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Wednesday 29 May 2013

**Journal
des débats
(Hansard)**

Mercredi 29 mai 2013

**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 May 2013

Mercredi 29 mai 2013

The committee met at 1304 in committee room 1.

STANDING ORDERS REVIEW

The Chair (Mr. Garfield Dunlop): We'll call the meeting to order. The intent of the meeting today was to try to evaluate exactly where we are in terms of, with the end of the House schedule, whether or not members of the committee felt that if they preferred to sit on a bill or something—or even some changes-to-the-standing-orders type of meetings over the summer. That'll all be decided, of course, by the House leaders and at the will of the House. But we did want to bring everyone up to date. If you want to take some time to review this, this is a list of the things that we have accomplished to date over the last year, since the last programming motion we had a year ago. I just want everybody to have an opportunity to at least see what we had accomplished and what the will of the committee was to move forward.

Now, we only have one more week in this session, and that's scheduled for next Wednesday afternoon, so I just thought we'd better—is there anything else you want to add to that, Trevor?

The Clerk of the Committee (Mr. Trevor Day): No. Basically, what we have so far is, the standing orders review is always before the committee. It's part of our mandate. There are three bills before the committee. We have this meeting and potentially the next meeting, if the committee wishes, but that's where we sit for now in terms of what's before the committee.

The information that was provided was at the request of the meeting before the constit week, just an update on where things stood—we had some new members—to give them a chance to get up to speed on where we are and what was taking place. But that's where we are right now.

The Chair (Mr. Garfield Dunlop): Bob? Do you have a few comments?

Mr. Bob Delaney: I was just subbed on. I'm Bill Mauro today. So if you don't mind, although this is something I know a little bit about, I'd just like to have a few minutes to have a quick look at it because this would mean just getting up to speed.

The Chair (Mr. Garfield Dunlop): Okay. If you'd like a short recess to review it, that's fine.

Mr. Mike Colle: This here?

The Chair (Mr. Garfield Dunlop): Yes, and in fact we don't have to do anything with it. We just want to

make sure we provide it to all the members of the committee.

Did you get one, Vic?

Mr. Vic Dhillon: Yes.

The Chair (Mr. Garfield Dunlop): Okay, fine.

Maybe I'll ask Peter to say a few words and help people walk through it. Maybe that's the easiest way right now.

Mr. Peter Sibenik: Thank you very much, Mr. Chair. Before I begin, I want to indicate that my colleague Joanne McNair from the table research office is here. She'll eventually be taking more of the lead on procedural issues with this committee down the road.

The document before you is in two parts. The first part deals with proposals that were generated from last year's standing orders review. The second part deals with Mr. Hillier's proposals at the last committee meeting. You'll see that it's been organized. There are 17 proposals in part 1; it's organized by topic. The first one is accessibility for MPPs. There's a short description of the proposal, in this case, giving the Speaker a little bit more latitude to accommodate members with disabilities. The reference that you see there—the reference column refers to documents that may have been generated by the table to assist the members in their deliberations: options, specific wording. Then the last item, probably the most important—it will either have a “C” or a “D”—a “C” refers to the fact that there's consensus on the part of the committee with respect to that particular proposal, a “D” indicates that the matter has been deferred for further study, consideration, research, like that; it hasn't been firmed up yet.

You'll notice that with the first two or three items there's a consensus with respect to accessibility for MPPs and opposition days. Then, as we get into topic number 3, the daily meeting schedule, there was some consensus with respect to the idea of reuniting question period and routine proceedings, but then, when it comes to whether that should be in the morning or the afternoon, that's yet to be decided, and the House leaders have presumably yet to get back on the different kinds of options that were put before them. The rest of the items in part 1, they are all deferred items.

That's basically how this thing is structured. I'll leave it up to you, Mr. Chair, to decide, and the committee.

The Chair (Mr. Garfield Dunlop): Yes. I wasn't sure how long this meeting would take, or anything else

today. I just wanted to make sure that we at least had this list in front of us and it was an official meeting, and look at questions from this point on.

Mr. Randy Hillier: I might make a couple of comments, Mr. Chair. I know that there's a few other bills that have been referred to this committee that have not gone forward—that they've not been studied by the committee—but it is the express responsibility of the committee to always have the standing orders referred to this committee for review and recommendations, amendments, whatever. The standing orders are always referred to this committee. I have seen and I know that research and the Clerk's office have done a substantial amount of research into the standing orders, at the request of the committee, to provide background and details and to give all members of the committee a greater knowledge and a greater understanding of potential options.

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I'm sure nobody has read it in its entirety, because it is a substantial amount of research that has been done, but I think that clearly there's a willingness and an interest of the committee to look at ways that we can improve the functioning of the House and the functioning of individual members in the House. Clearly we see that there's some consensus on some subjects, and I don't believe anybody could misconstrue that or view that those things that are with consensus have any controversy to them at all.

The first one, accessibility for MPPs—I think that's a pretty minor, but agreeable, amendment. Presently, we've seen the Speaker and the House grant unanimous consent whenever there has been a case of somebody with a disability, so this would just codify what's already in operation. Instead of seeking unanimous consent, the Speaker, of his own accord, could assist a member who has a disability. That doesn't take away the House's ability to provide unanimous consent if the Speaker doesn't provide that latitude, so it's just one additional means to ensure that all members can always have their seat, even if they're experiencing a disability.

I think it might be wise for the committee to refer those things that are in agreement back to the House for the consideration of all members. There are no defined additional steps; this committee is free to recommend directly to the House. That is one where there's agreement. Actually, those first two are in full agreement.

The other one where there is agreement is in my proposals on the back page. I know every member of the committee has received letters from the private bills and regulations committee, which has voted and recommended that there be two changes done to the standing orders with regard to the private bills and regulations committee. So there's consensus there as well.

I would suggest that those things that are in agreement upon by all parties be referred to the House with a recommendation to adopt them in the standing orders.

The Chair (Mr. Garfield Dunlop): Bob, do you have questions too? Bas just arrived here, by the way.

Mr. Bob Delaney: I'm just looking at the one related to accessibility for MPPs. I have a question, I guess, for Peter, and one for Trevor.

From the vantage point of doing the research, Peter, what does the spectrum of that issue look like, either across Canada or in other jurisdictions? To what degree do Speakers have this latitude that you know of or that you've researched?

Mr. Peter Sibenik: I don't think it's hard-wired into very many standing orders across the country, but the Speaker does exercise some latitude.

Part of the difficulty is that accessibility is sometimes related to procedural issues in the House. For example, a member cannot stand in order to vote, so the Speaker might say, "Okay, raise your hand." That would be the kind of latitude that this kind of a proposal would entail.

There are also things that happen non-procedurally; for example, making the chamber more accessible. Well, the chamber has been made more accessible over the course of the past number of years, so there's that side of it; the administrative side of it as well.

Various initiatives, I think, have been taken by different jurisdictions, probably more so in Ottawa than in any of the other ones. I couldn't pinpoint for you a specific standing order in other jurisdictions, but I can look into that to see if there is a specific standing order that gives the Speaker the latitude to make adjustments in other standing orders so that members with disabilities can be accommodated.

Mr. Bob Delaney: Well, then, where I was headed—and the question, I guess, is to Trevor—I was headed in the exploration of unintended consequences. In the desire to do good for a case that we cannot accurately foresee, where are the limits, in which we could end up moving into unintended consequences—in either giving the Speaker or implying an obligation by the Speaker to enable the participation of a member with a disability?

The Clerk of the Committee (Mr. Trevor Day): In the original discussion around this, there were two views that arose, one being, currently we have a practice whereby the Speaker will seek unanimous consent for some type of exception, perhaps in the voting, something of that nature. The fear is that for whatever reason, it takes one member to say "no," and then the Speaker is in a very awkward position. The member has a right to vote in this case, but consent has already been asked for and not received. That was the "for" side.

The "against" side that was raised was if you are putting this type of authority in the Speaker's hands, who determines to what degree accommodation must be made? Who determines if it is enough? So there is something to be considered.

Again, originally, when this discussion was had, these were the issues that were around in the committee. It's back to the committee to determine how they feel about making recommendations of this nature.

The Chair (Mr. Garfield Dunlop): Randy.

Mr. Randy Hillier: Thank you. I'll just add a couple of my views on this. We've seen the unanimous consent in this Parliament. I forget her riding—

Mr. Bob Delaney: Tracy MacCharles, Scarborough—

Mr. Randy Hillier: Tracy MacCharles.

Mr. Mike Colle: Pickering–Scarborough East.

Mr. Bob Delaney: Pickering–Scarborough East, that's it.

Mr. Randy Hillier: Yes. I think we can all recognize that and could never envision a time when the House would prevent somebody with a disability from being a full participant in the proceedings of the House. I just don't believe that day would ever come, and if it does, I don't want to be around.

But then there's the other extreme—or not an extreme, but at the opposite end of that spectrum, we saw in the federal House where Fletcher, that quadriplegic member, was provided certain accommodations for his disability. I think that's a good spectrum to look at. I would ask, maybe, the Clerks if they know how—we know that it was accommodated. I'm not sure what process was used to find that accommodation, but once again, I think in cases like that, when we contrast those two cases, it is very easily seen what the accommodation is, and understood, and the House grants consent.

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For other disabilities, what is required may not be intuitive to the House, may not be seen by the House. It's in those cases where I think the Speaker, somebody who is delegated and has the authority to take a look at what accommodations would be required—I think this sort of change to the standing orders would facilitate those unique—or disabilities that are not envisioned by us here today.

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

Mr. Bas Balkissoon: Just one question, and I'm wondering if research or the Clerk could help: Would it be advisable to take a look at the Ontario disabilities act and see what are some of the defined disabilities? Maybe we could make reference to those and those only, versus the Speaker having an open cheque.

Mr. Peter Sibenik: I will say in response that the assembly is subject to the AODA—

Mr. Bas Balkissoon: Right.

Mr. Peter Sibenik: The Speaker has to submit a report every year on that. That doesn't deal with House procedure. The House can do what it wishes to do.

Mr. Bas Balkissoon: I'm trying to remember where the request came from. Is it strictly because of our member from Pickering–Scarborough East wanting to sit at her seat to speak, rather than stand, because she physically could not stand? Or were there other situations?

The Chair (Mr. Garfield Dunlop): No, I don't think so. I think it was just anybody with any kind of disability. When we come back to it—

Mr. Bas Balkissoon: No, but I'm trying to think—leaving it open-ended could cause an issue someday that you want to make sure you prevent that.

The Chair (Mr. Garfield Dunlop): Well, it was the one thing we agreed on.

Mr. Bas Balkissoon: I know we agreed on it, but I think—

The Chair (Mr. Garfield Dunlop): We can open it back up.

Mr. Bas Balkissoon: I think we agreed in haste without thinking. It's the same thing—Mr. Clark wanted those motions of whatever to be approved. On the surface, it sounds good, but you could have the oddball that comes forward that creates a problem.

Mr. Mike Colle: Which will always happen.

Mr. Bas Balkissoon: And it will always happen, so it's better to define what you want than to have it open-ended.

The Chair (Mr. Garfield Dunlop): Cindy had a question first.

Ms. Cindy Forster: You talked about the Ontario disabilities act, but I think that whatever we do here needs to be in the spirit of the Ontario Human Rights Code as well, right? On the whole issue of undue hardship—

Mr. Bas Balkissoon: Yes, that's what I'm thinking.

Ms. Cindy Forster: However it's written, at the end of the day, I think that spirit of those prevailing acts needs to be part of the order.

The Chair (Mr. Garfield Dunlop): Okay, let's keep in rotation. We'll go to Mike and then we'll go back to Randy.

Mr. Mike Colle: Yes, it made me think of when we had the NDP member—I wasn't here then—Malkowski. They had to provide services for him. They had to provide a signer. And the question I'm thinking of is, what we allow in the House: Does it apply in committee? If a committee is travelling, if a committee—whatever the committee tasks are. Do those same principles of accessibility then apply to committee work, which is an extension of the House? That's the question I had.

Mr. Peter Sibenik: The committee proceedings are proceedings in Parliament, and Mr. Malkowski's interpreters did follow him around to committee proceedings. They took it in shifts. There were several interpreters who had to follow him around.

Mr. Mike Colle: Yes, because then I'm thinking about the case in the federal House, where the quadriplegic member—

Mr. Vic Dhillon: From Winnipeg.

Mr. Mike Colle: —from Winnipeg—did they have to provide his accessibility rights right across, that he would have travelled across Canada? I don't know what they did in that case, how they accommodated him in that situation. It'd be interesting.

Mr. Peter Sibenik: I'll look into that.

The Chair (Mr. Garfield Dunlop): Randy?

Mr. Randy Hillier: I think all of those things lead back to where we started. We'll never be able to envision all potential possibilities. We have to rely on the good judgment and the exercise of good judgment and discretion by someone, preferably someone who is knowledgeable of that specific, in this case, disability. Let's put the cards out here. The House has expressed confidence in the Speaker. That's why he or she is in that chair. This would allow, if something developed, that the

Speaker could analyze and evaluate the circumstances and come up with an appropriate and reasonable facilitation. It doesn't mean everything, at all times, to whatever.

I think the other thing I would add into this is that it would be better to ask one person who has spent some time analyzing and evaluating the situation than 106 other members who may only have a superficial understanding of the disability. I think what's important to realize is that because the standing orders are permanently referred to this committee they are always subject to amendment. So if down the road, whether it's in a decade, two decades or two weeks, the committee has the ability to amend—or to advise and recommend to the House that the standing orders be modified once again. That's the way progress is made in life, through experience and by taking steps, seeing if they work well and if they can be improved upon in taking steps. That's called progress. Progress isn't static; it's by incremental change.

So I think there was agreement on that by the committee. I think those other elements where there is agreement and consensus, where people do believe that it will be an improvement—we ought not to second-guess all those people as well, and refer it back to the House and have all members of the House, preferably, have the time to analyze and evaluate those modifications and for the House to express its view on it.

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

Ms. Cindy Forster: Well, I think it's a little premature at this point to refer this back to the House in a report because I think that there's a lot of process that needs to be actually applied to this. I don't think that it's reasonable that it would be—and I don't think Randy is suggesting that it would be the Speaker alone who would be determining people's disabilities, whether they were disabled or not, because many people have invisible disabilities as well as visible. We would need, before we send this back to the House, to have some of that process piece in place, with respect to how do you determine that? I mean, if somebody comes in with a broken leg, you know they have a broken leg and may need some accommodation for a few weeks. But there may be people who have severe, permanent disabilities and there's going to have to be some process in place, some clinical expertise, to determine what that disability is and what those accommodation needs are. I don't think it is necessarily the elected officials.

The Chair (Mr. Garfield Dunlop): Yes, and I know exactly where you're coming from with that because we spent a lot of time even getting to these few pages. You can see most of them haven't been agreed upon, and that was a year ago—not a year ago but back in September—a year this September when we actually made those recommendations. I can see why you'd want to go back to caucus or whatever and discuss it in full, but we just never had the opportunities, in our caucuses, to get to that last year.

I go to the Liberal side now, Bob, and then to Bas.

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Mr. Bob Delaney: I'm sort of where Cindy is in some of her comments. Again, I want to go back to research and the Clerk, so I'm going to ask, I guess, to start with Trevor. The standing orders are very clear that, during proceedings of the House, a stranger is not allowed on the floor of the Legislature. Basically, the only human beings that can be in among the benches are the pages and the members.

Let us presume that the Speaker, with all good intentions, is trying to accommodate a member with a very severe physical or cognitive disability, and the Speaker proposes the use of a personal assistant or something like that. My question to Trevor, and after that to Peter to determine whether or not something like this has happened, is, should the House, in its wisdom, or the Speaker, in his authority, choose to bend his mind around, "How do I accommodate a member's request for a personal assistant during proceedings of the House such that the assistant would be seated among the members?"

I don't know how to resolve that quandary. Could you perhaps provide a little bit of enlightenment?

The Clerk of the Committee (Mr. Trevor Day): You're right. A stranger on the floor is something—I think we saw it the other day during the minister's statement, where unanimous consent was sought to have a sign language interpreter on the floor of the House to assist. It would work in very much the same way.

In our current situation, where we're at now, unanimous consent is sought to forgo or create an exception in our rules for something to take place. Determining in that situation—again, at this point, a hypothetical, but we have had a similar situation this past week.

Mr. Bob Delaney: Would this apply if, for example, either the need or the request was to have an interpreter, an assistant or an aide seated with the member on an ongoing basis? In other words, not unanimous consent for today, but unanimous consent for a stranger to be—

Mr. Bas Balkissoon: In accommodating a disability, it could happen.

Mr. Bob Delaney: Exactly. I'm just wondering whether there's any experience with that.

Mr. Peter Sibenik: Yes, if I could respond to that. In the case of Mr. Malkowski, within a few days of the House coming back after his election to office, the House passed a motion to allow for interpreters to be on the floor. Now, the interpreters were not seated beside him; they were at different vantage points of the Legislative Assembly. That occurred for the life of that particular Parliament. As I say, they accompanied him to committee rooms, and they were positioned at different spots within the committee rooms and took turns, as well.

So it's a question as to whether the committee is interested in that happening on an ad hoc basis—motions to deal with a particular situation, or whether there should be some kind of a blanket authority.

The Chair (Mr. Garfield Dunlop): Okay, then before we go to—

Mr. Bas Balkissoon: Mr. Chair, I'll come back to it—I put my hand up because I thought I sensed where Mr.

Hillier was going and I just wanted to make sure I reminded the committee, but I'll comment first.

Maybe we should just look at the disability and say to accommodate the member based on the ODA and the Human Rights Code and any other legislation that exists. I mean, I know it says we have to, but it doesn't give the Speaker the privileges to make the modifications that are necessary in the chamber, and this will give him that, based on our standing orders. We may need to just qualify the disability in that way.

I just want to comment. I thought I heard Mr. Hillier—and I'm sorry I walked in a little late; I had lunch with my page—indicating that maybe some of the stuff that we've agreed on here should be pushed on. I'll go back to when the Clerk was in front of us. She cautioned all of us not to do one-offs because one-offs can impact the standing orders somewhere else, and you need to look at the whole before you send it back. I caution all of us, again, that it could be dangerous if we do one-offs, send it to the assembly and then we want to do something else, and we've got bring it back. I just wanted to raise that point.

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

Mr. Bas Balkissoon: Because I've been sitting through this thing for three years now.

The Chair (Mr. Garfield Dunlop): So have I. I'd like to see something pass.

Mr. Bob Delaney: And I chaired it before you.

The Chair (Mr. Garfield Dunlop): I'm just trying to keep something flowing here. I'm not asking everybody to pass anything today or anything like that. This is an opportunity to do something if we, in fact, can do it, so we'll keep moving with this discussion for the time being.

Jane and then Randy.

Mrs. Jane McKenna: Just so I'm clear: The objective of today is what? If this was preparation from Peter to put this together, and you have consensus here, just the fact that we're backpedalling to change the consensus, I find extremely confusing, and we're getting—

The Chair (Mr. Garfield Dunlop): No.

Mr. Bas Balkissoon: I think we have a consensus on the idea. We didn't have the actual wording. We do have to do the actual wording.

Mrs. Jane McKenna: Yes, so I guess my question that I'm asking is, what is the purpose? Besides that you did great work putting this together and you actually have something on paper, I'm just wondering, today are we just looking at this and just saying this is great? I'm confused about what we're supposed to be doing here today.

The Chair (Mr. Garfield Dunlop): My intent, at this stage—as Chair of the committee, I've been trying to get something moving. I wanted people at least to take it back to their caucuses, exactly what we've got here, including Mr. Hillier's stuff, his proposal, and to see where there was consensus on anything else here.

Mrs. Jane McKenna: Okay, that's great. I just—

The Chair (Mr. Garfield Dunlop): It was more of a review just to make sure that we tidied something up before the end of this session.

Mrs. Jane McKenna: I just wanted clarity because I just find I'm confused by what we're doing.

The Chair (Mr. Garfield Dunlop): I'm going to keep going in circles here. Randy?

Mr. Randy Hillier: At the beginning, I suggested that this has been an ongoing process for quite a period of time, and if we were to measure it by outcomes, there wouldn't be much output ever. That's not the purpose of us to be here, just to have an endless discussion that never amounts to any tangible outcome or output. My suggestion was, those things where there is consensus, let's have confidence in ourselves as members to refer it back to all members for their approval or at least for their evaluation and analysis and either agreement or disagreement. At least then, you've taken a step beyond the endless discussion. You can find that either, yes, the House is in agreement, and it is adopted; or the House has expressed that it is unwilling to adopt. At least there's some finality instead of the endless discussion.

But I do want to make two points here as well for all members of the committee. The first goes back to Cindy's comments about process. When we take a look at the standing orders, these are more conceptually based, with the express recognition that the House is sovereign over its own abilities and that the officers of the House will take conventions and traditions and the honour of members into consideration before making a determination.

I'll use this as an example: In the standing orders, it says that we cannot impugn motive. It does not list in detail what those potentials are. It says that we cannot use unparliamentary language, but it does not list in detail what words are unparliamentary because expressions and tone and a number of other different things come into play; therefore, we allow the Speaker to exercise that judgment in the honourable tradition and conventions of our House.

I think the same thing applies here with somebody with disabilities. I will add this final thought for the committee to consider: There may be people who have disabilities that are not seen, and members may wish to retain a level of privacy of that disability. Putting it out on the floor as a motion or putting it out for unanimous consent does not have very much regard for that person's privacy. I would think it would be much more honourable and much more thoughtful and respectful if we allow, if a member does have a disability—to have that private conversation with the Speaker, and for the Speaker to have that latitude to exercise his judgment, knowing that he's going to keep the conventions and traditions of the House intact, as he does.

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The Chair (Mr. Garfield Dunlop): Cindy, did you have anything? I'm just trying to go in circles here. Mike?

Mr. Mike Colle: You're making me think—because you're trying to put this in the context of everything that

has happened over the last number of years—about when we’ve had standing order changes. I’ve been through two of them. I don’t know, Mr. Chair, if you were here for the first one, which was with the Mike Harris government. There were some massive changes to the standing orders. And then Mike Bryant did a whole bunch.

The Chair (Mr. Garfield Dunlop): Yes, I knew the Mike Bryant one.

Mr. Mike Colle: Really, in many ways, it got totally politicized, because the government took it and drove it, and therefore you went with what your House leaders told you to do, right? Caucus, in a way, never really had a wholesome discussion about it. It was already done for you.

What the Speaker is saying, I think, might be very helpful to get to where you’re going, Randy, and that is, I think we’ve got to get it into the caucus stage and the House leaders’ stage, where they are asked by us, “Hey, listen, these are three or four things, whatever, we’ve got consensus on, and we’d like you by such-and-such a date to come back to us with what your input is.” Because if we put these forward into the House and then it got caught up in the party apparatus and government apparatus and opposition apparatus—but I think if we asked for caucus members to get engaged in this and come back to us. But I think we’ve got to have a definite date or else this could go on forever within here and in caucus.

The Chair (Mr. Garfield Dunlop): I agree with you.

Mr. Mike Colle: So I think that would be one way. In many ways, I don’t think I know enough about the technicalities here of standing orders, because they’re beyond, sometimes, any rational sort of thought—but then someone says, “Yes, we’ll do this because of this.”

Mr. Bas Balkissoon: We’ve got to borrow Gilles’s book and take it home and dream about it.

Mr. Mike Colle: No, but anyway, that is what I think would be productive—but doing a time limit on when to get it back to us with their input. So they had a chance to have their say before and then after, if it goes to the House—and recommendations from the committee. So they’re part of the process in a meaningful way.

The Chair (Mr. Garfield Dunlop): Are you talking about this document—send it off to each caucus with a time to come back to us?

Mr. Mike Colle: Yes. Either the document or a part, the ones we’ve agreed to. Get them—

The Chair (Mr. Garfield Dunlop): Why wouldn’t they want to look at all those things—

Mr. Mike Colle: Oh, yes, let them look. As I said, whether they look at part or the whole—but to get their feedback on this.

The Chair (Mr. Garfield Dunlop): We do need the caucus and the House leaders to give their support to whatever we come up with here. I think we need that.

We were actually at this discussion about a year ago now. To be honest with you, we tried our best to get it through to the caucuses, but they wouldn’t have time to deal with it. We didn’t put a deadline on it.

Bas, did you have a question or a comment?

Mr. Bas Balkissoon: I just had a comment, and it’s because I’ve sat through standing orders review when Mr. Delaney was the Chair, and I think I chaired the Michael Bryant standing orders review—and we did accomplish stuff. Mr. Hillier might not be aware of it, but we did make some major changes, and there was consensus on a lot, but there was a dissenting report from the opposition party, and it went to the House and it got dealt with.

I think we started out on this particular review on, if I could put it this way, a broken leg, to be honest with you, because we had the two opposition parties request this through the House leaders. It was an open thing: Review the whole standing orders with no real direction. We’ve been struggling here for direction.

What Mr. Colle said is what we did. We got blocked at the point where we couldn’t agree on a House schedule, and that is holding up the entire review for the other parts of the standing orders. We did do what Mr. Colle said, which was send the sample schedules to the House leaders, asking for their comments by—I think we did put a date on it, too—and we’ve never had a response back.

I’ll go back to his very first comment. Since the beginning of this term of government, everything has been politicized; let’s face it. It’s getting to the point where we’re not getting any business done. Mr. Chair, I’ll refer back to our example on Monday: We had a subcommittee meeting, and one member said, “I’m not participating until my House leader gives me direction to participate.”

I hear what everybody’s saying—“Let’s do things”—but let’s be genuine with each other and take the politics out of it, or we play the games.

The Chair (Mr. Garfield Dunlop): With that, then, let’s come up with some decisions today. Give us our options right now, Trevor, on what we can do with this particular document. Is there even the will to make any changes?

The Clerk of the Committee (Mr. Trevor Day): That’s the first one.

The Chair (Mr. Garfield Dunlop): That’s the first question. You say that we’re politicized etc., but in fact, is there the will to make some change? Because people keep talking about the low-hanging fruit, but we haven’t made any changes whatsoever, if there was something valuable to grasp onto.

Mr. Bob Delaney: To that, Chair, as my colleague has pointed out, you have one current and two former Chairs of this committee. We are all personally aware of how strong the inertia is against getting a very large body into motion. I don’t sit on the committee anymore and I have to confess I miss it, because I always enjoyed this committee and, at the very least, the potential of what it could do. Every now and then, you would take a small victory and say, “Hey, we did something.”

To some of the points brought up by Mr. Hillier: You’re not hearing resistance. All you’re hearing is us trying it on for size. I don’t think anybody is happy with

the status quo. I think we all agree that we'd like to move ahead with something. The discussion that I've heard all around has been—we've been trying it on for size. We haven't been debating silly things; we've been raising what I thought were very strong points.

The Chair (Mr. Garfield Dunlop): I think they've all been good points from every side. It's just hard to get agreement.

Jane, did you—

Mrs. Jane McKenna: Trevor, right now, the first motion is that we move forward, so can we just do that? You just said that, right? You were saying that that's the best thing to do.

The Chair (Mr. Garfield Dunlop): I think the question is, Jane—there is the will to make some changes; it's just that it doesn't happen as easily as we might think it would happen.

Mrs. Jane McKenna: Right.

The Chair (Mr. Garfield Dunlop): Okay. The other thing I wanted Trevor to bring up was: What would our options be as far as—because we are waiting for previous letters from the House leaders, right? We haven't had a response yet. Now do we re-send it off to the House leaders and ask them to caucus it with their caucus members?

Mr. Bas Balkissoon: I would recommend that we send a follow-up letter, and this time request a date and say that the committee's work has been stalled because we have not received their response and we're now requiring a response by this date. The response could be that they agree or they disagree.

The Chair (Mr. Garfield Dunlop): Okay. Randy and then Cindy.

Mr. Randy Hillier: Yes, in the interest of moving forward—and I welcome those thoughts, Bob, about trying this on for size, and I understand we're taking a look at these things and being thoughtful about how we move it forward. I'll come to some ideas for options in a moment, but before I get there, I think I want to first address Mike's comments about the politicization of the standing orders changes that we've seen in the past.

We can all recognize—and nobody will disagree with this—whenever there have been standing orders changes, indeed they are often motivated and driven from a political or partisan vantage point. I don't think that's in too much disagreement. I'll say that for the changes during the Conservative years or the Liberal years or the NDP years. That's one of the privileges of majority government.

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That being said, we all have to recognize that this committee has been delegated the authority to make recommendations on the standing orders regardless of the partisan atmosphere or environment that's in the House. We do have the delegated authority to do that. We don't need approval from anyone else. It's just the express will of this committee. So if you want to depoliticize it, then that's the way to do it—for this committee to exercise its already-known delegated authorities.

As I come to these options, I'll put a couple of them on the floor here for consideration. Knowing that not all members are interested in the standing orders in detailed—who either aren't interested or don't want to be interested or whatever. But there are other members who are interested in the standing orders. So I think one of the options could be to put out a time frame and ask those members who are interested in the standing orders and who are interested in making a representation to this committee on this package to do so. But I would put a time frame to it. I think that is a way to depoliticize it. I think it is a way to encourage greater understanding and knowledge of the standing orders by all members, by encouraging them to participate in that process. I would put a time frame to it, and then, once again, instead of sending it off to the House leaders, I would say this committee should take a look at those comments from individual members of the House and then make a determination, using your delegated authority—to make the recommendation either to go forward or not. That does not prevent the committee from also sending this documentation off to each caucus, asking for their input. But I think that's the way this committee can actually get a good perspective of what other members of this House may have and may wish to express to this committee. That would be my suggestion, Chair. If the committee is interested—and I think there is a desire and a willingness to make changes—put a direct ask out to all members of the House that over the next period of time—and slot off. We'd do it the same as every other committee, Trevor. You know, put out that request for X period of days and that people have to respond by X time. Then, the Clerks can slot off days for this committee to hear from the members of this House on what their thoughts and ideas are.

The Chair (Mr. Garfield Dunlop): I have no problem with that going out to all 107 members. If they comment back by next fall or something—it's not going to be next week, for sure, by the time you compile it.

Bas?

Mr. Bas Balkissoon: No, you had Cindy on first.

The Chair (Mr. Garfield Dunlop): I'm sorry. Cindy, I apologize.

Ms. Cindy Forster: That's alright. I think the first piece should go back to House leaders, and ask them to respond to the letter that went to them last year with respect to this package of proposals.

The second piece, for me, is that I heard, I think from Bas, that we shouldn't be looking at one-offs here. The ones that we do have consensus on: Have we had a look to see if there's any impact on any other standing orders with respect to those four that we have consensus on? I would be happy to go back to my caucus next week and have a discussion about some of these options.

The Chair (Mr. Garfield Dunlop): Each time we go back for a week, it seems that nothing ever gets done. I was hoping we could give them some period of time to review it and then send their comments back to Trevor and his team here, and then, at a meeting we set up, we

would come in and discuss what all the caucus members had said, whether they agree or disagree with any of this stuff. Maybe they won't agree with the ones we've agreed to in the past, for all I know, and maybe some of the impacts as well.

The Clerk of the Committee (Mr. Trevor Day): So far what we've done is we've sent a House schedule—two potential House schedules to the House leaders. We didn't receive a response initially. We've sent a follow-up letter. We haven't received a response from that.

With Mr. Hillier's suggestion, we do have the ability to draft some type of cover letter, much the same way you'd have public hearings on a regular bill, put it out to all 107 members asking for input, written or oral, within a period of time. If there is ample response or some response, we can schedule dates when members can come forward and speak. It is doable, at the will of the committee, to put something like that together and have it sent off to all members of the House.

The Chair (Mr. Garfield Dunlop): Does anybody second that?

Mr. Bas Balkissoon: No, I want to speak. I believe we received a letter from the House leaders before we started this review, didn't we? Or we received something from the House?

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

Mr. Bas Balkissoon: For us to start this review.

The Clerk of the Committee (Mr. Trevor Day): Originally, the standing orders review is always in this committee's mandate. What had happened is part of the membership motion that lapsed on September 9—a condition of that was that this committee, after one other piece of business, would undertake no other business until a review was completed. That motion has lapsed and is no longer—

Mr. Bas Balkissoon: Okay. But that motion had no directions on specific areas of the standing orders. That's the point I want to make.

The Clerk of the Committee (Mr. Trevor Day): No.

Mr. Bas Balkissoon: It was so open-ended that every discussion we had—and unfortunately, my colleague Ms. MacLeod is not here. Every time we raise an issue, she says, "I'd like to discuss that with my caucus and come back," and even some of those never came back.

But just to comment on what Cindy just said, if you look at this, we've only had agreement on two small items, which is—and to be honest with you, number 2 here, I thought we had qualified it and I'm concerned about the way it's written because we didn't vote on anything. We said it was general support. Because in number 2, I am sure there was a discussion that yes, the member who moved an opposition day motion does have the opportunity for rebuttal within their own time frame, so they have to schedule it that way. The way this is written, someone could interpret this that they get an extra five minutes. I did not agree to an extra five minutes. I know that for sure.

The Chair (Mr. Garfield Dunlop): Okay. This is not etched in stone here. We're just trying to get some—

Mr. Bas Balkissoon: Yes. So I need to clarify that. If you look at this, we've only had agreement on two small items and the third one was the schedule and it went to the House leaders, so we had very little.

If the committee wants to do a full review of the standing orders by sending a letter back to each caucus saying, "Okay, the annual review of the standing orders is coming up. Would you like us to review things and can you indicate which areas of concern you have?" and we start all over, I'm quite happy with that.

The Chair (Mr. Garfield Dunlop): I'm willing to try anything, Randy?

Mr. Randy Hillier: Just to correct the record: It's more than just two; okay? And I'll refer to the back page, item number 1: The Standing Committee on Regulations and Private Bills has recommended that those two changes be incorporated in the standing orders.

Mr. Bas Balkissoon: Right, but this committee hasn't decided—

Mr. Randy Hillier: That's right, but there has been agreement. I just want to clarify that, maybe.

Mr. Bas Balkissoon: That's a committee request here. We have not debated it and agreed upon it.

Mr. Randy Hillier: That's right, but I still come back. I think we can continue trying the same path that has failed, that we've not heard back from and that we've not gotten any response from and expect a different result, or we might try a different process to get a different result.

Chair, I would like to put that motion on the floor for discussion and a vote, that the committee invite all members of the House to participate in this standing orders review. I would leave it up to Trevor that we could put some dates together for a response back and a scheduling of those who are interested. I think that, if nothing else, this committee will then have a better understanding and a better perspective of what the 107 members of this House are expecting from this standing committee.

The Clerk of the Committee (Mr. Trevor Day): I just have one question. With this request that we're putting out, will we be sending anything to those members, or would it be an open "We are reviewing the standing orders; we would like to hear your views"?

Mr. Randy Hillier: I think it would be reasonable to send this.

The Clerk of the Committee (Mr. Trevor Day): Okay, so, this being sent—

Mr. Bas Balkissoon: Chair, send this, and they're also welcome to submit concerns they have.

The Chair (Mr. Garfield Dunlop): Absolutely.

Mr. Randy Hillier: Absolutely. Yes.

Mr. Bas Balkissoon: Leave it wide open. But you can send this as a reference.

Mr. Randy Hillier: Yes, just to provide some guidance. But yes, leave it open, sure.

Mr. Bas Balkissoon: Sending this as a reference is fine.

The Chair (Mr. Garfield Dunlop): Okay, have we got agreement on this? Because this is at least a step forward here, I think. Have we got agreement?

Mr. Bas Balkissoon: But, Mr. Chair, we have three subcommittee members. I think we should tag our subcommittee members to get an answer from their caucus that comes back to this committee by those dates.

Mr. Randy Hillier: We can do that in addition, Bas.

The Chair (Mr. Garfield Dunlop): We can do that in addition, but we've got to get a meeting together.

Mr. Bas Balkissoon: Yes, that's what I'm saying. Do it in addition. At least, if we're going to move forward, we're going to move forward—

The Chair (Mr. Garfield Dunlop): I like the idea, at least, of every member having a chance at it, if they're interested or not.

Mr. Mike Colle: I think we're agreed on that.

Mr. Bas Balkissoon: Yes.

The Chair (Mr. Garfield Dunlop): Okay.

Ms. Cindy Forster: I'm going to call for a 10-minute recess, because my counterpart, Mr. Bisson, wants me to discuss any votes with him.

The Chair (Mr. Garfield Dunlop): Okay. All right.

Mr. Bob Delaney: That's fair.

Ms. Cindy Forster: So, I'll go down and see him, and—

Mr. Mike Colle: We've got to get this out—

The Chair (Mr. Garfield Dunlop): No, we haven't got it. You're not agreeing to this until—you're asking for a recess.

Mr. Bas Balkissoon: She wants a 10-minute recess.

Ms. Cindy Forster: A 10-minute recess.

Mr. Mike Colle: That's understandable.

The Chair (Mr. Garfield Dunlop): Okay, a 10-minute recess.

The committee recessed from 1403 to 1413.

The Chair (Mr. Garfield Dunlop): We'll call the meeting back to order. Thanks very much, Gilles, for coming in. We had to recess there, but we had a motion on the floor. We wanted to make sure that—

Mr. Gilles Bisson: Can I be clear on what the motion is? It was explained to me by Cindy, but I just want to be clear.

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

The Clerk of the Committee (Mr. Trevor Day): Basically, what Mr. Hillier was asking for is that we put out a document that we have—there should be a copy before you—

Mr. Gilles Bisson: Yes.

The Clerk of the Committee (Mr. Trevor Day): — to all members of the assembly, asking for their input on this particular document or any other standing orders changes they'd like to see done. We would put a timeline on that, and in discussion with the Chair, I believe that sometime in the fall, we could work out something between them, getting back to my office with ideas. We could sort of put those together, and if there is a need for it, we would set up days where members could come in and speak to standing orders changes they would like to see.

Mr. Gilles Bisson: I'm going to speak against the motion, and I want to explain why—not to be a complete naysayer, or whatever the word is.

First of all, the committee never actually did finish its work. We had been given a mandate by the government—by the House leaders through an order of the House—to be seized with the issue of looking at the standing orders. We got a fair distance into it, but we didn't get to the end of it because we ran out of time. None of this has actually been vetted back to the caucuses—as far as our caucus; I don't know about the Liberals and Tories, but none of this has been brought back to our caucuses yet. Number two: The House leaders have really not dealt with this at the House leaders'. I know that because I sit there as House leader.

If we were to send the letter out, I think it circumvents the role of the caucus. I think if each caucus wants to bring it back to their own members, that's fair, and you can have an internal discussion and then give your committee member some direction about what it is that you'd want, and any additions that they may want to do. As we know, any member has the right to come to this committee and say what they have to say. That's the right of an individual member. But if we do it in this way, I think we're short-circuiting the process, and I don't think it's going to help us in where we need to go.

I'm the first to agree with you, Mr. Hillier, that there need to be rule changes around here; it's something that I've felt for a long time. I know that Mr. Balkissoon feels the same. You were here on this committee asking and advocating for some changes, but at this point I would ask members to vote against it. If we want to bring this back to our individual caucuses, so be it; that would probably be helpful. But we need to have a discussion of House leaders that we have not had yet about the willingness of the government, in the end, to move a motion that would, in fact, deal with rule changes, and we're not there yet.

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

Mr. Bas Balkissoon: Yes, Mr. Chair. I said that if it goes to caucus, and caucus members want to submit items that they want the committee to review, I don't have a problem. I do have a problem with putting a date when they have to respond back to us, and I'll tell you why. It just occurred to me—and I'm sorry it didn't before—that we have Bill 14 referred to us. That organization has been calling my office constantly in the last couple of days because we didn't have our subcommittee. They're begging and pleading for us to deal with the co-op bill.

I believe the government and the NDP has had an agreement and I don't think the Conservatives—

Mr. Gilles Bisson: Not on the co-op bill.

Mr. Bas Balkissoon: No, on something else. We've had agreement, and I don't think my colleagues in the opposition will object to this: the establishment of the Financial Accountability Office, which was tabled today and which is going to be referred to this committee early in the fall because we want to get that done quickly.

So when you look at those two pressing issues, I'd hate to put another date when we have to say, "Okay, we're going to push that by." I don't have a problem with the caucuses dealing with what we've dealt with before and giving us input. But putting dates that they're obligated to get back to us by, I think, will be problematic, because which date will you put? I see these two items as being very important.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Hillier.

Mr. Randy Hillier: One more kick at the can. First off, let me say that inviting members here to make a delegation to this committee is not the end of the process; it's one part of the process, and it's one part to move it forward. It does not negate or prevent the caucuses as a whole responding. It does not prevent the House leaders from putting their input in.

We have 107 members in this House; all of them are members of a caucus. If we invite all 107 members to make a presentation, we are indeed inviting caucuses to make a presentation as well. It's not the end of the process, Gilles, but another important facet and step of the process.

I would also say that we have already sent off letters and requests and recommendations to House leaders and caucuses, but my understanding—and it has been reiterated here—is that there has not been a response. Indeed, I'm not even sure if it has ever been tabled with any of the caucuses as of yet.

We can use multi-tracks to move forward, and I think we must use multiple tracks.

I would also end off with this one final statement: This committee has authority from the House itself. It doesn't derive its authority from the House leaders. This is a standing committee of the Legislature, not a standing committee of the House leaders. We have one House leader here today, who is part of this committee. We ought not to let their difficulties as House leaders infringe on the lawful and duly noted authority of this committee to advance and review the standing orders.

I think this does not short-circuit anything. It broadens out the circuits and facilitates and recognizes the contribution of all members of the House, not just the House leaders or not just the caucus leaders.

1420

The Chair (Mr. Garfield Dunlop): Okay, Mr. Bisson?

Mr. Gilles Bisson: Just to Mr. Hillier: You think that your House leader is having a problem—because he's not. It's not a question that we as House leaders are having problems.

The reality is that the committee never completed its work when it came to a whole set of recommendations. The reason we didn't deal with some of the stuff that came before us is because it was the view of the House leaders and the deputies who are there that whatever we do in a motion, we should be dealing with it all, not trying to piecemeal what comes out of the rule changes, but that we have one motion that agrees we're going to pass a package that does X, Y and Z.

This committee has not finished its work and I would advocate that we probably need to do that. That's something that I'm sure we're going to be talking about at House leaders'.

The other thing is that in regard to the current situation in regard to discussions around the programming motion that's going on, we've had conversations with the Tory House leader. They chose not to participate; that's fine. That's their right and I respect that.

But as far as the rest of it, what's going to happen with bills that are going to be referred to committee this summer and all that stuff? That's a conversation we haven't had yet. I've purposely said to the government House leader I didn't want to deal with anything but Bill 65 and the FAO because I wanted to give Mr. Wilson the opportunity to be in on the discussions that deal with any committee hearings that we'll have this summer, which may include rule changes. It may include the co-op bill; it may include whatever it is. Just to be clear, the House leaders have not dealt with the final part of what would be how we close down the Legislature this spring vis-à-vis the work of committees and all of that stuff.

My strong recommendation to this committee is, if you want to bring this back to your caucuses, please do. If individuals such as Mr. Hillier—who was very helpful, he prepared a document; it was very well-thought-through. He came to our committee and he presented it. This committee has now taken that with, I think, some pretty good, strong suggestions. If other members in your caucuses have that desire to come and present to the committee, so be it. Let them present to the committee.

But until this committee is prepared to recommend a package of things that we want into a motion, I would strongly advise us not to do what's being asked.

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

Mr. Bob Delaney: While my understanding of the motion that Mr. Hillier is trying to advance is that there's not a great deal to it, I get where Mr. Bisson is coming from—although, like Mr. Balkissoon and our Chair, as I said earlier, there are three former Chairs of this committee sitting here, all of whom recognize that, as members, we would always like to be moving the status quo forward.

I know in our caucus we'd like to have a more fulsome discussion, and the work of this committee has not yet come before the Liberal caucus. I'm inclined to agree with Gilles on this one that I would like very much for it to come to caucus to get some input, and to get a feeling for where we're going.

Mr. Bas Balkissoon: Informally.

Mr. Bob Delaney: Informally. What I don't want to do is to turn down a motion that's very well intended.

I'm just wondering whether or not Mr. Hillier would agree to table the motion today because we don't want to see a motion that's trying to do something fruitful that, very frankly, I think everybody here agrees with, and we certainly are all headed in that direction—I don't want to see something that's well intended get unintentionally torpedoed because it may be a little premature.

Mr. Gilles Bisson: That's a very good point.

The Chair (Mr. Garfield Dunlop): Bas?

Mr. Bas Balkissoon: Mr. Chair, based on what I hear around the table, I think maybe what we should do as individual groups is go back to our own caucuses informally and be prepared for that coming back the next time this particular item is on the agenda. But if I could ask, maybe if we would interrupt business to at least deal with Bill 14 that's been referred to us, because the organization that is behind that bill, the co-op federation, would really like us to address their issue—

The Chair (Mr. Garfield Dunlop): I understand that, but we've got a number of problems around that as well. Right now, we've got a motion on the floor and we—

Mr. Gilles Bisson: Call the question.

The Chair (Mr. Garfield Dunlop): I'd like to call the question. Those in favour of Mr. Hillier's motion?

Interjections.

Mrs. Jane McKenna: Just so we have clarification, so now it's just going back to caucus. I just—

Interjection.

Mrs. Jane McKenna: The motion, okay.

The Chair (Mr. Garfield Dunlop): Those in favour—is there—

Mr. Randy Hillier: Yes, let's just be open and transparent on this. Let's have a recorded vote.

The Chair (Mr. Garfield Dunlop): A recorded vote?

Mr. Randy Hillier: Yes, absolutely.

Ayes

Hillier, McKenna.

Nays

Balkissoon, Bisson, Colle, Delaney, Dhillon, Forster.

The Chair (Mr. Garfield Dunlop): So the motion doesn't pass at this time.

I'm not sure where we're going at this particular point with the standing orders changes. Is there any other business? Yes, Cindy.

Ms. Cindy Forster: Just one comment [*inaudible*] one of us from taking the package and giving it to our members for their input, right?

The Chair (Mr. Garfield Dunlop): Absolutely.

Interjections.

The Chair (Mr. Garfield Dunlop): I thought we had done that a number of times. Please feel free to take it back to your caucuses individually, if you wish. The motion fails.

Mr. Balkissoon.

Mr. Bas Balkissoon: Mr. Chair, under other business, I'd just like to raise the issue that, since we have nothing scheduled on our agenda for next Wednesday, as a committee, we schedule Bill 14. The Clerk can give us direction for advertising the committee hearings and whatever we need to do to assist this group.

I think they've been calling every caucus. I know they've called some of my colleagues and they've called me. If we would at least accelerate Bill 14, which is the co-op bill, to get its approval—because it's a significant bill to assist tenants and landlords in the co-op industry from significant costs.

The Chair (Mr. Garfield Dunlop): Mr. Balkissoon is looking for public hearings beginning next week?

Mr. Bas Balkissoon: Next Wednesday.

The Chair (Mr. Garfield Dunlop): Next Wednesday.

Mr. Bas Balkissoon: Because we have nothing in our agenda.

The Chair (Mr. Garfield Dunlop): Okay. We've also had a request from Ms. MacLeod on Bill 5, Mr. Shurman's bill, not that we have to put that on here as well at this time. Mr. Bisson—part of the programming motion?

Interjections.

Mr. Bas Balkissoon: Can the Clerk tell us what we have to do if we schedule it next Wednesday? What do we need to do?

The Chair (Mr. Garfield Dunlop): Yes. We're going to get one day in without knowing where to sit in the summer, right?

The Clerk of the Committee (Mr. Trevor Day): As it stands right now, this committee has one more meeting before the House rises.

Mr. Bas Balkissoon: I'm suggesting when we start. Who knows when we're leaving? We might be here more than one week.

The Chair (Mr. Garfield Dunlop): I want to make sure we're clear on this, though. Right now, we would have one day next week, okay? We don't have any authority right now to do anything in the summer because it has not been agreed to.

Mr. Bas Balkissoon: No, so I'd like to schedule next Wednesday.

Mr. Randy Hillier: May I just have a comment?

The Chair (Mr. Garfield Dunlop): Yes, you can.

Mr. Randy Hillier: Chair, you can correct me if I'm wrong, but I'm sure I heard it from both the Liberals and the NDP members today that the committee had agreed that there would be nothing else done until they looked at the standing orders. That was charged from the House leaders and that was direction from the House leaders—

The Chair (Mr. Garfield Dunlop): Mr. Hillier, that's actually lapsed at this point.

Mr. Randy Hillier: Oh, that's lapsed? Oh, okay.

Mr. Gilles Bisson: Thank God for prorogation.

Mr. Bas Balkissoon: As a committee, we're still doing our responsibility, which is to review the standing orders.

Mr. Gilles Bisson: Can I just—

The Chair (Mr. Garfield Dunlop): Mr. Bisson.

Mr. Gilles Bisson: I'm not necessarily opposed to what you're asking, but I think you'd better check with the Tory House leader before we do anything.

Mr. Bas Balkissoon: On Bill 14?

Mr. Gilles Bisson: Yes, you should double-check, because I know the Tories at this point are in opposition to the programming motion and they don't want anything to happen. I think you need to have a chat with the Tory House leader. Talk to your House leader first, because you may end up—

Mr. Bas Balkissoon: But just scheduling it at the committee doesn't change much. The group would really like us to move on their bill. They've waited so long for the debates.

The Chair (Mr. Garfield Dunlop): I understand the group wants this and they're lobbying you, but right now, we're limited to one day, and if nothing happens—

Mr. Bas Balkissoon: I'm taking the gamble. Let's deal with the one day and help them out.

1430

The Chair (Mr. Garfield Dunlop): Well, I don't want to gamble as the Chair unless I'm sure I'm clear on what we're going to do with the—

Mr. Gilles Bisson: I'm not opposed to hearings. We support the bill. That ain't my point. My point is, given that we're in the final throes of this House, I don't want to do something that will put our Tory House leader offside completely. I would just ask that we at least—because we could shop this around if we had to.

Mr. Randy Hillier: Yes, I think we should shop that—

The Chair (Mr. Garfield Dunlop): Trevor, point out the issues we've got with this.

The Clerk of the Committee (Mr. Trevor Day): The committee can decide to do public hearings on the bill next Wednesday. Where the issue comes in is that the committee would then have to today make a determination on where we advertise, how much time each person gets—all the things you'd normally get out of a subcommittee report, we would have to do today.

Mr. Bas Balkissoon: Yes, and we could do that. That we know. You advertise it. The hearing is going to be here. Each deputant, we give them 20 minutes—

The Clerk of the Committee (Mr. Trevor Day): If you would like to move a motion on that.

Mr. Bas Balkissoon: —or 10 minutes or five minutes of questions. Those are my suggestions that I'll throw out.

The Chair (Mr. Garfield Dunlop): But we have to do clause-by-clause. We're not going to have it all in one day.

Mr. Mike Colle: No, no; it's just a start.

The Chair (Mr. Garfield Dunlop): Okay, I understand, but I want to make sure that we're clear on this. If the House leaders don't agree to have us sit over the summer—I'm looking at the worst-case scenario; there's no committee hearings over the summer—how do we advertise, then, for the fall?

Mr. Bas Balkissoon: Okay, Mr. Chair, my proposal is let's start. I'm hoping that the House leaders will settle their disagreement before the end of this week, and we could request whatever else we need if it so happens.

Mr. Gilles Bisson: Just for the record, there's no disagreement of the House leaders. I want to be really clear on that. What we have is an agreement to move a programming motion at this point, and we're about to start some discussions about how we deal with the rest of the session. I'm okay with the hearings on the co-op thing, and we support the bill; that's not the problem. I just don't want to do something that's going to upset the Tory House leader. That's going to throw a monkey wrench—

Mr. Bas Balkissoon: And all I'm doing is reserving next Wednesday, rather than nothing happening.

Mr. Gilles Bisson: Well, why don't you reserve it and then see what Mr. Wilson has to say?

Mr. Bas Balkissoon: Well, I would rather advertise and reschedule than just resume—

Mr. Gilles Bisson: Well, if all you need is a subcommittee, nothing stops you from—

Mr. Mike Colle: Subcommittee? They won't show up.

Mr. Bas Balkissoon: We already called a subcommittee on Monday, and they didn't show up.

Mr. Gilles Bisson: Sorry, I forgot that.

The Chair (Mr. Garfield Dunlop): I'm sorry; I've got to get this back in order here. What's—

Mr. Randy Hillier: Okay, I'll put this off for a while. I seek adjournment of this committee.

The Chair (Mr. Garfield Dunlop): Right now?

Mr. Randy Hillier: Right now.

Mr. Mike Colle: But we're in the middle of a motion.

Mr. Bas Balkissoon: A motion that I moved.

Mr. Randy Hillier: I don't think we had it on the floor. We didn't have anybody second it; I don't think there is a motion on the floor.

The Clerk of the Committee (Mr. Trevor Day): Just give me a second here. There are motions, actually. A motion to adjourn is a dilatory motion.

Mr. Gilles Bisson: How can it be dilatory? There was no motion on the floor.

Mr. Bas Balkissoon: I made a motion.

Mr. Gilles Bisson: Oh, was it a motion?

Mr. Bas Balkissoon: It was scheduled—

Mr. Gilles Bisson: I thought you were just having a discussion. I'm sorry.

Mr. Bas Balkissoon: No, no. I moved it.

Mr. Gilles Bisson: Oh, I didn't hear you. I'm sorry. I apologize.

Mr. Bas Balkissoon: Yes, I moved it, but you—to give me the details of how we'd—

Mr. Gilles Bisson: I'm sorry. Okay, there's a motion on the floor.

The Clerk of the Committee (Mr. Trevor Day): Okay. What we have is, Mr. Balkissoon has a motion on the floor regarding meeting next week for the purposes of public hearings on Bill 14.

Mr. Bas Balkissoon: Right.

The Clerk of the Committee (Mr. Trevor Day): Mr. Hillier has moved adjournment of the committee without any condition, which is a dilatory motion, one of the few

motions that you can actually move while there is another motion on the floor. Without debate, a vote on Mr. Hillier's motion to adjourn the committee right now.

The Chair (Mr. Garfield Dunlop): Okay. We've got a motion to adjourn the committee. All those in favour?

Mr. Mike Colle: Recorded vote.

Ayes

Bisson, Forster, Hillier, McKenna.

Nays

Balkissoon, Colle, Delaney, Dhillon.

The Chair (Mr. Garfield Dunlop): The vote is tied, and I'm going to go with the will of the committee at this point. I'm voting against Mr. Hillier's motion to adjourn, so we—

Mr. Gilles Bisson: Okay, that's fine, Chair. I needed to be somewhere else 10 minutes ago, so that's fine; the vote is there.

I just want to put on the record, Mr. Colle—you were saying we're trying to not do this. Not at all. We supported the co-op bill—

Mr. Mike Colle: I didn't say that.

Mr. Gilles Bisson: Just let me finish what I want to say. We support the co-op bill. We don't have problems doing hearings. The only point I was making is that for the love of your House leader, who has to deal with that House leader, this may not be a wise thing to do at this point, because Mr. Milloy has to work out an agreement with Mr. Wilson on a number of issues and I know this will probably be a problem with Mr. Wilson. I think you might be—how would you say it?—throwing a spark into the hay here. We're fine; if you want to do hearings, we'll do hearings. But I just—

Mr. Bas Balkissoon: Do you have a suggestion on how we can lock up the date at least, so if you guys settle it we could move quickly?

Mr. Gilles Bisson: Well, you can lock up the date today and leave it to the subcommittee to do the rest of the work.

Mr. Mike Colle: But the subcommittee is dysfunctional because there's one party that won't come to the table.

Mr. Gilles Bisson: That may or may not be, but my point is—listen, Mr. Colle, you've been here for a long time and you know as well as I do that when we get into the last couple of weeks of the session, things get kind of crazy around here. I'm just saying your House leader will probably tell you what I'm telling you, which is, just hold off a bit. We will get hearings done on this bill because it's important. It will pass. We support it. You support it. There's no problem in passing this bill, but I do know that the Conservatives have some issues right now, and I don't think we need to be making it harder for the Tories.

Mr. Mike Colle: Okay, can I just make a comment? Basically, nothing that this committee is going to do is

going to preclude whatever—this is just one day of hearings. It's just one day.

Mr. Bas Balkissoon: Mr. Chair, my motion really just locks up Wednesday for public hearings. Clause-by-clause will have to be another day. There's no way we're going to finish, but I don't want to waste next Wednesday. Really, it's to get the work going. The second day is not scheduled. If everybody objects to the second day, then so be it, but at least we don't waste a committee meeting next Wednesday. That's all I was trying to do.

The Clerk of the Committee (Mr. Trevor Day): If we could take a two-minute recess—

Mr. Randy Hillier: I'd ask for a 20-minute recess before the vote.

Mr. Bas Balkissoon: Well, we don't have 20 minutes.

The Clerk of the Committee (Mr. Trevor Day): The question is not here yet.

Mr. Randy Hillier: I'm going to ask for a 20-minute recess when it does come on the floor.

Mr. Mike Colle: We've already voted.

The Clerk of the Committee (Mr. Trevor Day): Not on Mr. Balkissoon's; we voted on the adjournment.

I can assist Mr. Balkissoon in drafting a motion that will have all the components of what we'd be required to do this next week, but again, it's the will of the committee.

Mr. Randy Hillier: However, I'll be seeking the 20-minute recess after that.

The Clerk of the Committee (Mr. Trevor Day): We are now within 20 minutes to the end of the meeting. Any vote or any request for a 20-minute recess will put us past, and this committee will adjourn if that is the case. I want to make that clear to the committee members before we proceed.

Mr. Mike Colle: Well, basically, we have no choice then.

Mr. Bas Balkissoon: We have no choice. We don't vote on a recess motion.

Mr. Mike Colle: It kills the motion for the public hearing.

The Clerk of the Committee (Mr. Trevor Day): The members are entitled to a 20-minute recess on any question when we hit that point in the debate.

Mr. Mike Colle: Let that be noted in the record. They want to let this committee be run by House leaders, as usual.

The Chair (Mr. Garfield Dunlop): We're going to vote on Mr. Balkissoon's motion.

Interjections.

The Chair (Mr. Garfield Dunlop): Excuse me, we still have a motion on the floor.

Mr. Bas Balkissoon: Which is?

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

Mr. Bas Balkissoon: But I thought you had to take his 20-minute request.

The Clerk of the Committee (Mr. Trevor Day): When the members are ready to vote, if Mr. Hillier requests a 20-minute recess, we will adjourn. We will return next Wednesday to take the vote.

Mr. Bas Balkissoon: Well, my motion stands then, which is to schedule the hearings next Wednesday—

The Chair (Mr. Garfield Dunlop): Okay, we've all heard that.

Mr. Bas Balkissoon: —and the logistics for the Clerk to work it out.

The Clerk of the Committee (Mr. Trevor Day): The effect of a 20-minute recess would mean we would actually be voting next Wednesday on that motion.

Mr. Bas Balkissoon: Okay, that's fine. We'll do it.

The Chair (Mr. Garfield Dunlop): Mr. Balkissoon has a motion on the floor. All in favour of Mr. Balkissoon's motion?

Mr. Randy Hillier: Chair, I would seek a 20-minute recess.

The Clerk of the Committee (Mr. Trevor Day): It's a 20-minute recess.

The Chair (Mr. Garfield Dunlop): We now have a 20-minute recess.

Ms. Cindy Forster: May I now suggest that maybe we try to call a subcommittee meeting for tomorrow to try and deal with this?

The Clerk of the Committee (Mr. Trevor Day): We're recessed right now.

The Chair (Mr. Garfield Dunlop): We are now recessed.

The Clerk of the Committee (Mr. Trevor Day): But we're adjourned.

The Chair (Mr. Garfield Dunlop): We're adjourned.
The committee adjourned at 1441.

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Vice-Chair / Vice-Présidente

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Mr. Bas Balkissoon (Scarborough–Rouge River L)
Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)
Mr. Steve Clark (Leeds–Grenville PC)
Mr. Mike Colle (Eglinton–Lawrence L)
Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)
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Mr. Trevor Day

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