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Wednesday 22 October 2014

**Journal
des débats
(Hansard)**

Mercredi 22 octobre 2014

**Standing Committee on
Regulations and Private Bills**

Organization

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Organisation

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 22 October 2014

Mercredi 22 octobre 2014

The committee met at 0905 in committee room 1.

ELECTION OF CHAIR

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning, honourable members. Welcome to the Standing Committee on Regulations and Private Bills.

Interjection: Hello.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning. It is my duty to call upon you to elect a Chair. Are there any nominations? Ms. Wong.

Ms. Soo Wong: I nominate Ms. Indira Harris as the chair of this regulations and private bills standing committee.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Ms. Naidoo-Harris, do you accept the nomination?

Ms. Indira Naidoo-Harris: Yes, I do. Thank you.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Are there any further nominations? There being no further nominations, I declare the nominations closed and Ms. Naidoo-Harris elected Chair of the committee.

Would you please take the chair?

ELECTION OF VICE-CHAIR

The Chair (Ms. Indira Naidoo-Harris): Good morning, honourable members. It is my duty to entertain a motion for Vice-Chair. Are there any motions? Soo Wong?

Ms. Soo Wong: Madam Chair, I am going to nominate Ms. McGarry to be appointed as the Vice-Chair of this committee.

The Chair (Ms. Indira Naidoo-Harris): A motion has been moved by MPP Soo Wong to nominate Kathryn McGarry as Vice-Chair. Is there any debate? Are the members ready to vote? Shall the motion carry? The motion is carried. Thank you.

Mrs. Kathryn McGarry: Thank you.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Ms. Indira Naidoo-Harris): Now we move on to the appointment of the subcommittee on committee business. Is there a motion? MPP Soo Wong?

Ms. Soo Wong: Thank you very much, Madam Chair. I move that the subcommittee be composed of the following members: the Chair as Chair, Ms. Vernile, Mr. Bailey and Ms. French; and

That substitution be permitted on the subcommittee.

Interjection.

Ms. Soo Wong: I have to read the whole thing? I was trying to help us with time.

I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: the Chair as Chair, Ms. Vernile, Mr. Bailey and Ms. French; and

That substitution be permitted on the subcommittee.

I was trying to go right down to the essence of the business. Right?

Interjections.

The Chair (Ms. Indira Naidoo-Harris): So, everyone, a motion has been moved by MPP Soo Wong. Is there any debate? Are members ready to vote? Shall the motion carry? All those in favour, please raise your hand. It's carried.

BRIEFING

The Chair (Ms. Indira Naidoo-Harris): Now we have a short briefing by the Clerk and research officer.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning. My name is Valerie Quioc Lim and I am the Clerk of the committee. I will talk briefly about my role, specifically about private bills, then I will turn it over to Tamara Hauerstock, the committee's research officer, to talk about regulations.

The committee's permanent mandate under the standing orders is two-part: One is the review of regulations and the other is the consideration of private bills. This is under standing orders 82 to 97 and standing order 108(i). This is the committee to which private bills are referred after first reading and to which all regulations stand permanently referred.

Talking a little bit about private bills, a private bill relates to a matter of special benefit to a particular person or organization. It does not form part of public law and does not have general application to everyone in Ontario. It only applies to those to whom a bill specifically applies. A private bill is initiated by an application from a member or members of the public. It does go through the same legislative stages as a public bill and so it requires an MPP sponsor to introduce it in the House and to carry it in committee.

In addition to the committee's permanent mandate, the House may refer government bills or private members' public bills for the committee's consideration, or a matter for its review.

A resource binder with detailed information on this as well as the procedural and administrative practices of the committee was previously sent to your offices. My contact information is on the last page, so please contact me if you have any questions or if you require any assistance.

0910

As committee Clerk, my role is to provide confidential and impartial advice on procedure and to provide administrative support to all committee members. You will see that committee meetings are regularly staffed by a Clerk like myself, a research officer, a Hansard reporter and a broadcast and recording operator. When we conduct clause-by-clause consideration of a bill or when we're considering a private bill, we will have legislative counsel present as well.

Again, please contact me if you need any help; any questions. Our door is always open.

Now I turn the time to Tamara Hauerstock.

Ms. Tamara Hauerstock: Good morning. I'm Tamara Hauerstock. I'm the research officer and legal counsel to this committee with respect to regulations. I'm here this morning to give you a brief overview of the committee's mandate with respect to regulation review.

As you know, most Ontario statutes include regulation-making powers. Regulations are generally made either by the Lieutenant-Governor in Council or by the minister responsible for a given statute. On average, we have about 500 regulations made per year in Ontario. While bills are debated in the House, regulations are not usually subject to public discussion. This is why a royal commission in the 1960s recommended that a standing committee be tasked with the scrutiny of regulations.

The committee's regulations mandate is currently set out in standing order 108(i) and is also described in section 33 of the Legislation Act, 2006. We've handed out copies of both those documents today. The standing order and Legislation Act provide that this committee is to review regulations made under Ontario statutes. In conducting this review, the committee is to consider "the scope and method of the exercise of delegated legislative power." This, in effect, means that the committee must look at the regulation, look at the statute that allows the regulation to be made and ensure that the regulation is

made in compliance with the guidelines set out in the standing order. As you can see, there are nine guidelines. These are based on legal principles that are well established in many common-law jurisdictions.

The two guidelines that have been raised most frequently by this committee in past reports are guidelines 2 and 3. Guideline 2 says that "regulations should be in strict accord with the statute conferring of power." This means that there should be explicit authority in the statute that allows the regulation to be made. Guideline 3 says that, "Regulations should be expressed in precise and unambiguous language." This means that a regulation must be clearly written.

It's important to note that the committee's mandate explicitly excludes consideration of the merits or objectives underlying a regulation. According to the royal commission mentioned earlier, the mandate is limited in this way because the regulation operates within the framework of an act, and the act and the policy underlying it have already been debated and decided by the Legislature. For this reason, the royal commission recommended that the policy of an act not be reopened for discussion.

The Legislation Act requires the committee to report from time to time its observations, opinions and recommendations. The practice in recent years in this committee has been for the committee to consider a report about once a year.

In terms of how the regulation review actually happens, the research officers conduct the first stage of the review on behalf of the committee. We read all the regulations published each year and flag possible violations of the guidelines in the standing orders. We then write to the legal branches of the ministries responsible for the regulations that we've flagged. When the ministries respond, we consider whether they have adequately addressed the concerns we've raised. We then prepare a draft report for the committee and include the discussion of those regulations where we continue to have concerns about possible violations of the guidelines.

When the committee meets to consider the draft report, it can decide whether or not to include the discussion of a given regulation, either with or without a recommendation. Once the committee has finalized its report, the final report is tabled in the House.

I'd also like to note, as Valerie mentioned, that from time to time bills other than private bills are referred to this committee. For those bills, my colleague research officer Erin Fowler of the research service is available to assist the committee. For example, we can assist with research questions or with a summary of recommendations.

Thank you.

The Chair (Ms. Indira Naidoo-Harris): Does that complete the briefings?

Ms. Tamara Hauerstock: Yes.

The Chair (Ms. Indira Naidoo-Harris): Okay. I now would like to say that the meeting is adjourned. Thank you, everyone.

The committee adjourned at 0915.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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Vice-Chair / Vice-Présidente

Mrs. Kathryn McGarry (Cambridge L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Ms. Jennifer K. French (Oshawa ND)

Mr. Monte Kwinter (York Centre / York-Centre L)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mrs. Kathryn McGarry (Cambridge L)

Ms. Indira Naidoo-Harris (Halton L)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Substitutions / Membres remplaçants

Ms. Soo Wong (Scarborough–Agincourt L)

Clerk / Greffière

Ms. Valerie Quioc Lim

Staff / Personnel

Ms. Tamara Hauerstock, research officer,
Research Services