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**Official Report
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(Hansard)**

Monday 25 March 2013

**Journal
des débats
(Hansard)**

Lundi 25 mars 2013

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 25 March 2013

Lundi 25 mars 2013

The committee met at 1403 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr. Bas Balkissoon): We'll call to order the meeting of the Standing Committee on General Government on Monday, March 25, 2013, for the study of traffic congestion in the greater Toronto-Hamilton area, the National Capital Region and northern Ontario. We have the report of the subcommittee on committee business. Mr. Colle?

Mr. Mike Colle: I'll read the subcommittee report.

Your subcommittee on committee business met on Wednesday, March 20, 2013, to consider the method of proceeding on a study of gridlock in the greater Toronto and Hamilton area, the National Capital Region and northern Ontario, pursuant to standing order 111(a), and recommends the following:

(1) That the committee meet for the purpose of holding public hearings on Monday, April 8, 2013, and Wednesday, April 10, 2013, in Toronto.

(2) That an invitation to appear before the committee be sent to Metrolinx, the Toronto Transit Commission, the Toronto Board of Trade and the Ministry of Transportation, and that each organization be offered 10 minutes for their presentation, followed by 15 minutes for questions by committee members.

(3) That the committee Clerk post information regarding public hearings in the Toronto Star, the Ontario edition of the Globe and Mail, the Ottawa Citizen, the Hamilton Spectator, the newspapers covering the region of Durham, L'Express, Le Droit and Le Régional for one day during the week of March 25, 2013.

(4) That the committee Clerk post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website and CNW newswire service.

(5) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk by 12 noon on Tuesday, April 2, 2013.

(6) That the length of presentations for witnesses be five minutes for their presentation followed by 15 minutes for questions by committee members.

(7) That, in the event all witnesses cannot be scheduled, the committee Clerk provide the members of the subcommittee with a list of requests to appear.

(8) That the members of the subcommittee prioritize and return the list of requests to appear by 12 noon on Wednesday, April 3, 2013, and that the committee Clerk schedule witnesses based on those prioritized lists.

(9) That the committee agree to hold additional public hearings in Ottawa and other GTHA locations, subject to receiving authority from the House.

(10) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mr. Bas Balkissoon): Thank you. Any discussion? Mr. O'Toole.

Mr. John O'Toole: Yes, Chair, thank you. I appreciate the subcommittee report.

There are a couple of amendments we'd like to make; they're more administrative or clarification issues. Is it time now to read the amendments?

I'm looking at the preamble paragraph, and starting with the section there that says to go to the greater Toronto and Hamilton area, GTHA, the National Capital Region—this addition, this particular insert is: “and a study of roads and bridges infrastructure in northern Ontario.” That's inserted, and it's also deleting the words which I've not read, which were read in there—I guess I could say it's striking out—

The Chair (Mr. Bas Balkissoon): Mr. O'Toole, the mandate was set in our previous committee, and the preamble is the direction of the motion from the previous meeting. We can't change the motion of the previous meeting.

Mr. John O'Toole: That being the case, then I would probably like to add a section number 11, which is for clarification. In section 11, I would be saying, “That the committee will undertake a study of roads and bridge infrastructure in northern Ontario.”

The Chair (Mr. Bas Balkissoon): Okay, I would rule that that particular amendment is acceptable because of our previous request for northern Ontario. Further comments or discussion?

Mr. John O'Toole: Are we moving and voting on that now?

Mr. Rosario Marchese: Do you have any other changes, John?

Mr. John O'Toole: Yes, I have other changes.

Mr. Rosario Marchese: Why don't we do them all at once?

The Chair (Mr. Bas Balkissoon): Okay, we'll do them all at once.

Mr. John O'Toole: All right. I'm going now to number 6. And number 6 is an insertion; it's a clarification. Currently, it will now read: "That the length of presentations for witnesses not listed in number 2 be five minutes for their presentations, followed by 15 minutes for questions by committee members."

It's strictly an insertion to clarify the time. Okay?

The Chair (Mr. Bas Balkissoon): Anything else?

Mr. John O'Toole: No.

The Chair (Mr. Bas Balkissoon): Any discussion on those amendments?

Mr. Rick Bartolucci: Both are agreeable. The second amendment—why? It's not changing anything, but if it's just for clarification, that's fine.

The Chair (Mr. Bas Balkissoon): Ms. Campbell, you had your hand up?

Ms. Sarah Campbell: I was just going to say that these changes make sense because in northern Ontario, we do have some distinctly separate and unique challenges from some of the more populated areas, but they're equally important.

The Chair (Mr. Bas Balkissoon): Mr. Rosario Marchese.

Mr. Rosario Marchese: In addition, this avoids some of the amusement that some people would have with us, as you might imagine, because in that paragraph, we talk about gridlock and you include northern Ontario. So as a way of avoiding some of the amusement that some members could have with us, by including that as a number 11, I think it takes care of it.

Mr. John O'Toole: With respect, just listening to the questions to the Minister of Northern Development and Mines—and transportation as well—the House leader for the NDP did on a couple of occasions raise the question of road conditions and salting and those other things in northern Ontario. I think it's appropriate if those constitute a risk to the public in northern Ontario.

Mr. Rosario Marchese: Rick is agreeing with us, John.

Mr. John O'Toole: Well, that's good. I'm just clarifying. That's a respectable amendment.

The Chair (Mr. Bas Balkissoon): Okay, any other comments on the amendment? We'll take the vote on the amendment. All in favour? Carried.

Any further amendment to the subcommittee report?

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Mr. Rosario Marchese: Not amendments—motions.

The Chair (Mr. Bas Balkissoon): Motions? Ms. Campbell.

Ms. Sarah Campbell: Oh, I can go ahead?

The Chair (Mr. Bas Balkissoon): Yes.

Ms. Sarah Campbell: I have a motion to move. I move that pursuant to—

The Chair (Mr. Bas Balkissoon): This is on the subcommittee report, right?

The Clerk Pro Tem (Mr. Trevor Day): We're going to finish the subcommittee report first.

Interjection.

The Chair (Mr. Bas Balkissoon): This is separate?

Ms. Sarah Campbell: Separate.

The Chair (Mr. Bas Balkissoon): No, let's do the subcommittee report, and then we'll do it under other business. Okay?

Mr. Rosario Marchese: Yes.

The Chair (Mr. Bas Balkissoon): The subcommittee report, as amended: All in favour?

Interjection: Carried.

The Chair (Mr. Bas Balkissoon): Carried.

COMMITTEE BUSINESS

The Chair (Mr. Bas Balkissoon): Further business? Ms. Campbell.

Ms. Sarah Campbell: We're just handing out some of the copies right now, but I'll read it as people are receiving them.

I move that, pursuant to standing order 111(a), the Standing Committee on General Government initiate a fair and balanced study into a range of auto insurance industry practices and trends with the purpose of developing recommendations on how to make insurance rates more affordable, and that the committee report its findings to the House. The study shall include witnesses to be called upon to assist the committee and shall include but not be limited to:

- the current overall profitability of the Ontario auto insurance industry, with an analysis of current and future trends in both Ontario investment and underwriting net income derived from auto insurance;

- the profitability of auto insurance underwriting in Ontario and costs related to Ontario underwriting, with particular emphasis on industry savings in the post-September 30, 2010 era where the statutory accident benefits regime was amended;

- assessing the adequacy of med rehab treatment as per the capped minor injury guideline;

- the relationship between insurance underwriters and their sales representatives and/or the role independent brokers of insurance play in the industry. This would include an in-depth look at the extent to which brokers that portray themselves as independent of insurers really are independent;

- the impact of fraud in the insurance industry and how that impacts insurance rates;

- assessment of the adequacy of the current definition of "catastrophic injury";

- ongoing and future trends in claims fraud, as well as the quantification of industry savings that will be generated with the implementation of the recommendations of the anti-fraud task force;

- the appropriateness of the 12% return on equity rate and the approvals mechanisms related to the ROE rate, with an emphasis on the report of the subject commissioned by FSCO;

—reviewing the auto insurance dispute resolution system and the status of FSCO's efforts to deal with the mediation and arbitration backlog; and

—reviewing risk assessment factors of drivers and the corresponding rates assigned to particular drivers, as well as the eligibility and classification factors that currently determine individual, corporate and fleet coverage. The issue of the appropriateness of the current approach to “territory” would be a particular focus of this component of the committee's work.

Interjection.

Ms. Sarah Campbell: Oh, and I move that hearings on this study shall begin during the regularly scheduled hours of the Standing Committee on General Government on Monday—

The Chair (Mr. Bas Balkissoon): Let's deal with one motion at a time. We'll come back.

Mr. Rosario Marchese: Why don't we do it all at once, Mr. Chair? Why would you separate the two?

The Clerk Pro Tem (Mr. Trevor Day): Under 111, it's the focus of the study, and then the committee will make—

Mr. Rosario Marchese: Okay. Fine.

The Chair (Mr. Bas Balkissoon): Okay. So on the motion: discussion, comments?

Ms. Campbell, would you like to add anything to your motion?

Ms. Sarah Campbell: No.

The Chair (Mr. Bas Balkissoon): Mr. Colle?

Mr. Mike Colle: Yes. I just wonder how this is going to fit in the timetable, given we've just approved the subcommittee report on something that this committee's going to look at in depth, and that is congestion. If you notice, in the subcommittee report we just passed, it says, “That the committee agree to hold additional public hearings in Ottawa and other GTHA locations, subject to receiving authority from the House.”

So we are putting definite dates—they're saying April 15 and 17—when we haven't even started the committee's work on congestion that we're seized with right now. I think we should table this and refer it to the subcommittee for a discussion because this has just been thrown at us right now. We have never even determined the exact dates we're going to be dealing with congestion, so let it go to the subcommittee and let the subcommittee determine when, how and where it wants to look at auto insurance.

The Chair (Mr. Bas Balkissoon): Are you moving that as a motion?

Mr. Mike Colle: Yes.

The Chair (Mr. Bas Balkissoon): Okay. Ms. Wong?

Ms. Soo Wong: Last year, SCFEA, the Standing Committee on Finance and Economic Affairs, had a hearing, and all three parties were involved. If the motion gets passed by Ms. Campbell today, I want to remind members of this committee to look at what was discussed from the witnesses instead of revamping another reel of hearings and witnesses and what have you across

Ontario. We went to Windsor, we went to Brampton, and we were here.

You have a lot of work to do. I think all of us would be interested in working with you in dealing with the subcommittee motion dealing with traffic and gridlock. But with regard to this issue of auto insurance, I know SCFEA have been working on this file. If it is going to be the will of this committee to look at auto insurance, I want to remind everybody to take the information from SCFEA to make sure it doesn't get lost because there are so many committee works on this file already. Those are my comments, Mr. Chair.

The Chair (Mr. Bas Balkissoon): Mr. Marchese?

Mr. Rosario Marchese: Just three things. First of all, it's the full committee that makes decisions. We could refer it back, but we really don't have to because when you've got all the members here, we make the decisions. That's the first.

The second is in the last session, we brought forward three issues that we wanted to debate: the issue of gridlock, the issue of auto insurance and the issue of aggregates. If the members recall, at that time we had an agreement to actually do all three, and we did. It doesn't prevent us from doing different things at different times, as we did in the last session.

Three, in response to Ms. Soo Wong, if she just observes what we supported—because the Liberals, as I understand, when I was sick introduced this motion—we've now added northern Ontario to this debate. We included that that should include roads, bridges and infrastructure, which changes the tenor of the whole discussion. If we can change something, we can change another.

Just as a refresher: We make all the decisions as a committee. Last time, we decided that we should deal with auto insurance as well. Soon I will either introduce a motion or will support Mr. Colle when he talks about the need to review what we've done on aggregates.

This is the second motion we're bringing forth. I hope to be able to do the same with aggregates in collaboration with Mr. Colle at some point.

The Chair (Mr. Bas Balkissoon): Ms. Campbell?

Ms. Sarah Campbell: That's fine. I'm fine right now.

The Chair (Mr. Bas Balkissoon): Further discussion? None? We'll take the motion as is in front of us. Everybody has a copy? All in favour?

Mr. Mike Colle: My motion comes first.

The Chair (Mr. Bas Balkissoon): I have to get this approved first.

Mr. Monte McNaughton: We're doing Sarah's first?

Mr. Rosario Marchese: The motion.

The Chair (Mr. Bas Balkissoon): Yes, the motion. All those in favour? Opposed? Carried.

Ms. Sarah Campbell: I have another motion. I move that hearings on this study shall begin during the regularly scheduled hours of the Standing Committee on General Government on Monday, April 15 and Wednesday, April 17, 2013.

The Chair (Mr. Bas Balkissoon): We have a second motion. Any discussion? Mr. Bartolucci?

Mr. Rick Bartolucci: Dealing with Sarah's second motion—it's just my opinion here. If we're going to do justice to anything that we decide as a committee to do, I think we should be doing one job, one job well and then moving to a second job and doing that well. To be perfectly honest with you, we passed this first motion; we would do it no justice at all in only two meetings. We would be paying lip service to it. Some motions would probably come out of it, and it would be purely political. We know the end result. Are we going to be serious with this or not?

1420

I'm suggesting that, rather than putting dates on this particular motion, we make an amendment or a new motion or whatever the heck you want to do and simply say, after we're finished with the serious problem of congestion, we deal with this next topic. Rosario may be introducing the aggregates, and then maybe we should do that after. That way, if we don't get all three, at least we'll do one well, hopefully two well, hopefully three well. But no one knows that.

The Chair (Mr. Bas Balkissoon): Mr. Colle.

Mr. Mike Colle: Again, usually the subcommittee determines the work schedule and the hearing dates—that's always the case—not the general committee. Then it's brought to the general committee. That has always been the case here: The subcommittee deals with dates.

The other thing is, this committee is basically all over the place. We did months and months of work all over the province on aggregates. We had staff do all this work. All the presenters are anxiously waiting for our report on aggregates, which was so important that we had a lot of good turnout all across the province. We spent the whole summer going across the province. It's not even on the table. We say, well, it's up to the House bosses to determine. Everything's the House bosses now. When are we going to get down to that?

Now we're supposed to be doing this thorough job on congestion, and the subcommittee agreed with the hearings, with open dates that were going to go further than the prescribed dates. Then all of a sudden, thrown at us is auto insurance with dates, times and places.

Where's the aggregate work that we're supposed to be doing and the report that people are waiting for? Then how are we going to do a thorough job on congestion here across this province if, all of a sudden, in the middle of it, we're thrown another set of committee determinations here? Anyway, I just find it a pretty scattergun approach here and not very organized.

The Chair (Mr. Bas Balkissoon): Mr. McNaughton?

Mr. Monte McNaughton: I would just add a quick comment. With all due respect to Mr. Colle, we would have been a hell of a lot further along if the House wasn't prorogued for four months. Some of this work had started a long time ago, and the prorogation actually slowed this down more than anything else. I'd like to get that on the record.

The Chair (Mr. Bas Balkissoon): Ms. Campbell?

Ms. Sarah Campbell: I just wanted to speak to Mike Colle's comments about us examining the ARA. I would say that nothing really precludes us from examining the ARA in addition to the work that we also want to examine, like gridlock and auto insurance. I do understand that there were some problems with us initiating that review at this level, at this committee. My understanding is that it needed to originate from the House, as it was initially a referral from the House. I would just ask the member to speak to the issue before us.

With regard to auto insurance, this is an Ontario-wide issue that is very relevant. It's very timely. It's something that affects the middle class. People are struggling with paying their auto insurance. It's an issue of fairness, and I think that we need to examine this as soon as possible.

The Chair (Mr. Bas Balkissoon): Further discussion? None? We'll take the motion. Everyone has a copy of it? The motion as moved, all in favour?

Mr. Mike Colle: The motion, again—let's read the motion.

The Chair (Mr. Bas Balkissoon): I move that the hearings on this study shall begin during the regular scheduled hours of the Standing Committee on General Government on Monday, April 15 and Wednesday, April 17, 2013.

Mr. Mike Colle: Point of order.

The Chair (Mr. Bas Balkissoon): Mr. Colle.

Mr. Mike Colle: Shouldn't you be dealing with my motion to defer it all to the subcommittee?

The Chair (Mr. Bas Balkissoon): That's why I'm just consulting with the Clerk.

The Clerk Pro Tem (Mr. Trevor Day): If you are amending this motion to say, "I move that hearings on this study shall be determined by"—take out everything in terms of dates and that—I just need a properly formed motion saying that you don't want to start on specific days. I can assist you in the drafting of it if we take a couple of minutes, to say that the schedule will be determined by the subcommittee—

Mr. Mike Colle: Yes, and that's what my motion intended.

The Chair (Mr. Bas Balkissoon): Then write it out so I have it correctly and I don't have any confusion.

Mr. Mike Colle: The thing is, we could have had this dealt with properly—

Ms. Soo Wong: Do you want to call a recess for this?

Mr. Mike Colle: Yes, let's call it. I call a 10-minute recess.

The Chair (Mr. Bas Balkissoon): Let's take five minutes just for you to write the motion.

The committee recessed from 1425 to 1428.

The Chair (Mr. Bas Balkissoon): We'll resume the committee. Mr. Colle, you have an amendment?

Mr. Mike Colle: I move an amendment to the motion put forward by the member from Kenora—Rainy River to read, "I move that the hearings on this study shall begin at a date to be determined by the subcommittee," and you strike out everything after "shall begin."

The Chair (Mr. Bas Balkissoon): Everybody understands the motion? Any discussion? Mr. Marchese?

Mr. Rosario Marchese: Just briefly, this is the full committee, and if we're putting out a motion and there's support for it, I think it's sufficient for us to go ahead.

Mr. Mike Colle: If I could—

The Chair (Mr. Bas Balkissoon): Mr. Colle.

Mr. Mike Colle: As I said before, the usual protocol is—why have a subcommittee, then? The subcommittee is supposed to work out the working details. We've done that all the time—dates, times, places, hearings, the work the committee is to be seized with, and that's the way it's done, not to throw a motion at us the minute we come into this room when we just haven't even begun to deal with the congestion issue. So if the congestion issue is that important and we hope to go all over the GTA—we hope to go to northern Ontario, we hope to go to Ottawa—and get a full breath of hearings and continuity on these hearings on congestion so that we can have a report—God forbid we should put together a report on congestion, and that's going to take time—then all of a sudden in the middle of this fulsome, comprehensive

review of congestion, which everybody agrees is of paramount importance across the province, we get into this area. And I've got no issue with getting into the area of auto insurance. We can look at public auto; I don't care what you look at. But let's do things right. Let's do things systematically and comprehensively.

As I said, we still haven't even broached the whole issue of aggregates that we spent months on, and now all of a sudden we're throwing in auto insurance, which, by the way, another committee has already done. Let's do congestion thoroughly and comprehensively, and then let the subcommittee determine when we'll do auto and when we'll do the aggregate report.

That's my submission.

The Chair (Mr. Bas Balkissoon): Okay. Everybody understand the amendment? All in favour? Against? It does not carry; it's lost.

The motion, as presented: All in favour? Against? Carried.

There's no further business. We're adjourned until April 8.

The committee adjourned at 1431.

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