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**Official Report
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Monday 29 February 2016

**Journal
des débats
(Hansard)**

Lundi 29 février 2016

**Standing Committee on
General Government**

Energy Statute Law
Amendment Act, 2016

**Comité permanent des
affaires gouvernementales**

Loi de 2016 modifiant
des lois sur l'énergie

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 29 February 2016

Lundi 29 février 2016

The committee met at 1400 in committee room 2.

ENERGY STATUTE LAW
AMENDMENT ACT, 2016
LOI DE 2016 MODIFIANT
DES LOIS SUR L'ÉNERGIE

Consideration of the following bill:

Bill 135, An Act to amend several statutes and revoke several regulations in relation to energy conservation and long-term energy planning / Projet de loi 135, Loi modifiant plusieurs lois et abrogeant plusieurs règlements en ce qui concerne la conservation de l'énergie et la planification énergétique à long terme.

The Chair (Mr. Grant Crack): I'd like to call the Standing Committee on General Government to order this afternoon. I'd like to welcome all members of the committee and the staff that are here with us today. We're here to deal with clause-by-clause consideration of Bill 135. I want to thank all parties for sending in their amendments on time.

I'm just going to ask, at this particular point, before we get under way: Are there any questions or comments concerning Bill 135 before we proceed?

There being none, I would ask members of the committee just for some consideration on what I'll be saying here.

Bill 135 consists of three sections and two schedules, and, because the substance of the bill is in the schedules, I suggest that we postpone consideration of the three sections and deal with the schedules first, which is the substance of the bill. I'm just wondering if we have unanimous consent that we could proceed that way. It seems to be common practice.

Mr. Bob Delaney: Agreed.

The Chair (Mr. Grant Crack): Thank you; we have unanimous consent to proceed in that manner.

Mr. John Yakabuski: It could be the last time ever.

The Chair (Mr. Grant Crack): Thank you all.

Having said that, we shall begin with section 1. There are no amendments.

Interjection.

The Chair (Mr. Grant Crack): Oh, we just postponed that. Sorry.

We're going to go to schedule 1. There are no amendments to section 1 and section 2.

I'll ask the committee, perhaps, to consider both at the same time. There's no opposition. I shall call for the vote. Shall schedule 1, section 1 and section 2, carry? I declare schedule 1, section 1 and section 2, carried.

We shall move to schedule 1, section 3. There is PC amendment 0.1, and I shall ask Mr. Yakabuski to read the amendment into the record, please.

Mr. John Yakabuski: I move that section 3 of schedule 1 to the bill be amended by adding the following subsection:

"(2) Section 16 of the act is amended by adding the following subsection:

"Prescribed properties

"(7) A regulation that prescribes properties of a prescribed person for the purposes of section 7 shall not include any properties with a surface area of less than 50,000 square feet."

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski.

Any further discussion on the amendment? Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair. The government recommends voting against this motion because the intent of the bill is to enable the implementation of the proposed large building energy and water reporting and benchmarking initiative through subsequent regulation, including details such as building types and sizes to be included in the initiative. The proposed amendment would seek to constrain the government's regulation-making authority, and the specifics of this motion would be addressed through regulation.

I am going to stop there, Chair, just in the event that my colleague wishes to add any other comment.

The Chair (Mr. Grant Crack): Thank you, Mr. Delaney.

Is there any further comment? Mr. McDonell.

Mr. Jim McDonell: The government has told us through a briefing that they didn't intend to force this on any groups smaller than 50,000, so we don't know why they wouldn't want to put that in the legislation if that was their intent. Not that we don't trust that they may not change their mind, but we're going on what they've told us.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonell.

Mr. Delaney?

Mr. Bob Delaney: I appreciate the comment, Chair. On February 25, the Ministry of Energy posted, in very

plain language, a description of its proposed regulation to the Environmental Registry and the Regulatory Registry. The proposal does consider stakeholder feedback received during consultations held between January 2015 and June 2015, and it provides stakeholders with another opportunity to provide feedback.

In its posting, the Ministry of Energy is proposing that commercial and multi-unit residential buildings—in other words, greater than 50,000 square feet—be included, and that most industrial buildings, such as manufacturing facilities and all agricultural facilities, not be included in the initiative.

The Chair (Mr. Grant Crack): Further discussion?

Mr. John Yakabuski: Well, to his point, it was a proposed regulation. The regulations can be changed by order in council. Legislation would have to be dealt with differently, so why can't we codify this into legislation? It gives much more certainty to the commitment that it will be limited to buildings in excess of 50,000 square feet.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: Chair, the proposal will be posted for 45 days, and feedback received will be considered in the development of a subsequent regulation, pending the passage of the legislation before us.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call for the vote.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

McDonell, Yakabuski.

Nays

Delaney, Dickson, Hoggarth, Martins, Tabuns.

The Chair (Mr. Grant Crack): I declare the motion defeated.

We shall move to PC motion 0.2. Mr. Yakabuski.

Mr. John Yakabuski: I move that section 3 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Section 16 of the act is amended by adding the following subsection:

“Prescribed properties

“(7) A regulation that prescribes properties of a prescribed person for the purposes of section 7 shall not include any properties designed for commercial or industrial use.”

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: The government recommends voting against this motion because the intent of the bill is to enable the implementation of the proposed large building energy and water reporting and benchmarking initiative through subsequent regulation, including details such as building types and sizes to be included in the initiative.

The proposed amendment seeks to constrain the government's regulation-making authority, and the specifics of this motion would be addressed through regulation.

The Chair (Mr. Grant Crack): Further discussion?

Mr. John Yakabuski: The purpose of this amendment was to afford some kind of proprietary protection to businesses whose stock in trade is in fact the water itself. If one of them had a method that reduced their costs by managing their water resources better, it would give them a competitive advantage over someone else. The water reporting portion of this will cause them to lose that competitive advantage.

You're now talking about, really, almost the copyright rights of a company. The intent of the legislation was to see less water being wasted in buildings: the way they run their washrooms, their cleaning, and everything else about how they conduct the management of water. These businesses use water in the production of the product they sell. To require them to report in the same way is in fact forcing them to reveal trade secrets.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: Chair, in my response to the previous amendment, I described a process that the Ministry of Energy had initiated regarding a very plain description of the proposed regulation on the Environmental Registry and the Regulatory Registry.

This proposal, of course, as I said in my previous response, will be posted for 45 days, with feedback received considered in the development of a subsequent regulation, which is pending the passage of this legislation.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Jim McDonell: Yes, we've heard from some different manufacturers that by putting this information in, it actually gives their production output, which can be proprietary. It can be used by producers who are even outside the province—what their markets are, the amount. I don't think it's in the interests of the government to give that out.

1410

I know the member opposite talks about how there will be a chance for reporting this information on the Environmental Bill of Rights, but this has already been talked about. It's already been reported, and you see where they are ignoring it now. So what are the chances of them picking it up in 50 days of another hearing? It hasn't happened before, so it's not likely going to happen again. That's why they're worried.

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney.

Mr. Bob Delaney: I find this very curious, because the regulation already excludes manufacturing facilities and agricultural facilities. Part of the reason for that is that the government listened to the manufacturing stakeholders, Chair.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: Not so, or they wouldn't have made submissions to this committee clearly indicating

their concerns. For the government to indicate that they have allayed those concerns is a big stretch, Chair, and they have not done that; otherwise, they would not have approached members of the committee, nor would they have made submissions to the committee to the contrary.

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski. Mr. Delaney.

Mr. Bob Delaney: Chair, the government's proposal has been posted since public hearings. The government does consider feedback taken at committee.

We would now call for the question.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Martins, Tabuns.

The Chair (Mr. Grant Crack): I declare PC motion 0.2 defeated.

We shall move to PC motion 0.3, which is a new subsection 3(2), new subsection 16(7) of the Green Energy Act, 2009. Mr. Yakabuski.

Mr. John Yakabuski: I move that section 3 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Section 16 of the act is amended by adding the following subsection:

“Prescribed properties

“(7) A regulation that prescribes properties of a prescribed person for the purposes of section 7 shall not include any properties with a surface area of less than 50,000 square feet or properties designated for commercial or industrial use.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney.

Mr. Bob Delaney: The government recommends voting against this motion because the intent of the bill is to enable the implementation of the proposed large building energy and water reporting and benchmarking initiative through subsequent regulation, including details such as building types and sizes to be included in the initiative, and the proposed amendment, as I said before, seeks to constrain the government's regulation-making authority where the specifics of this motion would in fact be addressed through regulation.

The Chair (Mr. Grant Crack): Thank you, Mr. Delaney. Just for clarification, Mr. Yakabuski, I believe when you read into the record the motion, “with a surface area of less than 50,000 square feet or properties,” I believe you said “designated” and I would think you had wanted to say “designed” for commercial.

Mr. John Yakabuski: Oh, sorry, just “designed.”

The Chair (Mr. Grant Crack): Thank you—just to clarify the record. There was some confusion on the other side.

Further discussion?

Mr. John Yakabuski: It is simply capturing what we had in our first two motions, and there's no need to discuss it further. We know the view of the government.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Martins, Tabuns.

The Chair (Mr. Grant Crack): I declare PC motion 0.3 defeated.

There are no amendments to schedule 1, section 3, so I shall call for the vote on the schedule.

Shall schedule 1, section 3, carry? Those in favour? Opposed? I declare schedule 1, section 3, carried.

We shall move to schedule 1, section 4. There are no amendments. Any discussion on schedule 1, section 4? Then I shall call for the vote.

Shall schedule 1, section 4, carry? Those in favour? Those opposed? I declare schedule 1, section 4, carried.

We shall deal with schedule 1 in its entirety, without amendment. Further discussion on schedule 1? There being none, I shall call the vote.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Delaney, Dickson, Martins, Tabuns.

Nays

McDonell, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 1 carried.

We shall move to schedule 2. There is one amendment to schedule 2. It is NDP motion 1: Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Chair—

Interjection.

The Chair (Mr. Grant Crack): What did I say? Schedule 2, section 1.

Mr. Peter Tabuns: Correct.

I move that clause 1(a.1) of the Electricity Act, 1998, as set out in section 1 of schedule 2 to the bill, be struck out and the following substituted:

“(a.1) to establish a transparent, independently-reviewable and evidence-based mechanism for energy planning.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Tabuns.

Mr. Peter Tabuns: Mr. Chair, the intent of this bill, as written, is to end public participation in the shaping of our electricity system. It removes the check that is needed in terms of hearings at a tribunal: the ability of interveners to question decision-makers and to test evidence. With this amendment and others, I will try to curb some of the worst elements in this bill.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: Chair, the assertion that the member has made just doesn't hold water. We frankly and respectfully disagree with it.

The existing language provides an adequate statement of the government's intention to provide for a transparent and accountable planning process. Indeed, adding these words to the purpose of the act is unnecessary, as these principles are reflected in the existing language.

The Chair (Mr. Grant Crack): Any further discussion?

Mr. Peter Tabuns: Yes, I'll just say, Chair, that when you eliminate tribunals and the ability to question witnesses and test evidence and put it into a forum of consultation, you substantially reduce public power and the ability of the public to hold a government to account. So I believe my comments were entirely justifiable, and I hope we can have a recorded vote when we go to this.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I'm just wondering why the government would be against an open, transparent process. I know that they were chastised for not following the regulations last fall in the AG's report, which said they didn't follow the existing process. So I guess you're just changing it so that you don't have to in the future, but that doesn't get away from, you know, when people in this province expect that something should be reviewed by the experts and the evidence used.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: I appreciate the question. The bill, in fact, does address transparency, evidence-based planning and independent agency input while maintaining government accountability. Let's just look at only four of the ways.

It requires key background information and data used in the development of the long-term energy plans to be made available to the public. I would refer the member to subsection 25.29(2)(b), section 7.

It requires that the IESO develop a technical report—subsection 25.29(3)—that would be considered in forming the basis of the long-term energy plan.

It requires that the minister undertake consultation with consumers, stakeholders and aboriginal commun-

ities and consider the input from these consultations when developing the long-term energy plan—again, subsection 25.29(4).

It provides that the IESO and OEB submit plans on how best to implement the long-term energy plan, and I would refer the member to subsections 25.30 and 25.31.

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I submit, Chair, that the concerns that the member has—I understand the reason he's asking, but those are concerns already addressed in the text of the bill.

The Chair (Mr. Grant Crack): Thank you, Mr. Delaney. Mr. Yakabuski.

Mr. John Yakabuski: Yes, Speaker. I can answer my colleague's question as to why the government wouldn't want transparency in this bill, but I would have to be questioning their motives then.

The Chair (Mr. Grant Crack): Thank you for elevating me to Speaker, but I'll be the Chair of the committee at this time. I wouldn't want to take the Speaker's position.

Further discussion? Mr. Delaney.

Mr. Bob Delaney: No, we're good, Chair. You can call the question.

Mr. Peter Tabuns: Recorded vote, please.

The Chair (Mr. Grant Crack): No further discussion? There being none, there has been a request for a recorded vote, so I shall call the vote.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 1 defeated. As a result, there are no amendments to schedule 2, section 1. I will call for the vote on schedule 2, section 1, unless there's some discussion.

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): Okay, there has been a request for a recorded vote. I shall call the vote.

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 2, section 1, carried.

Members of the committee, we have schedule 2, sections 2, 3, 4, 5 and 6. There are no amendments. Would the committee consider dealing with the schedule

sections in a block, in their entirety? If there's no opposition, then I will proceed.

Schedule 2, sections 2, 3, 4, 5 and 6: Any discussion? There being none, I shall call the vote. Those in favour of schedule 2, sections 2, 3, 4, 5 and 6? Those opposed? I declare schedule 2, sections 2, 3, 4, 5 and 6 carried.

We shall move to schedule 2, section 7. There is NDP motion number 2, which is an amendment to schedule 2, section 7, subsection 25.29(2) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 25.29(2) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by striking out “may include” in the portion before clause (a) and substituting “shall include”.

I just want to make that stronger, Mr. Chair.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. Further discussion? Mr. Delaney.

Mr. Bob Delaney: Chair, I appreciate the intent of the member's motion. The government will recommend voting against it because the bill currently includes the words “may include” in subsection 25.29(2), rather than “shall include.”

The use of “may” provides the minister and the government with the necessary flexibility with respect to the objectives of the long-term energy plan and their balancing and their prioritization. This approach helps the legislation stand the test of time and allows it to be responsive as system planning priorities evolve.

One of the main challenges with the current Integrated Power System Plan—IPSP—process has been the very rigidity that this proposed motion would impose. The long-term energy plan approach to planning, while guided by the objectives in 25.29(2), has been designed to be a flexible process that's capable of responding to changing needs and an evolving energy sector.

The bill would require that all long-term energy plans be approved by cabinet, ensuring that government priorities are reflected.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I guess there's some concern here because previous legislation required them to take the advice of the IESO and the Ontario Energy Board, but of course they refused to do that. The result was the Green Energy Act and many of the acts that came through, as we saw last year in the Auditor General's report.

So of course, yes, we are worried that by allowing them supposedly to legalize the process, they're not listening— that's all it is: a way of legalizing that they don't listen to the experts.

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney.

Mr. Bob Delaney: Chair, I believe in my previous answers that we've addressed this particular comment, and we would now ask that the question be called.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion

number 2. Those in favour? Those opposed? I declare NDP motion number 2 defeated.

We shall move to NDP motion number 3, which is an amendment to schedule 2, section 7, clause 25.29(2)(a) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that clause 25.29(2)(a) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding “and prudence” after “cost-effectiveness”.

I'm just making it somewhat more stringent, Mr. Chair.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Delaney.

Mr. Bob Delaney: Chair, the government recommends voting against this motion. The provision as drafted in the bill accurately reflects the policy intent as a goal and objective of the long-term energy plan and how it relates to cost-effective energy supply, capacity, transmission and distribution.

In legal terms, the word “prudence” is uncertain and indeed unnecessary, given the existing language of the bill.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote on NDP motion number 3. Those in favour? Those opposed? I declare NDP motion number 3 defeated.

We shall move to NDP motion number 4, which is an amendment to schedule 2, section 7, new clause 25.29(2)(b.1) of the Electricity Act, 1998. Mr. Tabuns?

Mr. Peter Tabuns: I move that subsection 25.29(2) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding the following clause:

“(b.1) the resilience of the electricity system to changes in economic, environmental and technical conditions, including the effects of climate change;”

Speaker—sorry, Chair—I think that this section needs to be more comprehensive, and thus I am putting forward this change.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. Further discussion? Mr. Delaney.

Mr. Bob Delaney: Again, the government regrets that it can't support this particular clause for many of the same reasons as we recommended voting against the last one.

Now, Chair, the bill proposes an energy planning process that is flexible and capable of responding to changing technology and economic conditions, and indeed the proposed language is already reflected, implicitly or explicitly, in the existing bill. In reading this over, with all due respect, we just find it unnecessary.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call the vote on NDP motion number 4. Those in favour? Those opposed? I declare NDP motion number 4 defeated.

We shall move to NDP motion number 5, which is an amendment to schedule 2, section 7, a new clause 25.29(2)(b.2) of the Electricity Act, 1998. Mr. Tabuns?

Mr. Peter Tabuns: I move that subsection 25.29(2) of the Electricity Act, 1998, as set out in section 7 of

schedule 2 to the bill, be amended by adding the following clause:

“(b.2) the minimization of system vulnerability to risks due to catastrophic events and technology failures and avoidance of risks of extreme events;”

Speaker—sorry, it’s deep in me, Mr. Chair, it’s very deep—I would say that I’ve noticed a lack of preparation with regard to cyber security on the part of this government. I think that planning to take account of technology failures is something that needs to be included in the planning.

1430

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney.

Mr. Bob Delaney: Again, Speaker—Chair. Now he’s got me doing it.

Mr. John Yakabuski: Obviously, there’s something going on here.

Mr. Bob Delaney: I know. That’s probably why we’re going to need a couple of regular breaks.

Chair, the bill already proposes an energy planning process that is flexible and capable as to the type of scenario sketched out by the member. The bill sets out a list of goals and objectives that the long-term energy plans may address, but the list is not intended to be exhaustive.

Although the goals and objectives that are identified as the system evolves can be included in the long-term energy plan, the bill already contains a goal and objective for the long-term energy plans that addresses the reliability of the electricity system, including resilience to the effects of climate change or random events or weather or catastrophic events.

Again, while appreciating the spirit within which the amendment is offered, the language in the bill already provides for the consideration of precisely the events helpfully offered by the member in his amendment. So the government suggests that amendment itself is unnecessary.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 5. Those in favour? Those opposed? I declare NDP motion number 5 defeated.

We shall move to NDP motion number 6, which is an amendment to schedule 2, section 7, clause 25.29(2)(d) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that clause 25.29(2)(d) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by striking out “cleaner” and substituting “renewable”.

Chair, as technology moves on and as the impact of climate change grows, it’s pretty apparent that we need to move beyond terms like “cleaner” and move to “renewable.” We need to be able to phase out fossil fuels entirely. It’s not just a question of being cleaner; they have to be zero carbon.

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney.

Mr. Bob Delaney: The government does recommend voting against this motion, Chair. Again, the existing language adequately articulates the government’s intention with regard to clean energy. The use of the word “cleaner” can encompass renewable energy sources while maintaining flexibility to consider non-renewable but also clean energy sources, where required, to meet other system goals and objectives.

While the member’s amendment is offered in good faith, it doesn’t meet the intent of the bill in this particular case.

The Chair (Mr. Grant Crack): Further discussion? Mr. Tabuns.

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

No further discussion? There being none, I shall call the vote on NDP motion number 6.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 6 defeated.

We shall move to NDP motion number 7, which is an amendment to schedule 2, section 7, clause 25.29(2)(e) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that clause 25.29(2)(e) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“(e) the environmental impacts of different types of energy production, including discharges of contaminants, generation and management of wastes, effects on human and ecological health, and air emissions, taking into account any projections respecting the emission of greenhouse gases developed with the assistance of the IESO;”

Mr. Chair, there is a concern that the legislation, as written, doesn’t take into account all of the negative by-products of energy production. I think that if you’re going to have a plan that is actually environmentally sustainable, you have to have a wider perspective. This amendment is consistent with the wording provided by Mr. Mark Winfield and by the Canadian Environmental Law Association.

The Chair (Mr. Grant Crack): Thank you, sir. Mr. Delaney.

Mr. Bob Delaney: I think it’s important—the government, by the way, will recommend voting against this motion. The goals and objectives were not intended to substitute for the many environmental and other regulatory approvals that apply to energy projects. It’s also important to note that the language of the relevant provision

was developed with input from the Ministry of the Environment and Climate Change.

The government maintains the existing language adequately articulates the government's intentions in relation to air emissions that include greenhouse gases, and indeed the bill sets out a list of goals and objectives that the long-term energy plans may address, but additional goals and objectives and priorities that are identified as the system evolves can also be included in the long-term energy plan.

The Chair (Mr. Grant Crack): Thank you. Further discussion?

Mr. Peter Tabuns: A recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Any further discussion?

There being none, I shall call for the vote.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 7 defeated.

We shall move to NDP motion number 8, which is an amendment to schedule 2, section 7, new subsection 25.29(2.1) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 25.29 of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding the following subsection:

“Requirements for goals

“(2.1) The goals referred to in subsection (2) shall prioritize obtaining all cost-effective conservation ahead of procurement or refurbishment of generation and shall prioritize renewable generation ahead of non-renewable generation to the extent reasonable, having regard to the relative costs and impacts of the alternative form of generation and shall prioritize combined heat and power ahead of conventional non-renewable generation, having regard to the relative costs and impacts of the alternative forms of generation.”

Mr. Chair, the amendment is moved with the intent to put the most sustainable, least cost initiatives at the head of the line when it comes to planning and then in descending order of environmental impact and cost. I think that the bill would benefit from having a hierarchy of investments set out within it.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Delaney.

Mr. Bob Delaney: The government recommends voting against this motion. The bill currently proposes an energy planning process that is flexible and responsible to an evolving energy sector. As I listen to the amendment, it seems that the amendment begins with the conclusion and works backwards to whatever comes out

during the process. So, Chair, I would suggest that members support the existing language that more accurately articulates the government's intentions in respect of the development of the long-term energy plan.

The Chair (Mr. Grant Crack): Thank you, Mr. Delaney. Further discussion?

Mr. Peter Tabuns: A recorded vote.

The Chair (Mr. Grant Crack): Mr. Tabuns has requested a recorded vote. If any other members are interested in calling a recorded vote for all votes, that would be fine as well. We know the process here.

There's no further discussion on NDP motion number 8? I shall call the recorded vote.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins, McDonell, Yakabuski.

The Chair (Mr. Grant Crack): I declare NDP motion number 8 defeated.

We shall move to NDP motion number 9, which is an amendment to schedule 2, section 7, subsection 25.29(3) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 25.29(3) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“Technical reports by IESO

“(3) The minister shall, before issuing a long-term energy plan under subsection (1), require the IESO to submit a technical report on the adequacy and reliability of electricity resources with respect to anticipated electricity supply, capacity, storage, reliability and demand and on any other related matters the minister may specify

“Requirements for report

“(3.1) The IESO's technical report shall include,

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“(a) recommendations for addressing any of the matters referred to in subsection (3); and

“(b) analysis of the costs and benefits of any such recommendations.

“Requirements for minister

“(3.2) The minister shall,

“(a) consider the technical report in developing the long-term energy plan; and

“(b) post the report on a publicly accessible government of Ontario website or publish it in another manner, before undertaking any consultations under subsection (4).

“Review by the board

“(3.3) Prior to issuance, the minister may refer all or one or more portions of a proposed long-term energy plan to the board for a review and report.

“Timing

“(3.4) A referral under subsection (3.3) may specify the time within which any report of the board must be submitted.

“Consideration and posting

“(3.5) The minister shall,

“(a) consider any report of the board in developing the long-term energy plan; and

“(b) post the report of the board on a publicly accessible government of Ontario website or publish it in another manner, before undertaking any consultations under subsection (4).”

Speaker—sorry, Chair, this amendment is moved to expand the transparency of the system.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. Further discussion? Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair. The government will recommend voting against this motion. Ultimately, energy policy is a matter for the government and, under this bill, cabinet makes the final decisions and cabinet is accountable for those decisions.

The existing language within the bill more accurately articulates the government’s intentions with respect to the development of a long-term energy plan in general. The technical report in particular and the existing language also clearly sets out the roles of the IESO and the OEB. Indeed, the bill already proposes an energy planning process that is flexible and responsive to an evolving energy sector. The existing proposals within the bill provide for interaction with the IESO and the OEB consideration of the input generated out of the long-term energy plan.

The Chair (Mr. Grant Crack): Thank you, sir. Further discussion? Mr. McDonell.

Mr. Jim McDonell: We support this because we just think the cost-benefit analysis, if it had been followed, would have gotten us out of a lot of the problems the government has created over the last nine years. You don’t have to take our word for it; you can take the Auditor General’s word year after year. Of course, in this upcoming year they’ve taken away her ability to review Hydro One, but one would wonder why you wouldn’t want an unbiased review of any energy plans we have.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonell. Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. The proposed motion is also unnecessary as it is either explicit or implicit that the listed goals and objectives be considered in the long-term energy process along with the costs and benefits. In addition, under existing legislation the ministry can already refer any question regarding energy to the OEB.

The Chair (Mr. Grant Crack): Thank you. Further discussion?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

There being no further discussion, I shall call for the vote on NDP motion number 9.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 9 carried—or sorry, defeated. My apologies. I was distracted.

Mr. Peter Tabuns: I hope Hansard caught that.

The Chair (Mr. Grant Crack): My apologies to Hansard.

Mr. John Yakabuski: You’re messing up your chance to get Speaker.

Mr. Bob Delaney: Actually, that’s very helpful. It reminds us periodically to just take a deep breath, and let’s just take it one step at a time.

The Chair (Mr. Grant Crack): Absolutely. My apologies.

NDP motion number 9 was defeated.

We shall move to NDP motion number 10, which is an amendment to schedule 2, section 7, new subsection 25.29(3.1) of the Electricity Act, 1998. Mr. Tabuns?

Mr. Peter Tabuns: I move that section 25.29 of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding the following subsection:

“Requirements for technical report

“(3.1) The technical report required under subsection (3),

“(a) shall also include a report on the methodology by which the IESO has assessed the adequacy and reliability of electricity resources; and

“(b) shall also include, and shall make publicly available, to the greatest practicable extent and in an accessible electronic format, the data employed by the IESO in assessing the adequacy and reliability of electricity resources.”

The Chair (Mr. Grant Crack): Further discussion?

Mr. Peter Tabuns: Again, the interest is greater transparency and an ability for the public to dive into the numbers that have been presented and critique them more thoroughly.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: The government will recommend voting against this motion because one wonders how many times and in how many ways we have to ask the IESO for a report. The proposed legislation already requires that the IESO submit a technical report to the minister, and the report would then be posted on a publicly accessible government of Ontario website.

The proposed legislation also ensures that the minister is required to post the long-term energy plan as well as any other information, such as key data and cost projections used in the development of the long-term energy plan, on a publicly accessible government of Ontario website.

With the greatest of respect to my colleague, the proposed amendment is unnecessary and redundant.

The Chair (Mr. Grant Crack): Any further discussion?

Mr. Peter Tabuns: Just a recorded vote.

The Chair (Mr. Grant Crack): Mr. McDonnell?

Mr. Jim McDonnell: If we could rely on them to release the documents, I guess we wouldn't have any concern. But the people—not only the proponents that came before us but ourselves—are a little skeptical about seeing a report from the IESO in its entirety. We would like to see it before some of these decisions are made, so that we can test its validity with the experts in the field.

One thing I heard over the two days was that the experts were saying they're not being heard. Really, when you're doing something that affects the province to such a great extent, you want to make sure you have the latest technology, with the latest risks that are involved with that technology.

The Chair (Mr. Grant Crack): Any further discussion? There has been a request for a recorded vote. I shall call the vote.

Ayes

McDonnell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 10 defeated.

We shall move to NDP motion number 11, which is an amendment to schedule 2, section 7, subsection 25.29(4) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 25.29(4) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding “public interest environmental organizations, environmental experts” after “transmitters”.

Chair, I feel that these individuals and groups should in fact be included in a statutory way in the process of consultation that the minister will have to follow.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Bob Delaney: The government will recommend opposing this amendment because the proposed legislation ensures that there will be consultations as part of the long-term energy planning process and would include consumers and stakeholder groups across Ontario.

The legislation provides that other persons or groups could be included as part of the consultations. That makes the proposed amendment unnecessary, therefore, as the government expects interested groups and consumers to participate in the long-term energy process and to put forward their considerations, their suggestions and their advice.

The Chair (Mr. Grant Crack): Any further discussion?

Mr. Peter Tabuns: A recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. As there's no further discussion, I shall call a vote on NDP motion number 11.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 11 defeated.

We shall move to PC motion number 11.1, which is an amendment to schedule 2, section 7, subsections 25.29(3) and (4) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: I move that subsections 25.29(3) and (4) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“Technical report by IESO

“(3) The minister shall, before issuing a long-term energy plan under subsection (1), require the IESO to submit a technical report on the adequacy and reliability of electricity resources with respect to anticipated electricity supply, capacity, storage, reliability and demand and on any other related matters the minister may specify.

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“Contents of report

“(3.1) The report shall include recommendations for addressing any of the matters mentioned in subsection (3) and an analysis of the costs and benefits of those recommendations.

“Minister's reaction to IESO's report

“(3.2) The minister shall,

“(a) consider the report in developing the long-term energy plan; and

“(b) post the report on a publicly accessible government of Ontario website or publish it in another manner, before undertaking any consultations under subsection (4).

“Review by board

“(3.3) Before issuing a long-term energy plan under subsection (1), the minister may,

“(a) prepare a proposed such plan and refer any or all of it to the board for a review and report; and

“(b) specify the time within which the board must review and report to the minister on anything that the minister refers to the board under clause (a).

“Minister's reaction to board's report

“(3.4) If the minister has referred anything to the board under subsection (3.3), the minister shall,

“(a) consider the report of the board in developing the long-term energy plan; and

“(b) post the report on the board on a publicly accessible government of Ontario website or publish it in

another manner, before undertaking any consultations under subsection (4).

“Consultation required

“(4) Before issuing a long-term energy plan under subsection (1), the minister shall consult with all members of the public who are interested in the matters being addressed by the long-term energy plan, including any consumers, distributors, generators, transmitters, aboriginal peoples or other persons or groups, and the minister shall consider the results of such consultation in developing the long-term energy plan.”

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski. Just for clarification: Under “Minister’s reaction to board’s report,” just on the last portion of that motion, (b)—

Mr. John Yakabuski: Just read it again?

The Chair (Mr. Grant Crack): —I believe you had indicated “post the report on the board.” It’s “of the board.” Would that be fair?

Mr. John Yakabuski: Okay. I can reread that. What do you want me—

The Chair (Mr. Grant Crack): If you’d like to read that into the record.

Mr. John Yakabuski: Yes: “(b) post the report of the board on a publicly accessible government of Ontario website or publish it in another manner, before undertaking any consultations under subsection (4).”

The Chair (Mr. Grant Crack): Thank you very much.

Mr. John Yakabuski: I just have trouble with some of those long words like “on” or “of.”

The Chair (Mr. Grant Crack): Yes, it’s understandable.

Any further discussion? Mr. Delaney.

Mr. Bob Delaney: Many of the comments I made in response to the previous proposal by Mr. Tabuns would apply here. Most of the things that this amendment requests are already written into the legislation and, as such, the proposed amendment would not be necessary and doesn’t reflect the government’s policy intentions related to the long-term energy plan and its associated processes.

The Chair (Mr. Grant Crack): Thank you. Further discussion?

Mr. John Yakabuski: Definitely. I guess you can read your speaking notes if you want, but that’s not the case at all. All of the stakeholders who came here—this was one of the most critical sections that they felt needed to be amended. This would place greater restrictions on the power of the minister and also greater requirements on the minister to consult. The costing issue is in here, which is absent from the bill. There are serious, serious amendments in here that the government is choosing to simply ignore.

It sends to me the message that an awful lot of what might come back from the technical reports from the IESO and the OEB will be ignored in the future because the minister will have the power to do just that. This is one of the most critical sections of the bill that the

stakeholders are asking to be amended. If the government really had any intention of trying to produce a collaborative piece of legislation, this is where they would show some flexibility. So far, they’ve shown none. I’m not—I am actually surprised, because I expected different from the government on these particular sections.

These amendments in no way would weaken this legislation; in no way would it make it more difficult for the government to act. It would simply require greater diligence in conducting those actions, and I am quite frankly appalled that they are not accepting these amendments.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Delaney.

Mr. Bob Delaney: The proposed legislation already ensures that the minister is required to post the long-term energy plan, as well as any other information such as key data and cost projections used in the development of the long-term energy plan, on a publicly accessible government of Ontario website.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I sat here and heard deputant after deputant worried—and with good reason, because they’ve seen in the past where the government has chosen to ignore the warnings from these bodies. These are, certainly, expert panels that are put together. We pay a lot of money for these people to be on the payroll, and we would expect that the minister should have to use them to make sure that further mistakes aren’t made, as we’ve seen in the past.

I know it’s easy—they didn’t like being named in the Auditor General’s report for ignoring or refusing to accept the recommendations of these boards, so now they just want to make sure these recommendations aren’t issued so that they can’t be accused of that in the future. But really, the government’s role is to get it right, and we want to make sure they get it right—at least to give them all the tools we can to do that.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on—

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): —PC motion number 11.1. There’s been a request for a recorded vote.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 11.1 defeated.

We shall move to PC motion 11.2, which is an amendment to schedule 2, section 7, subsection 25.29(6) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: I move that subsection 25.29(6) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following submitted:

“Participation

“(6) The minister shall take steps to promote the participation of the persons or groups with whom the minister is required to consult under subsection (4), including,

“(a) scheduling one or more consultation meetings, where the minister considers it appropriate to do so, that the persons or groups are entitled to attend in person;

“(b) providing for the participation of persons or groups in consultations through electronic or other means not requiring personal attendance; and

“(c) ensuring that all forms of consultation adopted provide the opportunity to provide input into the planning process.

“Costing

“(6.1) Before issuing a long-term energy plan under subsection (1), the minister shall require the IESO to submit a report assessing the costs and benefits of the plan.”

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski. On the introduction, I believe you said “and the following submitted.” It’s “substituted.” Would you agree with that?

Mr. John Yakabuski: Where—what did I say?

The Chair (Mr. Grant Crack): Right at the very start: “and the following submitted.” Right at the start: “I move” and the last word is “substituted.”

Mr. John Yakabuski: “Substituted.” Okay, yes.

The Chair (Mr. Grant Crack): Correct. I believe you had said “submitted.” Just for the record, it is “substituted.”

Mr. John Yakabuski: I must have a problem with my eyes.

The Chair (Mr. Grant Crack): Well, I didn’t ask for a correction on the previous motion, so I thought maybe on that one I would.

Further discussion on PC motion 11.2? Mr. Delaney.

Mr. Bob Delaney: I thank the member for his suggestion. While the government recommends voting against this motion, I think I’d just like to provide a little synopsis of why. The bill would require consultations with the public, stakeholders, First Nations and Métis in a variety of forums and mediums, which is something that the proposed motion requests.

As well, the proposed legislation is already designed to ensure that there are ample consultations as part of the long-term energy planning process and that such consultations would include consumers and stakeholder groups, as well as, as I previously mentioned, aboriginal peoples across Ontario. The legislation further provides that other persons or groups could be included as part of the government’s long-term energy plan consultations. The proposed amendment is therefore unnecessary.

The Chair (Mr. Grant Crack): Any further discussion? Mr. Yakabuski.

Mr. John Yakabuski: Well, it doesn’t provide for what the member is saying. The minister “may” consult with any that he considers appropriate, given the matters being addressed by the long-term energy plan. That’s in the last motion. But in here, it’s about the costing, and there’s nothing in section 6 that requires the IESO to submit a report assessing the costs and benefits of the plan. This is about consultation and costing. There is nothing in their legislation about the costing. When a government has a \$308-billion debt thanks to their mismanagement, I think the costing is an important part of anything that they’re doing.

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The Chair (Mr. Grant Crack): Further discussion—

Mr. John Yakabuski: I forgot to say “their scandals,” as well.

The Chair (Mr. Grant Crack): Thanks for clarifying that.

Mr. Delaney?

Mr. Bob Delaney: Do you want to throw anything else in while you’re at it?

Mr. John Yakabuski: No.

Mr. Bob Delaney: Okay.

Not surprisingly, the government—among the reasons that we recommend voting against this motion is because the IESO would be required to submit a technical report with information in advance of the ministry launching a long-term energy plan, and one of the goals and objectives of the long-term energy plan is cost-effectiveness of energy supply and capacity, transmission, distribution, storage or any other matters that the minister specifies. The minister must consider the report in developing a long-term energy plan and post the report publicly.

The Chair (Mr. Grant Crack): Mr. McDonell?

Mr. Jim McDonell: When they’ve completed their long-term energy plan, why wouldn’t they submit it for costing? In the last Auditor General’s report, we’re seeing \$170 billion spent, and over the next 18 years we’re overspending for power. That’s even more than halfway through their debt that they’ve created here. That’s a lot of money. I know you can’t go down to zero—but if it had been priced out, surely they would have listened. I understand that maybe that information was mostly there and they chose not to listen.

Again, they don’t want anything on the record that would show how this really is a mess. You’re talking about close to \$200 billion in wasted resources of this province, in overspending. We just think that alone is enough to make sure that the public sees the costing in any future long-term energy plan.

The Chair (Mr. Grant Crack): Mr. Delaney?

Mr. Bob Delaney: Let me just reiterate again, Chair: The IESO would be required to submit a technical report with information in advance of the ministry launching a long-term energy plan, and one of the goals and objectives of the long-term energy plan is cost-effectiveness of energy supply and capacity, transmission, distribution and so on.

So I understand the spirit within which the request has been made, but the essence of the request is already contained within the draft of the bill.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski?

Mr. John Yakabuski: This would very much strengthen that requirement. When you've been as irresponsible as this government—I spoke about mismanagement and scandals; I forgot to add “waste,” so we'll add that too. If you want a third reason why we need to have the costing in there, there's a third reason.

Chair, if we had proper oversight of costs, I'm pretty confident we would not have had the gas plants scandal because the requirement would have been that that had to be costed out before those decisions could have been made. Those decisions were made on a political whim, and that ended up costing \$1.1 billion.

If we get the wrong person in the minister's chair; if there's another George Smitherman who comes into this House and somebody makes him energy minister, that's exactly what we could get again: those kinds of decisions, based on wrong decisions and decisions that are based on politics. If an egomaniac comes in here, that's what we could get again. That's why need to have this protection in this bill.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call the vote on PC motion 11.2.

Mr. John Yakabuski: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 11.2 defeated.

Mr. Bob Delaney: Chair, this might be a good time to pause for a 10-minute break.

The Chair (Mr. Grant Crack): There has been a request for a 10-minute break. Do we have consensus on the committee to take that break?

Mr. John Yakabuski: Certainly, Chair. We're very co-operative. They've been so co-operative with us.

The Chair (Mr. Grant Crack): If there's no one opposed, we'll be back here at 3:15 p.m.

The committee recessed from 1505 to 1515.

The Chair (Mr. Grant Crack): All right. Let's get this meeting back to order and get back to business. We are back to order.

We shall commence with NDP motion number 12. This is an amendment to schedule 2, section 7, which is a new subsection, 25.29(6.1) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: Mr. Chair, I'll be withdrawing. This was already addressed in the previous PC motion, which was defeated. Given its fate, there's no point in repeating it.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. NDP motion 12 is withdrawn.

We shall move to PC motion number 12.1, which is an amendment to schedule 2, section 7, subsections 25.30(1) and (2) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: I move that subsections 25.30(1) and (2) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“Implementation directives

“To the IESO

“(1) Subject to the approval of the Lieutenant Governor or in Council, the minister may issue a directive to the IESO requiring it to provide to the minister a plan respecting the implementation of the long-term energy plan by the IESO and any other related requirements, and the date by which the IESO must submit an implementation plan to the minister under subsection 25.31(1).

“To the board

“(2) Subject to the approval of the Lieutenant Governor or in Council, the minister may issue a directive to the board requiring it to provide to the minister a plan respecting the implementation of the long-term energy plan in respect of matters falling within the board's jurisdiction, and the date by which the board must submit an implementation plan to the minister under subsection 25.31(2).”

Good amendment.

The Chair (Mr. Grant Crack): Any further discussion on the amendment? Mr. Delaney.

Mr. Bob Delaney: The government will recommend voting against this motion, again because the existing language in the bill reflects the government's intentions with respect to long-term system planning and resource planning.

Chair, the long-term energy plan process is intended to be flexible and efficient so that it can adapt to a rapidly changing energy environment. Introducing this different approach to planning wouldn't be consistent with government policy and it's not possible to fully anticipate how the changes, which the motion provides for, would affect the government's currently proposed planning processes.

The Chair (Mr. Grant Crack): Any further discussion?

Mr. John Yakabuski: This would allow the minister to use either the OEB or the IESO to give advice on how to implement the plan, rather than telling those agencies how to do it. The OEB and the IESO are the experts, not the minister's office, with all due respect. They should be able to make recommendations on implementation that save money and improve the system. Why would the minister not want to listen to experts?

It just amazes me, Chair. We're over halfway through these amendments and not one of them has been accepted. The government, in its perfection, believes

there's nothing that can be done to improve this bill? How arrogant that is.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: Just to the comment of questioning the government motives: I guess that's something that we certainly are doing, because we've seen the results of their motives in the last number of years. There was a lineup of people—I've never seen a bill where, with the exception of I think two of them who were hand-picked, everybody was against or had amendments for this bill. We're concerned that the government would move ahead without getting expert advice or being required to get expert advice. I know that should be the goal of the minister and we shouldn't question the motives, but that's not the results we've seen.

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The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. As I have said numerous times during these proceedings this afternoon, the government is already required to consult with the IESO and others and, as such, the language offered in the amendment, however well-intentioned, is already included in the essence of the bill.

We would now call for the question.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the vote on PC motion 12.1.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 12.1 defeated.

We shall move to NDP motion number 13, which is an amendment to schedule 2, section 7, new subsection 25.30(2.1) of the Electricity Act, 1998. Mr. Tabuns?

Mr. Peter Tabuns: I move that section 25.30 of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding the following subsection:

“Requirement for review

“(2.1) The minister may not issue an implementation directive to the board under subsection (2) unless the long-term energy plan that is the subject of the directive has been reviewed and approved by the board, and the board shall not implement an implementation directive without such a review and approval having taken place.”

The Chair (Mr. Grant Crack): Mr. Tabuns?

Mr. Peter Tabuns: Chair, I've maintained that this act is, in the end, going to substantially reduce the ability of the public to question and hold the government to account. It is going to remove the ability of the board to actually act in the interests of the public.

This amendment is proposed as a way of limiting the power of the government such that it has to pay attention to the board's ruling on the validity or lack of validity of a plan that has come forward, one that the board should actually be reviewing before it is implemented.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Delaney.

Mr. Bob Delaney: Thanks, Chair. The bill, as tabled, proposes that implementation directives would be reviewed and approved by cabinet prior to going to the Ontario Energy Board, not reviewed and approved by the Ontario Energy Board. These directives are not ministers' directions but are subject to the approval of cabinet.

The bill is intended to increase efficiency and flexibility in planning, and the proposed amendment would shift the authority to approve the long-term energy plan back to the Ontario Energy Board, which is counter to the government's intentions in terms of the approval process for the long-term energy plan.

The existing bill would ensure that a proposed long-term energy plan and related directives be informed by, and provide for, robust and transparent consultation processes with Ontarians and with stakeholders.

The Chair (Mr. Grant Crack): Thank you, Mr. Delaney. Any further discussion?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There being none, there has been a request for a recorded vote. I shall call the vote on NDP motion number 13.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 13 defeated.

We shall move to PC motion number 13.1, which is an amendment to schedule 2, section 7, subsections 25.31(1) and (2) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: I move that subsections 25.31(1) and (2) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“Implementation plans

“By the IESO

“(1) On the issuance of a directive under subsection 25.30(1), the IESO shall, within the time specified in the directive, submit to the minister an implementation plan containing an outline of the steps the IESO intends to take respecting the implementation of the long-term

energy plan by the IESO and any other related requirements including, if required, the development of processes for entering into procurement contracts, processes for selecting transmitters, or both.

“By the board

“(2) On the issuance of a directive under subsection 25.30(2), the board shall, within the time specified in the directive, submit to the minister an implementation plan containing an outline of the steps the board intends to take respecting the implementation of the long-term energy plan in respect of matters falling within the board’s jurisdiction.

“Publication

“(2.1) On receiving an implementation plan from the IESO under subsection (1) or an implementation plan from the board under subsection (2), the minister shall post it on a publicly accessible government of Ontario website or publish it in another manner.”

That’s another good amendment.

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney.

Mr. Bob Delaney: I think we’ve already had this discussion. The bill already currently proposes that implementation directives be reviewed and approved by cabinet prior to going to the IESO or the Ontario Energy Board. The government is already proposing to post relevant information related to the long-term energy plan, and the underlying data on which it relies in developing the long-term energy plan, on a publicly accessible website.

I appreciate the helpful spirit in which my colleagues offer the amendment, but it is unnecessary. As such, the government would recommend voting against this motion.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Jim McDonell: This amendment requires, first of all, the implementation plans—and where they disagree with it—to be published so the experts in the field can review. A lot of assumptions are made, and sometimes assumptions can turn sour. They need to be vetted through the expert community. This makes sure that they have the opportunity to do that. The minister, then, is responsible to say why he’s not agreeing with the IESO and the OEB’s vetted plans. I think that’s only fair.

We’ve seen cases where this has been ignored. Again, I think you want to listen to the experts. If I go back to before I was elected here, there was a large publication that came out from the association of professional engineers identifying why the Green Energy Act wouldn’t work and why it wouldn’t be so successful. Obviously, that was a large group of experts—the same experts that designed the systems—that was not listened to, and now we’re in a huge mess because of it. That publication was freely accessible, published to all engineers in the province, and the IESO could have referred to that document with some of their reasons why this government shouldn’t move ahead.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonell.

Mr. Yakabuski?

Mr. John Yakabuski: Yes, to pick up on my colleague Mr. McDonell’s assertions here—he’s 100% correct. It just amazes me that almost 13 years into their mandate, this government—of course, all of the independent agencies out there would agree with the government that they haven’t made any mistakes. That seems to be the attitude of this government: They don’t make mistakes; therefore, they don’t need to have anybody checking their work. If you had the record that this gang has had for almost 13 years, particularly on this file—the electricity file has been the most mismanaged and politicized, scandal-ridden file that this government has possession of. And now, they want to remove the experts from the planning process. They want to take out the experts, the only people out there that could probably protect them from themselves—meaning, the government. I find it just absolutely mind-boggling. What could their motives possibly be?

This bill—there’s not a single amendment even proposed by the government, Chair. I’ve never sat in on a bill, in my time here, where there have been no amendments. There may have been bills; I’ve never sat in on one where there have been no amendments from the government after the processes of consultation, after the deputants have spoken at committee, and after the submissions have been made in written form. This is the only time I can recall that the government has not accepted or even proposed a single amendment themselves.

1530

Do they feel, after 13 years of waste, mismanagement and scandal, that they’ve reached the pinnacle of perfection? That’s what I don’t understand, Speaker. We’ve got a list of good amendments by both us and the third party, and they’re just turning a deaf ear to us.

The Chair (Mr. Grant Crack): Thank you. Further discussion?

There being none, I shall call the vote on PC motion 13.1. Those in favour? Those opposed? I declare PC motion 13.1 defeated.

We shall move to PC motion 13.2, which is an amendment to schedule 2, section 7, subsections 25.31(5) and (6) of the Electricity Act, 1998. Mr. Yakabuski?

Mr. John Yakabuski: Thank you, Chair.

The Chair (Mr. Grant Crack): You’re welcome.

Mr. John Yakabuski: I just have to get over the sadness of the last one being defeated.

The Chair (Mr. Grant Crack): Deep breaths.

Mr. John Yakabuski: Yes.

I move that subsections 25.31(5) and (6) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out.

I have a feeling we’re going to strike out again.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Yakabuski. Further discussion? Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. I am just going to ignore all of the baseball double entendres that I’m being tempted with.

The government recommends voting against the motion because the bill more accurately provides for the government's policy intention that the minister be required to review the implementation plans of both the IESO and the OEB to ensure they comply with the applicable Lieutenant Governor in Council-approved directive and to ensure that the government objectives align with the implementation plans put forward by the IESO and the OEB.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. McDonell?

Mr. Jim McDonell: I've heard every delegation that came through here. I know the government chose to disregard the existing legislation and we have to pay the bill, or pay the piper, as we say in Glengarry. But they all agreed that it's removing any of the oversight they had, and they wanted these amendments put in just so that we don't face the same problem again.

Actually, we have to go a step further—if we could just make it in some way legal that they have to follow the legislation because we've clearly seen in the past that they haven't. All of the experts were very clear that this removes any requirement for the experts' advice to not only be received by the ministry, but it needs to be vetted so that the various opinions can be heard.

Really, the scientific process is about challenging your scientific opinions in the face of the expert advice that's out there. Collaboratively, you come up with a better answer. I think that's the whole thing: You have to come up with the best solution. Nobody truly knows what's happening tomorrow, but you want to make sure that at least the top experts in the field have a chance to collaborate and come up with a plan because our time in Ontario is becoming very short. We're going to be all bankrupt before we can have any impact on this cause of energy use or even climate change.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonell. Further discussion? There being none, I shall call for the vote for PC motion 13.2.

Mr. John Yakabuski: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. I shall call the vote.

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 13.2 defeated.

Mr. John Yakabuski: I already had that down.

The Chair (Mr. Grant Crack): Did you?

We shall move to PC motion 13.3, which is an amendment to schedule 2, section 7, subsection 25.32(1) of the Electricity Act, 1998. Mr. Yakabuski?

Mr. John Yakabuski: I move that the definition of "implementation plan" in subsection 25.32(1) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

"'implementation plan' means an implementation plan submitted by the IESO to the minister under subsection 25.31(1), including any amendments to it that the IESO submits to the minister."

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski. Further discussion? There being none, I shall call for the vote on PC motion 13.3. Those in favour of PC motion 13.3—

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): I'll allow the recorded vote. I didn't see any hands go up. Recorded vote on PC motion 13.3.

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion number 13.3 defeated.

We shall move to PC motion 13.4, which is an amendment to schedule 2, section 7, subsection 25.32(2) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: Yes, Chair. Could you give us a little more time for discussion after we read the motion just so my colleague and I can clarify a couple of things, because you've moved on so fast—we were surprised that Mr. Delaney had nothing to say at that point and we were still discussing it ourselves and didn't have a chance to make our own comments on that motion. Thank you very much.

The Chair (Mr. Grant Crack): I did call, Mr. Yakabuski, twice for discussion and I didn't receive anything. I just try to be fair with all parties involved.

Mr. John Yakabuski: I recognize that. I'm not challenging you, Chair. I'm just saying that we were in deep discussions ourselves and we didn't hear that.

The Chair (Mr. Grant Crack): I understand.

Mr. John Yakabuski: I'm ready for 13.4.

The Chair (Mr. Grant Crack): Yes, if you would like to read that into the record, that would be lovely.

Mr. John Yakabuski: I move that subsection 25.32(2) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Entering into contracts

"(2) The IESO shall, if required to do so under a directive issued under subsection (5), and may, if an implementation plan so contemplates, enter into contracts for the procurement of,"

The Chair (Mr. Grant Crack): Thank you. Further discussion? Once again, further discussion?

Mr. John Yakabuski: It's a technical amendment, Speaker, but I think one that would improve the bill.

The Chair (Mr. Grant Crack): That's the sixth time today I have been called Speaker. I really appreciate it.

Mr. Delaney.

Mr. John Yakabuski: It is actually the seventh.

Mr. Bob Delaney: Thank you, Chair. Maybe one day they will call more of us ministers.

The proposed bill, as currently drafted, more accurately reflects the government's policy intention related to the long-term energy plan and its processes, including the minister's and the government's interactions with the IESO. The current bill already provides that the minister is required to review the IESO's implementation plan to ensure it complies with the Lieutenant Governor in Council-approved directive and to ensure the government objectives align with the implementation plan put forward by the IESO.

The Chair (Mr. Grant Crack): Thank you, Mr. Delaney. Further discussion? There being none, I shall call for the vote on PC motion 13.4.

Mr. John Yakabuski: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Those in favour of PC motion 13.4?

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 13.4 defeated.

We shall move to PC motion 13.5, which is an amendment to schedule 2 of section 7, subsection 25.32(3) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: I move that subsection 25.32(3) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

"Transmitters

"(3) Despite clause (2)(d), the IESO is not required to enter into a contract under subsection (2) in order to select a transmitter, unless a directive issued under subsection (5) provides otherwise."

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski. Further discussion on PC motion 13.5? Mr. Delaney.

Mr. Bob Delaney: Chair, the long-term energy planning process is intended to be flexible and efficient so that it can adapt to a rapidly changing energy environment. Introducing a reduction of the government's authority over IESO transmission procurement processes at this stage could have material, unanticipated consequences and is not in accord with the government's policy. The proposed motion could therefore interfere

with the government's proposed policies in relation to its proposed long-term energy plan and ongoing procurement processes and could reduce overall planning and procurement efficiency.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: This weakens the language in the clause so that an implementation plan can serve as a directive as it is written by the IESO in the first place. Again, this is just a further throttling back of the minister's unfettered powers under this bill, unamended.

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The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the vote on PC motion 13.5.

Mr. John Yakabuski: Recorded.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote.

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 13.5 defeated.

We shall move to NDP motion 14, which is an amendment to schedule 2, section 7, proposing new subsection 25.32(5.1) of the Electricity Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 25.32 of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be amended by adding the following subsection:

"Requirements re directives

"(5.1) The minister shall not issue a directive under subsection (5) with respect to a procurement contract unless a business case has been prepared and published with respect to the proposed subject of the procurement contract including,

"(a) an analysis of the projected costs, benefits and risks; and

"(b) the data and evidence upon which the analysis was based."

Again, this is meant to make the whole process more transparent and accountable, and, frankly, given our experience with the smart meters, to force the government to provide an analysis of costs, benefits and risks.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. Mr. Delaney?

Mr. Bob Delaney: Chair, in support of open government, open dialogue and open data, Bill 135 would require publication of the long-term energy plan and other key information used in its development on a publicly accessible government of Ontario website. Indeed, directives and directions applicable to the IESO are published on the IESO website and are publicly available.

This practice would be continued in respect of cabinet-approved directives issued by the minister to the IESO on a going-forward basis, and the government would provide cost analysis, analysis around consumer impacts and any other analysis needed on the policy issue ahead of issuing the directive.

While I thank my colleague for his suggestion, the government does recommend voting against this motion.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I guess the concern is that it's fine to publish this long-term energy plan after it's enacted and after the decision has been made, but we want to make sure that the experts have a chance, before it's poured in concrete, to provide information that we hope the ministry will listen to.

I know that under the previous version of the statutes, they were required to and they did not do it, but that should be reason alone that we're worried that they aren't considering the experts. Clearly, the province is in a mess and I don't think there's anybody to blame but this government that's been there for 12 years and has done—the most expensive power in North America, taking us from one of the cheapest rates in the continent—really, it was an advantage to us and fostered a lot of manufacturing—to a time when everybody is leaving.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: Yes, it's a good amendment by the third party, and we're certainly going to support it. As my colleague says, everything in this bill is after the fact. Essentially, what it amounts to is that after the consumer has been fleeced, they'll be notified that they're being fleeced. We think they should know what the costs are—

Mr. Peter Tabuns: In advance.

Mr. John Yakabuski: In advance. We certainly support the NDP on this amendment.

The Chair (Mr. Grant Crack): Any further discussion?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There being none, there has been a request by Mr. Tabuns for a recorded vote. I shall call the vote on NDP motion 14.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion 14 defeated.

We shall move to PC motion 14.1, which is an amendment to schedule 2, section 7, subsection 25.32(6) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: I move that subsection 25.32(6) of the Electricity Act, 1998, as set out in section

7 of schedule 2 to the bill, be struck out and the following substituted:

“Priority of directive

“(6) In the event of a conflict, a directive issued under subsection (5) prevails over any long-term energy plan issued under section 25.29, directive issued under section 25.30 or implementation plan.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: This amendment reserves the minister's power to issue a directive to override an LTEP or implementation plan. Again, we're just looking for some control over the minister—not control, but just some reasonable obstacles to absolute control, because absolute control is what has gotten us into this mess. And a mess it is, Chair; a mess it is.

We're just trying to, in some ways, mitigate the damage that could be done by this government by bringing in this bill and actually codifying in legislation the power to mess it up.

I thought before I used the word “mess,” because I didn't want you saying that it was unparliamentary.

The Chair (Mr. Grant Crack): Thank you. Mr. Delaney?

Mr. Bob Delaney: Heaven forbid that my colleague would say anything unparliamentary, Chair.

The proposed motion appears to be similar in intent to what is currently proposed by the government in relation to transmission procurement by the IESO, pursuant to the proposed section 25.32(6). However, in reading the proposed amendment, it's the absence of clarity of the language that's of concern. As a consequence, the government urges defeat of this motion.

The Chair (Mr. Grant Crack): Further discussion on PC motion 14.1? There being none, I shall call the vote on PC motion 14.1.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 14.1 defeated.

We shall move to PC motion 14.2, which is an amendment to schedule 2, section 7, subsection 25.32(11) of the Electricity Act, 1998. Mr. Yakabuski.

Mr. John Yakabuski: Thank you, Chair.

The Chair (Mr. Grant Crack): You're welcome.

Mr. John Yakabuski: I move that subsection 25.32(11) of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“Transition, ongoing power to amend, revoke

“(11) The Lieutenant Governor in Council may amend or revoke a direction continued under subsection (9) or (10).”

The Chair (Mr. Grant Crack): Thank you, sir. Any further discussion on PC motion 14.2?

Mr. John Yakabuski: This amendment does not allow the minister to adjust or revoke a direction dealing with the LTEP before the implementation plan is put forward by the IESO. It still keeps the new layer of cabinet approval but does not allow the minister to change the implementation plan put forward by the IESO on a whim.

This is what we’re trying to mitigate: that temptation on the part of these ministers, in keeping with their records of the past 12 years, to just govern on a whim, without thinking about the consequences.

Cabinet approval is the only way any aspect of the implementation plan can change under this amendment. So we’re not taking away the power of cabinet. We’re just trying to make sure that it’s exercised with discretion, and with due diligence and due consideration to the experts.

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski. Mr. Delaney?

Mr. Bob Delaney: Chair, our analysis shows that the motion is consequential to the PC motion 13.2, which was defeated. The member can either withdraw it, or we can ask whether it’s in order, or we can vote on it. I’m indifferent either way.

Currently, the legislation ensures the minister’s power to amend or revoke previously issued directions continues to exist until the first IESO implementation plan is approved by the minister, after which time only the Lieutenant Governor in Council could amend or revoke these directions. The proposed amendment only provides the Lieutenant Governor in Council with the power to amend or revoke previously issued ministerial directions, and therefore the proposed motion would seek to constrain the minister’s authority to independently amend or revoke directions up to the date that a ministerial-approved implementation plan is issued by the IESO.

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As a consequence, Chair, the government recommends voting against this motion. Previous directions were sent by the minister, and it’s the government’s policy, as set out in the proposed bill, that the minister’s authority to amend or revoke directions should continue until the first IESO implementation plan is approved by the minister.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the vote on PC motion 14.2. Those in favour of PC motion 14.2?

Mr. John Yakabuski: Recorded.

The Chair (Mr. Grant Crack): That one’s a little bit too late.

Mr. John Yakabuski: Okay.

The Chair (Mr. Grant Crack): There was a good hand up there for a few seconds. I was just waiting for you to—so, respectfully, I’ll pass.

Those opposed? I declare PC motion 14.2 defeated.

We shall move to NDP motion number 15, which is an amendment to schedule 2, section 7, section 25.32.1 of the Electricity Act, 1998. Mr. Tabuns?

Mr. Peter Tabuns: I move that section 25.32.1 of the Electricity Act, 1998, as set out in section 7 of schedule 2 to the bill, be struck out and the following substituted:

“Application of Environmental Assessment Act

“25.32.1 Every long-term energy plan under this part and every related undertaking is an undertaking for the purposes of the Environmental Assessment Act and is subject to the requirements of that act regarding undertakings.”

The Chair (Mr. Grant Crack): Thank you. Mr. Tabuns.

Mr. Peter Tabuns: Chair, this was the situation prior to amendments brought in by environment minister Laurel Broten in 2006. At the time that she brought forward her changes to exclude coverage by the Environmental Assessment Act, she pointed out to the Legislature and the people of Ontario that their environmental concerns would be dealt with at the Ontario Energy Board through hearings. Not only has the Environmental Assessment Act been dealt out, but now, through this act, the Ontario Energy Board’s opportunity to assess environmental impacts is being removed.

I believe that we should go back, provide for an environmental assessment and ensure that the environment is protected.

The Chair (Mr. Grant Crack): Mr. Delaney.

Mr. Bob Delaney: The IPSP was also exempt from the Environmental Assessment Act.

Interjection.

Mr. Bob Delaney: Individual projects coming out of the long-term energy plan would need to go through an environmental approval process as needed. Individual projects will need to get appropriate approvals, whether they be environmental or regulatory, as needed. The existing language provides an adequate statement of the government’s intention to provide an exception for the long-term energy plan and related instruments to the application of the definition for “undertaking” under the Environmental Assessment Act.

As such, Chair, the government recommends voting against this motion.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There being none, there has been a request for a recorded vote.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion 15 defeated.

There are no amendments to schedule 2, section 7. Is there any discussion on schedule 2, section 7? There being none, I shall call the vote.

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There is a request for a recorded vote on schedule 2, section 7.

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 2, section 7, carried.

Schedule 2, section 8, section 9, section 10 and section 11: There are no amendments. Does the committee wish to group that into one vote?

Mr. Mike Colle: Bundle.

The Chair (Mr. Grant Crack): I don't hear opposition. Is there any discussion on schedule 2, sections 8, 9, 10 and 11? There being none, I shall call the vote on schedule 2, section 8, section 9, section 10 and section 11. Those in favour? Those opposed? I declare schedule 2, section 8; schedule 2, section 9; schedule 2, section 10; and schedule 2, section 11, all carried.

I shall move to schedule 2, section 12. We have PC motion 15.1, which is an amendment to schedule 2, section 12, section 2.1 of the Ontario Energy Board Act, 1998. Mr. Yakabuski?

Mr. John Yakabuski: Thank you, Chair.

"I move that section 2.1 of the Ontario Energy Board Act, 1998, as set out in section 12 of schedule 2 to the bill, be struck out and the following substituted:

"Board objectives, implementation plans

"2.1 In exercising its powers and performing its duties under this or any other act, the board shall be guided by the objective of facilitating the implementation of any directives issued under subsection 25.30(2) of the Electricity Act, 1998 in accordance with the implementation plans submitted by the board under subsection 25.31(2) of that act, including any amendments to them submitted by the board."

It's another good amendment.

The Chair (Mr. Grant Crack): Further discussion? Mr. Delaney?

Mr. Bob Delaney: This motion is consequential to PC motion 13.2, which was defeated. I have already spoken to the rationale of that and similar motions, and the government would recommend voting against this motion.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski?

Mr. John Yakabuski: We always hope that there will be an epiphany on the other side and that you may change your mind, because this looks like—from the

point of amendments, it may be the last chance we have to remove the minister's veto power over the implementation plans submitted by the IESO. So the amendment was put in there for very good reason.

I say to my friend on the other side that, hopefully, on your way to Damascus something might have happened.

Mr. Mike Colle: We don't want to go to Damascus with all that bombing going on.

Mr. John Yakabuski: We would hope that—it was a last-chance amendment—you might, in some way, recognize the validity of the concerns that have been raised to this bill by the opposition and stakeholders in the industry. Alas, you have chosen to ignore it once again. We recognize that this is a majority committee of which the Liberals hold that power. Just as the minister is going to have veto power over the industry, the stakeholders and the technical experts when this bill passes into law, you have the veto power at this committee, and it looks like you are about to exercise it—regrettably.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote on PC motion 15.1. Those in favour of PC motion 15.1?

Mr. Jim McDonell: Recorded.

Interjections.

The Chair (Mr. Grant Crack): I heard a mumble but I didn't really hear it, so I'm going to allow for the recorded vote, much to the chagrin of the Clerk. Let's be a little bit more prompt. Recorded vote.

Ayes

McDonell, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare PC motion 15.1 defeated.

There are no amendments to schedule 2, section 12. Is there any further discussion on that section and schedule? There being none, shall—

Mr. John Yakabuski: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote on schedule 2, section 12. I shall call the vote.

1600

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 2, section 12, carried.

There are no amendments to schedule 2, section 13. Any discussion on schedule 2, section 13? There being none, I shall call the vote.

Shall schedule 2, section 13, carry? Those in favour? Those opposed? I declare schedule 2, section 13, carried.

We have NDP motion number 16, which is an amendment to schedule 2, section 14. It's a new subsection 28.6.1(1.1) of the Ontario Energy Board Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 28.6.1 of the Ontario Energy Board Act, 1998, as set out in section 14 of schedule 2 to the bill, be amended by adding the following subsection:

“Requirements re directives

“(1.1) The minister shall not issue a directive under subsection (1) with respect to the construction, expansion or re-enforcement of a transmission system unless a business case has been prepared and published including,

“(a) an analysis of the projected costs, benefits and risks; and

“(b) the data and evidence upon which the analysis was based.”

Chair, as you're well aware, the government spent large amounts of money on the transmission line to nowhere in the Niagara Peninsula. I don't believe that an adequate case was done at the beginning. Certainly the Ontario Energy Board had objections to what was brought forward, yet the government proceeded. This amendment is meant to protect ratepayers against yet another foolish decision around transmission lines.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. Mr. Delaney.

Mr. Bob Delaney: Chair, the Ontario Energy Board already has the authority to review transmission projects with respect to price, reliability and cost of service through the leave-to-construct process as defined in section 92 of the Ontario Energy Board Act.

Section 28.6.1 does not affect the requirement that a transmission proponent seek leave to construct prior to building transmission infrastructure. Therefore, the proposed amendment is redundant and would cause unnecessary cost and delay to the development, construction or expansion of a transmission system contrary to the government's intent to establish a more flexible and efficient planning process. So the government recommends opposing this amendment.

The Chair (Mr. Grant Crack): Thank you. Further discussion?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There's no further discussion. There's been a request for a recorded vote by Mr. Tabuns on NDP motion 16.

Ayes

McDonell, Tabuns, Yakabuski.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion number 16 defeated.

We shall move to NDP motion number 17, which is an amendment to schedule 2, section 14, which is a new subsection 28.6.1(3) of the Ontario Energy Board Act, 1998. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 28.6.1 of the Ontario Energy Board Act, 1998, as set out in section 14 of schedule 2 to the bill, be amended by adding the following subsection:

“Responsibility of board

“(3) Despite subsection (1), the board shall not implement a directive under that subsection unless it is satisfied that the steps referred to in the directive are in the interests of consumers with respect to both price and to the reliability and quality of electricity service.”

Again, Chair, this government is engaged in the sale of Hydro One, its privatization, with the argument that the Ontario Energy Board is a rigorous and powerful defender of the public interest. I put forward this amendment in the hope that some powers will be left with the Ontario Energy Board to protect ratepayers in this province.

The Chair (Mr. Grant Crack): Thank you, Mr. Tabuns. Further discussion? Mr. Delaney.

Mr. Bob Delaney: As explained in the last amendment, the proposed amendment duplicates the existing processes and the ability to do what my colleague suggests already exists in this bill or in other legislation governing other bodies, particularly in the Ontario Energy Board Act, 1998.

The Chair (Mr. Grant Crack): Thank you. Further discussion?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote on NDP motion 17. There being no further discussion, I shall call the vote.

Ayes

Tabuns.

Nays

Colle, Delaney, Dickson, Hoggarth, Martins.

The Chair (Mr. Grant Crack): I declare NDP motion 17 defeated.

There are no amendments to schedule 2, section 14. Is there any discussion on schedule 2, section 14, in its entirety? Mr. Yakabuski.

Mr. John Yakabuski: Yes, the PC Party recommends voting against section 14 of schedule 2.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I was going to say that we're somewhat concerned. We've seen some of the issues that we've had, especially with transmission, where we're building lines that go nowhere. We're hoping that if they were forced to consider some of these issues, maybe we wouldn't be building lines at the cost of multiple millions of dollars, Niagara to Caledonia, that go nowhere. It has been that way for long enough that we've spent about another \$50 million just in interest costs—and no interest by this government at all to resolve those issues. It's millions of dollars every year that could go to something else.

We certainly oppose this section because we think some of the amendments in it might have curtailed some of the big mistakes we've seen in the past.

The Chair (Mr. Grant Crack): Further discussion on schedule 2, section 14? There being none, I shall call for the vote on schedule 2, section 14.

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 2, section 14, carried.

We have schedule 2, sections 15, 16, 17, 18 and 19. There are no amendments. Would the committee wish to group those?

Ms. Ann Hoggarth: Yes, please.

Mr. Peter Tabuns: A recorded vote.

The Chair (Mr. Grant Crack): Thank you very much. There has been a request for a recorded vote. Is there any discussion on schedule 2, sections 15 through 19? There being none, I shall call for the vote on schedule 2, sections 15, 16, 17, 18 and 19.

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 2, sections 15, 16, 17, 18 and 19 carried.

We shall deal with schedule 2 in its entirety. There are no amendments to schedule 2.

Mr. John Yakabuski: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Any discussion on schedule 2

in its entirety? There being none, I shall call for the recorded vote.

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare schedule 2 carried.

As discussed at the start of the meeting, we've moved the sections to the end of the amendment and motion aspect of the meeting, so we shall move to section 1, at the very beginning. Are there any questions or comments regarding section 1? There are no amendments. I shall call the vote.

Shall section 1 carry? Carried.

Section 2: Any discussion or comments? There being none, I shall call the vote. Shall section 2 carry? It is carried.

Section 3: Any discussion on section 3? Then I shall call the vote. Shall section 3 carry? I declare section 3 carried.

Title: There are no amendments to the title. Any discussion on the title? There being none, I shall call the vote. Shall the title of the bill carry? I declare the title of the bill carried.

1610

Any discussion on Bill 135?

Mr. Peter Tabuns: No, but I'd like a recorded vote.

The Chair (Mr. Grant Crack): There has been a request for—

Interjection.

The Chair (Mr. Grant Crack): You want a discussion as well? Okay.

There has been a request for a recorded vote on Bill 135. We'll deal with that. Is there any discussion on the bill in its entirety? Mr. Yakabuski.

Mr. John Yakabuski: I thank the members of the committee today, but this is a very sad day. It's a sad day when the opposition works hard and the stakeholders work hard to try to improve upon a piece of legislation, to try to bring their best efforts forward to make this more representative of what the people of Ontario need; to make it fair; to ensure that the best information, the best advice, and the best technical people are involved in the decisions of the Ministry of Energy. Sadly, the government had the opportunity to recognize that and, sadly, chose to revert to their dictatorial ways in the way that they rammed through the amendments on this bill without any real consideration as to what the effects of this bill, unamended, are going to be. The Liberal government will continue to have its way as long as they have a majority, but the people of Ontario are not being served by this legislation in its unamended form, and we will be

indicating that from the perspective of the official opposition.

The Chair (Mr. Grant Crack): Any further discussion on the bill? Mr. McDonell.

Mr. Jim McDonell: We heard a lot of deputants that came to this hearing, a lot of concern about the power the government in the past refused to follow. Now, all they're doing is legalizing the fact that they can go through passing legislation.

It really has affected all the people in Ontario, specifically in my riding. I hear people every day complain about the cost of electricity. We're seeing the results of legislation now that removes a lot of oversight, a lot of the expert witnesses that, I believe, could have stopped a lot of the mistakes that have been made by this government if they had chosen to listen. And clearly, they are mistakes. When you've taken what used to be a real benefit in this province, low-cost energy, and changed it into what we have today—and finally, we're hearing manufacturers that used to take the attitude of, "We'll work with government. We don't want to criticize them. Hopefully, they'll change." Now, companies like Chrysler and GM are saying, as they're leaving and turning off the lights, "The reason we're leaving is that the cost of energy has gotten out of hand in this province." I hear it every day. We don't have the benefit of big car plants, but you certainly have the small industries that are having a lot of trouble, and homeowners.

It's laughable, this latest budget, to give \$2 off a month for electricity bills when we've seen just in the last 60 days a \$100 increase on the price of power this year.

Anyway, it just goes to say that they think people haven't noticed, and I think people have noticed, and they're certainly letting us know here. It's almost embarrassing to hear some of the violent solutions that are being suggested when we're in the riding, but that's where it's getting.

The Chair (Mr. Grant Crack): Further discussion? Mr. Tabuns.

Mr. Peter Tabuns: I expect that I will have the opportunity when we debate this at third reading to go into greater detail, but I have to say, alongside the sell-off of Hydro One, this is the most damaging thing I've seen this government do to the electricity sector in the time that I've been here. The removal of the ability for the public to question decision-makers, to test evidence in open tribunal, and the rollback of public intervention is going to damage this province for a long time to come.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on the carrying of Bill 135.

Mr. Peter Tabuns: A recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote.

Ayes

Colle, Delaney, Dickson, Hoggarth, Martins.

Nays

McDonell, Tabuns, Yakabuski.

The Chair (Mr. Grant Crack): I declare Bill 135 carried.

Shall I report the bill to the House? Those in favour? Those opposed? I declare that I shall report the bill to the House. Carried.

I would like to thank all members of the committee for their hard work this afternoon and through the two days of public hearings.

There is no further business to conduct this afternoon in the Standing Committee on General Government. Have a wonderful afternoon and wonderful evening. Thank you all for the good work that everybody does. This meeting is adjourned.

The committee adjourned at 1616.

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