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Lundi 5 octobre 2015

**Standing Committee on
Social Policy**

Invasive Species Act, 2015

**Comité permanent de
la politique sociale**

**Loi de 2015 sur les espèces
envahissantes**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 5 October 2015

Lundi 5 octobre 2015

The committee met at 1403 in room 151.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good afternoon, everyone. In the absence of the Chair and Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Ms. Armstrong.

Ms. Teresa J. Armstrong: I nominate Ms. Gélinas for Chair.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Madame Gélinas, do you accept the nomination?

M^{me} France Gélinas: I do.

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 Madame Gélinas duly elected Acting Chair of the committee.

INVASIVE SPECIES ACT, 2015
LOI DE 2015 SUR LES ESPÈCES
ENVAHISSANTES

Consideration of the following bill:

Bill 37, An Act respecting Invasive Species / Projet de loi 37, Loi concernant les espèces envahissantes.

The Acting Chair (M^{me} France Gélinas): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here for clause-by-clause consideration of Bill 37, An Act respecting Invasive Species. If that's not what you're here for, there's another committee down the hall. That's where I went first, just so you know.

I would like to remind members that pursuant to the order of the House dated June 2, 2015, following the completion of the second hour of clause-by-clause consideration, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendment thereto. At this time, the Chair can allow one 20-minute waiting period pursuant to standing order 129(8).

If it's okay with everybody, I propose that consecutive sections with no amendments be grouped together, unless the members would like to vote on a section separately. When there's no amendment, is it okay if I group them together to call for the vote?

Interjection: Sure.

The Acting Chair (M^{me} France Gélinas): Okay, very good.

I will make one small comment: I will have to skip out from about 3:20 to 3:45, and John Vanthof will be coming in to sub in for Chair so that we keep the committee going. I'm sorry about that. The person who's supposed to be here is sick.

Any further questions?

Mr. Jack MacLaren: I'd like to make a comment before we start, Chair.

The Acting Chair (M^{me} France Gélinas): Sure.

Mr. Jack MacLaren: I have copies of letters that I'd like Valerie to distribute around, if I may. Thank you, Valerie.

I got a phone call from a concerned fellow named Robert Whiteside who phoned in last week. His phone reception was terrible and most of us couldn't really make out very well what he was trying to say. We had a phone chat this morning, and he was very clear and succinct and asked me to deliver this message to you. This isn't so much an amendment as a message to this bill and this committee.

He is a Métis so he speaks on behalf of the Métis Nation of Ontario. The letter you received is from the Métis Nation of Ontario, as of a year ago, to the MNR. Their concern is with the definition in the legislation of invasive species. They are very troubled by that and object to it. The definition they would like to see—and I know that's probably not going to happen today because we missed that opportunity—is included on page 4 of that letter and it is from the Ontario Invasive Species Strategic Plan 2012. There are about four lines there.

That is what they would like to see included as the definition of an invasive species. Their real complaint or problem is they feel that they have not had an opportunity for consultation, which is their right. You'll read at the last sentence at the bottom of paragraph 1: "Regardless, actions like these trigger the duty to consult and accommodate our aboriginal title and rights, in keeping with the honour of the crown and the promise of section 35 of the Constitution Act, 1982 to the Métis Nation."

So they feel they have a constitutional right to consultation and that was denied them. During the consultation, they would have said the words that they object to that definition. Robert Whiteside asked me to say to you that if this bill goes forth with this definition, the Métis

Nation of Ontario will be the suing the province of Ontario or challenging this bill, if it becomes law, in courts as being unconstitutional, based on section 35. That is my comment on behalf of Robert Whiteside.

The Acting Chair (M^{me} France Gélinas): Thank you for those comments. Are there other comments before we start?

Ms. Eleanor McMahon: Chair?

The Acting Chair (M^{me} France Gélinas): Sure.

Ms. Eleanor McMahon: I'd just like to thank the member opposite for raising this issue. We'll make sure the ministry receives the comments. Thank you.

The Acting Chair (M^{me} France Gélinas): Are we all ready? Okay.

I'm on section 1 of the bill. The government has a motion on section 1. Who will be bringing it forward? Go ahead.

Ms. Eleanor McMahon: I move that section 1 of the bill be amended by striking out the definitions of "moderate threat invasive species" and "significant threat invasive species" and by adding the following definitions:

"prohibited invasive species" means an invasive species that is classified as a prohibited invasive species by a regulation made under section 4; ('espèce envahissante interdite')

"restricted invasive species" means an invasive species that is classified as a restricted invasive species by a regulation made under section 4; ('espèce envahissante faisant l'objet de restrictions')

1410

The Acting Chair (M^{me} France Gélinas): Thank you, MPP McMahon. Any comments? Ms. Martow? No? No comments? Everybody ready for the vote?

Ms. Eleanor McMahon: Can I ask for a recorded vote please, Madame Chair?

The Acting Chair (M^{me} France Gélinas): Absolutely.

Ayes

Anderson, Armstrong, Mangat, McGarry, McMahon, Vernile.

Nays

MacLaren, Martow.

The Acting Chair (M^{me} France Gélinas): I declare the motion carried.

Ready to vote on section 1? All those in favour of section 1, as amended? All those opposed? Motion carried.

I am moving on to section 2. In section 2, we have nothing; we have no amendment. Any comments on section 2? Seeing none, are we ready to vote? All those in favour of section 2? All those opposed? Section 2 is carried.

I'm moving on to section 3. On section 3, we have a motion put forward by the PCs. Mrs. Martow.

Mrs. Gila Martow: I move that subsection 3(2) of the bill be struck out.

The Acting Chair (M^{me} France Gélinas): Any comments or questions?

Mrs. Gila Martow: I'll just explain the rationale: that we're worried about wasting time and resources combatting species that are not, in fact, invasive or a danger to our natural habitat, and that policy decisions should be informed by science.

The Acting Chair (M^{me} France Gélinas): Any more comments or questions? Ms. McMahon.

Ms. Eleanor McMahon: We will be voting against this. In response to the motion, our concern is that this is rather limiting rather than enabling, and when a swift response is required, we need the tools necessary. Inspectors and enforcement officers are already required to meet stringent standards contained within the bill. I just wanted to put that on the record. Thank you.

The Acting Chair (M^{me} France Gélinas): Any more questions or comments? Mr. MacLaren.

Mr. Jack MacLaren: Well, instead of striking out that section, how about we change the following words—this is subtle, but significant. Instead of the part where it says, "in the absence of evidence to the contrary," stroke that out and at the end of the paragraph, add the words, "until evidence to the contrary can be provided"—which means that at some time in the future, if somebody can come up with evidence to show that the creature that looks the same isn't the same, that evidence is incorporated into here as reason to remove it from the endangered species specification.

The Acting Chair (M^{me} France Gélinas): Unfortunately, Mr. MacLaren, given that this is a decision of the House that has been given to this committee, we cannot entertain any further motions than those that have been circulated, no matter how good or bad they are.

Back to motion number 2, any further comments or questions? Hearing none, are we ready for the vote? All those in favour of motion number 2? All those opposed? I declare the motion lost. Not win, lost.

I am now looking at section 3, which has no amendment. Are you ready to vote on section 3? No questions or comments? All those in favour of section 3? All those opposed? I declare section 3 carried.

I am moving on to section 4. On section 4, we have a government motion. Ms. McMahon.

Ms. Eleanor McMahon: I move that subsections 4(2) and (3) of the bill be struck out and the following substituted:

"Classes of invasive species

"(2) A regulation under subsection (1) shall classify each prescribed invasive species into one of the following classes:

"1. A prohibited invasive species, being an invasive species to which the prohibitions set out in section 7 and the measures set out in sections 23 and 27 apply.

"2. A restricted invasive species, being an invasive species to which the prohibitions set out in subsection 8(1) apply and to which conditions, restrictions or pro-

hibitions may be added by regulation under subsection 8(2) or (3) and measures set out in sections 23 and 27 may be made to apply by regulation.

“Same

“(3) The classification of an invasive species under subsection (2) shall be based on the extent to which the species is present in the natural environment in Ontario at the time the regulation is made and on other considerations such as the following:

“1. The species’ biological characteristics.

“2. The harm the species has had on the natural environment, if any, or is likely to have in the future.

“3. The dispersal ability of the species.

“4. The social or economic impacts of the species.”

Thank you, Madam Chair.

The Acting Chair (M^{me} France Gélinas): Any questions or comments regarding the amendment? Hearing none, are we ready to vote? All those in favour of the motion, please raise your hand. All those opposed? The amendment is carried.

We have a second amendment, put forward by the Progressive Conservative Party. Mrs. Martow?

Mrs. Gila Martow: I move that section 4 of the bill be amended by adding the following subsection:

“Lists of invasive species

“(4) For greater certainty, the regulation under subsection (1) shall contain the following lists:

“1. A list of all the species that are classified by the regulation as moderate threat invasive species.

“2. A list of all the species that are classified by the regulation as significant threat invasive species.”

The Acting Chair (M^{me} France Gélinas): Before any comments or questions are entertained, I have to rule that this amendment is out of order because, if passed, it would create an inconsistency in terms of language or reference. I’m sorry.

Mrs. Gila Martow: Okay.

The Acting Chair (M^{me} France Gélinas): I’m now ready to vote on section 4, as amended. Is everybody ready for the vote? All those in favour? All those opposed? Section 4 is carried, as amended.

I’m now on section 5. We have a PC motion. Mrs. Martow?

Mrs. Gila Martow: I move that subsection 5(1) of the bill be amended by striking out “if, in his or her opinion” at the end of the portion before clause (a) and substituting “if, in his or her evidence-based assessment”.

The Acting Chair (M^{me} France Gélinas): Any questions or comments regarding the amendment?

Mrs. Gila Martow: So I think that again it comes back to—sorry, Madam Chair.

Again, it comes to evidence-based, and based on scientific fact.

The Acting Chair (M^{me} France Gélinas): Questions or comments on the amendment? Seeing none, are we ready to vote on the amendment? All those in favour of the amendment, please raise your hand. All those opposed? I declare the amendment lost.

We have a government amendment, number 6. Ms. McMahon?

Ms. Eleanor McMahon: Thank you, Madam Chair.

I move that clauses 5(1)(a) and (b) of the bill be struck out and the following substituted:

“(a) the invasive species poses a serious and imminent threat to the natural environment that requires the immediate application of the provisions of this act and of such other safeguards as may be specified in the order; and”

The Acting Chair (M^{me} France Gélinas): Any questions or comments regarding the government amendment? Seeing none, are we ready to vote? All those in favour of the amendment? Carried.

We have a second amendment of subsection 5(2). Ms. McMahon.

Ms. Eleanor McMahon: Thank you. I move that subsection 5(2) of the bill be struck out and the following substituted:

“Effect of order

“(2) If an order is made under subsection (1), the following sections of this act shall apply to the designated invasive species as if it were a prohibited invasive species:

“1. Section 7 (Prohibited invasive species, prohibitions).

“2. Section 23 (Declaration of invaded place).

“3. Section 27 (Actions to control or eradicate invasive species).”

The Acting Chair (M^{me} France Gélinas): Any questions or comments for the government amendment? Seeing none, are we ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

I’m now looking at section 5, as amended. Are there any questions or comments for section 5?

All right. Ready to vote on section 5, as amended?

Mrs. Gila Martow: Can I request that we vote on section 6 at the same time? Or we can’t do that?

The Acting Chair (M^{me} France Gélinas): Because we’ve amended section 5, we have to do that—

Mrs. Gila Martow: We have to do it separately. Okay.

The Acting Chair (M^{me} France Gélinas): But I like the direction you’re going in.

Ready to vote on section 5, as amended? All those in favour? All those opposed? Section 5, as amended, is carried.

There are no amendments for section 6. Are there any questions or comments? Seeing none, ready for the vote? All those in favour of section 6? All those opposed? Section 6 is carried.

We’re now—

Interjection.

The Acting Speaker (M^{me} France Gélinas): We have a government motion. Ms. McMahon.

Ms. Eleanor McMahon: I move that the heading before section 7 of the bill be struck out and the following substituted:

“Prohibitions and Restrictions.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Seeing none, are we ready to vote on the amendment? All those in favour of the amendment? All those opposed? The amendment is carried.

We now have another government amendment for section 7.

Ms. Eleanor McMahon: I move that section 7 of the bill be struck out and the following substituted:

“Prohibited invasive species, prohibitions

“7. No person shall,

“(a) bring a member of a prohibited invasive species into Ontario or cause it to be brought into Ontario;

“(b) deposit or release a member of a prohibited invasive species or cause it to be deposited or released;

“(c) possess or transport a member of a prohibited invasive species;

“(d) propagate a member of a prohibited invasive species; or

“(e) buy, sell, lease or trade or offer to buy, sell, lease or trade a member of a prohibited invasive species.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments for the amendment to section 7? Seeing none, are we ready for the vote on the amendment? All those in favour of the amendment? All those opposed? The amendment is carried.

We are now ready to vote on section 7. Any questions or comments on section 7? No? Hearing none, are we ready to vote on section 7, as amended? All those in favour? All those opposed? Section 7 is carried, as amended.

We’re moving on to section 8, and we have a government amendment.

Ms. Eleanor McMahon: I move that section 8 of the bill be struck out and the following substituted:

“8(1) No person shall,

“(a) bring a member of a restricted invasive species into a provincial park or conservation reserve or cause it to be brought into a provincial park or conservation reserve; or

“(b) deposit or release a member of a restricted invasive species in Ontario or cause it to be deposited or released in Ontario.

“Conditions and restrictions

“(2) A person who carries out any of the following activities shall comply with any conditions or restrictions that are prescribed:

“1. Bring a member of a restricted invasive species into Ontario or cause it to be brought into Ontario.

“2. Possess or transport a member of a restricted invasive species.

“3. Propagate a member of a restricted invasive species.

“4. Buy, sell, lease or trade or offer to buy, sell, lease or trade a member of a restricted invasive species.

“Prohibition by regulation

“(3) A person shall not carry out an activity described in subsection (2) if it is prohibited by regulation.

“Definition

“(4) In this section,

“‘provincial park or conservation reserve’ means an area set apart as a provincial park or conservation reserve under the Provincial Parks and Conservation Reserves Act, 2006.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment to section 8? Seeing none, are we ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

We will now be looking at section 8, as amended. Any questions or comments? We’re ready for the vote? All those in favour of section 8, as amended? All those opposed? Section 8, as amended, is carried.

We are now looking at section 9 and we have a government motion. Ms. McMahon.

Ms. Eleanor McMahon: I move that subsection 9(1) of the bill be amended by striking out “Subsections 7(1), (2) and (4) and subsection (8)” at the beginning and substituting “Section 7 and subsection 8(1).”

The Acting Chair (M^{me} France Gélinas): You made a little—

Ms. Eleanor McMahon: Did I make a little error? Sorry.

The Acting Chair (M^{me} France Gélinas): Just a little error. You said after “(4)” on the second line “subsection (8).” It’s “section 8.”

Ms. Eleanor McMahon: Sorry. Can I correct my record? “Section 8.” Thank you, Madam Chair.

The Acting Chair (M^{me} France Gélinas): Thank you. Any questions or comments on the motion to amend section 9? Seeing none, ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

We have another amendment from the government. Ms. McMahon.

Ms. Eleanor McMahon: I move that subsection 9(2) of the bill be amended by,

(a) striking out “Subsections 7(1), (2) and (4) and section 8” at the beginning and substituting “Sections 7 and 8”; and

(b) striking out “subsection 7(1), (2) or (4) or section 8” in clause (a) and substituting “section 7 or 8.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Seeing none, are we ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

We have one more amendment to section 9. Ms. McMahon.

Ms. Eleanor McMahon: I move that subsection 9(3) of the bill be struck out and the following substituted:

“Same, prevention and response plans

“(3) Clauses 7(b) and (c), clause (8)(1)(b), paragraph 2 of subsection 8(2) and any prohibition imposed by regulation under subsection 8(3) do not apply to a person who possesses, transports, deposits or releases a member of an invasive species in the course of implementing a

prevention and response plan if the possession, transportation, deposit or release of the member of the invasive species was carried out in accordance with the provisions of the plan.”

1430

The Acting Chair (M^{me} France Gélinas): Any questions or comments regarding the amendment? Seeing none, are we ready for the vote? All those in favour? All those opposed? The amendment is carried.

Any more comments on section 9, as amended? Seeing none, are we ready to vote on section 9, as amended? All those in favour? All those opposed?

Interjections.

The Acting Chair (M^{me} France Gélinas): We're not recording. Section 9, as amended, is carried.

This is where we could work on Ms. Martow's idea where, given that there are no amendments for section 10, section 11 and section 12, I would like to put all three sections to the vote at the same time. Any questions or comments on sections 10, 11 or 12? Hearing none, are we ready for the vote? All those in favour of sections 10, 11 and 12? All those opposed? Sections 10, 11 and 12 are carried.

If you have been following, we're now in section 13, and we have a government amendment. Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Madam Chair. Bear with me while I just make sure I'm in the right section.

The Acting Chair (M^{me} France Gélinas): It would be number 14.

Ms. Eleanor McMahon: Thank you. I just want to concur here.

Interjection.

Ms. Eleanor McMahon: I apologize, everyone. Thank you, Madam Chair.

I move that subsection 13(1) of the bill be struck out and the following substituted:

“Prevention and response plans

“(1) The minister may cause a prevention and response plan to be prepared with respect to an invasive species.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments regarding the amendment? Seeing none, are we ready to vote on the amendment? All those in favour? All those opposed? The amendment is carried.

We have an amendment to subsection 13(2). Ms. McMahon.

Ms. Eleanor McMahon: I move that subsection 13(2) of the bill be amended by striking out “a significant threat invasive species” in the portion before clause (a) and substituting “an invasive species”.

The Acting Chair (M^{me} France Gélinas): Are there any questions or comments on the amendment? Seeing none, are we ready to vote? All those in favour of the amendment? All those opposed? The amendment is carried.

We have an amendment to clause 13(3)(a).

Ms. Eleanor McMahon: I move that clause 13(3)(a) of the bill be amended by striking out “significant threat invasive species” and substituting “invasive species”.

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Seeing none, are we ready to vote on the amendment? All those in favour? All those opposed? The amendment is carried.

We have a government amendment to section 13(4).

Ms. Eleanor McMahon: I move that subsection 13(4) of the bill be struck out.

The Acting Chair (M^{me} France Gélinas): Do we have any questions or comments on the amendment? Mrs. Armstrong.

Ms. Teresa J. Armstrong: We noticed that what this does is it's going to take out the responsibility of specifying someone who's going to implement the plan. Is there somewhere in your other motions that brings that back in, or is it just going to be left where no one is designated to implement that plan specifically?

Ms. Eleanor McMahon: Interesting. Through you, Madam Chair, the answer is, I don't know. My understanding is that this motion was put forward—and the response certainly in committee the other day, responding to stakeholder comments. I'm going to look for my reading notes here.

My understanding, just to respond to MPP Armstrong, is that this change will remove a limitation that only the person or entities listed are responsible for the implementation of a plan. Is that helpful? Co-operation and collaboration are essential for success, and this change promotes a sense of mutual responsibility. Some plans may still be implemented by persons or organizations responsible. Prevention and response plans will be available online and easily accessible to interested parties and members of the public.

I guess in essence we're trying to strengthen the act here. I don't know if that helps to respond to your query.

Ms. Teresa J. Armstrong: There is some response; thank you.

The Acting Chair (M^{me} France Gélinas): More questions and comments from Mrs. Martow.

Mrs. Gila Martow: Sort of to continue that topic, I think that what we heard from many of the stakeholders is that we have some fantastic concerned groups. Some are non-profit or non-government organizations. They're happy to see this government addressing something that's very close to their heart and they are passionate about, but they're nervous that they are not going to be part of the process of how things get implemented. I think it will be nice if we had something in there about consulting with the existing organizations in the implementation—inviting them to be at the table.

The Acting Chair (M^{me} France Gélinas): Yes, Mrs. McGarry?

Mrs. Kathryn McGarry: Thank you very much. I do listen to the concerns. We all heard how important it is to have collaboration throughout the group. So, really, this change removes the limitation that only persons or entities that are listed are responsible for the implementation of the plan. This is really there to gather collaboration from all stakeholders in the implementation of the plan.

The Acting Chair (M^{me} France Gélinas): Further questions or comments on the amendment? Seeing none, are we ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

I'm now looking at section 13, as amended. Any further comments or questions? If not, are we ready for the vote on section 13, as amended? All those in favour of section 13, as amended? All those opposed? The section is carried, as amended.

I'm now looking at section 14. We have a government amendment. Mrs. McMahon.

Ms. Eleanor McMahon: Thank you, Madam Chair. I move that subsection 14(1) of the bill be amended by striking out "a significant threat invasive species" at the end and substituting "an invasive species".

The Acting Chair (M^{me} France Gélinas): Are there any questions or comments on the amendment to section 14? Seeing none, are we ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

I'm now looking at section 14, as amended. Are there any questions or comments on section 14, as amended? Seeing none, are we ready for the vote? All those in favour? All those opposed? Section 14, as amended, is carried.

Yes?

Mrs. Gila Martow: I just wanted to ask for unanimous consent to vote on motion 27 first before we do the group vote.

The Acting Chair (M^{me} France Gélinas): Let me consult with the Clerk.

Interjection.

The Acting Chair (M^{me} France Gélinas): If you would allow, given that there are no amendments to sections 15 and 16, I would ask that we vote on those two sections. Once we get to section 17, we will entertain your request. Is this reasonable?

Mrs. Gila Martow: Yes.

The Acting Chair (M^{me} France Gélinas): Okay. Any questions or comments on section 15 or section 16? Seeing none, are we ready to vote on sections 15 and 16? All those in favour of sections 15 and 16? All those opposed? Sections 15 and 16 are carried.

Mrs. Martow?

1440

Mrs. Gila Martow: I'm asking for unanimous consent to vote on motion 27 first, before we look at section 17.

The Acting Chair (M^{me} France Gélinas): Do we have unanimous consent to deal with motion number 27 first? I hear a no; therefore, we have a PC amendment to section 17. Ms. Martow?

Mrs. Gila Martow: I move that clause 17(1)(b) of the bill be amended by striking out "or" at the end of subclause (iii), by adding "or" at the end of subclause (iv) and by adding the following subclause:

"(v) a term of an agreement referred to in subsection 27(6)."

The Acting Chair (M^{me} France Gélinas): Any questions or comments regarding the PC amendment?

Mrs. Gila Martow: I'll make the comment, if I may.

The Acting Chair (M^{me} France Gélinas): Go ahead.

Mrs. Gila Martow: The reason that we wanted to address the previous motion, 27, first was that we were looking to change the wording in the bill from an "order" to an "agreement." I guess that's more of a collaborative word when you're working with different stakeholders. In terms of this amendment, we want to commit to working with landowners rather than forcing upon them. Again, it's about the spirit of collaboration.

The Acting Chair (M^{me} France Gélinas): Questions or comments on the amendment? Yes, Mrs. McMahon.

Ms. Eleanor McMahon: While appreciating the desire for a co-operative dialogue, our concern would be that it sets in motion a series of limitations for an agreement to be developed when sometimes time can be of the essence. It would limit our capacity to act when time is of the essence, in particular, Madam Chair, and that would be the essence of our concern.

Section 12 of the bill already enables the ministry to enter into agreements where possible, so that provision is already there. So we have concerns about this amendment.

The Acting Chair (M^{me} France Gélinas): Yes, Mr. MacLaren.

Mr. Jack MacLaren: A warrant can be obtained if there's a matter of urgency at any time. Warrants can be obtained fairly quickly, because we've seen that happen many times, so I don't believe there's a concern that way. It's just showing due respect for private property.

The Acting Chair (M^{me} France Gélinas): Mrs. McGarry.

Mrs. Kathryn McGarry: Chair, through you—certainly recognizing that, and I think that really the spirit of the bill is to be able to rapidly respond to a very high-risk situation. Similar authority already exists in the Weed Control Act.

With respect to landowners, I think that the only time this would be really needed is when there's a very perceived risk.

The Acting Chair (M^{me} France Gélinas): Further questions or comment on the amendment? Seeing none, are we ready to vote? All those in favour of the amendment to clause 17(1)(b)? All those opposed? I declare the amendment lost.

I'm now looking at section 17. Any further questions or comment on section 17? Seeing none, are we ready to vote on section 17? All those in favour? All those opposed? I declare the motion carried. Section 17 is carried.

Ms. Eleanor McMahon: Madam Chair, can I make a suggestion?

The Acting Chair (M^{me} France Gélinas): Yes, you can.

Ms. Eleanor McMahon: I'm seeing that sections 18, 19, 20, 21 and 22 are not amended. May I make the suggestion that we vote for them in a group? I'm using the excellent—

The Acting Chair (M^{me} France Gélinas): You're reading my mind.

Ms. Eleanor McMahon: —ideas of Madame Martow in front, so in that spirit. Thank you, Madam Chair.

The Acting Chair (M^{me} France Gélinas): My pleasure. So as it was mentioned, are there any questions or comments for sections 18, 19, 20, 21 and 22?

Mr. Jack MacLaren: I would like just one minute to glance through them before we vote.

The Acting Chair (M^{me} France Gélinas): Absolutely. Take one minute.

Interjection.

The Acting Chair (M^{me} France Gélinas): You have about 15 seconds left.

Mr. Jack MacLaren: We're all good.

The Acting Chair (M^{me} France Gélinas): All right. Are we ready to vote on sections 18, 19, 20, 21 and 22? All those in favour of those sections, please raise your hand. All those opposed? I declare sections 18, 19, 20, 21 and 22 carried.

We are now at section 23, and we have a government amendment.

Ms. Eleanor McMahon: I move that clause 23(1)(a) of the bill be amended by striking out "a significant threat invasive species" and substituting "an invasive species."

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment to clause 23(1)(a)? Seeing none, are we ready for the vote? All those in favour of the amendment? All those opposed? The amendment is carried.

We have a second amendment to section 23; that's (1.1). Ms. McMahon.

Ms. Eleanor McMahon: I move that section 23 of the bill be amended by adding the following subsection:

"Non-application to restricted invasive species

"(1.1) Despite subsection (1),

"(a) no order shall be made under that subsection with respect to a restricted invasive species unless the species is prescribed as a restricted invasive species to which this section applies; and

"(b) an order made under that subsection with respect to a restricted invasive species shall comply with any conditions that are prescribed."

The Acting Chair (M^{me} France Gélinas): Are there any questions or comments regarding the amendment to section 23(1.1)? Seeing none, are we ready to vote on the amendment? All those in favour of the amendment? All those opposed? The amendment is carried.

I'm now looking at section 23, as amended. Any questions or comments on section 23? Seeing none, are we ready to vote on section 23, as amended? All those in favour of section 23, as amended? All those opposed? Section 23, as amended, is carried.

In our tradition, we will look—sorry. Go ahead, Mrs. McGarry.

Mrs. Kathryn McGarry: In the spirit, sections 24, 25 and 26 are not amended. Could we class those together?

The Acting Chair (M^{me} France Gélinas): Absolutely. It'll be my pleasure to do that. Given that we have no amendments to sections 24, 25 and 26, is it the wish of the committee that we deal with them together?

Mr. Jack MacLaren: One minute.

1450

The Acting Chair (M^{me} France Gélinas): I absolutely give you one minute. You're on a timer.

Ten seconds left. We're all good? All right. We're looking at sections 24, 25 and 26. There are no amendments. Are we ready to vote? All those in favour of sections 24, 25 and 26? All those opposed? Sections 24, 25 and 26 are carried.

We're now at section 27, and I have a PC motion to subsection 27(1). Mrs. Martow?

Mrs. Gila Martow: Oh, sorry. I'd like to withdraw.

The Acting Chair (M^{me} France Gélinas): Withdraw.

I now have a government motion to subsection 27(1). Mrs. McMahon?

Ms. Eleanor McMahon: I move that subsection 27(1) of the bill be amended by striking out the portion immediately after clause (a) and substituting the following:

"Actions to control or eradicate invasive species

"(1) The minister may cause actions described in subsection (2) to be carried out with respect to an invasive species, or may order a person to take actions under subsection (6) with respect to an invasive species, if,"

The Acting Chair (M^{me} France Gélinas): There was another little hiccup there.

Ms. Eleanor McMahon: Sorry about that.

The Acting Chair (M^{me} France Gélinas): It says "immediately before clause (a)," the second line of your motion. If you could say "immediately before."

Ms. Eleanor McMahon: Forgive me: "immediately before clause (a) and substituting the following".

The Acting Chair (M^{me} France Gélinas): Thank you. Any questions or comments on the amendment to subsection 27(1)? Yes?

Mrs. Gila Martow: I'll just mention that, again, we're concerned about the lack of respect for some homeowners. It doesn't seem to be in the spirit of collaboration, and I think I've mentioned a few times at committee that I prefer the carrot to the stick. I think that we should focus on public awareness and education and a collaborative effort. That doesn't seem to address that.

The Acting Chair (M^{me} France Gélinas): Any further questions or comments to the amendment?

Ms. Eleanor McMahon: Just by way of response, Madam Chair, I understand the spirit of those comments and would simply add that co-operation and collaboration are always critical, but that we need a judicious ability to intervene when a threat is perceived. That is exactly what we're trying to do here. I think both can be possible in the same spirit.

The Acting Chair (M^{me} France Gélinas): Any more questions or comments on the amendment? Seeing none, are we ready to vote on the amendment to subsection 27(1)? All those in favour? All those opposed? The amendment is carried.

We have a government amendment to clauses 27(1)(a) and (b).

Ms. Eleanor McMahon: I move that clauses 27(1)(a) and (b) of the bill be amended by striking out “significant threat invasive species” wherever it appears and substituting in each case “invasive species”.

The Acting Chair (M^{me} France Gélinas): Any questions or comments to the amendment? Seeing none, are we ready to vote on the amendment to clauses 27(1)(a) and (b)? All those in favour of the amendment? All those opposed? The amendment is carried.

We have a government amendment to section 27(1.1).

Ms. Eleanor McMahon: I move that section 27 of the bill be amended by adding the following subsection:

“Non-application to restricted invasive species

“(1.1) Despite subsection (1), the minister shall not cause actions to be carried out or make an order under that subsection with respect to a restricted invasive species unless the species is prescribed as a restricted invasive species to which this section applies.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Seeing none, all those in favour of the amendment? All those opposed? The amendment is carried.

We have a government amendment to section 27(2).

Ms. Eleanor McMahon: I move that subsection 27(2) of the bill be amended by striking out “a significant threat invasive species” in the portion before paragraph 1 and substituting “an invasive species”.

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Seeing none, are we ready to vote? All those in favour of the amendment? All those opposed? I declare the amendment carried.

We now have a PC amendment to subsection 27(6). Mrs. Martow.

Mrs. Gila Martow: I move that subsection 27(6) of the bill be struck out and the following substituted:

“Agreement

“(6) The minister may enter into an agreement with a person described in subsection (6.1) for the purpose of authorizing the person to do any of the actions described in subsection (2) themselves instead of causing an inspector or other person to carry out the actions under subsection (2).

“Same

“(6.1) The minister may enter into an agreement under subsection (6) with any of the following persons:

“(a) a person who owns or occupies land, a building or a structure that is in the invasive species control area referred to in subclause (1)(a)(i) or that constitutes the invaded place referred to in subclause (1)(a)(ii); or

“(b) a person who has charge of a conveyance that is in the invasive species control area referred to in subclause (1)(a)(i) or that constitutes the invaded place referred to in subclause (1)(a)(ii).”

The Acting Chair (M^{me} France Gélinas): Are there any questions or comments on the amendment? Mrs. Martow.

Mrs. Gila Martow: Again, as I’ve said before, we think it’s important that the government commit to working with landowners in a more collaborative fashion. Some of the orders could be problematic in terms of work schedules and other things.

The Acting Chair (M^{me} France Gélinas): Further comments to the amendment? Yes, Mrs. McGarry.

Mrs. Kathryn McGarry: Again, in the spirit of what we’re looking at, the collaborative process is certainly something that we would be looking at in terms of being able to enter into agreements with individuals or whatever who may have endangered—

Mrs. Gila Martow: Invasive.

Mrs. Kathryn McGarry: —invasive species on their property. This would cover those times when an agreement can’t be reached and the MNRF, the Ministry of Natural Resources and Forestry, needs to go in to ensure compliance with the act, to ensure that the invasive species threat is dealt with.

The Acting Chair (M^{me} France Gélinas): Further questions or comments on the PC amendment? Yes, Mrs. Mangat.

Mrs. Amrit Mangat: Picking up where my colleague left off, such authority already exists in the Weed Control Act, so we will not support this amendment.

The Acting Chair (M^{me} France Gélinas): Thank you, Mrs. Mangat. Further questions or comments on the amendment? Seeing none, are we ready for the vote? All those in favour of the PC amendment to subsection 27(6)? All those opposed? I declare the amendment lost.

We have a PC amendment to subsection 27(7).

1500

Mrs. Gila Martow: I move that subsection 27(7) of the bill be struck out and the following substituted:

“Content of agreement

“(7) An agreement entered into under subsection (6) shall,

“(a) briefly describe the reasons for the agreement;

“(b) describe the actions that the person is authorized to and agrees to carry out to remove or eradicate the significant threat invasive species or to destroy a carrier of the significant threat invasive species; and

“(c) specify the time within which the actions must be carried out.”

The Acting Chair (M^{me} France Gélinas): Unfortunately, this is where it ends because I have to rule that this amendment is out of order because it was dependent on motion number 27, which was just defeated.

We are moving to a government motion on clause 27(7)(b). Ms. McMahon.

Ms. Eleanor McMahon: I move that clause 27(7)(b) of the bill be amended by striking out “significant threat invasive species” wherever it appears and substituting in each case “invasive species”.

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment?

Mrs. Gila Martow: I’ll just mention that again this undermines the rights of property owners. That’s why we find it hard to support.

The Acting Chair (M^{me} France Gélinas): Further comments?

Ms. Eleanor McMahon: Thank you, Madam Chair.

While I appreciate that point of view, this amendment was in direct response to stakeholder comments for a desire for clarification, and that is why we have placed it with careful due consideration. That's why it's here; that's why we want it in the bill.

The Acting Chair (M^{me} France Gélinas): Further comments to the amendment? Seeing none, are we ready to vote on the amendment to clause 27(7)(b)? All those in favour? All those opposed? The amendment is carried.

We now have a PC amendment to subsection 27(8).

Mrs. Gila Martow: Madam Chair, if I could, I would move to withdraw the motions for 27(8), 27(9) and 27(10) because they really only apply if motion 27 had passed.

The Acting Chair (M^{me} France Gélinas): No problem. The three PC motions, numbers 30, 31 and 32, that apply to subsections 27(8), 27(9) and 27(10) have been withdrawn.

We have a government amendment to subsections 27(11) and (12).

Ms. Eleanor McMahon: I move that section 27 of the bill be amended by adding the following subsections:

“Records

“(11) The minister shall keep a record of all actions taken and orders made under this section and the record shall include,

“(a) the number of times actions were taken or an order made in any given year;

“(b) a list of invasive species in respect of which actions were taken or orders were made; and

“(c) a general description of the type of actions that were taken or ordered.

“Records to be public

“(12) The minister shall make the record referred to in subsection (11) available to the public in the manner the minister considers appropriate.”

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Yes, Mrs. Martow.

Mrs. Gila Martow: I think that this is a very important amendment. We want to see more transparency and openness. I would even go so far as to recommend that—I guess there are always privacy issues, but I think with something like this, the general public could learn if they were able to follow even what was happening and maybe learn from that, if they could learn how things were eradicated, or that there would be true openness, considering we have so much social media and Internet at our disposal.

The Acting Chair (M^{me} France Gélinas): Ms. Armstrong.

Ms. Teresa J. Armstrong: The question, then, that I would ask is, how long would the records be kept public, on file? Unless it's somewhere else in the bill, I'm not sure how long the requirement is to keep them.

The Acting Chair (M^{me} France Gélinas): She is wondering how long.

Ms. Eleanor McMahon: Yes, I know. Thank you, Madam Chair.

I don't know. I really don't. I don't know that that's set out here. It could be in the legislation already, or perhaps it's not a clarification that we're proposing at this point in time.

I'm looking for clarification from staff. Sorry, MPP Armstrong; I'm not sure.

Can we recess for a moment, Madam Chair, in order to provide that clarification?

The Acting Chair (M^{me} France Gélinas): Is it the wish of the committee that we take a recess?

Ms. Eleanor McMahon: I'm happy to do that if you like.

Mrs. Gila Martow: Or could we pass over this and when you have to go for your break or take a break later—or do we want to have a break now?

Ms. Eleanor McMahon: Let's just recess now if we're going to recess—at your discretion, Madam Chair.

The Acting Chair (M^{me} France Gélinas): If the committee agrees, how long of a recess would you like?

Ms. Eleanor McMahon: Five minutes.

The Acting Chair (M^{me} France Gélinas): Five-minute recess. See you in five minutes.

The committee recessed from 1505 to 1510.

The Acting Chair (M^{me} France Gélinas): Everybody's ready? Before the break, we had had a question asked by Ms. Armstrong, and Ms. McMahon thought that she may have an answer.

Ms. Eleanor McMahon: Yes. My understanding is that it will be a permanent public record on the website and in perpetuity. Thank you for the question.

The Acting Chair (M^{me} France Gélinas): Any more questions or comments on the government amendment to section 27(11) and (12)? Seeing none, are we ready for the vote on the amendment? All those in favour of the amendment? All those opposed? I declare the amendment carried.

I am now looking at section 27, as amended. Any further questions or comments on section 27, as amended? Seeing none, are we ready for the vote? All those in favour of section 27, as amended? All those opposed? I declare section 27, as amended, carried.

I'm now looking at section 28. We have a PC amendment to clause 28(1)(a).

Mrs. Gila Martow: I move that clause 28(1)(a) of the bill be struck out and the following substituted:

“(a) a person has failed to comply with,

“(i) any provision of this act or the regulations,

“(ii) any order made by an inspector or the minister under this act; or

“(iii) any term of an agreement entered into under subsection 27(6); and”

The Acting Chair (M^{me} France Gélinas): Unfortunately, I will have to interrupt here. I rule this amendment is out of order because it is dependent on motion number 27, which was defeated.

Mrs. Gila Martow: You're correct. Thank you.

The Acting Chair (M^{me} France Gélinas): No worries.

Mrs. Gila Martow: You know what? The next one, as well, has to be withdrawn.

The Acting Chair (M^{me} France Gélinas): We will deal with section 28. Any more questions or comments on section 28? Seeing none, are we ready to vote on section 28? All those in favour of section 28? All those opposed? I declare section 28 carried.

I am now looking at section 29. We have a PC amendment to subsection 29(1). Is this the one you wanted to withdraw, Mrs. Martow?

Mrs. Gila Martow: Yes. That's correct.

The Acting Chair (M^{me} France Gélinas): Withdrawn.

I'm now looking at PC amendment to subsection 29(1), which is also amendment number 36. Mrs. Martow?

Mrs. Gila Martow: I move that subsection 29(1) of the bill be struck out and the following substituted:

“Compensation

“29(1) Subject to subsection (5) and the regulations, the minister shall authorize compensation to be paid to a person for,

“(a) the loss of any building, structure, conveyance or property owned by the person that is taken or destroyed as a result of actions carried out under section 27 or 28;

“(a.1) the loss of use, enjoyment or value of any building, structure, conveyance or property owned by the person that,

“(i) is taken or destroyed as a result of actions carried out under section 27 or 28, or

“(ii) is the result of actions carried out under section 27 or 28;

“(b) in the case of actions that are carried out by a person as a result of an order under subsection 27(6), any costs that are associated directly with carrying out the actions specified in the order;

“(c) any prescribed losses or costs that result directly from actions carried out under section 27; and

“(d) if losses or costs are incurred by a person as a direct result of actions carried out under section 28, other than by a person described in clause 28(1)(a) whose failure to comply with a provision or order under this act was the reason for carrying out the actions, any such losses or costs that are prescribed by regulation.”

I think—if I can comment?

The Acting Chair (M^{me} France Gélinas): Go ahead.

Mrs. Gila Martow: I think that it's pretty self-explanatory. Usually, when there are invasive species, it's not necessarily the person who owns the land that brought those invasive species onto their land. This could be rather expensive in nature for people to have to deal with on their own.

The Acting Chair (M^{me} France Gélinas): Any further questions or comments for the amendment to subsection 29(1)? Yes, Ms. McMahon.

Ms. Eleanor McMahon: While we appreciate the spirit with which the amendment was tabled, Madam Chair, our concern is about the possibility for extensive and unknown financial liability for the government here. This has implications that we're very concerned about, so we won't be supporting this motion.

The Acting Chair (M^{me} France Gélinas): Mr. MacLaren.

Mr. Jack MacLaren: We should extend the same concern to private citizens and private property owners as well.

The Acting Chair (M^{me} France Gélinas): Further questions and comments? Mrs. McGarry.

Mrs. Kathryn McGarry: I appreciate the implications that would happen there. Although I do appreciate the desire to remunerate people for losses or damages to their property, such compensation should be provided in a very reasonable way that is reasonable for the government as well. To insist on the word “shall,” where the government has to or shall compensate the individual—there may be times where compensation is really not reasonable or not really required. This gives the minister some flexibility on when compensation may be needed and other times when compensation really isn't needed.

The Acting Chair (M^{me} France Gélinas): Further comment? Yes, Mrs. Martow.

Mrs. Gila Martow: I'm reminded that my colleague, the member from Caledon, Sylvia Jones, put forward a private member's bill about trespassing, because she says that in the country it's a little different than for most of us city folk. People see a beautiful spot to have a family picnic and they decide to put out a picnic blanket, have the picnic and it's private property. When people are trespassing, that's when they could be bringing an invasive species onto that property.

Maybe something that has to be addressed in this bill is that we have to have stricter policies about trespassing, as well as better public awareness and education—as I've said before—about trespassing, because that's an added concern now for these property owners. They say that people trespass and damage structures, the ground and the plants that are there. But here's another problem: They could be bringing an invasive species onto that property.

The Acting Chair (M^{me} France Gélinas): Further questions or comments on the amendment? Yes, Mrs. McGarry.

Mrs. Kathryn McGarry: I might just follow up again. I understand that in the spirit of looking at the Invasive Species Act, should it be enacted, I know that the compensation provisions in the bill were developed in discussions with the Ministry of Finance, and it respects a scope of compensation that the government considers responsible. I would be nervous about unknown financial liability in a future situation. I think this is a compromise.

The Acting Chair (M^{me} France Gélinas): Yes, Mrs. Martow.

Mrs. Gila Martow: If it's too expensive for the government, then you can certainly see why it would be much too expensive for a private land owner.

The Acting Chair (M^{me} France Gélinas): Any more questions and comments? Seeing none, are we ready for the vote on the amendment to subsection 29(1)? All those in favour of the amendment? All those opposed? I declare the amendment lost.

I'm in section 29. I have a PC motion for an amendment to subsection 29(3).

Mrs. Gila Martow: I move that subsection 29(3) of the bill be struck out and the following substituted:

“Amount of compensation

“(3) The amount of any compensation paid under this section shall be determined in accordance with the regulations, subject to the following:

“(a) the determination under the regulations may not result in establishing a maximum amount for the compensation; and

“(b) the regulations may not establish a maximum amount for the compensation.”

If I can just comment on that, I think that we have new bills coming all the time, and even though I've only been here for a short while, each of these things costs money to implement. If we enact legislation that leaves us open to multiple lawsuits, that can be very expensive for the taxpayers. Sometimes it ends up being cheaper for the taxpayers if we just have a set type of compensation scheme of some kind as opposed to having multiple lawsuits.

1520

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment to subsection 29(3)? Seeing none, are we ready for the vote? All those in favour of the amendment to subsection 29(3)? All those opposed? I declare the motion lost.

We now have a motion from the PCs for an amendment to subsection 29(5).

Mrs. Gila Martow: I think I will withdraw since this was contingent on passing our motions 27 and 35.

The Acting Chair (M^{me} France Gélinas): All right.

Mrs. Gila Martow: If I may, also under section 29, the next two motions—the same. So let's say we withdraw all three of those.

The Acting Chair (M^{me} France Gélinas): Okay. Seeing that we have no more, and there hasn't been any amendment to section 29—

Interjection.

The Acting Chair (M^{me} France Gélinas): My very capable colleague will call for the vote.

The Acting Chair (Mr. John Vanthof): So I take it we are ready for the vote on section 29? All those in favour? Opposed? I believe it's carried.

I believe we have a PC amendment for section 30.

Mrs. Gila Martow: I'm going to move that we withdraw because that was contingent on motion 27 passing, which it did not.

The Acting Chair (Mr. John Vanthof): Thank you. So without amendments, are we ready for the vote on section 30? All those in favour? Opposed? Section 30 passes. Carried.

So now we move to section 31. There are no amendments, so we'll proceed directly to the vote. All those in favour? Opposed? Carried.

A PC motion for section 32(2): Madame Martow.

Mrs. Gila Martow: I move that subsection 32(2) of the bill be struck out.

If I may comment?

The Acting Chair (Mr. John Vanthof): Of course.

Mrs. Gila Martow: Again, we can certainly see that the RCMP—even if they think that somebody is harbouring an international criminal on their property, they have to receive a warrant. It seems very heavy-handed to have inspectors just walking onto people's property, and I'm very concerned about—people in the country have dogs that are guarding property; all kinds of problems can ensue. I think that the property owner should have to be notified somehow before somebody is entering their property, at the minimum, and making some kind of appointment or having some kind of agreement would be ideal.

The Acting Chair (Mr. John Vanthof): Thank you. Any further comments? Ms.—how do I pronounce your name?

Ms. Eleanor McMahon: McMahon.

The Acting Chair (Mr. John Vanthof): McMahon.

Ms. Eleanor McMahon: Thank you, Mr. Chair. Again, appreciating the spirit of those comments, I think it's important, where timeliness is an issue, that we give our folks who are doing enforcement the tools, the ability to, in extenuating circumstances—and I think that's really important in underscoring this amendment, that it's done in the spirit of extenuating circumstances. It is not one of lawlessness or willy-nilly or inappropriate searches. It's one where we need to give our folks the tools that they need to act quickly, to preserve evidence, and to do so in that spirit.

Like police officers who have to enter scenes quickly, they're going to be held to a standard of behaviour, because nothing will hold up in court if officers act inappropriately. That's certainly the case in the policing environment.

So again, the spirit here is speed and the ability to act quickly. It is not something that we do lightly and it's not something that we know and feel will be used very often, but nonetheless, it needs to be there.

The Acting Chair (Mr. John Vanthof): Further comments? Mr. MacLaren.

Mr. Jack MacLaren: Nowhere in here does it say “extenuating circumstances” or “special circumstances” or the need to move quickly.

Police can go in, under extreme situations, where if they don't go in, some suffering or hurt will happen, but this leaves the window and the door wide open to abuse, in my mind, because it shows absolutely no regard for the sanctity of private property or private property rights, and that is absolutely unacceptable in any democracy in any Western nation. Historically, that is the case.

We have other bills that we've passed here which give people warrantless entry—agents, enforcers for different ministries—and they are abused on a regular basis. So we

need to stop this process of going onto people's private property with government agents with little or no respect for private property, and this is a good place to do what's right.

The Acting Chair (Mr. John Vanthof): Mrs. McGarry—Miss McGarry. Ms. McGarry.

Mrs. Kathryn McGarry: That's okay. I'll answer to anything like that.

Thank you, Chair. Through you, again, I understand the concern that the member opposite is expressing, and I really want to reiterate the comments of MPP McMahon that it's really going to be used when the threat of evidence being destroyed is there. It is not going to provide broad authority for the officers to enter property, but it's going to be utilized in extenuating circumstances to be able to enter to ensure that the invasive species threat is not going to compromise our province.

It's a common cause in modern legislation to ensure that evidence isn't lost or destroyed as a result of the time required to obtain a warrant. It will be used in extenuating circumstances; it's not something that is going to see officers all over the province just enter property without just cause.

The Acting Chair (Mr. John Vanthof): Madame Martow?

Mrs. Gila Martow: I'll make a couple of points. One is, I'm trying to picture evidence being destroyed. We're talking about invasive species here, not puppy mills or animals that are being destroyed. If the plants were being destroyed, I'm trying to imagine how that is so terrible, that we're concerned with an invasive species on somebody's property only to come in and find out that they got rid of it.

In terms of enforcement, I could see it would be very easy for other branches of the government or other business people who have connections to these inspectors to use this as an excuse to get onto somebody's property to look for something else. Just like now we're hearing with racial profiling, the public doesn't have a big stomach for sort of fishing, as it were, for evidence. They want to hear that the government has reasonable assumptions to consider that a crime is being committed. They don't want these kinds of situations where somebody's coming onto private property under the guise of looking for invasive species but, really, they are there to collect evidence for something else.

I think, again, we're chipping away—I'm not normally waving the flag for people who talk about civil liberties being chipped away, but I certainly understand where they're coming from with something like this. I think people want quick action if they think somebody's life is in danger. Other than that, I don't know that people want to give up property rights for plants, if the public really has a big stomach for that.

1530

The Acting Chair (Mr. John Vanthof): Thank you. Further comments? Seeing none, could we have the vote on amendment 42 for subsection 32(2) of the bill? All those in favour? Opposed? It's defeated.

Amendment 43, a PC motion.

Mrs. Gila Martow: I'm going to move to withdraw the next two motions because they're from section 32 and they both require the passage of the previous motion that did not pass.

The Acting Chair (Mr. John Vanthof): Thank you. I believe we're now—oh, Ms. McMahon.

Ms. Eleanor McMahon: Mr. Chair, if I may make a suggestion?

The Acting Chair (Mr. John Vanthof): Sure.

Ms. Eleanor McMahon: Seeing that the following sections 32, 33, 34, 35, 36, 37, 38 and 39 are not amended, would it be possible for us to vote on them together, with your permission?

Mrs. Gila Martow: First, we have to vote on 32, right?

The Acting Chair (Mr. John Vanthof): Let's vote on 32 first.

Ms. Eleanor McMahon: Right, fine.

The Acting Chair (Mr. John Vanthof): We'll vote on 32. All those in favour of section 32? Opposed? It's carried.

Mrs. Gila Martow: So sections 33 to 39—

The Acting Chair (Mr. John Vanthof): Anyone have an objection to that?

Mr. Jack MacLaren: One minute to go over it.

Mrs. Gila Martow: If I could make a suggestion. Since I'm going to be withdrawing motion number 45 from section 40(1), we could really do sections 33 to 48—actually, to 49, because I will be withdrawing 49 as well. So 33 to 49; maybe you want to take a short recess while Mr. MacLaren looks it over.

The Acting Chair (Mr. John Vanthof): Did you request a recess?

Mrs. Gila Martow: I'm just saying—he wants a minute to look it over.

Mr. Jack MacLaren: You're asking us to vote on a whole bunch of stuff here.

Mrs. Gila Martow: So two minutes?

The Acting Chair (Mr. John Vanthof): Does the committee agree to a two-minute recess? Thank you.

The committee recessed from 1533 to 1536.

The Acting Chair (Mr. John Vanthof): Okay. We're back in session. There was a proposal to go from section 33 to section 50 in one group. Any comments?

Mrs. Gila Martow: Yes, I have some comments. It's not just a question of coming onto property and, I guess, being allowed to take photographic evidence or samples of plants; apparently, inspectors will be able to seize private property without a warrant.

What it's looking more and more like is these can't be just ordinary people who maybe went to Ryerson and have a degree in some kind of studies that would train them to recognize an invasive species from a non-invasive species; these are going to have to be officers of the law. To send private citizens who are government employees without some kind of legal training to go onto private property, to seize private property or to take photographs on private property—I can't imagine what people think is going to occur. I think that all of us in this Parliament are going to have egg on our faces when

things happen the way we know things happen when somebody enters somebody's private property without an invitation.

The Acting Chair (Mr. John Vanthof): Thank you. Just a clarification, Mrs. Martow: We'd just like to clarify that you are withdrawing number 46.

Mrs. Gila Martow: Oh, yes.

The Acting Chair (Mr. John Vanthof): Okay.

Mrs. Gila Martow: Motion 46 is withdrawn, which is section 49(1). The motion is withdrawn because motions 27 and 30 did not carry, just to be clear.

The Acting Chair (Mr. John Vanthof): Once again, is the committee okay to do this section?

Mrs. Gila Martow: I think we all agreed to do it all together.

The Acting Chair (Mr. John Vanthof): Just to be clear: It's section 33 up to and including section 50. Are we ready for a vote? All those in favour? Opposed? Carried.

Subsection 51: We have government motion number 47. Ms. McMahan.

Ms. Eleanor McMahan: I move that subsection 51(2) of the bill be amended by striking out "for purposes of this act, including" in the portion before clause (a).

The Acting Chair (Mr. John Vanthof): Any comment? Seeing none, we vote on the amendment motion. All those in favour? Opposed? Carried.

Number 48: another government motion. Ms. McMahan.

Ms. Eleanor McMahan: I move that subsection 51(3) of the bill be amended by striking out "or" at the end of clause (a) and by adding the following clause:

"(a.1) publication in a newspaper of general circulation in the area to which the notice applies or in a publication directed at the segment of the population most likely to be directly affected; or"

The Acting Chair (Mr. John Vanthof): Any comments? Madame Martow.

Mrs. Gila Martow: I think it's a great idea to publicize in local newspapers. Unfortunately, a lot of local newspapers are shutting down, especially the print versions, and maybe more can be done with community centres and—not to have separate mailings, but many municipalities have regular publications that publish a couple of times a year and maybe we can have a section in there on invasive species that we could do more to publicize—or online, that sort of thing.

The Acting Chair (Mr. John Vanthof): Any further comment? Seeing none, I believe we're ready to vote on the amendment. All those in favour? Opposed? Carried.

Motion number 49.

Ms. Eleanor McMahan: I move that subsection 51(4) of the bill be amended by striking out "to any person or entity that is involved in the control, removal or eradication of invasive species under this act" at the end and substituting "to any person or entity that is engaged by or acting in co-operation with the province with respect to the control, removal or eradication of invasive species under this act."

The Acting Chair (Mr. John Vanthof): Further comment?

Mrs. Gila Martow: While I spoke so favourably, on the one hand, of posting information, I think that we really should get people's permission before we publicize anything that could identify them. It could turn into some kind of public shaming and oft-times be misunderstood, so I think that the best is to create much more public awareness. I see very little about invasive species out there in the news or anywhere. Really, maybe it should be part of our school curriculum and we could just do a lot more and have a little less shaming, which is what this would be, I think, for many people if their personal information was shared without their permission and by entering private property.

The Acting Chair (Mr. John Vanthof): Any further comment? Ms. McMahan.

Ms. Eleanor McMahan: Just in response to those comments, I just wanted to make sure that we put on the record the purpose and the intent of these changes, Mr. Chair.

The Information and Privacy Commissioner's office made some comments with respect to the legislation, and we're making this change to strengthen the protection of personal information, which I know we all regard as really important, and this change limits and better scopes to whom the minister can disclose personal contact information. That is the spirit under which we have tabled this motion, and I just wanted to provide that by way of clarification.

The Acting Chair (Mr. John Vanthof): Further comment? Seeing none, I believe we're ready to vote on subsection 51(4).

Ms. Eleanor McMahan: Could I ask for a recorded vote, Mr. Chair?

The Acting Chair (Mr. John Vanthof): Sure.

Ayes

Anderson, Armstrong, Mangat, McGarry, McMahan, Vernile.

Nays

MacLaren.

The Acting Chair (Mr. John Vanthof): The motion is carried.

I believe now we're ready to vote on section 51, as amended.

Ms. Eleanor McMahan: Could we have a recorded vote?

The Acting Chair (Mr. John Vanthof): Of course.

Ayes

Anderson, Mangat, McGarry, McMahan, Vernile.

Nays

MacLaren.

The Acting Chair (Mr. John Vanthof): Section 51, as amended, is carried.

Mrs. Gila Martow: So now that we've switched from Monsieur Chair to Madame Chair, if I could just say before we vote on section 52, I'd like to withdraw our motion for section 53(1), since motion 27 didn't carry, and move that we vote on sections 52 through to 55 as a group, and maybe have a one-minute or two-minute recess to look it over.

The Acting Chair (M^{me} France Gélinas): Is it the wish of the group that we vote on sections 52, 53, 54 and 55 together? Yes. Okay. Any questions or comments on sections 52, 53, 54 or 55?

Mrs. Gila Martow: One minute to look it over?

Mr. Jack MacLaren: Yes, please.

The Acting Chair (M^{me} France Gélinas): One minute.

Are we ready? Any further questions or comments on sections 52, 53, 54 or 55? Seeing none, are we ready for the vote? All those in favour of sections 52, 53, 54 and 55? All those opposed? I declare sections 52, 53, 54 and 55 carried.

I am now at section 56, looking at government amendment number 51. That's a government amendment to clause 56(b). Mrs. McMahon.

Ms. Eleanor McMahon: I move that clause 56(b) of the bill be struck out and the following substituted:

“(b) prohibiting persons from carrying out an activity described in subsection 8(2) in respect of a restricted invasive species;

“(b.1) exempting persons, species or things or classes of persons, species or things from section 7 or subsection 8(1) and specifying conditions or restrictions that apply with respect to the exemptions;”

The Acting Chair (M^{me} France Gélinas): Any questions or comments on the amendment? Seeing none, are we ready to vote on the amendment to clause 56(b)? Ms. Armstrong?

Ms. Teresa J. Armstrong: I was just going to vote in favour, because I was waiting for you to say “in favour of.” Sorry.

The Acting Chair (M^{me} France Gélinas): Are we ready for the vote? All those in favour? All those opposed? The amendment is carried.

We now look at a PC motion to clause 56(g). Mrs. Martow.

Mrs. Gila Martow: I move that clause 56(g) of the bill be struck out and the following substituted:

“(g) governing compensation that shall be authorized by the minister under section 29 including,”—I'm just seeing that really this motion can only be moved if other motions had carried, and they did not carry. So I think I need to withdraw, as I'm looking at it.

The Acting Chair (M^{me} France Gélinas): Not necessarily. You can read it into the record.

Mrs. Gila Martow: Okay. Good idea.

“(i) prescribing, for the purposes of clause 29(1)(c) or (d), losses and costs in respect of which compensation shall be paid, and

“(ii) prescribing the manner of determining the amount of compensation that shall be paid and the circumstances in which the amount of compensation may be reduced;”

So again, this comes down to setting some kind of concrete system so that people know what to expect and to get fair compensation.

The Acting Chair (M^{me} France Gélinas): Are there questions or comments on the amendment to clause 56(g)? No questions or comments? Are we ready to vote? All those in favour of the PC amendment to clause 56(g)? All those opposed? I declare the amendment lost.

I'm now looking at section 56, as amended. Any questions or comments on section 56, as amended? Are we ready to vote? All those in favour of section 56, as amended? All those opposed? I declare section 56, as amended, carried.

We now have sections 57, 58 and 59. Is it the wish of the committee that we take those three sections together?

Interjections: Yes.

The Acting Chair (M^{me} France Gélinas): Are there any questions or comments for sections 57, 58 or 59? No questions, no comments? Are we ready to vote on sections 57, 58 and 59? All those in favour of sections 57, 58 and 59? All those opposed? I declare sections 57, 58 and 59 carried.

Any questions or discussion on the title of the bill? None? Shall we vote? All right.

Shall the title of the bill carry? All those in favour? All those opposed? The title has carried.

We now look at Bill 37, as amended. Any questions or comments on Bill 37?

Mr. Jack MacLaren: Could we go through it one more time?

The Acting Chair (M^{me} France Gélinas): Just for fun? Bits and parts of it, you could convince me. The whole thing? No.

Ms. Daiene Vernile: Dispense.

The Acting Chair (M^{me} France Gélinas): Any more questions or comments on Bill 37? Seeing none, are we ready to vote?

Shall Bill 37 carry, as amended? All those in favour? All those opposed? Bill 37, as amended, is carried.

We're now on the very last vote. Shall I report the bill, as amended, to the House?

Interjections: Yes.

The Acting Chair (M^{me} France Gélinas): Any opposed? Carried.

I will report the bill, as amended, to the House—probably not I, but a very capable person will.

We made it through. I thank you very much for your effort this afternoon and for your contribution to making Bill 37 as good as possible. The committee stands adjourned.

The committee adjourned at 1554.

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