall schedule 22, section 5, as amended, carry? All those in favour? All those opposed? In my opinion, the section carries.

There are no proposed amendments to section 6 and section 7 of schedule 22. Shall we consider sections 6 and 7 together?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall sections 6 and 7 of schedule 22 carry? In my opinion, the sections carry.

We are now ready to consider schedule 22, as amended.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): I think I’m about to be asked for a recess, but remember when we recess, we come back to vote. So before I get asked for a recess—

Mr. Yasir Naqvi: I wanted to make a statement; I wasn’t asking for a recess.

The Chair (Mr. Bob Delaney): Okay. Mr. Prue, you have a notice listed as number 96. Do you want to speak to it?

Mr. Michael Prue: Yes, and this time we do intend—there will be four such schedules that we are recommending to continue to vote against, this being one of them. They all have to deal with the arbitration process.

The arbitration process is a difficult one, and I would grant that sometimes, some municipalities find that the arbitration process is not fair to the particular municipality because of their ability to pay. But on the other side of the process are those people in various services to the public who are in the arbitration process because they are deemed to be essential. They are essential because they cannot strike, and the only thing that they can do is to go out, go to the arbitrator and talk about what they need, in terms of their job, the grievances that they might have, and try to convince the arbitrator to come to a fair settlement for them. We are reluctant to take away any of

the rights that they currently have, and we feel that this schedule will take away some of the rights that firefighters have.

We also note—and I said this a few minutes ago, in dealing with another section of this schedule—that the arbitrators should have the same rights as those we gave to the ambulance services personnel. We saw fit, in the wisdom of the committee, to change schedule 1, and the majority vote was to remove schedule 1 from the bill. I am asking the committee to do the same thing for the firefighters.

I don't have to say—because I have said before, but I just very gently repeat it—that if there is any group in our society that deserves our respect and our admiration and I would hope our understanding, it would be the firefighters. This Legislature has not only lauded them repeated times when they've come before the Legislature, but we have also recognized the special circumstances under which they work, and we have presumptive legislation to make sure that firefighters can be presumed to have got a whole list of cancers and other diseases due to the nature of their work. I think an arbitrator needs to continue to be able to look at those kinds of things, and I am reluctant to take away one iota of power from the arbitrator when dealing with real, true heroes in our society. We cannot and we will not support this bill—it is one of four. They're all exactly the same, dealing with different groups. I'm asking the members of the committee to show the same respect for firefighters as they have shown for ambulance workers.

1400

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: With all due respect, Chair, and with all due respect to my friend from the NDP, as well as to the government side, I sat and listened for four days of the five days of hearings, and organized labour was very much front and centre as one of the three or four themes that came up in the 100-plus different submissions.

I think that it's got nothing to do with showing respect for firefighters or police or ambulance drivers or anybody else. It, at this point, has come down to showing respect for the public of the province of Ontario, and I am sick and tired of hearing about the rights of labour. There are other people in this province besides labour; there are people who have rights to live and to work and to earn a living and to depend on first responders and everybody else in the broader public sector, that are not getting their due.

What we see here is an NDP that wants to open the door to what could be literally years of arbitration and ultimately awards like we saw last week that go beyond the scope of what the private sector even awards, where in the broader public sector, the TTC, the arbitrator awarded a three-year contract with a 2% increase every single year to the people in the TTC, which goes against even what the McGuinty government is proposing; and after a lengthy arbitration and now one that proposes to be even longer. We think that we need some stringency,

the same kind of stringency that goes into the private sector going into the public sector.

And I don't think it's got anything to do with a reflection back; we all believe our first responders do a great job. They and we, as members of the public and as representatives, have to see to expeditious and timely arbitration and any other thing that affects the lives of people.

There's a reason why we are sitting here and deliberating on a budget with a \$15-billion deficit, and that reason is the kind of foot-dragging that we're seeing. We have the NDP on one extreme, saying that they want to pull this schedule and others like it for reasons that they have elaborated; we've got the government going away from its own 12 months and saying, "We want to go as far as 16 months." A pox on both their houses.

What we need to do is we need to tighten arbitration so that everybody gets a fair shake, and that's the reason that we will vote in favour of the withdrawal of this schedule.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Before we vote on this schedule, I think it's important to step back, realize where these reforms are coming from and what these reforms are about.

As you know, there are two particularly significant changes that this schedule proposes to the interest arbitration as it relates to fire services: one, subsection 4(1) requires that arbitrators explain the reasons for their decisions; and secondly, subsection 4(2) requires that arbitrators meet clear and tight time frames in issuing their decisions.

Now, Chair, everybody in this room may remember a document called Changebook from the last provincial election, which happens to be the Ontario PC platform, and if you look at that document, at page 15, this is what it says: "We will make the system more transparent and accountable by requiring arbitrators to explain the reasons for their decisions. When arbitrators make decisions that cost ... families money, those families deserve to know why."

Here's another quote from Changebook, page 15: "We will require that clear and tight time frames be met by arbitrators so that the provincial and local governments can budget accordingly."

That's exactly what these changes are trying to do. If Ontario PCs vote this schedule down, they will be voting against their very own platform ideas. It's like they asked for chocolate ice cream, we gave them chocolate ice cream, and now they're spitting it out. It defies common sense, and I'll let the public decide what's going on here.

The Chair (Mr. Bob Delaney): Further discussion? Ms. Forster.

Ms. Cindy Forster: Well, I would just like to get on the record about what these kind of four groups of employees who have the right to go to arbitration deal with every day. These are employees who go to work knowing that they're probably going to either contract some kind of infectious or deadly disease if they happen

to be a nurse or a paramedic, such as during SARS here in the province—or C. difficile outbreaks or MRSA outbreaks—or perhaps firefighters who know that at some time in their career—I think I spoke to this last week in the House; firefighters are very likely to contract one of many cancers here in this province when they're doing their firefighting work. One that I actually lost in the past two weeks is a 39-year veteran in my riding. Police officers, who go out every day and may end up being shot or stabbed in the line of duty, and paramedics as well.

These are employees that go to work every day knowing that something may well happen to them, unlike many employees who go to work every day and can expect to be safe and get home at the end of their shift.

The Chair (Mr. Bob Delaney): Thank you. Mr. Shurman.

Mr. Peter Shurman: I listened as my colleague Mr. Naqvi talked to me about, we gave them chocolate ice cream and now they want to spit it back out. I want to tell you something: For a parliamentary assistant of a finance minister who has consistently lied to the—

The Chair (Mr. Bob Delaney): Okay. I'm going to put my gavel down on that. I thought the original comment was borderline, but I would like now to ask everybody to take a deep breath. Leave the people out of it. If you want to take on the proposal, take on the proposal, but please, let's just leave the people out of it and talk about what the proposal is.

Mr. Peter Shurman: Fine, then I'll talk about the proposal. On the chocolate ice cream comment: The issue here was that consistently our party has been accused of not bringing anything to the table, of never having read the budget, of voting no blindly from day one. You can see the amendments, the detail that is inherent in the amendments that we've put forward and the kind of discussion that we've had. Not only have we read the budget very carefully, we've put proposals forward.

One of the proposals put forward had to do with addressing arbitration in the province of Ontario in a meaningful way, in a timely way and in a way that took into account the situation, and I would say the crisis situation, that we're in in Ontario. That discussion was first held with the finance minister in the presence of the member opposite me, Mr. Naqvi, in the boardroom of the finance ministry building back in November, so they're well aware that we talked about that.

It's not as if anybody served up chocolate ice cream and it's being spit back out; quite the contrary, what we're seeing here is not only a vain attempt to put forward arbitration reform but now a recanting of that and a lengthening of the process to make it even worse. That's the reason why we're against it. I'm on the record with this by way of letting everybody who was witness to these proceedings know—because they're public—that the bottom line is that this finance minister and this government do not want to move forward with arbitration reform that is meaningful, and that's the reason for my party's position.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Twenty-minute recess?

The Chair (Mr. Bob Delaney): A 20-minute recess having been requested, that is gladly granted.

The committee recessed from 1408 to 1427.

The Chair (Mr. Bob Delaney): We are now at the vote on schedule 22.

Mr. Yasir Naqvi: Recorded vote, Chair.

Ayes

Naqvi, Piruzza, Wong.

Nays

Fedeli, Forster, McNaughton, Prue, Shurman.

The Chair (Mr. Bob Delaney): I declare the schedule lost.

We'll now begin our consideration of schedule 23. There are no amendments proposed for schedule 23, sections 1 through 11, inclusive. Permission to consider sections 1 through 11, inclusive, of schedule 23? Okay. Shall sections 1 through 11 of schedule 23 carry? In my opinion, the sections carry.

In your package, at number 97, is a PC motion dealing with schedule 23, section 12. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 60.1 of the Fish and Wildlife Conservation Act, 1997, as set out in section 12 of schedule 23 to the bill, be amended by adding the following subsections:

“Performance agreement

“(9) If the minister delegates powers under subsection (1), the minister and the delegate shall enter into a performance agreement setting out measurable performance goals and objectives for the delegate.

“Annual performance assessment

“(10) Every year, the delegate shall prepare a performance assessment demonstrating that the performance goals and objectives set out in the performance agreement are being met.

“Failure to meet performance goals, etc.

“(11) If the minister believes that a delegate has failed to meet the performance goals and objectives set out in the performance agreement, the minister shall give the delegate written notice of his belief and require that the delegate fulfill the requirements of the performance agreement within such time period as may be specified in the notice.

“Failure to comply

“(12) If a delegate fails to comply with a notice given under subsection (11), the minister may terminate the performance agreement and revoke the delegation made under subsection (1).”

The Chair (Mr. Bob Delaney): Thank you. Any discussion? There being no discussion, shall the amendment carry? Carried.

Shall schedule 23, section 12, as amended, carry? In my opinion, the section carries.

Sections 13 and 14 of schedule 23 contain no proposed amendments. That said, the next PC motion at 98 would be a proposal for a new section, so we're going to consider the existing sections 13 and 14 with no amendments. Permission to consider those together?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 23, sections 13 and 14, carry? In my opinion, the sections carry.

In your package, at number 98, is a PC motion. Mr. Shurman.

Mr. Peter Shurman: I move that schedule 23 to the bill be amended by adding the following section:

“14.1 The act is amended by adding the following section:

“Bill 55—Strong Action for Ontario Act (Budget Measures), 2012

“114.1(1) This section applies only if Bill 55 (Strong Action for Ontario Act (Budget Measures), 2012) receives royal assent.

“References

“(2) References in this section to schedules and provisions of Bill 55 are references to those schedules and provisions as they were numbered in the first reading version of the bill.

“Review by Environmental Commissioner

“(3) The Environmental Commissioner appointed under the Environmental Bill of Rights, 1993 shall review the amendments to this act set out in schedule 23 to Bill 55 to determine if the amendments constitute proposals that could have significant effect on the environment and should be subject to the procedures set out in the Environmental Bill of Rights, 1993.

“Special report

“(4) At the end of a review conducted under subsection (3), the Environmental Commissioner shall prepare a report on the review and present the report to the Speaker of the assembly and the Speaker shall lay the report before the assembly as soon as reasonably possible.”

The Chair (Mr. Bob Delaney): Thank you. This amendment attempts to indirectly amend the Environmental Bill of Rights, an act that is not open in the bill. I therefore rule the amendment out of order.

Mr. Peter Shurman: That's life.

The Chair (Mr. Bob Delaney): Shall schedule 23, section—oh, no, that doesn't carry. Sorry. Withdrawn—I'm sorry—or ignore, whatever.

We are now considering schedule 23, section 15. We have a PC motion. Mr. McNaughton.

Mr. Monte McNaughton: I move that section 15 of schedule 23 to the bill be struck out and the following substituted:

“Commencement

“15(1) Subject to subsection (2), this schedule comes into force on the day the Strong Action for Ontario Act (Budget Measures), 2012 receives royal assent.

“Same

“(2) Sections 1 to 14 come into force on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Our recommendation is to vote against this motion. This proposed motion will result in implementation delays that will reduce the government's ability to find savings immediately. The delay would create uncertainty regarding when the proposed related changes in the budget bill will come into force, if at all.

The Chair (Mr. Bob Delaney): Mr. McNaughton.

Mr. Monte McNaughton: Our proposed amendment gives a date when the act will come into effect. It does not permit the government to let the act sit with the executive council. Decision is by the Lieutenant Governor.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? As is the convention, in the event of a tie vote, the Chair will vote in favour of keeping the schedule in its existing form, so therefore I declare the amendment lost.

Mr. Peter Shurman: Can I have a five-minute recess?

The Chair (Mr. Bob Delaney): I haven't called the question yet, but yes, you can.

We're now considering schedule 23, section 15.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Chair, before you call a vote, I'd like to make a statement about the schedule, please.

Interjection.

Mr. Yasir Naqvi: You're doing section—

The Chair (Mr. Bob Delaney): We're still doing section 15, not the whole schedule.

Mr. Yasir Naqvi: I'm just so paranoid about it now.

The Chair (Mr. Bob Delaney): We've gone nice and slow, deliberately and step by step. I won't miss you.

Mr. Yasir Naqvi: You're doing a fantastic job, Chair.

The Chair (Mr. Bob Delaney): All right. So everybody understands, at the moment we are considering the unamended schedule 23, section 15. Shall schedule 23, section 15, carry? In my opinion, the section carries.

We're now ready to consider schedule 23. There's a notice here from the NDP. Mr. Prue, do you wish to speak to it?

Mr. Michael Prue: Just very briefly: It had been our hope that this might have been put under the Environmental Bill of Rights as opposed to being dealt with in the budget. We don't think this is the appropriate place for this to be, but it is here.

We had recommended voting against it, but our leader, Andrea Horwath, wrote to the Premier this morning and said that we would not block the passage of any of those portions of the budget bill, save and except those dealing with arbitration, where we intended to vote no. Therefore, I would ask that you ignore notice 100.

The Chair (Mr. Bob Delaney): So it's an ignore with an asterisk. Okay.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: If I can speak to schedule 23?

The Chair (Mr. Bob Delaney): Mr. Naqvi, go ahead.

Mr. Yasir Naqvi: The government will be supporting this particular schedule. I state that in light of the vote that took place on schedule 19, the Endangered Species Act, where the government voted against that particular schedule, I wanted to take this opportunity to explain why that happened. A very simple reason, the reason that we chose to vote against schedule 19, the Endangered Species Act, is because the Premier, as you may know, wrote to the leader of the third party on June 17, where he clearly stated his intent to reintroduce schedule 19 by way of a separate bill in the fall session. The Premier is a man of his word and he wanted to ensure that what he stated in the letter dated June 17 is true to the spirit and that he complies by his own word, and therefore we on the government side chose to vote against that schedule. I just want to have that on the record.

We believe these amendments are necessary to make our government fiscally sound and to bring about much-needed cost savings that will contribute to eliminating the deficit. We will be voting in support of schedule 23, but in the case of schedule 29, we wanted to make sure and the Premier wanted to make sure that the word he gave to the leader of the third party in the letter dated June 17, 2012, is actually put in its true intent and true spirit, and thus our decision at that time to vote against schedule 19.

The Chair (Mr. Bob Delaney): Just before we go to Mr. Shurman, who also wants to make a comment, I've granted you a little bit of latitude there. This is convoluted and complex enough. When we're discussing either a section or a schedule, to the limit of your ability, please try to direct your comments to that section or schedule.

No comment, Mr. Shurman?

Mr. Peter Shurman: No. I'd like five minutes, though.

The Chair (Mr. Bob Delaney): A five-minute recess prior to the vote on schedule 23—

Interjection.

The Chair (Mr. Bob Delaney): Is there further debate before we grant a recess prior to the vote?

We are in recess until 15 minutes before 3.

The committee recessed from 1441 to 1447.

The Chair (Mr. Bob Delaney): We are now ready to take the vote on schedule 23, as amended. Shall schedule 23, as amended, carry? Carried.

We are now moving into consideration of schedule 24. There are no amendments proposed for sections 1 to 3 of schedule 24. Permission to consider sections 1 to 3 concurrently?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 to 3 of schedule 24 carry? In my opinion, the sections carry.

Shall schedule 24 carry? In my opinion, the schedule carries.

We'll consider schedule 25. There are two sections, with no proposed amendments. Permission to consider them both together?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 and 2 of schedule 25 carry? In my opinion, the sections carry.

Shall schedule 25 carry? In my opinion, the schedule carries.

We're considering schedule 26. There are two sections, with no amendments proposed. Consider them both together?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 and 2 of schedule 26 carry? In my opinion, the sections carry.

Shall schedule 26 carry? In my opinion, the schedule carries.

We're considering schedule 27. In schedule 27, there are no proposed amendments to sections 1 to 3, inclusive. Consider all three sections together?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 to 3, inclusive, of schedule 27 carry? In my opinion, the sections carry.

Shall schedule 27 carry? In my opinion, the schedule carries.

We are now considering schedule 28. We're looking at section 1 of schedule 28, government motion, numbered 101 in your packages. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the definition of "Ontario government services" in subsection 1(1) of schedule 28 to the bill be struck out.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: This motion would amend the definitions section of the schedule by striking out the term "Ontario government services." The government has proposed several motions in schedule 28 which clarifies the intent of the legislation, which is only in regards to modernizing ServiceOntario. These amendments clarify the scope of the schedule is limited to ServiceOntario and related functions.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Peter Shurman: A 20-minute recess.

The Chair (Mr. Bob Delaney): I haven't called the vote yet. Any discussion? All right.

Prior to the vote, Mr. Shurman has requested a 20-minute recess. We will reconvene at 10 minutes after 3.

The committee recessed from 1452 to 1512.

The Chair (Mr. Bob Delaney): Welcome back. Where we are right now is we are considering government motion number 101 in your package, dealing with schedule 28, section 1, and we are at the vote part.

Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

In your packages, number 102: It will be a government motion. That will be Ms. Wong.

Ms. Soo Wong: I move that subsection 1(1) of schedule 28 to the bill be amended by adding the following definition:

"ServiceOntario services' means the services referred to in subsections 3(1) and (2);"

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, this motion would amend the definitions section of the schedule by adding the term “ServiceOntario services.”

The Chair (Mr. Bob Delaney): Further discussion? Mr. Shurman.

Mr. Peter Shurman: I think it’s important to go on record here—because this pertains not only to this particular element of schedule 28 but to many elements of schedule 28—that the Progressive Conservative Party opposes the idea of any limitation to ServiceOntario. We actually find ourselves quite supportive of section 28, unamended, as it was originally presented in Bill 55, and we want that to be clear.

The Chair (Mr. Bob Delaney): Okay. Further discussion?

Shall the amendment carry? In my opinion, the amendment carries.

Shall schedule 28, section 1, as amended, carry? In my opinion, the section carries.

Mr. Peter Shurman: I should have asked for a recorded vote, Chair, and I know it’s too late, but I will in the future, so please be mindful of that.

The Chair (Mr. Bob Delaney): We’re considering schedule 28, section 2, in your packages at number 103, a government motion: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the heading to part II of the Government Services and Service Providers Act, 2012, as set out in schedule 28 to the bill, be amended by striking out “Ontario Government Services” and substituting “ServiceOntario Services”.

The Chair (Mr. Bob Delaney): Thank you. Legislative drafters insert headings throughout the text to assist the reader. Such headings are not considered to be part of the bill and are not subject to amendments. I therefore rule the amendment out of order.

In your packages, number 104: government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 2(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, it’s fairly self-explanatory. We’re replacing the phrase “Ontario government services” in subsection 2(1), with this motion, and replacing it with the phrase “ServiceOntario services.”

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry?

Mr. Peter Shurman: Recorded vote.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

In your package, number 105: government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 2(2) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Again, it’s just replacing the phrase “Ontario government services” with the phrase “ServiceOntario services” through this proposed amendment.

The Chair (Mr. Bob Delaney): Further discussion? We’ll call for the vote. Shall the amendment carry? All those in favour—

Mr. Monte McNaughton: Recorded vote.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

In your package at 106, NDP motion. Mr. Prue.

Mr. Michael Prue: I move that section 2 of schedule 28 to the bill be amended by adding the following subsection:

“Review of proposed service agreements

“(3.1) The minister cannot enter into an agreement authorized under subsection (1) and a Part V corporation without share capital cannot enter into an agreement authorized under subsection (2) until the proposed agreement has been reviewed under section 3.1 and has been approved either by the Auditor General or by the assembly.”

The Chair (Mr. Bob Delaney): Discussion?

Mr. Michael Prue: If I can explain: First of all, I would take the members back to schedule 16, where an almost identical wording was used and adopted. This is intended that the Auditor General look at any proposed authorization under subsection (1) to determine whether or not it is in the interest of the assembly and the people of Ontario before we proceed.

We have moved this, and moved it as well in schedule 16, because we are very mindful of things like Ornge. If you look at the problems that the Legislature has found itself in, it’s by moving too quickly without doing cost-benefit analysis, without having oversight from the officers of the Legislature and without having transparency. You find yourself adopting procedures or setting up corporations which end up not being in the public interest and which end up costing the province of Ontario and the citizens hundreds of millions of dollars.

We think that before this action is taken, it behooves us to have some sober second thought, and who is trusted more around the Legislature than the Auditor General it is difficult to say. We think that the Auditor General should be called in to look at these types of developments, if and when they are being proposed, before we enter into them and before we commit the province's money and the people of Ontario's—potential lessening of what they have.

1520

We're asking quite simply that this be approved so that it is consistent with what we are doing in every other government department by way of schedule 16.

The Chair (Mr. Bob Delaney): In terms of the requests for both sober second thought and consistency, while we were having this discussion, the legislative legal counsel pointed out that this proposed amendment depends upon the disposition of item number 112 in your packages, so the Chair regrets having been a half step ahead of legislative counsel. May I have unanimous consent to just stand this one down until we've reviewed number 112 and then to return to it?

Interjection: Agreed.

Mr. Michael Prue: Absolutely.

The Chair (Mr. Bob Delaney): Thank you. Let us then move on to number 107 in your packages, which is a government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 2(6) of schedule 28 to the bill be amended,

(a) by striking out “the provision of Ontario government services” and substituting “the provision of ServiceOntario services”; and

(b) by striking out “whether or not those services are Ontario government services” and substituting “whether or not those services are ServiceOntario services”.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Again, it's very clear that what we're doing is ensuring that schedule 28 does not apply, broadly speaking, to Ontario government services but more specifically to ServiceOntario services.

The Chair (Mr. Bob Delaney): Further discussion?

Shall the amendment carry?

Mr. Monte McNaughton: Recorded vote, please.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

As we have yet to consider the NDP motion numbered 106, may I have unanimous consent to stand down consideration of schedule 28, section 2, until we're able to return to the consideration of number 106 in your pack-

age, and we're going to have to go down to number 112 before we get to that. Agreed?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Thank you. We'll move then to the consideration of schedule 28, section 3, number 108 in your package. A government motion: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 3 of schedule 28 to the bill be amended by adding the following subsection:

“General services to the public

“(2.1) Regulations under subsections (1) and (2) may relate to the following types of general services to the public:

“1. Providing information and responding to queries about programs and services provided by the Ontario government.

“2. Receiving applications, payments and deliveries for programs and services provided by the Ontario government, and forwarding them to the appropriate department.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: This motion would amend section 3 by adding a new subsection that describes the general services that a service provider may be assigned by regulation under the schedule.

Paragraph 1 would authorize a service provider to provide general information services to the public about Ontario government programs and services.

Paragraph 2 would permit a service provider to accept applications, payments and other information and send the documents to the appropriate department in the Ontario government.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry?

Mr. Peter Shurman: Recorded vote.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

In your package at number 109, an NDP amendment. Mr. Bisson.

Mr. Gilles Bisson: I move that section 3 of schedule 28 to the bill be amended by adding the following subsection—

The Chair (Mr. Bob Delaney): Mr. Bisson, you can't move amendments.

Mr. Gilles Bisson: I know. I figured that, but I thought I try. It's a very important amendment, and as a good northerner, I wanted to be here for it. You can't blame a guy for trying.

The Chair (Mr. Bob Delaney): On the other hand, as a valued member of your team, Ms. Forster can move amendments.

Mr. Gilles Bisson: Oh, she's very good too.

The Chair (Mr. Bob Delaney): Ms. Forster.

Ms. Cindy Forster: I move that section 3 of schedule 28 to the bill be amended by adding the following subsection:

“Exclusion

“(2.2) A regulation under subsection (1) or (2) cannot require or authorize a person or entity to provide services on behalf of the Ontario Northland Transportation Commission.”

Mr. Gilles Bisson: If I could speak to it?

The Chair (Mr. Bob Delaney): Discussion? Mr. Bisson.

Mr. Gilles Bisson: Well, the motion is pretty simple. We're asking the committee to give us the consent to be able to allow that motion to go forward, because we think that the ONTC is an important entity to northern Ontario, and at the very least, there should be a vote in the Legislature in order to allow that particular privatization initiative to go forward. With that, I would ask for unanimous consent to allow this motion to stand.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Our recommendation is to vote against this motion, because it's irrelevant and unnecessary in light of the fact that the government has tabled a series of amendments to schedule 28, which we are methodically right now going through, which limit the scope of the services that may be assigned under the act and that are provided only by ServiceOntario, which is not one of the services that includes ONTC. So our assertion is that this particular motion is irrelevant and unnecessary and is not needed within this legislation or this schedule.

The Chair (Mr. Bob Delaney): Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. I appreciate the opportunity to speak.

At home, I have said from day one that I oppose this NDP-backed Liberal fire sale of Ontario Northland—

The Chair (Mr. Bob Delaney): Okay. I just want to ask you again—I know some of these things are things that are close to our hearts, but in the context of our consideration of the bill, can we stick to the content of the bill?

Mr. Victor Fedeli: Of course, Chair. I appreciate that. I was just trying to be consistent in my wording.

While I have opposed the fire sale, if that's not too harsh a terminology, of Ontario Northland, I know our labour unions have wanted to hold the status quo. For nine weeks now, I have studied by meeting with the northern development and mines minister, I have met with Infrastructure Ontario—the people who are in charge of this fire sale of Ontario Northland—I have met with Ontario Northland's chair, I have met with executives of Ontario Northland, and over the course of time, I've found four things:

(1) The cost of the unfunded pension fund is to be somewhere over \$100 million—everybody agrees with the \$100-million number; some say it's as high as \$200 million. The latest annual report, which is a couple of years old, says \$100 million—somewhere in the \$150-million range, the unfunded pension fund alone.

(2) We've found that there are environmental liabilities. Ontario Northland is a 110-year-old railway, as well as many other services through the north, but they have had derailments in the past over the 110 years—as recently as only two years ago—and so there are significant environmental liabilities at a cost that even the minister could not calculate for us.

There is also the promise by the minister, agreed to just the other day in a one-on-one meeting, of guaranteeing to provide valuable rail service to the First Nations from Cochrane to Moosonee. No matter whether it's run by Ontario Northland or another party, they guarantee that service in and around the \$10-million range.

1530

Finally, they guarantee the bus to the outlying communities. It's easy to make money—I'm sure it's not easy, but it's practical to make money on a Sudbury-Toronto route or a Timmins-North Bay-Toronto route. But it's these spokes; the small, outlying communities. So the government has guaranteed that. They could not tell us how many millions that that added up to.

In my nine weeks of research I have determined that there are no savings to the government. They have said all along that the reason for the fire sale of Ontario Northland is to save money. But I have proven, I believe, beyond any doubt, to the minister and to Infrastructure Ontario that there are no savings. Nonetheless, everybody in our community and all the way up the line believes that things need to change at Ontario Northland. We cannot continue down the path we're on. All of the mayors along the line, all of the stakeholders—and I'll be quite frank: Had the government met with any of these people before their surprise announcement, they would have learned how important the service is all the way up and down the line.

I have provided schedule 51.1 on page 175 that does exactly what all of the mayors, all of the chambers of commerce, all of the stakeholders and a good chunk of the employees actually who have been into my office and said, “Vic, we know it cannot remain the way it is. We need to have Ontario Northland change. We need to know.” So I have put in restrictions when the commission can exercise their authority.

At the end of the whole program, it's all about trying to get to an Ontario Northland that can survive tomorrow. Following this section 3(2.2) is not going to get us there. My amendment 51.1 will do exactly what all of the community, all of the entire north has been begging for, and that's the amendment that I will support.

The Chair (Mr. Bob Delaney): Mr. Bisson.

Mr. Gilles Bisson: Fair-weather friends are not needed in northern Ontario, and that's what I accuse you of being. The people—

The Chair (Mr. Bob Delaney): I'd like to remind you to please address things through the Chair. Let's just keep it dispassionate.

Mr. Gilles Bisson: I will come to order. I will be very calm and deliberate about what I have to say.

What this amendment simply does is to say that the government can't outsource the work at the ONTC. It's something that our party believes is important, that we should not be outsourcing the work of workers at the ONTC and, I would argue, many other public workplaces because we think that's wrong for a number of reasons. This amendment would allow, if passed, to have a guarantee that the government would not be able to outsource the work at the ONTC.

I would ask my good friend, Mr. Fedeli, and the Conservatives to support us on this amendment and be counted as supporting the workers and the communities of northeastern Ontario by voting in the affirmative. If they don't, then they're telling a different story.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I'll raise a point of order on the grounds that this particular motion is out of order, out of scope in the discussion that we're having.

The Ontario Northland Transportation Commission was established pursuant to the Ontario Northland Transportation Commission Act; the services provided by the commission are dealt with in accordance with the provisions of that act. There are no provisions in the budget bill with respect to the Ontario Northland Transportation Commission Act, the Ontario Northland Transportation Commission or any of the real property owned or leased by the Ontario Northland Transportation Commission. As a result, Chair, it's my assertion that the amendment is beyond the scope of the budget bill and is therefore out of order, consistent with previous rulings that you have made in relation to the Environmental Bill of Rights being affected by some of the amendments that have been suggested before and you have ruled them out of order.

The Chair (Mr. Bob Delaney): As Mr. Naqvi has raised a point of order which would require the Chair to consult with legal counsel, this committee is in recess.

The committee recessed from 1534 to 1542.

The Chair (Mr. Bob Delaney): Well, thank you very much, and also for the brief recess to confer with legislative legal counsel.

The new act in schedule 28 authorizes services under Ontario legislation to be provided by others. The services provided by the Ontario Northland Transportation Commission is an example of the kinds of services that may be provided by others.

This amendment is not attempting to indirectly amend the Ontario Northland Transportation Commission Act and it is, therefore, in order.

Mr. Gilles Bisson: Recorded vote, please.

The Chair (Mr. Bob Delaney): Further debate?

Ms. Cindy Forster: Recorded vote, please.

The Chair (Mr. Bob Delaney): I haven't come to the vote yet. Mr. Fedeli?

Mr. Victor Fedeli: Again, I am asking for support on schedule 51.1 because, in my belief, this schedule 28, subsection 3(2.2), does nothing—

The Chair (Mr. Bob Delaney): Are you addressing this particular motion?

Mr. Victor Fedeli: Yes. I just read the motion. Subsection 3(2.2) does nothing to achieve the goal that the community is looking for. In fact, this will not indeed provide the service that the north is asking for. When Ontario Northland Transportation Commission is divested, this motion then becomes worthless.

The Chair (Mr. Bob Delaney): Okay. Further debate? Mr. Prue.

Mr. Gilles Bisson: I vehemently disagree. This is—

The Chair (Mr. Bob Delaney): I'm sorry. I recognized Mr. Prue.

Mr. Gilles Bisson: Oh, sorry.

Mr. Michael Prue: I'm just wondering. The member from Nipissing—I mean, this is in part talking about successor rights. This is what I understand this to be. It is ensuring that, if and when the government chooses to sell off Ontario Northland, the successor rights are vested with the employees. That is, when somebody buys, or if somebody buys, all or a part of Ontario Northland, they have to take it along with their employees, who would keep their jobs and perhaps their pensions and other things. I would take it you're opposed to that.

The Chair (Mr. Bob Delaney): You'll have to address all of those through the Chair, please.

Mr. Michael Prue: I would assume that the member from Nipissing is opposed to that.

The Chair (Mr. Bob Delaney): Okay. Further debate?

Mr. Bisson, did you want to make a comment?

Mr. Gilles Bisson: No, that's fine.

The Chair (Mr. Bob Delaney): Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. I disagree that this schedule 28, subsection 3(2.2), accomplishes that.

The Chair (Mr. Bob Delaney): Any further debate?

Mr. Michael Prue: Recorded vote.

Ayes

Forster, Prue.

Nays

McNaughton, Naqvi, Piruzza, Shurman, Wong.

The Chair (Mr. Bob Delaney): In my opinion, the amendment is lost.

In your packages, at number 110: government amendment. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 3 of schedule 28 to the bill be amended by adding the following subsection:

“Services re Ontario government programs

“(2.2) Regulations under subsections (1) and (2) may relate to the following types of services provided under a statute or in connection with an Ontario government program:

“1. Processing applications, registrations, filings and payments.

“2. Issuing licences and other forms of permission.

“3. Providing documents and information.

“4. Undertaking administrative activities related to these services.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Thanks, Chair. This motion will amend section 3 by adding another subsection describing the general nature of the Ontario government services that may be assigned to a service provider under the proposed act.

For example, under the proposed subsection, a service provider could be authorized to accept and process an application for a licence and issue the licence in accordance with the criteria established by the relevant government ministry. The service provider could also be authorized to undertake administrative activities in connection with issuing a licence, such as updating a ministry licence database or mailing the licence when produced.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry?

Mr. Monte McNaughton: Recorded vote, please.

Ayes

Forster, Naqvi, Piruzza, Prue, Wong.

Nays

Fedeli, McNaughton, Shurman.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

The clerk has identified NDP motion at number 111 in your package as also dependent on number 112, so I'd like to request unanimous consent to stand down the section until we've considered number 112 in your package. Agreed? Agreed. Thank you.

So we are now at number 112 in your package. This is a new section, schedule 28, section 3.1, NDP amendment: Ms. Forster.

Ms. Cindy Forster: I move that schedule 28 to the bill be amended by adding the following section:

“Review of proposed service agreements and proposed regulations

“3.1(1) A proposed agreement referred to in subsection 2(1) or (2) or a proposed regulation referred to in subsection 3(1), (2) or (3) must be submitted to the Office of the Auditor General for review.

“Review by Auditor General

“(2) The Auditor General shall review the proposed agreement or proposed regulation to determine whether,

in his or her opinion, it is likely to have a significant impact having regard to,

“(a) fiscal, economic and environmental factors;

“(b) such other matters as may be prescribed by regulation; and

“(c) the potential impact, if any, of subsection 26(2), (3), (4), (5) or 27(2), (3) or (4).

“Role of others

“(3) When conducting a review, the Auditor General may request the participation and advice of such other persons appointed on the address of the assembly as the Auditor General considers appropriate in the circumstances.

1550

“Additional information

“(4) The minister or official who submits the proposed agreement or proposed regulation for review shall promptly give the Auditor General such additional information and documents as the Auditor General or a person referred to in subsection (3) may request.

“Results of review by Auditor General

“(5) The Auditor General shall approve the proposed agreement or proposed regulation unless, in his or her opinion, it is likely to have a significant impact as determined during the review. In that case, the Auditor General shall decline to approve the proposed agreement or proposed regulation.

“Same

“(6) The decision of the Auditor General is final.

“Notice of results

“(7) Within 90 days after receiving the proposed agreement or proposed regulation for review, or within such longer period as may be authorized under subsection (9), the Office of the Auditor General shall notify the following persons of the results of the review:

“1. The minister or official who submitted the proposed agreement or proposed regulation for review.

“2. The Clerk of the Assembly.

“Same

“(8) The notice must include the reasons for the Auditor General's decision and may include such other information as the Auditor General considers appropriate.

“Extension of deadline

“(9) The Auditor General may extend the period within which the notice must be given for further periods of 90 days if, in his or her opinion, the extension is necessary because of the complexity of the proposed agreement or proposed regulation or because of other circumstances.

“Same

“(10) If the notice period is extended, the Office of the Auditor General shall promptly notify the persons listed in subsection (7).

“Deemed approval by Auditor General

“(11) If the notice is not given before the notice period expires, the Auditor General is deemed to have approved the proposed agreement or proposed regulation.

“Review by standing committee

“(12) If the Auditor General declines to approve the proposed agreement or proposed regulation, it stands referred to the Standing Committee on Public Accounts for consideration.

“Approval of the assembly

“(13) The assembly may indicate its approval of a proposed agreement or proposed regulation by means of a resolution.

“Notice of assembly decision

“(14) If the assembly approves proposed agreement or proposed regulation, the Clerk of the Assembly shall notify the minister.

“Public registry of proposals, notices

“(15) The Auditor General shall maintain a public registry of the following information and documents, each of which must be promptly posted on the registry:

“1. Proposed agreements and proposed regulations submitted for review under this section.

“2. Any notice under subsection (9) extending the deadline for the review.

“3. The notice, if any, from the Auditor General following the review.

“4. Such other information as the Auditor General considers appropriate.

“Annual report

“(16) Each year, the Auditor General shall report to the Speaker about such matters as the Auditor General considers appropriate relating to his or her powers and duties under this act.

“Special report

“(17) The Auditor General may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor General should not be deferred until the annual report.

“Tabling of reports

“(18) The Speaker shall lay each annual report or special report before the assembly at the earliest reasonable opportunity.”

The Chair (Mr. Bob Delaney): Thank you.

Mr. Michael Prue: On a point of order, Mr. Chair: There was an error, not made by my colleague Ms. Forster but in the body under “Results of review by Auditor General,” subsection (5). I am almost positive in the second line that it should read, “unless, in his or her opinion,” and it says “is.” The hard copy should be amended.

The Chair (Mr. Bob Delaney): The clerk has caught that as well. So noted.

Okay, discussion. Mr. Prue.

Mr. Michael Prue: Yes, if I could, and I started to discuss this in terms of motion number 106 earlier. This is an almost identical motion to one found in schedule 16 which was approved by this committee earlier this week. It sets out how the Auditor General is to conduct himself or herself in terms of any proposed privatization or any set-up of a new committee in order to make sure that the people of Ontario are getting the best possible deal in terms of looking at the amounts of money to be spent, whether or not it’s economically sound or valid. The

auditor may call in whatever other person or persons, such as the privacy commissioner or the Ombudsman, if there is an impact there.

We think it is a normal and rational thing to do in light of what has happened at Ornge, and I know my colleagues from the Progressive Conservative Party stand up every day in the House and talk about how Ornge has failed the people of Ontario. This resolution, if it passes, will make sure that there will be no more Ornges in Ontario—at least, not any that were set up without public scrutiny and foresight.

We are asking the members of this committee to vote in a similar fashion to what they did just on the last occasion, because the circumstances at ServiceOntario are no different than the circumstances in all the other government departments that were held under the ambit of schedule 16.

It seems to me normal and rational that if you are going to divest yourself of services, if you are going to look at other alternatives to service delivery, that it be done with a mind of looking at the financial statements in knowing in advance whether money will be made or lost. That has been the problem in privatizations and other things in the past. It always comes along, and government always come along with how much money is going to be saved, but in the end, it’s usually how much money it’s going to cost, and the auditor will give us an unbiased view of what is really going to happen.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: I’m going to present three arguments in opposition to this motion. The letter to the Chair will speak to the scope of this motion and may require a ruling from you.

Point one: This provision would place the Auditor General in conflict with his or her responsibilities as the auditor of the government. The Auditor General is an independent officer of the assembly and is responsible for auditing the administrative operations of government and reporting his or her findings to the Legislature. If this amendment were to pass, the auditor would be placed in a position where he or she is required to review and exercise significant discretion to approve decisions of the executive branch of the government. The auditor would now be involved directly in the administration of government.

Moreover, the services that would be assigned to a service provider under regulation approved by the auditor are matters that the auditor may audit in future. Accordingly, the auditor’s prior approval of service agreements or regulations would conflict with his or her responsibilities to subsequently audit the government’s controls and governance of a service provider.

Similarly, the approval of service agreements or regulations by the assembly would require a great deal of legislative time and resources to review. Such a review is inconsistent with the role of the assembly, which is to make legislative decisions and not to administer the oper-

ations of government. That has traditionally been the role of the executive branch.

Those are some of my earlier arguments, as a recommendation to the other members of the committee to vote against schedule 28, motion 112.

In terms of scope, I would argue that this amendment indirectly opens up yet again another act, which is the Auditor General Act, which is beyond the scope of the schedules or statutes that we are considering in Bill 55. So I would ask that you consider whether this particular provision is appropriately listed here or to be entertained by the committee.

Furthermore, secondly, what I will argue to you, Chair, is the proposed provisions are all out of the scope of schedule 28 in terms of proposing concepts that are not currently contemplated in the schedule: the concept of a review by officers of the Legislative Assembly. Amendments cannot import matters which are not addressed in the bill; they can only refine what is already there.

1600

This particular schedule, as we are going through various motions and various sections, as you know, is looking at the future modernization of ServiceOntario. It's looking at public-private relationships that may be contemplated as they relate to ServiceOntario and not the kind of provision that has been outlined in motion 112 in terms of creating a whole new mechanism or scheme around auditor oversight or legislative oversight.

So, Chair, I present this to you as a point of order, and elicit your ruling on the scope of the provision in this motion.

Mr. Michael Prue: On the same point of order.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: Yes. The entire motion in schedule 16 went before the committee, and it was approved not only by the Chair but by legal counsel. So I don't know where your arguments are suddenly coming from since it's already been vetted and approved by legal counsel. I hardly think that what you're saying is correct.

The Chair (Mr. Bob Delaney): The Chair has in fact had an opportunity to review this with both the clerk in terms of noting that a similar motion has been moved and approved, and this motion is in order in the sense that it wasn't challenged.

Further discussion? Okay. We're looking at number 112, schedule 28, section 3.1. Shall the amendment carry?

Mr. Michael Prue: On a recorded vote, please.

Ayes

Forster, Prue.

Nays

Fedeli, McNaughton, Naqvi, Piruzza, Shurman, Wong.

The Chair (Mr. Bob Delaney): In my opinion, the amendment is lost.

We are now able to revert back to schedule 28, section 2. We are considering number 106 in your package. This is an NDP motion which was previously read by Mr. Prue and has been moved. So, given that the motion proposed by the NDP in number 112 was lost, and this motion refers to a section that has been lost, I must therefore rule this motion out of order.

Shall schedule 28, section 2, as amended, carry? All those in favour? All those opposed? In my opinion, the section carries.

We can now revert back to our consideration of schedule 28, section 3. We had to stand down motion number 111, which we can now consider. Mr. Prue.

Mr. Michael Prue: Is it not dependent?

The Chair (Mr. Bob Delaney): You can either move it or withdraw it. If you move it, it'll be out of order. If you withdraw it, you don't have to read it.

Mr. Victor Fedeli: Is this another "ignore"?

Mr. Michael Prue: No, I'll read it into the record, and then you can do with it as you wish.

The Chair (Mr. Bob Delaney): Okay.

Mr. Michael Prue: I move that section 3 of schedule 28 to the bill be amended by adding the following subsections:

"Review of proposed regulations

"(3.1) The Lieutenant Governor in Council cannot make a regulation referred to in subsection (1), (2) or (3) until the proposed regulation has been reviewed under section 3.1 and has been approved either by the Auditor General or by the assembly."

The Chair (Mr. Bob Delaney): And as previously discussed, as the motion refers to a section that has been lost, it is therefore out of order.

Shall schedule 28, section 3, as amended, carry? In my opinion, the section carries. By the way, just in case you're keeping score, we are just over half done.

We're now at number 113 in your package. This is a new section, a motion by the NDP: Ms. Forster.

Ms. Cindy Forster: I move that schedule 28 to the bill be amended by adding the following section:

"Special investigators and supervisors

"Special investigators

"3.2(1) The Lieutenant Governor in Council may appoint one or more persons as special investigators to investigate and report on the activities of any part V service provider that has entered into a service agreement described in section 2, if the Lieutenant Governor in Council considers it in the public interest to do so.

"Powers of special investigator

"(2) A special investigator has the powers specified by the Lieutenant Governor in Council.

"Obstruction

"(3) No person shall obstruct a special investigator or withhold or destroy, conceal or refuse to furnish any information or thing required by the special investigator for the purposes of the investigation.

"Supervisor

“(4) The Lieutenant Governor in Council may appoint a person to be the supervisor of a part V service provider that has entered into a service agreement described in section 2, if the Lieutenant Governor in Council considers it in the public interest to do so.

“Powers of the supervisor

“(5) Unless the appointment provides otherwise, the supervisor has the exclusive right to exercise all of the powers of the board of directors of the part V service provider.

“Saving

“(6) This section does not limit the authority of the Lieutenant Governor in Council to impose conditions and restrictions under a service agreement described in section 2.”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, our recommendation is to vote against this proposed motion. These provisions are similar to provisions, for example, in the Ministry of Health and Long-Term Care-administrated legislation that provide for the appointment of investigators and supervisors of public hospitals. The proposed motion addresses matters that may be dealt with under the existing provisions of the schedule. The special investigator provisions are similar to audit provisions that the government may include in a service agreement with a part V service provider.

In terms of the supervisor, this provision is not necessary in circumstances where the government controls appointments to the board of directors and may remove directors. In the case of a private corporation, the proposed appointment of a supervisor to take control of the company is inconsistent with corporate law and governance and the fact that shareholders elect board members.

Notably, the government could, in a service agreement with a private corporation established under part V of the act, require audits and take away the corporation’s rights under an agreement to provide government services. If schedule 28 is enacted, the government would also have power to revoke a regulation assigning services and terminate agreements with service providers.

The Chair (Mr. Bob Delaney): Thank you. Further discussion? Mr. Prue.

Mr. Michael Prue: If all of that is true, what about Ornge? This is why we’re doing this, in order to have somebody in there who can look at it right away, can see if things are going wrong and report back. Otherwise, you’re going to have more circumstances where things are hidden from the public, from the government and from everyone else, for whatever reasons people might have.

The Chair (Mr. Bob Delaney): Mr. Shurman.

Mr. Peter Shurman: I think that there are other areas where we will specifically want to be addressing Ornge, and I take the point of my colleague in the NDP on this. However, our party stands on its record of being very much against empowering this or any other government

to implement red tape measures that are unnecessarily there, that can be invoked any time they want or any time any government wants on any subject. While he, as I say, raises a reasonable point on the question of Ornge, Ornge is specific, as in future days other things might be specific, requiring the appointment, for example, of a select committee. That’s one thing; this is entirely another.

1610

The Chair (Mr. Bob Delaney): Ms. Forster.

Ms. Cindy Forster: I’ll just comment then. If Ornge is something specific, it’s a one-off, what about eHealth? Let’s get that on the record because we had a lot of issues in that program as well.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment is lost.

We’ll now consider schedule 28, section 4, in your package, government amendment number 114. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 4 of schedule 28 to the bill be amended,

(a) by striking out “providing Ontario government services” and substituting “providing ServiceOntario services”; and

(b) by striking out “for the purpose of obtaining an Ontario government service” at the end and substituting “for the purpose of obtaining a ServiceOntario service”.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: I don’t think any explanation is needed, Chair.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 4, as amended, carry? Carried.

We’re considering schedule 28, section 5, a government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 5(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Anybody have a burning need for discussion on this item? Shall the amendment carry? Carried.

Shall schedule 28, section 5, as amended, carry? In my opinion, the section carries.

We are considering schedule 28, section 6. We have a government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 6(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 6, as amended, carry? Carried.

We are at schedule 28, section 7. Government motion, number 117: Ms. Wong.

Ms. Soo Wong: I move that subsection 7(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Same section, government motion 118. Mrs. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 7(2) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 7, as amended, carry? In my opinion, the section carries.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: It may be a good time to take a health break.

The Chair (Mr. Bob Delaney): Five-minute recess.

The committee recessed from 1616 to 1624.

The Chair (Mr. Bob Delaney): Okay. Let’s come back to order. We are considering a new section, section 7.1 of schedule 28. In your package at number 119, we have an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that part II of the Government Services and Service Providers Act, 2012, as set out in schedule 28 to the bill, be amended by adding the following section:

“Role of Ombudsman

“7.1(1) The Ombudsman may investigate any decision or recommendation made or any act done or omitted in the course of a person’s or entity’s provision of Ontario government services under this act and affecting any person or body of persons in his, her or its personal capacity.

“Application of Ombudsman Act

“(2) The Ombudsman Act applies to the Ombudsman’s investigation, with necessary modifications, as if the person or entity providing the Ontario government services were a governmental organization within the meaning of that act.”

The Chair (Mr. Bob Delaney): Thank you. The Chair will now explain why Mr. Prue was allowed an extra minute to go out and get the chocolate banana bread. It’s because this amendment attempts to indirectly amend the Ombudsman Act, which is not open in the bill, and I therefore rule it out of order. But we’ve still got the banana bread.

We have a proposal for a new section, section 7.2 of schedule 28, in your package, item number 120, an NDP motion. Ms. Forster.

Ms. Cindy Forster: I move that part II of the Government Services and Service Providers Act, 2012, as set out in schedule 28 to the bill, be amended by adding the following section:

“Whistle-blowing protection

“7.2(1) This section applies with respect to every part V service provider, other than one to whom part VI (Disclosing and Investigating Wrongdoing) of the Public Service of Ontario Act, 2006 applies.

“Reprisal prohibited

“(2) No part V service provider or person acting on behalf of one shall intimidate, dismiss or otherwise penalize an officer or employee of the service provider, whether by act or omission, or threaten to do so, because the officer or employee gives information relating to the service provider to the minister or a person designated by the minister or testifies in a proceeding.”

The Chair (Mr. Bob Delaney): Thank you. Any explanation or discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, a point of order—again, I await your ruling on this. I believe that this should be also out of scope because it opens a piece of legislation that is not before this committee in the context of this bill, and that is the Public Service of Ontario Act, 2006. So that’s one point.

Also, on another point, I would recommend that the members of this committee vote against this motion because this provision is not drafted in a manner that is similar to legislative whistle-blowing provisions that have been enacted. For example, this provision does not describe the type of information that could be provided to the minister or the circumstances in which this information may be communicated; notably, the disclosure-of-wrongdoing provisions of the Public Service of Ontario Act, 2006, which apply to the Ontario public service, describe the types of wrongdoing that may be disclosed. In this case, the provision could potentially protect any disclosure to the responsible minister, even if the information is incorrect or defamatory, illegally obtained, or if the disclosure is frivolous or vexatious. Notably, a regulation or service agreement made under the proposed act could require a service provider to implement whistle-blowing procedures and protections.

The Chair (Mr. Bob Delaney): Any further discussion?

Ms. Cindy Forster: I think that—

The Chair (Mr. Bob Delaney): First of all, let me rule on Mr. Naqvi’s point of order. The amendment is in order. It is not attempting to amend the act. It is making reference to it or trying to apply it.

Sorry, Ms. Forster.

Ms. Cindy Forster: I think that this amendment actually arises directly out of the Ornge fiasco. We hear the questions being asked every day during question period by the official opposition, as well as by the NDP, that the reason why we’re not getting the front-line workers coming forward is because they don’t have any whistle-blowing protection, and so the information is always coming through a third party. So that is the reason

for this amendment, and I would hope that the official opposition would support this legislation.

1630

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment—

Mr. Michael Prue: On a recorded vote, please.

Ayes

Fedeli, Forster, McNaughton, Prue, Shurman.

Nays

Naqvi, Piruzza, Wong.

The Chair (Mr. Bob Delaney): In my opinion, the amendment carries.

We're considering schedule 28, section 8. There are no amendments proposed to schedule 28, section 8 or section 9 or section 10. Permission to consider schedule 28, sections 8, 9 and 10, inclusive.

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 28, sections 8, 9 and 10, carry? In my opinion, the sections carry.

We are at section 11 of schedule 28, in your package at number 120A. Mr. Prue, do you wish to make any remarks on the notice that you have here?

Mr. Michael Prue: No. I think it is inconsequential at this point, given the number of amendments that have been defeated.

The Chair (Mr. Bob Delaney): That begs the question: Is it a withdraw or an ignore?

Mr. Michael Prue: Ignore.

The Chair (Mr. Bob Delaney): Okay.

Shall schedule 28, section 11, carry. In my opinion, the section carries.

We're at schedule 28, section 12, in your package at number 121: a government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 12(1) of schedule 28 to the bill be amended by striking out "Ontario government services" in the portion before paragraph 1 and substituting "ServiceOntario services".

The Chair (Mr. Bob Delaney): Anybody need any discussion on that? I didn't think so. Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

The same section, government motion number 122. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the definition of "customer service information" in subsection 12(3) of schedule 28 to the bill be amended by striking out "an Ontario government service" in the portion before clause (a) and substituting "a ServiceOntario service".

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 12, as amended, carry? In my opinion, the section carries.

We are at schedule 28, section 13: a government motion. Ms. Wong.

Ms. Soo Wong: I move that subsection 13(1) of schedule 28 to the bill be amended by striking out "Ontario government services" and substituting "Service-Ontario services".

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

The same section, number 124 in your package. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 13(2) of schedule 28 to the bill be amended by striking out "an Ontario government service" and substituting "a Service-Ontario service."

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 13, as amended, carry? In my opinion, the section carries.

We are considering schedule 28, section 14: Ms. Wong.

Ms. Soo Wong: I move that subsection 14(1) of schedule 28 to the bill be amended by striking out "Ontario government services" and substituting "Service-Ontario services".

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 14, as amended, carry? In my opinion, the section carries.

We are at schedule 28, section 15, in your package: government motion number 126, Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 15(1) of schedule 28 to the bill be amended by striking out "Ontario government services" and substituting "Service-Ontario services".

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 15, as amended, carry? In my opinion, the section carries.

We're at schedule 28, section 16, amendment number 127 in your package: government motion, Ms. Wong.

Ms. Soo Wong: I move that subsection 16(1) of schedule 28 to the bill be amended by striking out "Ontario government services" in the portion before paragraph 1 and substituting "ServiceOntario services".

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 16, as amended, carry? In my opinion, the section carries.

Schedule 28, section 17: government motion, Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 17(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Same section: government motion number 129 in your package, Ms. Wong.

Ms. Soo Wong: I move that subsection 17(6) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Discussion? Mr. Prue.

Mr. Michael Prue: This is so, so hard, I’m requesting a 20-minute recess.

The Chair (Mr. Bob Delaney): Allowing for the banana bread break, can we work you down to 15?

Mr. Michael Prue: Can we be worked down to 15? No, we need 20 minutes.

The Chair (Mr. Bob Delaney): You get a 20-minute recess. We will reconvene at one minute before 5.

The committee recessed from 1639 to 1700.

The Chair (Mr. Bob Delaney): And everybody’s back on time. Splendid.

Here’s where we are: We’re ready to consider the vote on number 129 in your package, which is a government motion. Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 17, as amended, carry? In my opinion, the section carries.

There are no proposed amendments for sections 18 and 19 of schedule 28. Permission to consider them both simultaneously?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall sections 18 and 19 of schedule 28 carry? Carried.

We’re considering section 20 of schedule 28, government motion number 130: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 20(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Also section 20 in your package, government motion number 131: Ms. Wong.

Ms. Soo Wong: I move that subsection 20(5) of schedule 28 to the bill be amended by striking out “an Ontario government service” and substituting “a Service-Ontario service”.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

That takes us to section 20 of schedule 28, as amended. Shall schedule 28, section 20, as amended, carry? In my opinion, the section carries.

We’re at section 21 of schedule 28, government motion number 132 in your package: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 21 of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? All those in favour? Opposed? In my opinion, the amendment carries.

Shall schedule 28, section 21, as amended, carry? In my opinion, the section carries.

There being no proposed amendments to schedule 28, sections 22 through 25, inclusive, request to consider them as a block?

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 28, sections 22 through 25, inclusive, carry? In my opinion, they carry.

We’re now considering schedule 28, section 26, in your package number 133: a government motion, Ms. Wong.

Ms. Soo Wong: I move that the heading to part VI of the Government Services and Service Providers Act, 2012, as set out in schedule 28 to the bill, be amended by striking out “Ontario Government Services” and substituting “ServiceOntario Services”.

The Chair (Mr. Bob Delaney): As earlier ruled by the Chair in a similar motion, legislative drafters insert headings throughout the text to assist the reader. Such headings are not considered to be part of the bill and are not subject to amendments. I, therefore, rule the amendment out of order.

And also in section 26, in your package number 134, Ms. Piruzza, a government motion.

Mrs. Teresa Piruzza: I move that subsection 26(1) of schedule 28 to the bill be amended,

(a) by striking out “Ontario government services” in the portion before paragraph 1 and substituting “Service-Ontario services”; and

(b) by striking out “the particular Ontario government service” at the end of paragraph 2 and substituting “the particular ServiceOntario service”.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? All those in favour? Opposed? In my opinion, the amendment carries.

Shall schedule 28, section 26, as amended, carry? In my opinion, the section carries.

We’re on schedule 28, section 27, government motion 135: Ms. Wong.

Ms. Soo Wong: I move that subsection 27(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “Service-Ontario services”.

The Chair (Mr. Bob Delaney): Discussion? All those in favour? All those opposed? In my opinion, the amendment carries.

Same section, government motion 135A: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 27(4) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry?

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: A 20-minute recess.

The Chair (Mr. Bob Delaney): Can you do it in less than 20 minutes?

Mr. Yasir Naqvi: A 20-minute recess.

The Chair (Mr. Bob Delaney): A 20-minute recess. It is nine minutes after 5. We will reconvene at 5:29.

The committee recessed from 1709 to 1728.

The Chair (Mr. Bob Delaney): Welcome back. We are considering motion 135A, which is the government motion. Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Mr. Yasir Naqvi: This was 135A?

The Chair (Mr. Bob Delaney): This is 135A.

Shall schedule 28, section 27, as amended, carry? Carried.

There are no proposed amendments to schedule 28, sections 28, 29 and 30. Permission to consider the three schedules together? Yes. Shall schedule 28, sections 28, 29 and 30, carry? In my opinion, the sections carry.

We are on schedule 28, section 31; in your package, number 136. Government motion: Ms. Wong.

Ms. Soo Wong: Thank you. I move that subsection 31(1) of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 31, as amended, carry? In my opinion, the section carries.

We’re considering section 32. In your package, government motion 137: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that section 32 of schedule 28 to the bill be amended by striking out “Ontario government services” and substituting “ServiceOntario services”.

The Chair (Mr. Bob Delaney): Any need for discussion? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 32, as amended, carry? In my opinion, the section carries.

There being no amendments proposed to schedule 28, sections 33 through 37, inclusive, shall we consider these sections together?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 28, sections 33 through 37, inclusively, carry? In my opinion, they carry.

We are at schedule 28, section 38. In your package, number 138: government motion. Ms. Wong.

Ms. Soo Wong: I move that section 38 of schedule 28 to the bill be amended by adding “(ServiceOntario)” after “Service Providers Act”.

The Chair (Mr. Bob Delaney): Any need for discussion on this? Shall the amendment carry? All those in favour? All those opposed? In my opinion, the amendment carries.

Shall schedule 28, section 38, as amended, carry? In my opinion, it carries.

We have considered all of the sections of schedule 28. Is there any discussion on schedule 28 in total?

Mr. Prue, you have your notice, number 139.

Mr. Michael Prue: Yes, thank you very much, Mr. Chair.

This is a very difficult schedule, and New Democrats were hoping that it could be amended to the point that we could support it. Andrea Horwath wrote a letter to the Premier, and I want to quote it into the record. She wrote a letter to the Premier dated today, June 18, 2012, and part of that letter, the second bullet point on the second page, states as follows:

“Last week, we announced our intention to vote against schedule 28 and a series of related schedules related to privatization of ServiceOntario. We had similar concerns about oversight, accountability and the scope of the schedule which granted cabinet broad powers to sell government assets. We feel that amendments put forward by all three parties address those concerns. New Democrat amendments will ensure a transparent review by Ontario’s auditor before a sale proceeds. With these amendments, we can support these schedules.”

Mr. Chair, we had hoped against hope that the committee would adopt similar wording and legislation as had been found in 16. That was not to be the case. Without oversight by the auditor and without oversight by the Ombudsman, we do not feel that this schedule is in the best interests of the people of Ontario.

I am mindful of the commitment that we made to try to work through all of the schedules and especially this one, which we held very dear, but given the circumstances as they played out today, we do not feel we can do so.

I am also mindful that my colleagues from the official opposition have indicated their support, so I’m asking the government not to worry too much. But we, as New Democrats, cannot do this, because we feel that the workers who work for the province of Ontario deserve the kind of protection that their jobs are not sold out from underneath them without legislative oversight that could have been provided by the Auditor General and which this committee agreed should be given to literally every other organization in the province that is more at arm’s length. It is disappointing to us, but we feel we have no choice but to vote no.

The Chair (Mr. Bob Delaney): Okay. Further discussion? Mr. Naqvi, I know you wanted to make some remarks. Mr. Shurman, do you want to make some remarks?

Mr. Peter Shurman: If I'm making remarks to the total schedule, yes, I would like to.

The Chair (Mr. Bob Delaney): To the total schedule.

Mr. Peter Shurman: Yes. Privatization, Chair, is not a dirty word. It never has been. Privatization suggests, in accordance with what we just heard from my colleague from the socialist party, that somehow or other you are going to remove—

The Chair (Mr. Bob Delaney): All right. Hold on, hold on.

Mr. Michael Prue: He's using it as a dirty word.

The Chair (Mr. Bob Delaney): I think everybody knows the name of the party.

Mr. Peter Shurman: I've just gotten so used to that, Chair. The NDP.

The Chair (Mr. Bob Delaney): Thank you.

Mr. Peter Shurman: —that somehow or other, privatization suggests that we are going to remove jobs from the public sector and the workers who toil for the province of Ontario, for whom I have respect and not disdain. However, I have respect for all Ontarians and I think what we have to do is, we have to look at the broader picture.

Going for the best bang for the buck on behalf of all Ontarians does not in any way suggest necessarily that it means that we're going to take advantage of people who are employed as unionized labour in the public sector or the broader public sector.

It was very interesting, Chair, in the hearings that we had last week that we talked to a number of representatives from very significant organized labour—smaller groups, as well as people like Fred Hahn of the Canadian Union of Public Employees, Warren “Smokey” Thomas of OPSEU, Ontario Public Service Employees Union, and we got opinion on this.

For some reason, and very much in evidence if the record is consulted on the question of what CUPE had to say, our organized labour, or at least its senior representatives seem to believe that they are entitled to their entitlements, and we don't. We have said consistently in the Progressive Conservative Party that everybody in the province has to take one for the team.

We have crises in this province, Chair. We have an employment crisis. We have a financial crisis of significant proportions that threatens, even the government admits, to be one of epic proportions if we don't exercise some control.

So far be it from me to congratulate the Liberal government of Dalton McGuinty, but I've got to say that at least the efforts that were put forward were put forward in hopes that privatization of some aspects of procurement for the province of Ontario, whether that be goods or whether it be services, was an appropriate direction in which to travel.

I might say as well, Chair, that my party put that forward before any budget was tabled in the chamber in this building on March 27. We believe in the idea of getting the best deal possible for Ontarians.

To that end, we frankly would have liked to see schedule 28 maintain itself intact as originally proposed, which would have made it much broader than what is now contemplated, where all the limitations seem to be built around the words “ServiceOntario” and the areas serviced by ServiceOntario. Left to us, we would see that broadened, and still with respect for labour in the province of Ontario.

So I wanted to put that on the record before the vote is called on schedule 28, and I look forward to hearing the comments from my opposite number in the government.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I think we're all well aware that this morning, Andrea Horwath, the leader of the NDP, publicly committed to scaling back the number of schedules which the NDP would remove from the budget bill from 13 to four. Ms. Horwath specifically explained that the four schedules the NDP would be removing from the budget bill all related to interest arbitration. We trust that the NDP will follow through with this commitment, which was articulated very clearly in their leader's press conference this morning.

1740

Our government brought forward 32 amendments to address the NDP's concerns about the scope of schedule 28—amendments that the NDP members in this committee supported themselves. Unfortunately, some of the NDP amendments were ruled out of order, some were defeated and one did in fact pass.

I only expect, and members of the committee on the government side and the government, that Ms. Horwath, the leader of the NDP, will not go counter to her own word from this morning and will—

Mr. Michael Prue: Did you listen to what she said?

Mr. Yasir Naqvi: —support schedule 28, as amended, as voted on by the NDP members of the committee.

The Chair (Mr. Bob Delaney): I'd like you to confine your remarks to the schedule and not to the motivations of the leader of any party.

Mr. Yasir Naqvi: I appreciate that, Chair. I am speaking about schedule 28 because that has been very much part and parcel of the conversation, not only the conversation that is taking place in this committee during public hearings; the discussion we have just had for the last approximately two hours, going meticulously through various amendments so that we can scope the extent or the breadth of schedule 28 to that of services that are provided by ServiceOntario, not to mention the two agreements that were reached between the NDP and the government where schedule 28 and its content were not an ask by the NDP.

This morning, we had statements by the leader of the NDP, Andrea Horwath, where she did not bring up the issue around schedule 28, tacitly giving her support for

the amendments that are put forward by the government, supported by the members of the NDP, Mr. Prue and Ms. Forster, throughout the process. I think some of these votes are recorded, as was asked by the official opposition, and I find it disturbing, to say the least, that now the same schedule, as amended, is not being supported.

I think part of the exercise in this committee is to have votes. Some votes go one way; other votes go particularly—and over the last two days we have seen how those things work. But I think one of the key things in any minority government is the capacity to work together, the capacity to talk to each other and the capacity to trust each other's word. In this instance—and I can speak for myself as the member from Ottawa Centre—I'm disturbed, and I don't know how much capacity that personally I have to trust the word of NDP members or that of the leader of the NDP.

The Chair (Mr. Bob Delaney): You're drifting away from the schedule, and the last part wasn't called for.

Further discussion? Mr. Prue.

Mr. Michael Prue: Yes. I take some considerable umbrage at the statement made by Mr. Naqvi. I have sat here for the last two hours and voted on almost every single recommendation that he and his party put forward in order to ensure that he got exactly what he wanted here.

I have read the statement from Andrea Horwath right into the record, which belies everything that the member has said. Andrea Horwath, so I can state it again, stated and wrote to the Premier the following words:

"Last week, we announced our intention to vote against schedule 28 and a series of related schedules related to privatization of ServiceOntario. We had similar concerns about oversight, accountability and the scope of the schedule which granted cabinet broad powers to sell government assets. We feel that amendments put forward by all three parties address those concerns. New Democrat amendments will ensure a transparent review by Ontario's auditor before a sale proceeds. With these amendments, we can support these schedules."

I don't know how you can be any clearer, and if you can't be more clear—two paragraphs below that, she wrote to the Premier, "As long as schedules and sections are successfully amended, our members will not need to vote against any more schedules." That's what she said, that is her word and not the way you twist it—

The Chair (Mr. Bob Delaney): Please speak through the Chair.

Mr. Michael Prue: And not the way the member chooses to twist it.

I am in here to try to do the right thing, and the right thing also includes looking after the 100,000 people who work for the province of Ontario because they deserve protection too. That's why we're standing up for the little guy.

The Chair (Mr. Bob Delaney): Is there further discussion?

Mr. Yasir Naqvi: Chair, recorded vote.

Mr. Michael Prue: Absolutely. I wanted one too.

The Chair (Mr. Bob Delaney): Shall schedule 28, as amended, carry?

Ayes

Fedeli, McNaughton, Naqvi, Piruzza, Shurman, Wong.

Nays

Forster, Prue.

The Chair (Mr. Bob Delaney): In my opinion, the schedule carries.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Before you move on to the next schedule, which is schedule 29, I would like to make a unanimous consent motion that relates to schedule 28, which just passed. I believe members have a copy; if not, I have additional copies that I can give to the clerk before I read the motion and make a statement on that.

The Chair (Mr. Bob Delaney): Do we have unanimous consent?

Mr. Michael Prue: For this motion? No.

Mr. Monte McNaughton: Could we have a two-minute recess, please?

Mr. Victor Fedeli: I don't have a copy of the motion, Chair.

The Chair (Mr. Bob Delaney): Okay, as some members don't have a copy of the motion, we'll take a very brief recess.

Mr. Victor Fedeli: I'd just like to read it once.

The Chair (Mr. Bob Delaney): Yes, that's fair. We'll take a two-minute recess.

The committee recessed from 1749 to 1751.

The Chair (Mr. Bob Delaney): Let's come back to order. Before everybody jumped the gun, Mr. Naqvi, I believe, asked on a point of order. Mr. Naqvi, would you like to make the point of order?

Mr. Yasir Naqvi: Yes, Chair, I would like to make the point of order. Thanks to the clerk for clarifying me with the process.

I would like to seek unanimous consent to reopen schedules 6, 7 and 13. If you may let me make a brief statement as to the intent behind this point of order, I'd be more than happy to do so.

The Chair (Mr. Bob Delaney): Go ahead.

Mr. Yasir Naqvi: We just passed schedule 28, as amended, to look at the possibility of ServiceOntario as a public-private partnership. Schedules 6, 7 and 13 that were dealt with last Thursday contemplate consequential amendments to operate what we just agreed to in schedule 28. Without schedules 6, 7 and 13, what we just agreed to in schedule 28 will be difficult to put into effect. Amendments to those schedules were technical in nature in order to operationalize schedule 28. Now that schedule 28 has passed, I think it's only appropriate that we reconsider those three schedules, hence, my point of

order to seek unanimous consent to reopen schedules 6, 7 and 13.

The Chair (Mr. Bob Delaney): Has everybody understood what it is that Mr. Naqvi has requested? Is there unanimous consent?

Mr. Michael Prue: No.

Ms. Cindy Forster: No.

The Chair (Mr. Bob Delaney): There not being unanimous consent, I'm sorry, I cannot grant your point of order.

Mr. Yasir Naqvi: Thank you.

The Chair (Mr. Bob Delaney): I'm very mindful of the time. We are now going to move on to schedule 29. There are no amendments proposed to schedule 29, sections 1 through 10, inclusive. May we consider sections 1 through 10, inclusive, in a block?

Interjection: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 29, sections 1 through 10, inclusive, carry? In my opinion, the sections carry.

In section 11 of schedule 29, we have an NDP motion. Ms. Forster.

Ms. Cindy Forster: I move that subsection 11(3) of schedule 29 to the bill be struck out and the following substituted:

“Registrar’s action

“(3) Subject to subsection (3.1), if the registrar of motor vehicles is notified under subsection (1), he or she shall, at the next opportunity, refuse to validate the vehicle permit issued to the person who received the notice of failure to pay under section 5 and refuse to issue a vehicle permit to that person.

“Notification by registrar

“(3.1) If the registrar of motor vehicles is notified under subsection (1), he or she shall not act under subsection (3) unless, at least 30 days before refusing to validate the vehicle permit issued to the person and refusing to issue a permit to the person, the person received a notice described in subsection (3.2) from the registrar.

“Same

“(3.2) For the purposes of subsection (3.1), the registrar of motor vehicles shall send the person a notice stating,

“(a) that the registrar has received notification from the minister under subsection (1);

“(b) that the registrar will be required under subsection (3) to refuse to validate the vehicle permit issued to the person and to refuse to issue a vehicle permit to the person; and

“(c) any prescribed information.”

Mr. Peter Shurman: There’s another page.

Ms. Cindy Forster: Oh.

“Same

“(3.3) The notice required by subsection (3.2) shall be sent by registered mail or delivered by a bonded courier.”

The Chair (Mr. Bob Delaney): Any explanation on it?

Ms. Cindy Forster: Currently, the 407 company can force MTO to cancel driver’s licences for those with

unpaid fines, and sometimes they aren’t given warning and they don’t hear about it until their licence is cancelled. We’ve actually heard of examples where it’s the spouse or someone else who’s actually getting their driver’s licence suspended while they were driving the other person’s vehicle.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Our recommendation is to vote against this motion for the following reason: The new notice period would likely create an operational conflict with the legislative regime for 407 ETR under the Highway 407 Act, 1998, whereas the intent was to create a seamless and integrated tolling regime as between 407 ETR and 407 east.

It is estimated that 80% of Highway 407 east users will also be using 407 ETR. Such users owing tolls or fees would have two different plate denial dates, one of which relating to 407 ETR would be in effect 30 days before the other, relating to 407 east. The foregoing discrepancy in plate denial dates would not be of any benefit to users of the highway and would likely create confusion over when the period of plate denial begins. For example, a person who owed tolls for both highways would receive a notice indicating that he or she will be placed in plate denial in 30 days for 407 east, but that same person would already be in plate denial with respect to the amount owed to 407 ETR at the time of receiving the notice.

Moreover, such users would not be able to use the partial payment mechanism to clear the earlier plate denial period, that of the 407 ETR, while leaving the subsequent plate denial period to be cleared later on because under the contract with CanToll, the service provider for 407 east, partial payments of tolls and fees owed to 407 ETR and 407 east are to be shared as between the two highways in proportion to the amount of tolls and fees owed to each highway. Thus, our recommendation is to vote against this motion.

The Chair (Mr. Bob Delaney): Any further discussion? Mr. Prue.

Mr. Michael Prue: If I can, there are so many complaints about this highway and there are so many complaints about the activities undertaken by the people who run the highway. If you ever have the misfortune of having your licence revoked and you don’t find out about it until you’re stopped by a police officer and then try to get that licence back—all this is trying to do is to help people who are absolutely not aware of what is happening to them. Because the car can be driven by almost anyone and it is not the licensee but the car that is charged, it is very difficult for someone who has a faultless driving record. Say a son or a daughter takes the car out onto the 407, doesn’t want to tell their parent that they were on the 407 and then hides that stuff, and some poor, blameless parent goes and finds out their licence has been cancelled. They can’t drive their car anymore.

I have some very serious problems with the way this business is conducted. I know they have to collect their money, but we have to make it seamless and fairer for

ordinary people to not have their licence revoked through no fault of their own.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Mr. Monte McNaughton: One more.

The Chair (Mr. Bob Delaney): Okay. One more and then we're going to adjourn. This one's going to be an easy one.

May we consider schedule 29—oh, I'm sorry. Just before we continue, shall schedule 29, section 11, as amended, carry? Carried.

May we consider schedule 29, sections 12 through 15, inclusive, where there are no amendments proposed?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall schedule 29, sections 12 through 15, inclusive, carry? Carried.

It now being past 6 o'clock, our authority under the order from the House compels me to adjourn this meeting.

I will remind all of our members, and, indeed, staff, that this, if you wish, can be business casual tomorrow. We'll see everybody here, same room, at 9 o'clock in the morning. I thank you all for your time today and for working through some very difficult issues. We're adjourned.

The committee adjourned at 1801.

CONTENTS

Monday 18 June 2012

| | |
|--|-------|
| Committee business..... | F-253 |
| Strong Action for Ontario Act (Budget Measures), 2012, Bill 55, Mr. Duncan / Loi de 2012 sur une action énergique pour l'Ontario (mesures budgétaires), projet de loi 55, M. Duncan..... | F-253 |

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Mr. Yasir Naqvi (Ottawa Centre / Ottawa-Centre L)

Ms. Teresa Piruzza (Windsor West / Windsor-Ouest L)

Mr. Michael Prue (Beaches–East York ND)

Mr. Peter Shurman (Thornhill PC)

Ms. Soo Wong (Scarborough–Agincourt L)

Also taking part / Autres participants et participantes

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Mr. James Sinclair, director, Ministry of Finance, legal services branch

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