



ISSN 1180-5218

**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Monday 21 March 2016

**Journal
des débats
(Hansard)**

Lundi 21 mars 2016

**Standing Committee on
General Government**

Committee business

**Comité permanent des
affaires gouvernementales**

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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 21 March 2016

Lundi 21 mars 2016

The committee met at 1401 in committee room 2.

COMMITTEE BUSINESS

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the Standing Committee on General Government to order.

We're here today as a result of request from Mr. Colle, a committee member, for me to call a meeting with respect to Bill 172, An Act respecting greenhouse gas.

Mr. Potts?

Mr. Arthur Potts: Thank you, Chair. I have movement—a movement?

Laughter.

Mr. Arthur Potts: I have a motion. I would like to move a motion respecting how to proceed with Bill 172.

Interjection: You're on record.

Mr. Arthur Potts: Yes, I'm on record. I'd like to expunge the record and start again, Chair.

I move that the committee consider the following method of proceeding on Bill 172, An Act respecting greenhouse gas—we've circulated a copy of the memo, but I'll read it into the record.

The Chair (Mr. Grant Crack): Yes, Mr. Potts.

Mr. Arthur Potts: (1) That the committee meet during its regularly scheduled times on Monday, April 4, 2016 and Wednesday, April 6, 2016, for the purpose of public hearings on Bill 172.

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

(3) That the deadline for requests to appear be 12 p.m. on Wednesday, March 30, 2016.

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

(5) That the subcommittee member from each party, or their delegate, provide their selections of witnesses based on the list of interested persons received from the Clerk of the Committee by 6 p.m. on Thursday, March 31, 2016.

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

(7) That the deadline for written submissions be 6 p.m. on Wednesday, April 6, 2016.

(8) That amendments to Bill 172 be filed with the Clerk of the Committee by 3 p.m. on Thursday, April 7, 2016.

(9) That the committee meet for clause-by-clause consideration of Bill 172 on Monday, April 11, 2016, and Wednesday, April 13, 2016.

I'd like to move that.

The Chair (Mr. Grant Crack): Thank you, Mr. Potts. Further discussion on the motion? Mr. Potts first.

Mr. Arthur Potts: Yes, I think that given the participation that we're seeing in a lot of committees—SCOFEA, for instance. You may know, Chair, that we had three days scheduled for budget considerations and there was only enough people who showed up for one. I think that two days give us more than enough opportunity for people from across the province to call in, to appear and to make written submissions on this very important piece of legislation.

There has been significant public outreach already and various opportunities to get people from the public to get involved in the bill. I think that would more than suffice, and it would allow us to move forward with regulations and be prepared to go to climate change auctions early next year.

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

Mr. McDonnell or Ms. Thompson?

Ms. Lisa M. Thompson: Yes, I'll take it. Thank you very much.

While I appreciate the comments from our colleague from Beaches–East York, he specifically said that this is a “very important piece of legislation.” In that spirit, we don't want to be ramming it through, like other bills. I really think that if people are going to make the effort to prepare submissions and willingly come forward as a deputant, they deserve the respect and at least 10 minutes. To be fair, I think we can all agree in this room that Bill 172—and we've heard it described in this way by both the minister and the Premier—is very complex and it deserves a lot of time and reflection. To that end, in five minutes you won't even begin to get into the details of how cap-and-trade and the manner in which it's been defined by this government impacts stakeholders.

I would really ask everyone to sincerely reflect. Upon doing so, you would have to agree that five minutes will not cut it to do the proper job that's expected of us here at the Legislature.

The Chair (Mr. Grant Crack): Mr. McDonell, did you have something to add?

Mr. Jim McDonell: Yes, I agree. I've sat in committees where we've had 20 minutes to speak on issues that I think would affect the province much less than this will. You can imagine somebody coming all the way to Toronto from wherever, and five minutes is not enough to really get into the meat of the bill, let alone provide any meaningful discussion on it.

Really, this is ground-changing. I think the Premier and the minister said how important this is. We want to get it right, and I think, yes, if we need more than two days and we fill up, we don't cut everybody off at a few minutes and expect that we're going to really get the input that I hope this Legislature is looking for in enabling us to put a bill out at least as best as we can.

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

Mr. Peter Tabuns: I don't have a problem with changing the presentation time. I'm open to suggestions from the opposition.

I was going to speak to another item here, Chair. Is that okay, or did you want to finish on this first?

The Chair (Mr. Grant Crack): There's been no amendment put forward or suggestion, so yes, feel free, Mr. Tabuns. The floor is yours.

Mr. Peter Tabuns: I move an amendment regarding point 2, and that's the posting of information: that advertisements also be placed in the Globe and Mail, the Toronto Star and L'Express.

The Chair (Mr. Grant Crack): Mr. Tabuns is moving a motion to amend the government motion to advertise in the Toronto Star and the—

Mr. Peter Tabuns: The Toronto Star, the Globe and Mail and L'Express.

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

Ms. Daiene Vernile: I would just like to add that as part of our ongoing conversation on climate change in Ontario, we have been listening already to many people in the province. We received 575 submissions from industry, environmental groups and people through email, mail and the Environmental Registry. We had four in-person group sessions with more than 150 stakeholders, we've had two webinars with more than 200 participants, we've had four meetings with First Nations and Métis representatives, and 15 sessions with specific sectors that are covering this program. So let's add that to the conversation: that we have been listening to many stakeholders and we continue to do so.

The Chair (Mr. Grant Crack): Ms. Thompson?

Ms. Lisa M. Thompson: With all due respect, I've been meeting with stakeholders on a regular basis. Most recently, reference has been made to the webinars—they've been described as a joke, and I think that stakeholders deserve due respect.

Therefore, I would like to propose an amendment extending witnesses the opportunity for a 10-minute presentation and, depending on demand, up to a maximum of three days.

The Chair (Mr. Grant Crack): Okay, thank you very much, Ms. Thompson. We can have some discussions on that; however, Mr. Tabuns did move a motion to advertise. Maybe we could deal with that first, and then I will entertain that.

As we continue, the Clerk is just going to go and get the exact wording that Mr. Tabuns would like in his amendment. Also, Ms. Thompson and I believe Ms. Vernile—was it Ms. Vernile who had her hand up? Sorry; Mr. Potts.

Mr. Arthur Potts: Thank you, Chair. I would actually like to ask the Clerk about what the protocol is for who we choose to advertise in on a regular basis, whether it's rotating through the major dailies of the province or whatever. I'm not quite sure why we're selecting those specific three, but I think we'd be quite comfortable to give it wider latitude, if that would help bring attendance in. We have had, as I say, lots of outreach already, and so maybe it would be useful for some public advertising. Maybe the Clerk could comment on how we normally—what's the protocol for who we use, do we have advertisers of record, etc.?

1410

The Chair (Mr. Grant Crack): Madam Clerk, if you would be so kind as to explain the privilege of the committee and its options with regard to advertising.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Generally, these decisions are at the discretion of the particular committee. Depending on the nature or the subject matter of the item of business under review, the committee might feel that different papers or papers in different regions are more appropriate. It really is a decision that the committee has made and can make. Our office or the staff here doesn't provide any recommendations.

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

Mr. Jim McDonell: Yes, I support the motion. I think that putting it in some daily newspapers is a great idea. I'd also add the National Post to that, but as I said, we've heard over and over again how important this legislation is. We want to make sure that people are aware that it's going through and to give them a chance to come back and relay issues they may see with the bill. I certainly think the idea of some newspapers to be very important.

The Chair (Mr. Grant Crack): Mr. Tabuns has moved an amendment to number 2 to add inclusion for advertising in the Toronto Star, the Globe and Mail and the Toronto L'Express, which is the francophone Toronto paper. Any final discussion on this particular motion? Mr. Potts.

Mr. Arthur Potts: Yes, I think that as long as we clarify this as the Globe and Mail Ontario edition—we're not advertising nationally—Toronto, Ontario, national edition. The National Post was a consideration, but I don't think it's necessary to go to all of the major dailies. Let's look after a bit of taxpayer money here as well.

The Chair (Mr. Grant Crack): So it's the Globe and Mail Ontario, if that's possible to do.

Mr. Peter Tabuns: I have no problem with the National Post.

Mr. Arthur Potts: Okay, fine, the National Post as well.

The Chair (Mr. Grant Crack): And the National Post as well? Mr. Tabuns, are you moving to include the Toronto Star?

Mr. Peter Tabuns: I take as a friendly amendment the suggestion from my colleague.

The Chair (Mr. Grant Crack): We're going to deal with Mr. Tabuns's amendment. The original amendment that Mr. Tabuns had put forward was for the three. There has been an amendment to the amendment, which is adding the National Post. We'll deal with the National Post, which is the amendment to the amendment. Is there any further discussion on the amendment to the amendment?

Mr. Peter Tabuns: No.

The Chair (Mr. Grant Crack): Does everybody understand? Yes? Okay.

Who moved the National Post? I believe it was Mr. McDonell. We have an amendment to the amendment moved by Mr. McDonell to include the National Post in the original amendment, which we all know. Any further discussion?

Interjection.

Mr. Peter Tabuns: Nothing is ever simple, Mr. Chair.

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

We had an amendment to the amendment. The original amendment is that Mr. Tabuns wanted to add to number 2, which was the original motion put forward by Mr. Potts, to include advertising in the Toronto Star, the Globe and Mail and Toronto L'Express. Then we had another amendment as well to post an ad in the Globe and Mail.

Mr. Peter Tabuns: The National Post.

The Chair (Mr. Grant Crack): Sorry; the National Post. Right. We're going to deal with the amendment to the amendment, which was including the National Post in the original amendment. Is there any further discussion on including the National Post?

Those in favour of adding—this is an amendment—the National Post to the original amendment? The amendment to the amendment is carried.

We'll go back now to the original amendment, which will now include the National Post—that the following be added to the end of point 2: “as well as post an ad in the Toronto Star, the Globe and Mail, Ontario edition, the Toronto L'Express and the National Post.” Any further discussion on that?

Ms. Lisa M. Thompson: On that one? No.

The Chair (Mr. Grant Crack): Those in favour? There are none opposed, so the motion is carried. The amendment to number 2 of the original motion put forward by Mr. Potts is carried.

We'll add a subsequent amendment by Ms. Thompson requesting that we make an amendment to number 6: instead of a five-minute presentation, we make it a 10-

minute presentation by each, and also to add an extra day.

Ms. Lisa M. Thompson: Thinking about it, I'm probably going to make it into two separate amendments.

The Chair (Mr. Grant Crack): Let's do that, then. The original amendment that I had heard was the first one, making the presentation 10 minutes. Is there any further discussion on amending number 6 to 10 minutes? Mr. Potts.

Mr. Arthur Potts: I'm quite content to go with the 10 minutes. In my experience, what I'm seeing is that we're not going to have the fill-up. We can extend it—it will mean fewer people—but our timelines are such that I believe we need to move forward. So I'll support the first part, to go to 10 minutes—but you'll have to understand that it may mean fewer people coming—and not for the second, to add an extra day.

Ms. Lisa M. Thompson: Thank you for that. We'll deal with the first amendment, extending the presentations to 10 minutes.

The Chair (Mr. Grant Crack): Okay. Any further discussion on the amendment by Ms. Thompson to extend presentations, as outlined in number 6, to 10 minutes as opposed to five minutes? No further discussion? I shall call the vote. Those in favour of the amendment? There are none opposed. I declare the amendment to increase the presentation time from five to 10 minutes is carried.

Are there any further amendments coming forward? I know there was some discussion. Mr. McDonell.

Mr. Jim McDonell: Sure. I would like to see that if we have enough that it more than fills up the first two days, we go to a third day. We are early compared to the other provinces, and certainly much earlier than our neighbours to the south. An extra day might mean an extra half week. It would not be the end of the world for getting this through. If we have more than the two days of deputations, just add another day. It shouldn't be a big deal, and really, the committee should be intent on hearing from the stakeholders.

They might have done some discussion before the bill, but once the bill is seen, once this thing is in writing, stakeholders can come out and try to look at it and point out some of the issues they may have or some of the issues they may agree with in the bill. I think that's important, as we are keen on getting the legislation right. It will have a big impact on Ontarians for many years going ahead, and we want to make sure it works.

The Chair (Mr. Grant Crack): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: Further to what my colleague has mentioned—all very good points—I just want to share that the government has been working on this since 2009, and stakeholders are just getting their teeth and their minds nicely around this. Reflecting back to the winter of 2015, I attended four of the consultations held with regard to climate change. The direction that the government has chosen to take is in absolute contrast to the favourable approach that I heard many people

advocate for. I think they deserve a chance, if they choose to, to come back. I'd be surprised if the three days weren't jammed. I think many people will want to have a chance to have their voice heard with regard to why they feel cap-and-trade may not be the best choice for Ontarians on a go-forward basis.

Further to that, we need to hear from stakeholders who are trying to get their heads around Bill 172 specifically, ruminating on it. They deserve a chance to share, not only with government but with the third party and ourselves in opposition, how they feel about the roll-out of this cap-and-trade scheme.

We're talking about two different types of stakeholders who deserve to have their voices heard. I think three days could possibly fill up very easily.

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

1420

Mr. Arthur Potts: I'm not hearing a proposal of a third day; I'm just hearing "a third day." Are you thinking of a specific day, first off? Second off, as I said previously, the timelines are tight enough as they are. People are going to have a lot of opportunity to comment on the regulations as they're posted to the EBR and an opportunity to comment on issues as they come forward with the cap-and-trade strategy, as the minister is reporting on how to use proceeds.

I think there will be other additional opportunities to comment. I'm sort of firm that we have to go on this week, the Monday and the Wednesday, and limit the discussion to those two days so we can proceed expeditiously.

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

Mr. Peter Tabuns: Mr. Chair, it occurs to me that there is a fair amount of validity in what is being said by the opposition. I understand the concern about timelines. We have, in the past, allowed for evening sittings from 7 to 9 p.m. on that Monday and that Wednesday, so we could get in an extra four hours of hearings, should there be the demand for it. I don't know how the opposition feels about that; I don't know how the government feels about it. But giving the Chair the power to extend the hearings into those two evenings would give us an extra four hours, should there be the demand.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Tabuns. I just want to remind members of the committee that that is a possibility. However, the request would have to be made through the Chair to the House to get approval to extend the hours of this particular committee past 6 o'clock, as we are under the standing orders of the House.

Ms. Lisa M. Thompson: Chair, if I may, another comment.

The Chair (Mr. Grant Crack): Ms. Thompson.

Ms. Lisa M. Thompson: I can't help but reflect on something that we heard, citing the EBR as another chance to share comments. Quite frankly, if you were to ask anyone impacted by industrial wind turbines or any

other issues—even the minister himself has said that the EBR isn't perfect; it's not working 100%. I know that people impacted by industrial wind turbines think their voice isn't heard at all through that vehicle.

I don't hold a lot of faith in the EBR at this time because of that. It's just another reason why we should be considering opening up to a maximum of three days. The online vehicle, paraphrasing the minister, isn't working as it should.

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

Mr. Jim McDonell: Just to clarify something: We are now meeting for four hours on Mondays and two hours on Wednesdays. We aren't allowed to step out of that time frame without permission back in the House?

The Chair (Mr. Grant Crack): That is correct.

Mr. Jim McDonell: Okay. But we could go an extra day without permission?

The Chair (Mr. Grant Crack): As long as it fits within the allotted schedule that the committee sits currently.

Mr. Jim McDonell: As Mr. Potts said, this may not fill up and it may be a moot question—but it may be the opposite. I think that if we have people who would like to speak—and I've heard numerous times now how important and how ground-breaking this legislation is—I'm not sure the deadlines are that critical. We haven't even heard the budget from the federal government this week, and we certainly know that the other provinces aren't at this stage. There is some talk about being in lockstep with the other provinces. I'm not sure whether a month, let alone a day—and that's what we're talking about here. We're talking about moving ahead in a short period and hearing from people who, for one reason or another, have to work with this for many years to come. We just want to make sure we get it right and have at least as much of the information back to this government as possible.

I'm not sure what the issue is with it. If we don't get enough that we can fill in those time frames, that's great; it goes back to two. But if we get enough—we may exceed three, but we're saying that that's fine. We'll go with the three as the maximum.

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

Ms. Lisa M. Thompson: And I'm sure the friends across the room all embrace the need for democracy to allow people's voices to be heard. Let's just keep the option open in support of the democratic process that we should be honouring here in Ontario.

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

Mr. Arthur Potts: I'm encouraged by the fact that people will be able to submit if it is over-subscribed. We will hear from a broad range of stakeholders, and there will be opportunities for people to have written submissions. In terms of the timelines, there are other pieces of legislation that are begging to come through this committee. We've got an ambitious agenda. So we'll

stick to the two days. That would be my recommendation to our caucus members.

The Chair (Mr. Grant Crack): Okay, thank you. Just for information purposes: According to the motion that Mr. Potts has put forward, there would be 18 time-slots available for presentations, at 10 minutes each. Right now, we have 10 requests. I just wanted that information to be provided to the committee. I imagine that, once we advertise, things could possibly change.

Ms. Ann Hoggarth: Just for clarification: If it was still five minutes, there would be 36 slots available.

Mr. Arthur Potts: No, no, not quite. It's not double because you've still got your three minutes of comments.

The Chair (Mr. Grant Crack): Yes. It's 24.

Ms. Lisa M. Thompson: Once we advertise, it would easily fill.

The Chair (Mr. Grant Crack): Any further discussion on—well, there has not been a motion actually put forward at this point; it has just been discussion.

Mr. McDonell?

Mr. Jim McDonell: Oh, I thought I had proposed an amendment for a third day.

The Chair (Mr. Grant Crack): Okay. Mr. McDonell is proposing an amendment which would be to extend the public hearings an extra day—

Mr. Jim McDonell: If required.

The Chair (Mr. Grant Crack): —if required. Any further discussion on that? If that does happen, it makes the original motion obsolete, because then you're overriding a number of the other provisions and timelines that are in the original motion. Any further discussion?

The way that this stands, this is an amendment that would have ramifications on the original motion. If the amendment passes, then we're going to have to revisit the original motion and I would call that out of order because it has been superseded by a decision of the committee.

What we're going to do here, and it does make sense—we've asked for two days of public hearings, which would be—where are the dates?—the 4th and 6th. So if we were to have an extra day of public hearings, that would be which date?

Ms. Lisa M. Thompson: Monday the 11th.

The Chair (Mr. Grant Crack): Monday the 11th is correct.

So your motion would read, "That the committee meet during its regularly scheduled times on Monday, April 4, 2016, Wednesday, April 6, 2016, and Monday, April 11, 2016, for the purpose of public hearings on Bill 172." That is, I believe, what you're asking. Okay, that's fair enough?

We're going to deal with the amendment that was put forward by Mr. McDonell to extend, as I just indicated, to three days, instead of two, of public hearings.

Mr. Jim McDonell: A recorded vote.

Ayes

McDonell, Tabuns, Thompson.

Nays

Dickson, Hoggarth, Kiwala, Potts, Vernile.

The Chair (Mr. Grant Crack): I declare the amendment to the original motion, to extend for an extra day of public hearings, defeated.

We shall move back to the original motion, as proposed by Mr. Potts, which has had two amendments accepted. One was to increase the scope of advertising, and as well to extend the presentations of the delegations coming forward, from five to 10 minutes.

Is there any further discussion on the motion, as amended? No further discussion? Then I shall call for a vote on the original motion, as amended twice. Those in favour? Those opposed? I declare the motion, as amended, carried.

I don't believe there's any further business, except that I would like to remind members of the committee, as the Clerk continually asks me to remind you all, that there is Bill 30 still on the order paper, which we've actually gone through the process of public hearings on. The next step would be clause-by-clause. I sit here as Chair and await direction from members of the committee.

There is no further business today. I thank you all for your patience and wish you a wonderful afternoon and evening. This meeting is adjourned.

The committee adjourned at 1431.

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