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**Official Report
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Wednesday 29 August 2012

**Journal
des débats
(Hansard)**

Mercredi 29 août 2012

**Standing Committee on
the Legislative Assembly**

Standing orders review

**Comité permanent de
l'Assemblée législative**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Wednesday 29 August 2012

Mercredi 29 août 2012

The committee met at 1230 in committee room 1.

STANDING ORDERS REVIEW

The Vice-Chair (Ms. Lisa MacLeod): Welcome to the committee, ladies and gentlemen. It's wonderful to see you after a nice summer break, a nice summer holiday. We're back a bit early, and that has impacted our regularly scheduled committee meetings over the next two days that we were to have, in order to move forward with some of the fact-finding, research and presentations that we received over the course of the summer.

Today we'll be talking about the consideration of committee recommendations. Given that this is a committee by consensus, I think it would behoove us to make a decision on how we would like to proceed. I know that in the absence of our colleague Mr. Bisson—he will be late—he did have some suggestions I'd like to convey. He thinks that we should have a consensus today on things that we may want to move forward with on a provisional basis, and that's how we could start. That's his suggestion.

At this point in time, I'd like to ask members of the committee if they have any suggestions on how to proceed. Mr. Balkissoon.

Mr. Bas Balkissoon: I think we agreed generally, amongst all of us, to give the Speaker the privilege of dealing with the accessibility issue. I believe all my colleagues and myself continue to support that position.

The other item that is probably worth looking at, but I don't think we can make a decision on, is Mr. Clark's issue on proclamations. I think it has some validity to it, but if I can raise an issue so Mr. Clark understands: For myself, living in an urban centre and belonging to the city of Toronto in my previous life, a mayor's proclamation is adopted now. Previously, it used to be council's proclamation. We had an issue with two countries that had been at war with each other. Each wanted to raise their flag at city hall at one time, and one was recognized by the UN and one wasn't.

To deal with the issue of proclamation, just saying that we can have it outside the legislative chamber, I started to think about where you can put yourselves in trouble, because you can always think about when you can do it, and it makes sense, and it can speed it up, but I was more concerned about that.

I would say to you, sitting on the committee to review prayer in the Legislature, I received 15,000 emails that I

had to go through. The public out there has varying opinions as to what you would do with a particular issue.

I don't know if we could take proclamations and say, "It's something we should look at in the future or set up a process to look at it and see if we can come back with a template at a future date," but I'd say right now, I have hesitation to move forward on that one. Maybe my colleagues want to pipe in.

The Vice-Chair (Ms. Lisa MacLeod): So we have agreement on accessibility, moving on that. I would maybe suggest to our staff here that we look at things on an immediate basis and on a longer-term study, so that we're not exactly deferring it but it's not something that we'll recommend immediately for provisional. We should have two columns, I think. Accessibility is one issue; proclamations is something we want further study on.

Mr. Leal.

Mr. Bas Balkissoon: "Continue dialogue," or something. But I'd love to hear from Steve.

Mr. Steve Clark: No, I agree—

The Vice-Chair (Ms. Lisa MacLeod): One moment, though. I have already recognized Mr. Leal. Sorry.

Mr. Steve Clark: Sorry; my apologies.

Mr. Jeff Leal: Well, thank you, Mr. Chair.

The Vice-Chair (Ms. Lisa MacLeod): I'm not a "mister" yet.

Mr. Jeff Leal: Sorry, Madam Chair. It's Wednesday, right, and I'm from Peterborough.

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

Mr. Jeff Leal: Exactly. Madam Chair, you just hit the trap door and I fell through it. Very good.

The Vice-Chair (Ms. Lisa MacLeod): You opened it yourself, dear. Yes, Mr. Leal?

Mr. Jeff Leal: I'll withdraw the first one and go back to "Madam Chair." How's that?

The Vice-Chair (Ms. Lisa MacLeod): Sounds great.

Mr. Jeff Leal: Mr. Balkissoon raises a very good point. I remember having a discussion with Jim Bradley when he was Minister of Transportation, and it was about personalized plates. The issue, I remember—there was scrutiny of what would be appropriate and not be appropriate. I think there was a request for personalized plates that would say "JIHAD" on the personalized plate. Of course, having that on a personal plate has connotations for a whole number of people. So, just to follow up on

what Mr. Balkissoon said, in terms of proclamation, I think we have to look at that kind of point carefully from a sensitivity perspective.

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

Mr. Steve Clark: I agree that we should take a look at the whole proclamation issue in a more detailed way. I appreciate that the Clerk isn't here. I'd be interested, especially with what happened at the flag-raising previously—I would certainly like to hear if she has any recommendations on not just proclamations but the whole flag-raising approval, because of some of the issues that took place earlier this month. I would be more than happy to defer to her and hear some of her comments.

Mr. Jeff Leal: Steve, what happened earlier this month? I'm not familiar with your issues.

Mr. Steve Clark: Well, the day out here, the protest, the issue about the Sergeant-at-Arms approving the group to do their little demonstration.

Mr. Jeff Leal: Okay.

Mr. Steve Clark: I would love to hear a commentary from the Clerk on behalf of the legislative officers, and not just on proclamations but that issue as well, because it was out of our hands in terms of approving that group; it was in the Sergeant-at-Arms' hands. I think it would be appropriate, since we're asking for a report on that anyway, that she address, either in that report or under separate cover, any recommendations on that type of approval process.

The Clerk of the Committee (Mr. Trevor Day): Just to clarify, that's with scheduled demonstrations on the south grounds.

Mr. Steve Clark: Yes, I used the word "flag-raising" because flags were there. What I meant was the whole issue of demonstrations.

Mrs. Laura Albanese: Just to clarify, you're asking for clarification on demonstrations, let's say, on the premises or the use of the precinct?

Mr. Steve Clark: I'm asking for some detail about advance authorizations for demonstrations in the precinct.

Mrs. Laura Albanese: Including flag-raising?

Mr. Steve Clark: Well, again, I'll leave it open to the Clerk. I used that terminology. It probably was not the right one to use. So to clarify, approval to demonstrate and hold an event on the grounds, in addition to her comments about proclamations. I'm not going to put words in her mouth, because she's not here, but I think she would probably want to separate those two.

Mrs. Laura Albanese: I was just curious if it included flag-raising, or if those were set aside.

Mr. Bas Balkissoon: It could.

Mrs. Laura Albanese: It could, because they are an event—

Mr. Bas Balkissoon: And maybe it should.

Mrs. Laura Albanese: Maybe it should, yes. Any flag-raising is an event that is held on the grounds of the precinct.

Mr. Steve Clark: I agree. Let's talk to her when she's back and get something in writing.

The Chair (Mr. Garfield Dunlop): Okay. Lisa, did you have anything to add to that?

Ms. Lisa MacLeod: Well, in terms of the process, I think there are some issues we want to look at in terms of provisional adoption, and I think that's what we're talking about. Then, the other issue, just before you arrived, is that we were talking about having a longer discussion on some other issues.

We decided that immediately we would like to action the accessibility issue. In the longer term we'd like to continue the discussion on proclamations. You know, when I spoke with Mr. Bisson before the committee—I'll let him speak for himself when he arrives. But for the benefit of shaping the discussion of where we want to go—I think we have to make this decision—is talking about where we actually do have consensus we can make some change relatively quickly, given the time constraints we've got. I would encourage members, at this point in time, to start talking about things where we might want to see some movement in terms of how this place operates on a day-to-day basis.

The Chair (Mr. Garfield Dunlop): Okay. To Jeff now.

Mr. Jeff Leal: Thanks, Chair. The thing that I think naturally follows along from what we've just discussed is when we do tributes to deceased members. I think this is a logical progression here. Often, as I said, we do the tribute for deceased members, and members of the family travel near and far to be here at Queen's Park, and they're here at the time of the day when the chamber is virtually empty, which I think is not particularly respectful in the light of an individual, he or she, who obviously made a wonderful and outstanding contribution to political life in the province of Ontario, from all sides of the House. I think a part and parcel of what we'll look at is what would be a more appropriate timing, when all members would be in the House when we pay tribute to a deceased member.

1240

Ms. Lisa MacLeod: Just to that end, Chair, if it is possible for us to—I would like it on a long-term basis but even on a provisional basis—reconnect question period with routine proceedings, I think that would go a long way in assisting with making sure there are members in the House for tributes and ministerial statements and members' statements. My proposal would be to move that back on to an afternoon basis, but that's something I'd really like the committee to entertain at this point.

The Chair (Mr. Garfield Dunlop): I think we've had a fairly good discussion on that, and that certainly was part of the thoughts, I believe, of the Clerk as well.

The Clerk of the Committee (Mr. Trevor Day): If I could just jump in, I guess we had a couple of schedules laid out, sort of potential schedules—

Mr. Bas Balkissoon: Yes, but I think they all had challenges. If we adopt a friendly atmosphere—

The Clerk of the Committee (Mr. Trevor Day): — number 2 is determining, is there anything in those that we have now or a suggested one that the committee would like to—and these are all just suggestions to the House in the report, but suggest that the House might take a look at on a provisional basis?

Mr. Bas Balkissoon: Just to mention again, Mr. Chair, I think when we discussed the schedules, the Monday morning late arrival was a challenge if you were going to move everything back, and private members' bills on Thursday afternoon became a challenge if you were going to move everything back.

If you really look at the current schedule, it works. It's just that this one issue might function better if they were together, but I think there are alternatives in dealing with the tributes to former members. Because, if you listen to the Clerk, this is the one Legislature that meets more often than any other Legislature in the country. Maybe what we need to do is—because, how many of these tributes do we really have per year? Four or five, maximum?

I would say to you that we could probably look, on a particular day of a tribute, that we shorten question period and we do the tribute because we want to show respect, and it could be planned in advance. I know the opposition wants to ask their questions, but if you have adequate notice that this is going to be happening, then we should be able to accommodate it. But every one of the schedules that was in front of us as a variable to what we have right now had major challenges to it: to end the House at 6, to have the Monday morning late start and to really deal with Thursday afternoon, because, to be honest with you, I find Thursday afternoons unfair to members from the Toronto and GTA, because we end up always being on record voting on private members' bills, and those who live outside the GTA, except maybe in the third party here, never vote on some of these bills. And they become problematic, because in some regions the media holds that against you; in some regions they don't; and in some regions, members of the community hold that against you. The general public really don't have a true understanding of our schedules.

Ms. Lisa MacLeod: Just to point out, and I'm going to defend you on this point, because being an out-of-town member, sometimes it's really important to be home on Thursday night but the schedule doesn't permit you to be there to stand up and vote for an initiative that you think is worthy. I think it also speaks to the fact that not a lot of people are here on Thursday afternoon because it's not considered whipped voting, so I think that's an issue.

What I might suggest here is that we revisit this issue. I think there's a genuine concern here. Perhaps we should move this up the line to House leaders and have the House leaders look at this. Maybe that should be our recommendation.

The Chair (Mr. Garfield Dunlop): Lisa, before we go too far in this meeting, I wanted to ask the clerk: What do you see as our time frame right now, as we go through it at this point? I'm trying to tie it into the programming motion.

Mr. Bas Balkissoon: Oh, the motion—

The Clerk of the Committee (Mr. Trevor Day): The current membership of this committee will lapse, unless something changes, the day before the beginning of the fall sitting period. The fall sitting period will begin September 10, I believe, so this current membership—now, that's not to say that it can't be possibly extended, that the same membership might not come back, but that's what we know right now from that motion.

Ms. Lisa MacLeod: What I've been told today is that our House leaders have met and that they're considering some sort of a move that would allow us all to continue to go forward—

Mr. Bas Balkissoon: Till January.

Ms. Lisa MacLeod: Until January?

Mr. Bas Balkissoon: I don't know. I'm asking. It's got to be at least for one session.

Ms. Lisa MacLeod: In terms of the programming motion.

The Clerk of the Committee (Mr. Trevor Day): It was an order of the House that set up the membership; an order of the House can amend it as well.

Ms. Lisa MacLeod: All right.

The Chair (Mr. Garfield Dunlop): So does that mean that we just have today and next Wednesday to do this unless the House leaders change that?

The Clerk of the Committee (Mr. Trevor Day): The work before the committee will remain before the committee. The committee itself will still be in existence. The membership will be removed and it will be open for new membership.

Mr. Bas Balkissoon: But did we have a deadline to report from this particular review?

The Clerk of the Committee (Mr. Trevor Day): No. What did come about is that it states in that motion that this committee, aside from the assigning of ministries that we did early on in this committee, would not undertake any other task until it completed a report. Again, on the day before September 10, that too will lapse, and that too is open to be amended by the House.

The Chair (Mr. Garfield Dunlop): Okay. I just wanted some clarity on that.

Lisa, you're saying that your understanding was that the House leaders were meeting to discuss it?

Ms. Lisa MacLeod: Yes. There are lots of negotiations going on, and maybe we should get some clarification on what our timeline is to produce a report. I'm going to be very honest: I do not think we're going to complete a report worthy of all of our collective activities in the next two weeks, I'm not quite sure we're going to get the consensus we need on some of these initiatives until perhaps the subcommittee meets and we know what the parameters are on some initiatives—what's a “go” and what's a “no-go.” I really think that has to be part of this conversation.

I'm interested in hearing what my colleagues have to say, but I would like to produce a good report that, even if the House doesn't follow everything in it, in 20 years when the next committee goes through this, our report

will be as valuable as some of the other reports that we've studied. So I think we really have to put some thought into having a value-added report and, at the same time, we have to put some thought into actually producing something that the House can action. We're going to need consensus on that.

The Chair (Mr. Garfield Dunlop): Okay. Anybody else have any—yes, Bas?

Mr. Bas Balkissoon: I think on this side, we have no objection to taking the schedule in the House and referring it to the House leaders.

The Chair (Mr. Garfield Dunlop): Okay. So is that one thing we can agree on, then, or how do we feel about that? Steve?

Mr. Steve Clark: I think, just to back up what my colleague Ms. MacLeod said, we should make sure that those two schedules for the House be submitted the way they were presented to the House leaders. I certainly would favour, on a provisional basis, trying maybe both of them for a short period of time to see what they were like. I think it would be sad, after all the discussions that we've had, that we don't at least try—maybe not on a permanent basis but, using Ms. MacLeod's words, on a provisional basis—to shake things up. Not every member has served in this Legislature under that former schedule that I guess pretty well everybody in this room, other than Mr. Schein and I, served under before the last change was made. I think that there are two schedules that I certainly am not opposed to trying, but I would like to get a feeling from the House leaders.

The one point I would like to comment on that just took place a few moments ago was Mr. Balkissoon talking about question period being shortened for a former member's tribute, and I certainly don't favour that. I wouldn't want to reduce question period time for a tribute. I think we can accommodate the tribute certainly under routine proceedings, and again I think both provisional models include that being moved ahead of question period. I know he mentioned that, and I didn't want it to go past without providing my own personal comment.

1250

Mr. Bas Balkissoon: Three or four times per year, it shouldn't be a big issue.

The Chair (Mr. Garfield Dunlop): Okay. We've got a few questions here. Now I think everyone—Jeff and then Donna and then Laura.

The Clerk of the Committee (Mr. Trevor Day): Just briefly, what Mr. Clark is referring to is on tab 33 in your binders, the options that are—

Mr. Jeff Leal: Our process of doing some of our analysis got slowed down a bit. My right-hand person, Carol Price, who was assisting me on our side going through it, of course, has retired and then left on some well-deserved vacation with her retired husband, and Mr. Johnson now has moved into Carol Price's position. So we're trying to get Rick briefed up and asking him to do some analysis. I'm trying to reach Carol when she comes back from her well-deserved vacation because she did a

tremendous amount of work in this area, and when she comes back, I'm going to grab her deliberations, and we're trying to get Mr. Johnson up to speed. We're a bit tardy to where I think we should be, but it was just because, unexpectedly, Carol Price—

Ms. Lisa MacLeod: Well, these things happen. There's no need to apologize.

Mr. Jeff Leal: Yes; and, unexpectedly, Carol Price decided it was time to retire.

Ms. Lisa MacLeod: Well, we'll have to have her fired for that.

Mr. Jeff Leal: I just wanted to give everybody an explanation of what was happening. I always believe in being transparent.

Mr. Steve Clark: [*Inaudible*] at AMO conference as well, but that didn't happen either.

The Chair (Mr. Garfield Dunlop): Donna?

Mrs. Donna H. Cansfield: I think that in the past—I think I'm correct—but there have been many instances when during the morning question period all we've done is simply added on to that time when we've had to make an acknowledgement on the death of somebody important or whether there's been an earthquake or whatever. So there's no reason, if this is only a few times a year, that we could not stay the extra time in addition to question period—I think question period's really important—and have the tributes where everybody is in the House. I think it's just a matter of refreshing people's memories. As Jeff has said, I think it's really important to acknowledge the contributions of all people who have been members of this House, regardless of their party affiliation. We all should have an opportunity to say thank you and in a context where everybody is available.

So maybe the suggestion might be to look at why we can't just continue what's already been a practice of when there's been an event, the Premier is there and the House is full and we could add the tribute on. It's five minutes for each party. I think we could indulge ourselves for 15 minutes four or five times a year.

The Chair (Mr. Garfield Dunlop): Laura, you've got a comment?

Mrs. Laura Albanese: I pretty much agree with what my colleague just said. I do understand that question period is the way for the opposition to hold the government to account and, therefore, members of the opposition don't want that time touched in any way. At the same time, I want to also emphasize the importance of the tributes. There are not too many, one would hope, that would happen within a year, but it's a way to pay our respects for the members who have contributed to this House.

The whole issue was raised because when the tributes happen right now, there's hardly anybody there. So that might be a good compromise, to either add time after question period or maybe just beforehand so that we can achieve both: keeping question period and paying due respect to the deceased members.

The Chair (Mr. Garfield Dunlop): I just want to remind everyone too, though, that one of the things that I

picked up on that was immediately mentioned by the Clerk, Deborah, when she made one of her first presentations is that I think one of her comments was—and I think we had it echoed by a few people in our deputations—that there would seem to be a loss of interest in the Parliament since we've separated question period and routine proceedings, because it doesn't just apply to the tributes; it also applies sometimes, I think, to the statements that are made in the House, even to petitions. So a lot of people—I think the Clerk mentioned this; I believe Mr. Conway and Mr. Sterling mentioned this as well—notice that there may be a lack of interest in Parliament after question period, and there are a lot of neat things that actually do happen after. That's why I think that if it's something that we can agree on—and I'm not sure, Jonah, how you feel about this, but can we agree that this is something we would like the House leaders to discuss as well? Lisa, this was your—

Ms. Lisa MacLeod: I think that this really speaks to a calendar issue. I really agree on the tribute; I think everyone does. Look, I've got to say something. I know that I can be partisan in the House, but my favourite moments in the Legislature are listening to members' statements about people from their community or hearing tributes. I will often have tears in my eyes, thinking about some of these great people and the fact that we are taking the official record of Ontario and adding that person to the official record of our province. I think it's the best thing we do, and I think the best way to do that is to recombine routine proceedings with question period. When we do that is a matter for the House leaders to come to an agreement on, because without their agreement, let's be frank: Regardless of what we put forward in a report, it may not happen. We could provide them with guidance on some of our views and ask them to come together with their staff, who are experts, and deal with that. But my view has been very strong, and it has been since we split routine proceedings.

Let me be very, very clear: I agree that we need to have family-friendly hours. A lot of people attribute that to me, and I appreciate that. But it was never meant to split those routine proceedings up, and I think that we've done a disservice to the assembly by doing it. I want to be very vocal about it. I know that members who were present and elected at the time will recall that I did have problems with moving question period into the morning. It is there now, and that's fine, but I think on a provisional basis we may want to move it back into the afternoon and fill the morning time with debate. I will say, as somebody who had an hour leadoff this morning, that it's so distracting to sit there and say, "I have an hour on the clock, but I have three minutes in debate," because at 10:15, we're done.

I just think that we could be doing this a little bit better. We could have a fulsome debate in the morning and go back to keeping routine proceedings and question period together in the afternoon. That's my view. It happens to be shared by members of my caucus. What I'm suggesting, however, is that we put our parameters

out there, through consensus, to the House leaders and let them make the final decision, because if we make the final decision here and it goes to the House—my concern is that this exercise, these months we've spent researching this, could go nowhere. It could be just in a document and not actioned at all. I think the proper weight would be with them.

The Chair (Mr. Garfield Dunlop): I do want to get a consensus on this particular topic going to the House leaders. Bas?

Mr. Bas Balkissoon: Yes. I'm all in favour of sending it to the House leaders, as I said in the beginning, because I think that those are the three people who could probably make a sound decision or a decision on this issue. But listening to my colleagues on the other side, I know that when the two previous options were provided to us, I looked at them in detail, because I sat on the last committee that came up with the current schedule that we have. I'd like to throw this forward, that what is being referred to the House leaders—that this particular comment be added.

To me, the only way it will work is: We would still have to start question period at 10:30, but we sit till 12:30 to add the tributes and routine proceedings into it. Then our lunch break is from 12:30 to 1:30 and we come back from 1:30 to 6. That would work well, and it would also accommodate the Tuesday-Wednesday short days for caucus meetings and cabinet meetings and still give the late-evening debate more than an hour, because otherwise, you'll have late-evening debates that are not long enough to call any particular bill for debate. So I'd throw that in as an option that should be put in front of the House leaders—

1300

The Chair (Mr. Garfield Dunlop): Along with the provisional stuff? I mean, Mr. Clark—

Mr. Bas Balkissoon: Basically, let the House leaders know that we didn't come to a conclusion; we're grasping for something that they would agree with to work.

The Chair (Mr. Garfield Dunlop): That's your suggestion, but we have a provisional topic as well.

Mr. Bas Balkissoon: Oh, yes. I'm saying: The ones that were presented before—this is another one in addition.

The Clerk of the Committee (Mr. Trevor Day): Could you just repeat it so we can make sure we get the—

Mr. Bas Balkissoon: That question period continue to start at 10:30 and it ends at 12:30, and you bring the routine proceedings back to join up with question period. We do routine proceedings first, then question period, but we end at 12:30, and our lunch break will be from 12:30 to 1:30. I don't think that will make a big difference to all of us.

The Clerk of the Committee (Mr. Trevor Day): So routine proceedings are preceding question period—

Mr. Bas Balkissoon: As it used to be. I think this is what Ms. MacLeod wants back, the routine proceedings first—

Ms. Lisa MacLeod: Just to be very clear, I agree with part of that. It's just that our preference would be the afternoon. However, this is what I would consider progress. Again, I think it's really important, because we all represent caucus and some ideas, and there need to be some negotiations—this is going to be a consensus report. It really is, if there is going to be movement, a requirement by the three House leaders, I think, to have a final say.

The Chair (Mr. Garfield Dunlop): Okay. Now Jonah. I'm sorry.

Mr. Jonah Schein: That's okay.

Ms. Lisa MacLeod: Sorry, Jonah. You're the best.

Mr. Jonah Schein: Thanks. Nice to see you.

A few things. One, I would agree with Steve here, Mr. Clark, in terms of not shortening question period. That's a really important part for opposition members to hold the government to account. And there was a bit of a mix-up here with the time, so apologies for that.

But my question is, I would like to have this discussion more fully with our own caucus as well. People have very different family circumstances than I do. I live in Toronto. I don't have to travel from northern Ontario. I'd like the feedback; I'd like to have a further discussion with our own caucus. I'm wondering: Have other people had that feedback? Are you able to bring a proposal before it goes to House leaders, before we set a schedule going forward? I'm just curious to know if other folks have had that opportunity to have the scheduling discussion at this point. Are these kind of the three proposals?

The Chair (Mr. Garfield Dunlop): Well, yes. And if I may, Gilles, we've just added a little more work on to the House leaders here—we're attempting to do it, anyhow. We're saying that we've got some thoughts and ideas on the House calendar, on the weekly calendar, on where question period is, so we can't come to any kind of consensus. We're curious about whether we could—and we're getting support here right now from these two caucuses at least, the Liberals and the official opposition, that we could send this to House leaders for further debate on it—

Mr. Gilles Bisson: I have no idea what you're both agreeing to, first of all. Have you agreed to something?

The Chair (Mr. Garfield Dunlop): No.

Mr. Gilles Bisson: Okay.

The Chair (Mr. Garfield Dunlop): Just that we would let House leaders deal with the House calendar itself, like when question period would be, because it's going to end up in your lap anyhow. We can't come to a consensus where we are right now.

Mr. Gilles Bisson: Okay. Just quickly, what I was hoping was going to happen today—and I apologize. I told others that I couldn't be here for—I actually told the clerk that I couldn't be here till 1 o'clock, and I understood from the clerk that the committee wasn't starting till 1.

The Chair (Mr. Garfield Dunlop): We haven't gotten much done, though.

Mr. Gilles Bisson: All right. My apologies. I was at another meeting till just now.

What I was hoping we could do—the process, just to review, and Mr. Leal, who sits at the House leaders' meetings with me as whip, will be able to verify this: This committee is charged with looking at what possible rule changes can be made. We said at the House leaders' meeting that there may be some stuff that's low-hanging fruit that we can agree with, put into a package and get it done quicker than later. But in the end, there may be some stuff that needs some further work that we could get agreement on, and maybe there's stuff that we can't agree to at all.

What I was hoping we could do today is sort of go through the headings of, "Is there any agreement on, for example, the House calendar schedule?" And if there is an agreement amongst the three parties, that could be part of what we bring to the House leaders' meeting for discussion about a motion in the House—private members' bills, delegated authorities, committee structures, all that stuff that we had talked about.

So before agreeing that we're going to bump this up to the House leaders for a discussion about what's going to happen with the House schedule, I think this committee should do its job and see where it is that we have some agreement, where we need some further work and where we know we're going to have some disagreement so that we can at least, at that point, map out where we're going to go from there. That would be my recommendation.

The Chair (Mr. Garfield Dunlop): Jeff, and then I'm going to ask the clerk.

Mr. Jeff Leal: I appreciate Gilles's contribution. I think there is maybe a bit of consensus about a linkage between question period and routine proceedings. If we could maybe agree in terms of that linkage for a number of reasons, then the broader debate is whether it occurs in the morning or occurs in the afternoon, but if there is some consensus about bringing those two elements of our day together, I would deem that as some progress.

Lisa has provided an observation and a thoughtful commentary on this, and Mr. Balkissoon has also provided some very thoughtful and insightful commentary. In terms of the issue of the linkage, the question becomes: "a.m. or p.m.?"

The Chair (Mr. Garfield Dunlop): We're back to the House schedule now—

Mr. Jeff Leal: And that's the calendar issue.

The Chair (Mr. Garfield Dunlop): Mr. Bisson, though, is recommending that we talk about a number of topics, and what we can we agree on.

Mr. Gilles Bisson: Yes, and if what you're saying is—just to the—sorry.

The Chair (Mr. Garfield Dunlop): No, you go ahead.

Mr. Gilles Bisson: If what Mr. Leal is saying is that the Liberal caucus seems to be okay with the idea of linking question period and routine proceedings and it's a question of when, that's the kind of stuff that's helpful, because then we can go away to our caucuses and say,

“There is an agreement on this. Where do we go with it?” and then we can bring that stuff to the House leaders. That would make some sense.

If you want to start around the schedule, I’m fine. It doesn’t matter to me which one we start with, but we should try today to go through committees, private members, delegated authorities—

Ms. Lisa MacLeod: Gilles, just because you did come late, as did the Chair—a few minutes—we did make two decisions. We made the decision that we would move on accessibility. We’re basically working on two streams here: What are we going to put in a report for a provisional basis, and then another is, what requires further study? So we said we’d move on accessibility and that we’d continue to talk about proclamations. We’ve come back to the House schedule. I think we’ve got a consensus here of merging question period back with routine proceedings, but we don’t have consensus on when that should be. So that’s going in the other lane. The House calendar per se will go to House leaders.

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

Mr. Bas Balkissoon: Chair, I would put a little bit of a caveat to what is being proposed, because I agree with combining routine proceedings with question period, but I want to make it very clear that there was one schedule that was provided to us where question period was in the morning one day and in the afternoon on another. I’m not in support of that, because I think the viewers out there would like to see it consistent across the board. That’s why I suggested the 10:30-to-12:30 issue, so that there is consistency from Monday to Thursday. Anything that’s going to the House leaders—my position is, we need to maintain that consistency as an ultimate goal, which is, it’s at the same time every day, so the public knows where it is.

Ms. Lisa MacLeod: I think you would have agreement among most people here. That, to me, is reasonable—and again, not suggesting that I support the 10:30 time. I would actually go with 1:00 or 1:30, but just to say that, at the same time, the only thing we’re disagreeing with is the potential time, but I think the spirit of where we’re going is, we’re making progress.

The Chair (Mr. Garfield Dunlop): So that’s a topic there. Gilles.

Mr. Gilles Bisson: I think we’re all agreeing. I don’t know how much more we have to talk that one out. We’re saying that routine proceedings and question period, if we can find a way to join it back together that would make sense—we have to figure out when—the “when” and “how,” we haven’t quite figured out. So I’ve noted that.

Mr. Bas Balkissoon: And the convincing argument was that the tributes would have more of a—

Mr. Gilles Bisson: We understand.

Mr. Bas Balkissoon: Yes.

Mr. Gilles Bisson: So what I’m suggesting: We can go through all of that, we note it, and then we go back and we know where we can work from; right? Otherwise, we’re just going to talk in circles for two hours.

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The Clerk of the Committee (Mr. Trevor Day): I just want this one here, okay? The committee has agreed to recommend merging the two; we’ve got that.

Mr. Bas Balkissoon: With a consistent time of day.

The Clerk of the Committee (Mr. Trevor Day): With a consistent time.

The second option that was discussed before—

Mr. Gilles Bisson: Well, hang on: maybe a consistent time. I’m not sure the Tories have agreed to that. But we heard your point.

The Chair (Mr. Garfield Dunlop): We understand.

Mr. Bas Balkissoon: I want to make sure the House leaders get my message.

The Clerk of the Committee (Mr. Trevor Day): The second part, in terms of asking the House leaders for their input.

Mr. Gilles Bisson: I’m not agreeing to that at this point.

The Clerk of the Committee (Mr. Trevor Day): Okay, and that’s what I want to check: where we’re at there.

Mr. Gilles Bisson: Yes. What I want to do is for this committee to have gone through the list of the various things we looked at to see where we have agreement, where we need further work and where we don’t have agreement. Then we can map out from there what our next step is going to be—and it might be that we have to send it to the House leaders; it might be that this committee reconstitute, when we put committees back together in a week’s or two weeks’ time, in order to finish this work up. So let’s see where it leads.

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

Mrs. Donna H. Cansfield: I’m sorry; I thought that we—and I think it would be prudent to have some input from the House leaders, to be honest with you. I don’t want to spin my wheels on the calendar. We all know that ultimately it’s going to go there anyway, so why not send it there in the first place?

Ms. Lisa MacLeod: Just to back up Ms. Cansfield, I would far prefer for that to happen so that these young geniuses whom we all employ who know more about procedures than anything else—it would be great to have their input.

We know what we want. We’ve heard from people. We’re making a recommendation for further discussion. I have confidence in that group. It’s also something that we can bring up at the parliamentary liaison working group, although it doesn’t have a formal role here in the assembly.

When you have these young fellas and the staff who know what they’re doing—and of course, the Conservative staff members really know what they’re doing; they’re so good—I think that would be the most appropriate thing. That’s my two cents, Mr. Chair.

The Chair (Mr. Garfield Dunlop): Okay, but at this current time, we don’t have a consensus as a committee with Gilles on this, because he’s saying, “Let’s go through the whole list before we go back to that.”

Mr. Bas Balkissoon: Then we disagree on the schedule.

The Chair (Mr. Garfield Dunlop): But we have a majority right now that would rather see the schedule go to the House leaders.

Mr. Gilles Bisson: My problem—I've just now gotten called away somewhere else as House leader. Nothing happens on our side unless—

Mrs. Donna H. Cansfield: So it makes sense to go through you anyway.

Mr. Gilles Bisson: My problem is, I just got called away. I cannot stay here at this point for the next half-hour or so. I'm not in any position to give you any kind of decision, as I've got to go away.

The Chair (Mr. Garfield Dunlop): What we'll do, though, if it's all right with the rest of the committee, is: We will take your advice and try to walk through the—

Mr. Gilles Bisson: Yes, see where there's some agreement. At least I'll know where you guys are at, right?

The Chair (Mr. Garfield Dunlop): Yes. We'll talk about all the different things we have come up with and see if we can put the rest of the afternoon in with that. Is everybody okay with that?

Mr. Bas Balkissoon: With the schedule?

The Chair (Mr. Garfield Dunlop): No, not the schedule; the other issues he's talking about: private members' bills, committees, things like that.

Mr. Bas Balkissoon: But are we saying there isn't consensus on the schedule going to the House leaders for some input?

Mr. Gilles Bisson: I've been called away.

The Chair (Mr. Garfield Dunlop): He has to go away.

Mr. Bas Balkissoon: Because I think the majority of us here are very strong on the House leaders giving us input to this House schedule. If we don't do that, we'll be spinning right here for a whole lot of months, because we'll—

Ms. Lisa MacLeod: Everything has to do with the schedule.

Mr. Bas Balkissoon: Yes, it has to do with them, and I think we should send it.

Mr. Chair, I want to raise a concern, because I forgot. In looking at the tentative schedules that were presented, and I know we didn't approve any of them, I want you to know that from a personal basis—and I'm sure there are other members of the chamber who would probably have the same issue—I do not want to go past 6 o'clock, and I'll tell you why. Personally, I'm diabetic. I try to eat my meals at a fixed time. If we go past 6 o'clock—it takes me more than an hour to get home, although I live in the Toronto area. Dinner then becomes 8 o'clock at night, and that's not healthy for me. If there's anything to drag it beyond 6, it becomes a problem. I understand that there are members in the Conservative Party who suffer the same consequences I do. I'm sure there are others who, for other reasons, don't want to eat dinner later. I make it

very clear that in the schedule we're dealing with, I would hope that we're dealing between 9 and 6.

The Clerk of the Committee (Mr. Trevor Day): What we have so far—

Mr. Bas Balkissoon: Because I appreciated that when Ms. MacLeod said we had to be friendly.

The Chair (Mr. Garfield Dunlop): I understand. So you don't want to go past 6 o'clock.

Mr. Bas Balkissoon: Yes.

The Clerk of the Committee (Mr. Trevor Day): So far, the committee has agreed to recommend the merging of question period and routine proceedings.

Mr. Bas Balkissoon: Yes.

Mr. Jeff Leal: Done.

The Clerk of the Committee (Mr. Trevor Day): What the committee has not agreed on yet, and it may very well, is whether or not we are going to ask the House leaders for their input. That's one step, and in doing so, are we going to send them some of the options that the committee is seeing just as a "What do you think?", or are we going to just wait and see what they have in and of themselves?

The Chair (Mr. Garfield Dunlop): Steve.

Mr. Steve Clark: Yes. Again, I just want to reiterate—I think it's healthy, based on all the debate that we've had at this committee, that we take the two scenarios in addition to our consensus on putting routine proceedings and question period together.

I appreciate what Bas has said about meeting after 6. I know that the proposal that I had tabled does put us, I think, at 6:45, but I still believe that because we can't find consensus and the fact that our caucus still would prefer to have an afternoon question period, we submit both, with the option of something provisional. The House leaders may not agree, but I think that that is a very viable option: that anything we promote could be done on a temporary or provisional basis. I'll just leave it at that.

The Chair (Mr. Garfield Dunlop): Jeff.

Mr. Jeff Leal: Just how I think we may want to proceed, and the clerk could help us here: if we had a bit of a chart, and the first title would be "calendar." Underneath the calendar, there would be this item "a linkage of question period and routine proceedings," and there would be maybe a box ticked, and then on the far right would be a column that says "unresolved." In this particular case, it would be "a.m. or p.m.?" right? If we could maybe do that, that would certainly help all caucuses when we ultimately take it back for discussion. We may have to have another column on the right that says "referred to House leaders," and maybe put a tick under there, just to put it in a graphic way. I think that may be of some assistance—Mr. Chair, just my suggestion; that's all.

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

The Clerk of the Committee (Mr. Trevor Day): We've only got two items.

Mr. Jeff Leal: And under “calendar,” there may be the subsets—as I said, linkage of question period and routine proceedings, private members’ bills, or whatever those elements are. There may be three or four of them, and then we can have that graphic chart to show us where we are; right?

The Chair (Mr. Garfield Dunlop): So we’ve just got a couple right now on the list.

Mr. Jeff Leal: Exactly. I’m more of a chart guy than—you know—

Mr. Bas Balkissoon: A picture guy.

Mr. Jeff Leal: I’m a picture guy.

The Chair (Mr. Garfield Dunlop): All right. Well, even if we’ve got to come out of it with a chart, we’ll do it. Steve?

Mr. Steve Clark: Trying to move forward, I know that someone mentioned accessibility. We did have, I thought, consensus on—

Mr. Jeff Leal: That could be in the chart—tick, tick, tick.

Mr. Steve Clark: But there were things other than that. I remember that we had a discussion about opposition day and changing that so that the mover of the opposition day motion gets five minutes and it’s a five-minute bell. That was a report that we had here at the committee. Again, is that part of the low-hanging fruit, to use Mr. Bisson’s term, that we should be submitting to House leaders? I thought we had consensus.

The Chair (Mr. Garfield Dunlop): Let’s get something to House leaders.

Mr. Bas Balkissoon: Are we finished with the schedule?

The Chair (Mr. Garfield Dunlop): Yes, we are. We want to go down the list—

Mr. Bas Balkissoon: I think we are, too, yes.

The Chair (Mr. Garfield Dunlop): We want to try to develop a list here to pass on for a list.

Mr. Steve Clark: That’s why I was moving on to opposition day.

The Clerk of the Committee (Mr. Trevor Day): For the list, you are agreed on merging the two. We’re not agreed on whether it’ll be a.m. or p.m. or what the schedule will actually look like. We are agreeing to forward what we have to House leaders for their input.

Mr. Steve Clark: Including what Mr. Balkissoon has said—

Mr. Bas Balkissoon: With the two issues that I raised.

Mrs. Laura Albanese: But I don’t think Mr. Bisson agreed on that.

The Chair (Mr. Garfield Dunlop): He wants more than that sent to House leaders.

Mr. Bas Balkissoon: He wants us to make a decision.

The Chair (Mr. Garfield Dunlop): Yes.

The Clerk of the Committee (Mr. Trevor Day): So we are going to send something to the House leaders right now—it could be a bigger list—that has, “We’d like the two back together. Here are some options for scheduling. Please give us your input,” and we’ll move on from there.

The Chair (Mr. Garfield Dunlop): Bas, did you have something else before we start moving on and talking about opposition day and private members?

Mr. Bas Balkissoon: I remember vaguely Mr. Clark’s comment about opposition day and the bells. I’m trying to remember some of the concerns that I raised at the time, and I believe it was members having to come back to the precinct from their offices from our side, because our members are not resident in this building, and it was a challenge. If that’s the issue you’re raising, I just want to have a complete refresh of it. If it’s the issue about the mover of the motion having a time to reply, then that’s a different issue.

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Mr. Steve Clark: The one I’m referring to is a memo that Mr. Day sent to the committee on May 9 about draft options, Speaker’s authority and opposition days. At the very end, it lists, “It is therefore the committee’s view that recorded votes on opposition day motions should be deferrable, and should be achieved by the regular operation of standing order 28, that is, by the chief whip of any party requesting the deferral during the ringing of the divisional bell.

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

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

We had, to my recollection, a long discussion. I do not believe there were any of the three parties around this committee table that had any strong objection to that change.

The Clerk of the Committee (Mr. Trevor Day): To be clear, I think the only thing prior to this that the committee has voted on and said “We’re good with it” was the accessibility. There was a discussion around that—a lengthy one.

One of the things that came up is that Ms. Cansfield raised the issue of the five-minute bell not being sufficient. I think one of the changes that the committee was considering was a 10-minute bell, but that was never solidified completely. I guess the option is that everything works somewhat the way it does now, there is a five-minute right of reply, and they become deferrable to the next day, with, again, the suggestion was—and it’s still before the committee—a five- or a 10-minute bell.

The Chair (Mr. Garfield Dunlop): Okay.

Mr. Bas Balkissoon: But Mr. Clerk, the five-minute right of reply is already built in to the mover’s time and his or her party’s time, isn’t it?

The Clerk of the Committee (Mr. Trevor Day): I believe it’s two minutes. The problem with the current practice or the problem that raised the issue is that you

have to take it out of your time that's there. It's not separated out. So we do get into a practice of chicken where other parties won't stand up, so the debate will collapse unless you stand up and use the remainder of your time. This was to move it out and make it just for that person, separate, much like private members' public business, where—

Mr. Bas Balkissoon: You get the last say.

The Clerk of the Committee (Mr. Trevor Day): — you get the last say.

The Chair (Mr. Garfield Dunlop): Jeff? You had a question.

Mr. Jeff Leal: I have no problem with what Mr. Clark has proposed. I would seriously, though, look at a 10-minute bell.

I'll just share a personal experience. When I was PA to the Minister of Aboriginal Affairs, I was stuck way the hell down on Bloor Street, and there was no way, if there was a traffic jam, for me to be here in five minutes. There are some other PAs who are located off-site, but that was the furthest destination you could be at, way up on Bloor Street. It was virtually impossible, in a five-minute bell, to get back here to cast a vote.

So we're fine with what Mr. Clark said, but a 10-minute bell would be easier.

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

Mrs. Laura Albanese: I just wanted to reiterate the importance of the 10-minute bell. Right now, my office is at 400 University. If I walk it, I would not even be here in 10 minutes.

The Chair (Mr. Garfield Dunlop): You'd have to run it.

Mrs. Laura Albanese: But with the emergency—

Mr. Bas Balkissoon: You'd have to call a taxi.

Mrs. Laura Albanese: —taxi or whatever, I could try to make it here.

The Chair (Mr. Garfield Dunlop): I've done that before, the five. I know what you mean.

Mrs. Laura Albanese: Yes, 10 minutes away at least.

The Chair (Mr. Garfield Dunlop): Lisa?

Ms. Lisa MacLeod: I don't think Steve and I really have a problem with a 10-minute bell. I really don't think that's the point. I think the point when you're in the opposition is, you want it to be voted on when everything else is voted on. I think we should have the ability to defer it to the next day after question period, with the rest of the votes.

Mr. Jeff Leal: We have no problem with that. We're just the mechanics. I just said we agree—

Ms. Lisa MacLeod: Okay. Let's move this up the chain, then.

The Chair (Mr. Garfield Dunlop): Okay. But what I'm hearing, though, is that you have no problem with the mover having the last two minutes.

Ms. Lisa MacLeod: Yes—five, five.

Mr. Bas Balkissoon: The thing is, if you go five, you're extending the debate for five. If you go for two,

you're extending debate for two, because you have to work through the clock.

Ms. Lisa MacLeod: That's fine. We're all on a roll here, Bas. We're on a roll of agreement here with each other.

Mr. Bas Balkissoon: The clerk will have to give us the logistics, but I think you have to work through the clock.

The Chair (Mr. Garfield Dunlop): Okay, but is that not something we can agree on here?

Mr. Steve Clark: I sure hope so.

Ms. Lisa MacLeod: Yes. We just did it.

Interjection.

Ms. Lisa MacLeod: Jonah is excited.

Mr. Jonah Schein: I just want to clarify, though. Is this going to House leaders for input and then it comes back here, or is that the final decision?

Ms. Lisa MacLeod: No. Whatever we're agreeing with is going in the report, and then whatever we say to refer to the House leaders for input, they're going to come back in that provisional thing and—

Interjection.

Ms. Lisa MacLeod: Listen, would you like to take a seat at the table?

The Clerk of the Committee (Mr. Trevor Day): There are a couple of components here. I just want to make sure everyone is good on all of them.

The opposition days: the right of reply. Everyone agrees on that?

Ms. Lisa MacLeod: Yes.

The Clerk of the Committee (Mr. Trevor Day): The votes being deferrable: Is everyone agreed on that?

Mr. Bas Balkissoon: Yes; we don't have a problem with that.

The Clerk of the Committee (Mr. Trevor Day): And a 10-minute bell on this particular one: Is everyone agreed on that?

Mr. Bas Balkissoon: The 10-minute bell has to be retained, however you can work it in.

The Chair (Mr. Garfield Dunlop): Okay. Isn't this good news?

The Clerk of the Committee (Mr. Trevor Day): This is good news. So "the committee agrees to recommend." Okay.

The Chair (Mr. Garfield Dunlop): We've got another one on our list, Mr. Clark. Have you got anything else?

Mr. Bas Balkissoon: He's on a roll.

The Chair (Mr. Garfield Dunlop): Because it's such a good topic. Have you got any other suggestions?

We had a lot of discussion around committees. Can we open that up for any discussion right now, or any comments? Anything coming back from the Clerk on that that you'd recommend?

Mr. Bas Balkissoon: We had so much discussion, but we never had a discussion on what it is people really wanted. I think the only thing I heard clearly is that members who are appointed to a committee should be appointed based on a particular interest and therefore

gain knowledge and experience because of that interest. When you look at our House schedule and you look at what we're all involved in, it sounds like a good idea, but it's not 100% workable on the government side.

The Chair (Mr. Garfield Dunlop): Yes. We're pretty busy too.

The Clerk of the Committee (Mr. Trevor Day): Just to refresh: There were a couple of topics that came up. One of them was that bills had to be referred to certain committees, depending on what ministry those bills came out of. That was one.

There were also issues around determining which bills would actually be looked at in committee, trying to clear up the logjam, where a number of bills sit in committee and they don't get called by the committee for any work: private members' bills.

Mr. Bas Balkissoon: As we all know, 98% of them don't go anywhere.

The Clerk of the Committee (Mr. Trevor Day): Those were just a couple of the issues that came up, too.

Mr. Steve Clark: Yes. There was one issue in terms of committees that I brought up a couple of times, and I know the Clerk had given us a paper on it, and that was the issue of a parliamentary officers committee. Although the Auditor General has a pretty formal reporting with public accounts, the Ombudsman somewhat less formal with this committee, there was a feeling that I shared with the Clerk that there should be some more permanent committee set up for those parliamentary officers to report to. They are officers of the assembly, and I think there should be some formal committee structure that was put forward, similar to what the Auditor General has with public accounts. Other than talk about the report, I don't know that that actually moved forward.

The Chair (Mr. Garfield Dunlop): I'm just trying to recall how much discussion we had.

Mr. Steve Clark: The last line in the report, Chair, says, "There is therefore an entirely valid and currently missing role for the assembly to play by having a committee whose role is" this. It was just a very short little document that listed the Auditor General, Ombudsman, Environmental Commissioner, Information and Privacy Commissioner, Provincial Advocate for Children and Youth, Chief Electoral Officer and Integrity Commissioner.

The Chair (Mr. Garfield Dunlop): What tab is that?

Mr. Steve Clark: It would be within tab 31, or—that's in my poor filing system, so I can't totally say. It should have been in 31.

The Clerk of the Committee (Mr. Trevor Day): That was a document provided on an overview of committees.

Mr. Bas Balkissoon: Just for clarification, Mr. Chair, for Mr. Clark: Currently, these appointed positions—their reports go to the Legislature. So you're saying that it should be a process in the Legislature; then the report gets referred to a committee, and the committee can bring that officer in and discuss the report? That's the missing link?

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Mr. Steve Clark: Yes.

Mr. Bas Balkissoon: Okay.

The Chair (Mr. Garfield Dunlop): Is that not through the Auditor General?

Mr. Steve Clark: That was a report that the Clerk provided us.

The Chair (Mr. Garfield Dunlop): Yes, but was that not a recommendation of the Auditor General at one point?

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

Mr. Bas Balkissoon: I know the Ombudsman's report is here, and it's really up to committee to call the Ombudsman in. It sits in the Chair's hands to make that decision. The Environmental Commissioner, I'm not sure. Who's the other officer? I can't remember.

Mrs. Laura Albanese: Privacy.

Mr. Bas Balkissoon: The privacy commissioner. I think the privacy commissioner—

Interjection.

The Chair (Mr. Garfield Dunlop): Yes?

Mrs. Donna H. Cansfield: Maybe we need to do a little homework first. Who can and does report through to committees? I know the Ombudsman does, because I sat on the committee that did that.

Mr. Bas Balkissoon: When I was a Chair, I brought the Ombudsman in twice. Members did not want to review his other report. It's all in the committee's hands.

Mr. Steve Clark: Yes. The report that she gave us, if I might, says: "Only two of these parliamentary officers have any formal reporting, consultative or oversight relationship with a legislative committee—the Auditor General has a long-standing and robust relationship with the public accounts committee, and the Ombudsman has a nominal but moribund relationship with this very committee."

"This disconnect between the Legislative Assembly and its own parliamentary officers persists, yet it is relatively easy to fix by creating a dedicated committee to which these parliamentary officers can report on some regular basis, and by which the assembly can keep informed of their activities, have input into each of their mandates and how they are being discharged, provide guidance, and be the nexus between them and the assembly as a whole."

"While the parliamentary officers are independent officers of the assembly, they are not independent from the assembly—they are independent from the government. But they are creatures of this assembly to whom have been delegated some of the assembly's own powers and responsibilities, the better to enable the assembly to hold the government to account for its diverse and complicated operations."

"There is therefore"—and I've already read this—"an entirely valid and currently missing role for the assembly to play by having a committee whose role is" this.

Mrs. Donna H. Cansfield: So, Chair, if I may continue—

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

Mrs. Donna H. Cansfield: For example, I think it was identified in there—change the mandate. My understanding is the mandate is included in the legislative existence of that particular person—they have a mandate. So we couldn't change the mandate. The committee can't change the mandate that's been put in place by the government, who has given that responsibility to that individual, with these things to do. Is that correct?

The Chair (Mr. Garfield Dunlop): That's my understanding, yes.

Mrs. Donna H. Cansfield: Okay. That's why I say I think it needs to be scoped out a little bit more. I understand where the Clerk is coming from. I guess I need to have a better understanding. Is there anything, for example, that precludes, when that report is filed, that any member could stand up and say, "I would like this referred to"—I need some kind of, other than—I need a little bit more homework on this one.

The Clerk of the Committee (Mr. Trevor Day): We can provide that.

Mrs. Donna H. Cansfield: Okay.

The Chair (Mr. Garfield Dunlop): Did anyone else have any comments on that? So you're just looking at a little bit more background—

Mrs. Donna H. Cansfield: I'm trying to understand. How many are we talking about? What does it mean for another committee? Are you taking responsibility away from another committee? What are the roles—

The Chair (Mr. Garfield Dunlop): Say, from public accounts, for example?

Mrs. Donna H. Cansfield: Yes.

The Chair (Mr. Garfield Dunlop): Okay.

Mrs. Donna H. Cansfield: What can you now do currently, under the existing structure, in terms of referral? What can a committee do and not do? You can't change a mandate. You might make a recommendation to expand a mandate, but ultimately it goes back to the government, presumably. How does that happen? That kind of thing. I just need some—and how many agencies are we talking about, or how many individuals are we talking about?

The Chair (Mr. Garfield Dunlop): I understand where you're coming from. I really support the idea of establishing this, because I look at people like the Information and Privacy Commissioner and the Environmental Commissioner in particular. It seems that the only teeth they have, or the only chance they get to be here, is when they bring out their report and they do a press conference downstairs, or whatever it may be, in the media studio and they do their announcement and then it's a story for a day or two, and there's not really anything said or done about that.

I think it would be nice to know that you could call in, say, for example, the Environmental Commissioner and have him in for an afternoon or a couple of afternoons and really get to know a little bit more about some of the comments he's making. The same with the Information and Privacy Commissioner.

Yes, go ahead.

Mrs. Donna H. Cansfield: But presumably you'd have to have a purpose to call that individual in, right? Presumably, there's a purpose for getting a committee together to call in an individual other than an information session.

The Chair (Mr. Garfield Dunlop): Yes, and I can tell you right now, I have some concerns about some issues around information and privacy and I would love an opportunity to question at a committee the Information and Privacy Commissioner just to be able to clarify some things, other than having to set up an appointment with her myself or sending her a bunch of correspondence, because I think there's some merit to having that person make a report to a standing committee.

Mr. Steve Clark: Yes, and just using my own comments, I had a meeting with the Chief Electoral Officer after I had my member's statement about having a better voters' list, and he indicated that at some point he was going to have some recommendations. I think it would have been nice to have those recommendations brought forward to a committee. I don't know about you, but every time I have my meeting with the Integrity Commissioner, she and I always have a little discussion and she's always got some ideas on things that she would like to change or she's at some process of reviewing change. It would be nice to have a committee where they could bring those ideas forward and have a forum for discussion.

Mrs. Laura Albanese: What I wanted to say was, I agree on the idea of having some background research as to what ties currently exist for these appointed members and committees and the Legislature. I have been a member of the public accounts committee and enjoyed very much working closely with the Auditor General. At the same time, I believe that his mandate includes working with the public accounts committee. I don't know, for example, if that's the same—if there's anything that would preclude the privacy commissioner from speaking to a committee other than just to give information. I believe that what Mr. Clark is proposing is working with the appointees to perhaps, as we do with the Auditor General, review some of the chapters of the report and see how we can best recommend improvements within the appropriate ministries. I don't even know if that's possible according to their mandates, so the research should include that as well—

The Clerk of the Committee (Mr. Trevor Day): Yes. What I can tell you just currently about that is, yes, the Auditor General, in his actual mandated legislation—it's in there that he work with public accounts.

Mrs. Laura Albanese: Yes.

The Clerk of the Committee (Mr. Trevor Day): The Ombudsman meets with this committee; section 15 of the Ombudsman Act has that in there, that deals with this committee. So that is something that we can look into, and what would be involved on both sides, not only a standing order change but possibly would there be legislative changes involved?

The Chair (Mr. Garfield Dunlop): But, Trevor, just to take that a step further, is there anyone for the Environmental Commissioner to—

The Clerk of the Committee (Mr. Trevor Day): Right now, in our standing orders, no. Now, that's not to say background checks into—and I do not know, but looking into the legislation, Peter, do you know of anything—

The Chair (Mr. Garfield Dunlop): The environmental or even the privacy commissioner.

The Clerk of the Committee (Mr. Trevor Day): —if there's anything in there that may be in the legislation right now.

The Chair (Mr. Garfield Dunlop): Either one of those two.

The Clerk of the Committee (Mr. Trevor Day): We'd have to look into that.

Mrs. Laura Albanese: And who they report to.

Mr. Peter Sibenk: The regs committee is in the Legislation Act, 2006, the Auditor General is in the Auditor General Act, and the other one, the Ombudsman Act—

The Clerk of the Committee (Mr. Trevor Day): So we can look into the other ones to see if there's any formal—

Mr. Bas Balkissoon: Mr. Chair, Mr. Clark has raised a good issue, and I'm wondering if this is one of those, like the proclamation, which requires further study, where we have to look at the legislation and the mandate of all these parliamentary officers, because it's not just the Integrity Commissioner and the Environmental Commissioner. You have the child advocate and I think there are two or three others. So maybe what we need to do is send a recommendation to the House leaders that a review be done on all these officers, the legislation and the mandate of these officers, and provide the connection with the Legislature and the standing committees to allow for the things that the Clerk has identified as a missing link. That would take it out of here in a hurry, and some day we will get that done properly.

The Chair (Mr. Garfield Dunlop): Okay. I agree. Now, Jeff—yes?

Mr. Jeff Leal: I was just going to concur with Bas that I would personally like to know the various pieces of legislation that have embedded in them reporting requirements by these legislative officers, and that would be part of the research.

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The Clerk of the Committee (Mr. Trevor Day): Am I hearing this is a two-item that we discuss before the—we're going to push it down a little bit for further study?

Mr. Jeff Leal: Yes.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: Two things: One is, normally we have the media table open so our media people can sit down and write things. I would move that our friend from the Star can actually sit at a table in a chair so she can do her work a little bit more easily. Are you guys okay with

that? Do you want to come up here? It's up to you. I just saw you balancing your notebook and your BlackBerry.

Interjection: No, I'm fine.

Mr. Gilles Bisson: All right.

I just walked in—and I'm sorry, but I was pulled away to another meeting.

The Chair (Mr. Garfield Dunlop): It's okay.

Mr. Gilles Bisson: So what you're essentially saying is that there's some validity to taking a look at the possibility of extending the committee oversight over officers of the House. Generally, we're in agreement. We're not quite sure how, when, where and all that kind of stuff—that's good.

I'd be careful about saying we're going to refer it back to the House leaders. I think we need to get a sense from our caucuses—let me just back up. I take it that when you say this is something that's worth studying, you've had some discussion within your caucus and there's some willingness to go there.

Mr. Bas Balkissoon: No.

Mr. Gilles Bisson: No?

Mr. Bas Balkissoon: It was raised here, and we're agreeing.

Mr. Gilles Bisson: Okay, that's fair. Can I suggest, then, as we go through this stuff and we have things that we've agreed to, things that we need to take a look at and those things that we don't agree with, that before we bring it to the House leaders, we should all go back to our caucuses and find out who buys into what so that we have a real list that we can bring to the House leaders when we're done?

Mr. Jeff Leal: Gilles, I had suggested a bit of a chart here: things we agree to, things that are outstanding and things that we need. When that gets built, then you can take that to the House leaders.

Mr. Gilles Bisson: You wouldn't rather bring it to your caucuses first?

Mr. Jeff Leal: Oh, I'm sorry. I'm a little out of sync here—I think both an internal caucus discussion and then eventually to House leaders. But I think a chart would be very, very helpful. We've already agreed on a number of things today.

Mr. Gilles Bisson: Okay. The only thing I missed when I was gone was opposition days, where we're recommending you can defer the vote and the right of reply to the mover of the motion—and that's an agreed one. Good.

The Clerk of the Committee (Mr. Trevor Day): One more thing, very small: Usually on a deferred vote, it's a five-minute bell. The recommendation was that it be a 10-minute bell.

Mr. Gilles Bisson: Okay.

The Clerk of the Committee (Mr. Trevor Day): So, parliamentary officers committee, more research, item number 2—it's over there.

Mr. Bas Balkissoon: Yes. It may require the ministers to look at their own legislation on how they appointed these people.

The Chair (Mr. Garfield Dunlop): Okay. We're actually rolling along here a little bit, Gilles.

Mr. Gilles Bisson: Just a question on process: Are we following any particular order of things?

The Clerk of the Committee (Mr. Trevor Day): No. Things are just being sort of—

The Chair (Mr. Garfield Dunlop): We're just bringing up things we've talked about in the past. I was going to ask next about what we—

Mr. Gilles Bisson: So are we staying on committees or are we moving off committees? What are we doing?

The Chair (Mr. Garfield Dunlop): We can stay on committees if you have other suggestions.

Mr. Gilles Bisson: Well, one of the things that we—at least I have talked about; I don't know where everybody else is at: Committees, in the end, are sort of where the Legislature and members can be the most effective, as far as doing our jobs. Is there any willingness in regard to the other caucuses to looking at how we're able to make some changes at committee? For example, we had talked about the old standing order 123, which is 126 now, that allows a committee to order up a review of a particular issue. So let's say you're on general government and you want to review whatever policy. A caucus has a right to do that. Is there any willingness on the part of the committee to seriously look at maybe doing something that allows caucuses or individual members the ability to bring forward an issue for a limited time of study at committee, like an old 123 or 126?

The Chair (Mr. Garfield Dunlop): Any thoughts? Steve, do you have anything on that?

Mr. Steve Clark: I don't have a difficulty talking about it. I'd like to have, as Gilles said, a more detailed discussion at our caucus. I've had some of our caucus members bring up different things they'd like changes in in committee in terms of responsibilities, so I don't have a problem having that discussion. I'm certainly open to having it myself.

Mr. Bas Balkissoon: Mr. Chair, we haven't brought this up to our caucus, but I know my comments when this discussion took place were that we currently have such a hectic schedule, to add more work to committee members on the government side was always difficult, unless you could find a way to reduce the schedule and then create room for the additional work.

The other thing: If I remember 116 and 216 or whatever it is, there are some specific parameters in those two procedures that, personally, I don't agree with changing. I don't know what my colleagues think.

The Chair (Mr. Garfield Dunlop): Okay. Donna or Laurie? Jeff, did you pick up on that—

Mr. Jeff Leal: I did.

The Chair (Mr. Garfield Dunlop): Okay.

Mr. Jeff Leal: I'm giving Mr. Bisson's proposal some thought, so I'm going to—we'll have an opportunity to respond. I think Mr. Balkissoon—

Mr. Gilles Bisson: This is something we can look at later, is what we're saying.

The Chair (Mr. Garfield Dunlop): Yes.

Mr. Bas Balkissoon: If we could receive your exact proposal, we would take it to our caucus. But trying to compare one with another and a different House schedule, when the other one was in place, to this House schedule is very difficult.

Mr. Gilles Bisson: I'm not talking about the schedule. There were some specific recommendations that were made in regard to standing order 126. For example, currently you have to have a 60% majority in order to do the 126, I believe. One of the recommendations was, it just becomes a simple majority, period. Because the problem—60% essentially makes that section null and void.

The other issue is, it used to be under the old section 123 that a committee, if they had no other business before it, could do a review. For example, if Mr. Balkissoon is interested in looking at the state of public housing in Ontario, Mr. Balkissoon would move such a motion to the order paper of the committee, and if you have no other business before the committee, under the old standing order then the committee can seize itself of that for—how many hours was it? It used to be—

The Clerk of the Committee (Mr. Trevor Day): If I'm thinking of the right one, it was approximately 12.

Mr. Gilles Bisson: Yes, it was so many hours.

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

Mr. Gilles Bisson: But it was dependent on the committee having no work before it. That was one of the ways of looking at it.

The other way of looking at it is saying that each—I don't know how you do this, but some sort of rotation by caucuses—that you have an opportunity for committees to look at something for a shorter period of time. There may be a four-hour or a five-hour rule where you can say, "Okay, let's look at calling some witnesses in order to talk about the state of public housing in Ontario," and have some witnesses come forward in order to give you information, and that becomes part of the business.

The other thing we had looked at was the issue of estimates. Do we want to get into a conversation around whether estimates should only be done by the estimates committee or should you do what we used to do here before, which was estimates is done by the actual committee charged with the ministry? It would actually allow us to do more estimates, and members would have a certain expertise, because if you sit on a particular committee you get up to speed with those ministries that are assigned to your committee.

There were just different things like that that were brought forward under the committee section, and I just want to get a sense of where the government and the opposition are on those matters.

The Chair (Mr. Garfield Dunlop): Personally, as Chair, but trying to be non-partisan on this—you mentioned bringing this up further down the road or putting it on a list for the future. I don't think—I think anybody is open to that kind of discussion.

Mr. Gilles Bisson: Is there any of it that we agree to at this point, I guess should be the question. Do we want to—

Mr. Bas Balkissoon: Mr. Chair, I would agree, if I could see a proposal. My colleagues and I would love to put it front of our caucus members. Without a proposal in your hand, it's very hard to picture what can or cannot happen.

There are merits to estimates being done by the individual standing committees. But if I look at the work since I've been here at estimates committee, most of the time they're meeting year-round. They meet over the Christmas holidays; they meet in January—

Mr. Gilles Bisson: No, not over the Christmas holidays.

Mr. Bas Balkissoon: If you pass that work on to other committees, then they'll be meeting longer, which means more members will have to put in more work. If we retain the same calendar—I just—

Interjection.

Mr. Bas Balkissoon: Yes. I just don't see it being workable in terms of members' time schedules. So without something in front of me, it's hard to say yes or no or maybe. But if I could get something, I'll take it back to caucus.

1350

The Chair (Mr. Garfield Dunlop): Just to make sure I'm clear on this: I think the estimates committee has a set time frame each year. It's like 12 sitting days after the budget and then right through till mid-November.

Mr. Bas Balkissoon: But it's pretty hectic.

The Chair (Mr. Garfield Dunlop): Yes, it's hectic, but you're done in the middle of November.

Mr. Bas Balkissoon: Yes.

Mr. Gilles Bisson: There was also the question of, if you just stay with the estimates committee, there's no reason why we couldn't extend the date beyond November so you can get more estimates done. That was the other thing that we had looked at.

The Chair (Mr. Garfield Dunlop): Jeff?

Mr. Jeff Leal: This is just a personal view. I think what Gilles suggested is something that Norm Sterling touched upon when he made his delegation here, based on, of course, his work at public accounts and over a number of years. That's not to say that if you still had a set time frame for estimates—the committee that has the responsibility for that particular ministry could be doing their estimates work within that time frame. There's the ability to look at kind of a hybrid model here. I, for one—as I said, this is just a personal view—would be inclined to look at that, but it would take some broader discussion.

Mr. Steve Clark: There was another issue that I think Ms. MacLeod brought up, using the federal example of the take-note discussions that take place at Parliament. We had that discussion, but we didn't ever have it in relationship to revising the standing order. But I remember that on at least one—it must have been more than one—occasion, she brought up the federal Parliament

and the fact that they can do that take-note style of debate. I'm not sure whether that was something that would feed into your suggestion or not.

Mr. Gilles Bisson: It is an issue.

Mr. Jeff Leal: If I could just follow up, in terms of committees that have the responsibility of specific ministries, doing their estimates, that's the American congressional style. Their committees look at estimates where they have a great deal of expertise. Defence appropriations: All those people are experts on defence or other activities. I think it would help individual members to get a lot of expertise in a very specific area, and that could be helpful.

Mr. Steve Clark: I think that's what Mr. Sterling had talked about as well: having it more specialized in the policy fields. Some of our members have talked about the whole bills and regs committee, having a more robust say in some of the regulations as well. I know that has come up.

So I would probably recommend that we take this item and go back to the caucuses and have a discussion about two or three specific items that they would like to see move forward in committees and then have a discussion in this room just on that matter.

The Clerk of the Committee (Mr. Trevor Day): Just to check: Are you going to go back to your caucuses and discuss committees in general, or are we looking at specifically—

Mr. Bas Balkissoon: No. We need input.

The Clerk of the Committee (Mr. Trevor Day): All right. And so far, what I've heard are things like possibly extending Thursday; possibly looking at different ministries doing estimates, not just the estimates committee; some type of change to the 126. Those are the types of things that I'm hearing right now.

Mr. Bas Balkissoon: We're not agreeing. We're agreeing to look at a proposal.

The Clerk of the Committee (Mr. Trevor Day): No, it's not agreement. That's just the area we're in.

Mr. Bas Balkissoon: The proposal has to work in the current calendar, if it's workable without—because I think we're tending to say that all these things worked well in the past, but every time I look at what worked well in the past, the House schedule was a lot shorter. We now have a longer House schedule, and we want to bring all the stuff that we dropped back into the House schedule.

Interjection.

Mr. Bas Balkissoon: That's not my understanding from the schedules I looked at.

Mr. Gilles Bisson: We used to sit till 9:30 every night, and midnight for the last two weeks.

Interjection.

Mr. Gilles Bisson: Oh, yes.

The Chair (Mr. Garfield Dunlop): It's fun sitting till midnight.

Mr. Gilles Bisson: In 1995, we were sitting far more than now—for 10 years. You're the guys who brought in getting rid of night sittings, which was—

The Chair (Mr. Garfield Dunlop): Okay. So Gilles is bringing back a proposal on the—

Mr. Gilles Bisson: Yes, I'll bring a proposal back.

The Chair (Mr. Garfield Dunlop): So now we'll go to other issues we'd like to discuss. I think under the committees, things like the private bills and regs and the estimates—we'll determine that under one umbrella.

Other issues? Gilles?

Mr. Gilles Bisson: The other one was the issue of delegated authorities. I'm not going to go through the whole debate again, but essentially we all know what I'm talking about. Is there any willingness to look at how we're able to have some mechanism that lessens the requirement to delegate the authority of the Legislature to regulation? There are different ways you can do it; right? You could change your regs and private bills committee process so that before a regulation is actually enacted, it's sent to that committee so at the very least there could be comment before it's passed. That's one way.

You can do the British model. There were two different ways under the British model, I believe. A change of regulation needed approval of the Legislature; some of them didn't. So, is there any thought in regard to any of that, Mr. Leal?

The Chair (Mr. Garfield Dunlop): If I may, it's something that I hear about a lot: regulations. At times, I hear that they take away the intent of the original legislation. I don't know how many people hear that on a regular basis, but it's something that I think is kind of growing each year. I personally would like to see some kind of a committee have some kind of look at the regulation before it goes out the door, but those are just my own personal thoughts.

Mr. Jeff Leal: There may be an opportunity to look at a fairly substantive reform of the private bills and regulations committee. I can't tell you today what that should look like or what powers they should have, but I think it may be something that we need to take a look at.

The Chair (Mr. Garfield Dunlop): Steve, do you have any thoughts on that at all?

Mr. Steve Clark: I think it would be a great discussion to have. As you said earlier, I have had a lot of calls—it is a big concern within our own membership in our caucus. So I think it would be worthy of a bring-back to this forum and a suggestion or recommendation, if we can come to consensus, on how to move forward. I agree.

The Chair (Mr. Garfield Dunlop): I think that's something—are you saying yes, you would agree to have that as a topic of discussion?

Mr. Jeff Leal: I think it would be a good topic for discussion. I can't tell you today, as I said, exactly what it should look like or what parameters, but to have a discussion—one of the things I always liked about my municipal days is, you had an official plan and then you had the zoning bylaw, which was the regulations to implement the official plan, and there was always a way for everybody to understand what the zoning bylaws were all about to implement that official plan. Since I've been here at Queen's Park for nine years, there's a bit of

a disconnect there some days. If that municipal model is looked at in terms of the—I'd be prepared to look at it. As I said, I can't give you something definitive today.

The Chair (Mr. Garfield Dunlop): Bas, have you got any problems with having that as a topic of discussion?

Mr. Bas Balkissoon: I don't have a problem with it being a topic of discussion. I could say to Jeff—his comment on the municipal world—I've seen the pendulum swing from one side to the other and back. Again, when you play with these things, you tend to move in the other direction, which is that legislation is written much more stringently, and then when you want to change it because a situation occurs, it takes two years to change it.

Mr. Jeff Leal: It lacks flexibility.

Mr. Bas Balkissoon: So when you go the other route and you allow the regulations to be more flexible, if there's a crisis out there, you could fix it quickly. So it depends on what the government wants to do. But I've been part of governments where I've seen the pendulum go back and forth, and I think what Mr. Bisson is talking about could force us to move to legislation where it's so tight and so precise that you'd tie your hands to do remedies that you have to do overnight or whatever. It needs a lengthy debate to look at the pros and cons of both sides. I think we need to invite former ministers to tell us their opinion on the process that we have and the process that was in the past, and they'll give you their opinion, because that's the only way you'll make an informed decision.

Mr. Steve Clark: If I can add to that: If we had that discussion here, I think personally there would be more of us who would come to this room to have that discussion. There are other members who aren't members of this committee who, I think, would take an interest in what we're doing, if that was the type of discussion we had.

1400

The Chair (Mr. Garfield Dunlop): Let's call it a hold-over discussion, to the future.

Mr. Steve Clark: Let's have the discussion.

The Chair (Mr. Garfield Dunlop): I don't know if you folks are getting it or not as government members, but I tell you, if there's one thing I hear about Queen's Park, it's, "How was that decided?" Then you find out that you never read that in the original legislation, but when the regulations came out, it was much more complex, and nobody here voted on the regulations; it's done by the bureaucracy—

Mr. Bas Balkissoon: Maybe we need to hear from the bureaucracy too.

The Chair (Mr. Garfield Dunlop): And you kind of feel helpless sometimes because you've passed legislation, and the original intent was taken away. I would really like to see that discussion take place at some point, as part of this committee's review.

Further topics of discussion that people would like to put on for possible standing order changes? The length of the House calendar: Is everybody—

Mr. Bas Balkissoon: To me, the House calendar needs to be looked at if we had more work.

The Chair (Mr. Garfield Dunlop): Yes. It has been fairly flexible.

Mr. Bas Balkissoon: I'll tell you from my perspective, living in the city where the Legislature sits—some people may think it's an advantage—

Mr. Gilles Bisson: No, it's hard.

Mr. Bas Balkissoon: It's a real disadvantage because you're within reach of everybody, so you end up working seven days a week. I don't know how Jonah feels; he's a new member.

The Chair (Mr. Garfield Dunlop): Gilles?

Mr. Gilles Bisson: We have different problems. In your case, your constituent expects you to be able to go to an event on a Tuesday night. When you're living in Moosonee or Kapuskasing or Timmins, they don't expect you to be at an event on Tuesday night if the House is sitting. However, we do all work seven days a week.

Mr. Bas Balkissoon: And that's why, to me, our calendar needs to be looked at.

Mr. Gilles Bisson: Yes. I don't have an argument.

The Chair (Mr. Garfield Dunlop): Okay, Gilles, what we—

Interjection.

The Chair (Mr. Garfield Dunlop): I'm sorry; go ahead.

Mrs. Donna H. Cansfield: It is identified, and it's on page 55 of the standing orders what the regulations—the legs and regs. There is a committee that actually does this. So are you suggesting that the committee's mandate has to be reinvented, or are you suggesting that the committee should no longer exist, or—

The Chair (Mr. Garfield Dunlop): I think what we're referring to is the—today, when we proclaim a piece of legislation in the House, we make amendments to what's mentioned in the very detailed portions of the bill. When the bill actually comes out with the regulations, which usually go through a website for review, we don't see those. No committee sees the regulations.

Mrs. Donna H. Cansfield: Okay, but you could see them. You can go on the Environmental Bill of Rights and pick it out yourself.

The Chair (Mr. Garfield Dunlop): Yes, you could do that. What we're saying is: Why do we not have a committee that looks at those?

Mrs. Donna H. Cansfield: Again, it gets around to the responsibilities of the ministry, the minister, the ministerial requirements. So if a minister puts through a piece of legislation, it's incumbent upon that minister to develop the regulations, which is really how to put that legislation into practice. You're now suggesting that that's no longer a ministerial function; that it should become a committee function?

Mr. Gilles Bisson: Can I delve into this? Just from the perspective that over the centuries of the development of Parliament, it has been a struggle between the crown and Parliament about who has the authority. What we have evolved to is a system where we have complete legis-

lative authority on all laws in the Legislature. The king or queen can no longer come in and say, "I'm going to make a decision"; essentially they're a figurehead. It's up to the Legislature to make the decisions.

Where we're going now is that we're reverting the legislative authority away from the Legislatures and we're now giving it to cabinet, so we're inventing a new kind of kingship. We are devolving our authority as legislators to cabinet to decide whatever.

As we draft laws, and we're doing this increasingly more and more over the years, there are going to be more and more laws on the books that essentially say that everything is left to regulation.

Let's say that down the road you passed a law having to do with, "There should be a referendum on casinos," and you leave it up to the delegated authority, cabinet, to decide. A new government could come in and change the intent of what the Legislature wanted and do whatever.

The question becomes: At which point do we, as legislators, assert our authority? It's not that we are telling cabinet what to do, per se; it's saying that cabinet cannot make laws on their own without going through the Legislature.

Mrs. Donna H. Cansfield: Maybe I'll disagree with your synopsis of that. That would be my question more: the legislative process. Are you trying to change that process by having regulations developed by committee, or a committee reviews it before it goes to legs and regs or it gets posted? I don't understand the functionality of what you want.

Mr. Gilles Bisson: It would still be cabinet and the actual ministry that writes all the regulation. That never changes. So we write a law and we say, "Today, we're writing a law to change a wall to the colour pink." If there needs to be regulation, it will be up to the ministry to write the regulations.

Currently, what happens, once the regulation is written, is, we only find out about it after it's written and it goes to regulations and private bills and then we can say, "Oh, let me take a look at that particular reg."

Mrs. Donna H. Cansfield: So you want to write the regulations.

Mr. Gilles Bisson: No; absolutely not.

Mrs. Donna H. Cansfield: What do you want to do?

Mr. Gilles Bisson: The ability to review regulations before they're approved. There are different ways of doing it.

Mrs. Donna H. Cansfield: But there is a legs and regs committee.

Mr. Gilles Bisson: But regs only looks at a reg once it has been written. What I'm suggesting is, we may want to look at: Is there is a check and balance—because things have changed and we'll never get them back the way they were—that we can put in that doesn't hamper the ability of government to be nimble and quick but at the same time doesn't completely give away the legislative authority when it comes to regulation?

The Brits had a system that they talked about this summer that says that certain regulations cannot be changed

unless they come back to the Legislature, and those were very few. Most regulations essentially are done and you'd find out after the fact. Or do you go to a model and say that all regulations, prior to being enacted, must go through a regulations committee?

Mrs. Donna H. Cansfield: So you still want a committee that would have the authority to oversee and amend and change those regulations? What's the purpose, then, of them coming to the committee?

Mr. Gilles Bisson: At the very least, so that we actually know a regulation is being changed. That would be at the very least.

Mrs. Donna H. Cansfield: But you could go on the environmental posting and do that anyway.

Mr. Gilles Bisson: No.

The Chair (Mr. Garfield Dunlop): That would be a holdover issue anyhow. It's not something that we're going to put in the report; it's something that we want to identify as something that—

Mr. Gilles Bisson: Donna, at the very least, I think what we want as legislators is if cabinet, whoever the government is, changes a regulation, we don't find out after it's written. We should have some mechanism to find out that it's being changed so that the public or legislators can raise their concerns, and then cabinet can take them into account and do what has to be done. But at this point, there's none of that. That would be at the very least, in my view.

I'm a purist. I believe that we should never delegate our authority blindly to any cabinet to draft regulation. But I'm a purist on that; right? So there are different ways of coming at it.

The Chair (Mr. Garfield Dunlop): Other topics of discussion that people would be interested in seeing in the report?

Mr. Gilles Bisson: There is delegated authority. The other thing we had talked about was private members' bills. To what degree are we serious about trying to change the process of private members' bills? There was a whole section on: Should we have proclamations treated differently than actual bills?

Mr. Steve Clark: Before you were here, we wanted to have a discussion on proclamations. We didn't talk about the other issue as a result of private members' business on whether you have a committee that it goes through or some of those other procedures. So I'd be more than interested to see if there are other PMB issues that you want to talk about.

Mr. Gilles Bisson: To be clear, what's going to happen now—we have one more week before this committee no longer has authority to sit. I'm okay. I don't think we need to sit a whole bunch between now and next week; I think we're fine. But what we're going to attempt to do is have this committee continue its work after the Legislature re-strikes the new committees. What I would suggest that we start doing at this point, because we've had some initial conversations at committee, because we've heard from various witnesses, the clerks can do what it is that we've asked them to do today, but I think it's incumbent upon us now at this point to start thinking about

formulating actual suggestions on paper that we can bring back to the committee and start having some concrete discussions about: What do we want to do about delegated authorities? What do we want to do about A, B, C, D or E?

At this point, I'm fine.

The Chair (Mr. Garfield Dunlop): Anything from the Liberal caucus members, the government caucus members? Anything you'd like to see discussed further today, as we move forward?

Mr. Jeff Leal: I think we've made great progress, Mr. Chair.

The Chair (Mr. Garfield Dunlop): I'll turn it over to the clerk right now.

The Clerk of the Committee (Mr. Trevor Day): I just want to check. So what I'm hearing is, no need for a meeting next week, but we will be putting out stuff that was asked for: Mr. Leal's chart on sort of where we stand on things.

We will be working on any of the holdover items that require more information; we'll try to get those and get that out to you, just to give everyone a sense of where we are.

So just to be clear, from today I have: accessibility was agreed on; proclamation and bills was a holdover.

On a separate issue, Mr. Clark would like to see if the Clerk can provide information on guidelines on the use of grounds, scheduling flag-raising, stuff like that—from the Clerk, just for information purposes.

We agreed to recommend the merging of question period and routine proceedings. We agreed that the committee would forward the proposed schedules to the House leaders for input without really making any this way or that way.

The committee agreed to recommend—so an agreement—opposition days would be a deferrable vote, the 10-minute bell and the five-minute right of reply.

Parliamentary officers: The committee requires more research. That's number 2, a holdover.

Mr. Bisson will work on some recommendations for committees, and I'd like to extend that to every member of the committee in terms of working on recommendations for what you'd like to see on those areas, not just Mr. Bisson.

And then, delegated legislation, maybe some tinkering with the regulations and private bills committee and other forms, still needs to be discussed, and that's in item number 2.

Under the parliamentary officers committee, there was more information that was requested: how many are there, what are their current mandates, where does it sit in legislation versus standing orders and what they do; the ability of committees to change their mandates without that being in legislation and stuff like that.

Mrs. Laura Albanese: My understanding was that Mr. Bisson is putting a recommendation forward in regard to committees, not in regard to everything. Is that correct?

The Clerk of the Committee (Mr. Trevor Day): This one says "committees," but I'm saying on—

Mrs. Laura Albanese: So that we can bring it back to our caucuses—

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

Interjection.

Mrs. Laura Albanese: Yes.

The Clerk of the Committee (Mr. Trevor Day): But what Mr. Bisson was discussing at the end, there, is in terms of where we are now as a process. If your caucus has something you feel strongly about, bring it together, just in a recommendation form. That would be fantastic. We can work on the wording, should the committee agree with it.

Mr. Gilles Bisson: And just to add, that is not a complete list. There may be things that were missing that we haven't talked about today.

Mr. Steve Clark: And I just want to get some indication from House leaders on whether there's any appetite for provisional changes to our House schedule.

The Clerk of the Committee (Mr. Trevor Day): Just in case no one heard that from Mr. Clark, he's suggesting that be included in our schedule going forward to House leaders, inquiring as to whether there's an appetite for them possibly being used or a version being used on a provisional basis. Is that okay to add that in the correspondence?

Interjection.

The Chair (Mr. Garfield Dunlop): Okay, that sounds good.

Mr. Jeff Leal: That's 11 things, Mr. Chair.

Mr. Steve Clark: I'd say it's three things.

The Chair (Mr. Garfield Dunlop): We never got to Scotland either or anywhere. We didn't go anywhere.

Mr. Steve Clark: I also thought I didn't obstruct Bill 11. So that just shows you; right?

The Chair (Mr. Garfield Dunlop): Committee, thank you very much. The meeting is adjourned.

The committee adjourned at 1413.

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