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**Official Report
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Thursday 25 February 2016

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des débats
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Jeudi 25 février 2016

**Standing Committee on
Justice Policy**

Committee business

**Comité permanent
de la justice**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Thursday 25 February 2016

Jeudi 25 février 2016

The committee met at 0901 in committee room 1.

COMMITTEE BUSINESS

Le Président (M. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice.

Welcome, colleagues. Today, as you know, is a hopefully brief and expeditious meeting on organization for hearings of Bill 119, HIPA, the Health Information Protection Act.

The floor is now open for any motions. Madame Indira Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I have a motion about the scheduling of Bill 119 that I'd like to read.

The Chair (Mr. Shafiq Qaadri): Please.

Ms. Indira Naidoo-Harris: I move that the committee consider the following method of proceeding on Bill 119, An Act to amend the Personal Health Information Protection Act, 2004, to make certain related amendments and to repeal and replace the Quality of Care Information Protection Act, 2004:

(1) That the committee meet during its regularly scheduled times on Thursday, March 3, 2016 and Thursday, March 10, 2016, for the purpose of public hearings.

(2) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, and on Canada NewsWire.

(3) That the deadline for requests to appear be 12 p.m. noon on Tuesday, March 1, 2016.

(4) That the Clerk of the Committee provide a list of all interested persons to the subcommittee following the deadline for requests.

(5) That all witnesses be scheduled on a first-come, first-served basis.

(6) That all witnesses be offered 10 minutes for presentation and nine minutes for questions by committee members, evenly divided on a rotation by caucus.

(7) That the deadline for written submissions be 6 p.m. on the Thursday, March 10, 2016.

(8) That amendments to Bill 119 be filed with the Clerk of the Committee by 6 p.m. on Monday, March 21, 2016.

(9) That the committee meet for clause-by-clause consideration of Bill 119 on Thursday, March 24, 2016 and Thursday, April 7, 2016, during its regularly scheduled meeting time.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Naidoo-Harris. Now, as we're in full committee session, this is actually a votable thing, but obviously the floor is now open for questions. Monsieur Mantha?

Mr. Michael Mantha: I'd like to file an amendment on it.

The Chair (Mr. Shafiq Qaadri): Pardon me, Monsieur Mantha?

Mr. Michael Mantha: I'd like to put in an amendment.

The Chair (Mr. Shafiq Qaadri): Yes, you are certainly able to move an amendment. That too will be debatable and votable and so on. Do you want to do it right now or do you give the floor to Mr. Hillier? Are you moving your amendment now?

Mr. Michael Mantha: Moving the amendment, yes.

The Chair (Mr. Shafiq Qaadri): Please go ahead.

Mr. Michael Mantha: I move that the text "That all witnesses be scheduled on a first-come, first-served basis" be struck and replaced with "In the event of over-subscription, the Clerk of the Committee will send each subcommittee member a list of all interested persons following the deadline for requests to appear. Each subcommittee member will submit a prioritized list to the Clerk by 3 p.m. on Tuesday, March 1, for the purposes of scheduling witnesses."

Le Président (M. Shafiq Qaadri): Merci, monsieur Mantha. Comme c'est notre protocole ici, nous avons besoin de votre motion écrite.

M. Michael Mantha: Elle est là.

Le Président (M. Shafiq Qaadri): Pour nous tous.

M. Michael Mantha: Elle est là.

The Clerk of the Committee (Ms. Tonia Granum): I'm going to go—

The Chair (Mr. Shafiq Qaadri): Are you going to photocopy it, then?

The Clerk of the Committee (Ms. Tonia Granum): Yes, in English, so everybody knows.

The Chair (Mr. Shafiq Qaadri): Fine. The floor is open for comments until we do that, but technically, we should be considering the amendment.

Go ahead.

Mr. Randy Hillier: We should be considering that amendment before we file any other amendments.

The Chair (Mr. Shafiq Qaadri): Correct.

Let's open the floor for comments on the amendment.

Mr. Randy Hillier: I'll just say that we're happy with the scheduling, the way and the process. We do have one

further amendment, but I don't think you'll find it inconsistent with the amendment. Otherwise, we're happy with the amendment and also, of course, happy and in support of the third party's amendment.

The Chair (Mr. Shafiq Qaadri): I'm happy to recognize the general happiness. That's good.

So we're essentially pending for that amendment distribution.

Do you have yours in multiple copies?

Mr. Randy Hillier: I don't have it written.

The Chair (Mr. Shafiq Qaadri): Okay, because we could photocopy—

The Clerk of the Committee (Ms. Tonia Granum): Sorry—

The Chair (Mr. Shafiq Qaadri): He will move an amendment, but afterward.

Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Thank you, Chair. I think number 5, "That all witnesses be scheduled on a first come, first served basis," is really standard practice in many of the committees. That's generally the way that we move forward with things. It really is a fair way to do things, depending on who puts their name in first. I think they deserve the ability to be heard first on the line. Just my own—

The Chair (Mr. Shafiq Qaadri): Thank you. Just for the committee's information, we have received so far six witness requests.

Mr. Hillier.

Mr. Randy Hillier: That's pretty standard in all our committee business, that first-come, first-served. However, if it is oversubscribed, each caucus has a rotation on selecting delegates. There's nothing untoward about that; it's a fair and reasonable—we have six right now. We have two committee days scheduled for hearings. The likelihood of it being oversubscribed I don't think is high, but in the event that it is, it should not be arbitrary on who gets to make presentations in the Legislature.

Ms. Indira Naidoo-Harris: Chair, if I may? I'm a firm believer in taking the politics out of this process. I think by making sure that we are doing it on a first-come, first-served basis that will basically mean that whoever is here first gets to be heard first, as opposed to prioritized lists that are decided ahead of time.

So I think that the first-come, first-served basis really ensures that the process is fair and equitable to anyone who wants to be heard on this subject.

The Chair (Mr. Shafiq Qaadri): Thank you. Just to inform committee members, we will have space for 36 presentations over the two days, and no doubt—

Mr. Michael Mantha: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Mantha?

Mr. Michael Mantha: Just on comment that you just made, 36, and we only have six right now, and we're talking an oversubscription. I think the importance of this particular bill that we're going to be dealing with merits a fair opportunity to have individuals heard. We're talking about if we're going to go over and above the 36 when there are presently six. I don't see this as being a big

obstacle for this committee, and I'm certainly not looking at it being political in any way, shape or form. It's just trying to again be fair to the individuals who will be coming forward, if we're going over and above that 36. If we're not, then it's fait accompli. There's nothing to worry about.

Ms. Indira Naidoo-Harris: Chair, if I may?

The Chair (Mr. Shafiq Qaadri): Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: From my perspective, what we really will be entering into is that someone is sitting somewhere and deciding who gets to be heard and who doesn't get to be heard by this committee. Frankly, I do not think that's why the people in this province put us here. I think they want us to hear all of their voices equally, without deciding who gets to be heard and who doesn't get to be heard.

From my perspective, this is the way we normally do it. I understand where you're coming from, but I'm concerned about what kind of territory we may be entering into when we start trying to prioritize who gets heard and who doesn't. I would just appeal to those of you on the other side of this committee to defer to standard practice, which is first-come, first served. I understand your concerns about the number. I think it would be great if we could hear everyone, and hopefully we will be able to, but we won't really know—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Naidoo-Harris.

Just to inform committee members, with due respect to the arguments being made, the normal, standardized practice is, in fact, to accept all the various requests for appearing as witnesses, depending on the bill. Many of our bills, of course, have been overly subscribed and publicized etc., and we usually are oversubscribed, and then we do in fact submit it to the parties for second consideration. So I simply bring that to your attention.

We're still waiting for the photocopy; otherwise, I would have interrupted this interesting exchange long ago for the vote.

Mr. Hillier.

Mr. Randy Hillier: Mr. Chair, thanks for bringing that. The member said "defer to standard practice." That's what this amendment is about. What she is suggesting is that we remove ourselves from standard practice and go with a new practice.

As the Chair just said, the standard practice is, when it's oversubscribed, each party then goes into rotation. That is not unfair, and it is actually reflective of the non-partisan understanding that committees work in—that each caucus gets to have a selection on oversubscribed.

I think you cannot argue to stand with standard practice and then vote against an amendment that, indeed, is—

Mr. Michael Mantha: Standard practice.

Mr. Randy Hillier: —standard practice.

The Chair (Mr. Shafiq Qaadri): Mr. Mantha.

Mr. Michael Mantha: I don't want to dwell too much on this, but that's the point I was trying to make. When you're looking at a true reflection of what this committee

can actually accomplish—it will be this committee that will determine what witnesses are going to be bringing their views forward. So to say that it's not going to be a reflection or you're not bringing politics into it—I really don't agree with that comment. In order for this committee to make a fruitful decision, I think it needs to hear all views.

Again, from the six that we have on the list now, the potential room for 36—I believe we have lots of room to work with.

The Chair (Mr. Shafiq Qaadri): Mr. Potts.

Mr. Arthur Potts: I'm somewhat new to the committee selection process, and I was going to ask the question, Chair, that you answered about the description of standard practice.

I'm on public accounts, but we don't fall into this problem on a regular basis, and we haven't had many opportunities in justice policy to go through it so I can better understand and have an experience of what standard practice is. But I'm a little surprised that the standard practice would be that we would select on a party-by-party basis. I would have thought it would have been in proportion to representation on this committee; otherwise, you're loading the deck against the representation in the House. So I would put that out there. Wouldn't it be a more equitable, democratic structure that reflected the makeup of the House, if we were to go in the order of representation on this committee? I'm just throwing the question out there. I might suggest proposing an amendment to that effect, if—

The Chair (Mr. Shafiq Qaadri): I think we should proceed to the vote on this particular amendment. I think everyone has well established their arguments.

We are now voting on the amendment as presented by Mr. Mantha, which has now been ably distributed in written form to each member. Those in favour of Mr. Mantha's amendment?

Mr. Bob Delaney: Wait a minute. You just went right to it—

Ms. Indira Naidoo-Harris: I was going to request a five-minute recess for us to discuss it.

The Chair (Mr. Shafiq Qaadri): Fair enough. We'll have a five-minute recess. That's fine.

The committee recessed from 0914 to 0915.

The Chair (Mr. Shafiq Qaadri): We'll now reconvene and we'll now proceed to the vote on the amendment as presented by Mr. Mantha and distributed. Those in favour of the amendment, as presented? Those opposed? The amendment carries.

Mr. Hillier?

Mr. Randy Hillier: Chair, I'd like to move an amendment to the motion. That would be item number 10: that the committee hearings on Bill 119 be live-streamed and be conducted in the Amethyst Room.

The Chair (Mr. Shafiq Qaadri): Live-streamed and conducted in the Amethyst Room.

Interjections.

The Chair (Mr. Shafiq Qaadri): They'll distribute it.

Mr. Randy Hillier: I like the easy motions—or easy amendments.

The Chair (Mr. Shafiq Qaadri): It's more democratic, I presume.

Mr. Randy Hillier: Absolutely. I like to broaden the accessibility for people to see.

The Chair (Mr. Shafiq Qaadri): Once again, we're at the photocopy hurdle. The amendment is now before the committee for discussion, if any. Mr. Potts?

Mr. Arthur Potts: I might wait before we discuss it, that I actually see the motion on paper. It's such a complicated, convoluted number 10. And maybe, Chair, you might—what is standard practice? What is the cost associated with that? Is that done on a regular basis? What about scheduling in the room? Do we even know? Is it a moot point?

Chair, I seek your expert advice on this matter.

The Chair (Mr. Shafiq Qaadri): I appreciate your deep concern. As Chair of justice policy, I think we probably have access to the room.

Any further comments, while we're waiting?

Mr. Randy Hillier: Maybe, if I may, I think it's pretty easily understood, even though it's not written and in front of us at the moment. From what I understand, the finance committee meets in Amethyst on Thursdays. However, they're not engaged or seized with anything.

Interjection: Report writing.

Mr. Randy Hillier: They're doing report writing at the present time, so there's—

The Clerk of the Committee (Ms. Tonia Granum): In camera.

Mr. Randy Hillier: And they're in camera. So there's only the one committee room that we have in the Legislature that has full streaming capability. To use that room for an in camera session would be sort of pointless. This would allow us to—I think that we're all in favour of broadening out the accessibility of the Legislature to our constituents throughout the province.

The Chair (Mr. Shafiq Qaadri): Mr. Mantha.

Mr. Michael Mantha: Chair, I just wanted to make a note that this is the longest shortest meeting I've had in a very long time. I wouldn't want to be in one of your long meetings.

Le Président (M. Shafiq Qaadri): Sans doute, il y en a plus.

Mr. Bob Delaney: I've been in a lot of his long meetings.

Mr. Michael Mantha: Oh, you have been?

Mr. Bob Delaney: I have been. He conducts a good long meeting.

The Chair (Mr. Shafiq Qaadri): Mr. Potts.

Mr. Arthur Potts: Chair, could I get a clarification? If there was a technical glitch that somehow resulted in the streaming not being functional, let's say there was a blackout or some activity, would that preclude the committee from proceeding?

The Chair (Mr. Shafiq Qaadri): I believe the Legislature has duly made note of any acts of God and we are able to deal with them. Thank you, Mr. Potts.

Mr. Arthur Potts: I was thinking more of sabotage.

The Chair (Mr. Shafiq Qaadri): I do remind you, you are on the record and being recorded.

Mr. Randy Hillier: If the Internet apocalypse happened, the committees would still continue.

Ms. Indira Naidoo-Harris: Mr. Chair.

The Chair (Mr. Shafiq Qaadri): Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Just asking for clarification, then: Would the scheduling be an issue if we were going to be holding this in the other room? Do we foresee any delays in the process laid out?

The Chair (Mr. Shafiq Qaadri): I think that whatever the committee decides, we'd make best efforts. I don't think rooms are an issue.

The Clerk of the Committee (Ms. Tonia Granum): The Chair of the justice policy committee would discuss it with the Chair of the finance committee if there was an issue, but I don't foresee one.

Mr. Arthur Potts: Chair, then, can we add to the amendment "if available"?

Mr. Bob Delaney: You actually have to amend the amendment to do that.

Mr. Arthur Potts: If we could make it subject to availability—

The Chair (Mr. Shafiq Qaadri): Mr. Potts, you're free to do what you wish. I think it's understood that it's "if available."

Mr. Arthur Potts: Well, in that case, I'm all in favour of openness and transparency and getting the information as far out as possible.

Mr. Randy Hillier: I knew I could count you, Arthur.

Mr. Arthur Potts: You're the one that told me that it's my signature on it.

The Chair (Mr. Shafiq Qaadri): Do I need Mr. Hillier to reread the amendment or is everyone comfortable with its language, however it is written? All right, shall we proceed to the vote?

Those in favour of Mr. Hillier's amendment, as written and presented? Those opposed?

Mr. Hillier, I would congratulate you on having your amendment accepted.

Mr. Randy Hillier: Thank you very much, Chair.

The Chair (Mr. Shafiq Qaadri): This is a remarkable day.

Mr. Randy Hillier: It is a remarkable day.

Mr. Michael Mantha: Mr. Chair?

Le Président (M. Shafiq Qaadri): Monsieur Mantha?

Mr. Michael Mantha: I didn't get those same congratulations with my amendment that I put in. I thought it's just fair. If we're going to have a Chair—we need consistency.

Mr. Bob Delaney: I would take the victory and run.

Le Président (M. Shafiq Qaadri): Mon ami, excusez-moi. Félicitations à vous aussi et à votre parti.

M. Michael Mantha: Bien, merci.

The Chair (Mr. Shafiq Qaadri): We are, I hope, now ready to move to the vote on the main motion, as amended.

Those in favour of the main motion, as amended? Those opposed? Main motion, as amended, carried.

Is there any further business before the committee?

Mr. Bob Delaney: No.

The Chair (Mr. Shafiq Qaadri): Committee adjourned.

The committee adjourned at 0922.

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