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Thursday 17 November 2016

Journal des débats (Hansard)

Jeudi 17 novembre 2016

**Standing Committee on
Justice Policy**

Committee business

**Comité permanent
de la justice**

Travaux du comité

Chair: Shafiq Qadri
Clerk: Christopher Tyrell

Président : Shafiq Qadri
Greffier : Christopher Tyrell

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Thursday 17 November 2016

Jeudi 17 novembre 2016

The committee met at 1400 in committee room 1.

COMMITTEE BUSINESS

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

Welcome, colleagues, to the Standing Committee on Justice Policy. I believe we have a motion on the floor for which purpose I'll recognize Mr. Delaney. If you could read your motion, Mr. Delaney.

Mr. Bob Delaney: Thank you very much, Chair, and good afternoon, esteemed friends.

I move:

(1) That the committee meet in Toronto on Thursday, November 24, 2016, for the purpose of holding public hearings;

(2) That the Clerk of the Committee post information regarding public hearings on Bill 39 on the Ontario parliamentary channel, the Legislative Assembly's website and on Canada NewsWire;

(3) That the deadline for requests to appear be 12 noon on Tuesday, November 22, 2016;

(4) That, should the hearings be oversubscribed, the Clerk of the Committee provide a list of all interested presenters to the subcommittee following the deadline for requests;

(5) That each subcommittee member, or their delegate, provide their selections of witnesses based on the list of interested presenters received from the Clerk of the Committee by 5 p.m. on Tuesday, November 22, 2016;

(6) That all witnesses be offered five minutes for presentation and nine minutes (or three minutes per caucus) for questioning by committee members;

(7) That the deadline for written submissions on Bill 39 be 6 p.m. on Thursday, November 24, 2016;

(8) That amendments to Bill 39 be filed with the Clerk of the Committee by 12 noon on Monday, November 28, 2016; and

(9) That the committee meet for clause-by-clause consideration of Bill 39 on Thursday, December 1, 2016.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. Are there any questions or comments? Mr. Smith?

Mr. Todd Smith: Yes. I appreciate how swiftly the government wants to move this bill through committee and through the hearings stage, but we have serious concerns about how quickly they intend to move forward

with this. This is a comprehensive piece of legislation that involves a very, very important industry in our province, and this is a piece of legislation that I think the life of it actually goes back between six and eight years. There were different reviews. There have been five different Ministers of Natural Resources during that time. There have been a couple of elections. There have been a couple of prorogations.

I understand that this has been a long time coming, but the idea that we rush through this basically in a week is too quick as far as I'm concerned. So I would ask that we, first of all, travel this committee. It's going to be very difficult for some of those important stakeholders to participate in this process given where the largest aggregate communities are in Ontario. They're certainly not in close proximity to the GTA for the most part. I would like to see us have a travel day or two or more, where we involve the communities where aggregates are an important part of the economy.

I would also suggest that what's being proposed by the government, where we have five minutes for these experts or these delegations to appear, is not enough time. This is a comprehensive bill, as I mentioned. There's a lot to it, and I think five minutes is far too short a period, and then three minutes per caucus for questions simply isn't enough. Both I, in the one-hour leadoff, and I believe the member from the third party as well, Mr. Mantha, had a number of potential amendments that we would like to see in this bill. It wouldn't be a benefit to this committee or to this piece of legislation to not hear from the concerned stakeholders that we have in the industry. So I believe five minutes is far too abbreviated a period of time. We need more time than that.

I don't know how many delegations or how many stakeholders will want to participate, but the time that you're leaving those stakeholders to file their submissions or requests to appear before the committee is a very short period of time as well. Here we are already on Thursday, the 17th of November, and the deadline for requests to appear is noon next Tuesday the 22nd. It's far too soon. It doesn't leave a lot of time for us to even get the message out to those concerned stakeholders that we have who would be interested in participating in this discussion that we're having and who have some concerns about the legislation that's been put forward.

I think you'll probably find that for the most part, we're supportive of the legislation. We just want to make

sure at this point, after all of this time—six or eight years—that we put forward the best piece of legislation we possibly can to have the best outcomes we can possibly have for the entire industry. We know that the need is there for aggregate for all of the projects that the government has planned, and not just governments, but municipalities as well that are dealing with infrastructure deficits and need to get their projects going. But we want to make this the best piece of legislation we possibly can.

I think it's important that the bill actually travels for a couple of days to some of our aggregate communities, I think it's important that we extend the amount of time that those interested stakeholders have to present to the committee, and I think we need to have some reasonable deadlines in posting the information to those stakeholders to ensure that they're aware of this piece of legislation and have the proper amount of time to prepare for the discussion at the committee stage.

Those are my initial thoughts. This is the first opportunity that I've had to see what the government has planned. I'm sure my colleague from Algoma-Manitoulin, which happens to be a rather large aggregates community, may have some items to add as well.

The Chair (Mr. Shafiq Qaadri): It's Mr. Miller, Parry Sound–Muskoka, first, then Mr. Mantha.

Mr. Norm Miller: Thank you. As the mining critic—of course, Bill 39 also has a mining component to it, not just an aggregates part. It was the old Bill 155 from the last session. It changes the way prospecting is done in the province. That's a big part of it.

I would agree with my colleague that the deadline of next Tuesday—I think most prospectors in Thunder Bay and Timmins won't even hear about that in that short time frame to even be aware of the fact they'd have that quick of a deadline. I think that's just far too soon to be able to try to give adequate notice to prospectors who are around the north.

I also agree that five minutes is just way too short a time for presenters. Most of us politicians can hardly bring in a greeting in five minutes. I think at least 15 minutes for the proponents to be able to try to say what they need to say for both the aggregates part of the bill and the mining part is a reasonable amount of time to be able to put some thoughts together and to comment on what is a complicated bill.

I also agree that in both parts of this, at this stage, we're supportive of the bill, but I think with any bill, it's better that those who are going to be affected by it are aware of it and get to give thoughtful comment on the bill. Certainly for prospectors, it's a big change from traditional prospecting, where you're out in the bush actually walking the land—and in many cases, it's their livelihood—to a system where it's done via computer. That's the big change that this bill brings about.

Most of those prospectors are not in downtown Toronto, so I would think ideally, it would be nice to be able to visit places like Thunder Bay and Timmins, which are areas that would be a lot easier for the prospectors to get to, to be able to give thoughtful comment

on this bill, and hopefully make suggestions that would improve the bill and be the framework for amendments to the bill.

1410

Le Président (M. Shafiq Qaadri): Merci, monsieur Miller. Je passe la parole à M. Mantha.

Mr. Michael Mantha: I have to agree with a lot of the comments that came from the official opposition. When you look at this bill, it was presented to the House on October 6. The blueprint was in the making since 2011. There are a lot of changes that are within this blueprint which I tried to highlight during my one-hour lead on it, and I didn't even get to half of the comments that I wanted to bring up. So I was very much looking forward, here at the committee stage, through an engagement process and having the bill travel, to having a greater opportunity to hear from those who are affected by this.

Like I said, this bill was only brought in for first reading on October 6. Only now are we starting to get some of the comments from industry, from stakeholders, from the mining sector—the mining sector, actually, a little bit less, because part of this modernization of it was done last year, so there was a first view of that aspect of it.

The aggregates part of it is—something that I've learned through these very short last four weeks is that it's quite complex. It has not been an easy task, putting these suggestions together. That's something that we hear a lot from our stakeholders—that we were very much in favour of seeing what was coming out of that blueprint, but, unfortunately, we saw very little of those ideas coming through in the actual piece of legislation. A lot of it is being left to regulations, as far as it coming in. So there are some concerns. There are some huge changes that stakeholders weren't anticipating. They're not clear as to, is this going to be in favour or not? Denying them the opportunity, or limiting their opportunity to one day here in Toronto—these aggregates are not here in Toronto. These aggregates are outside of here. There is a huge reason why we're talking about the aggregates act. The reason why we had the review on it is because of what happened in southwestern Ontario. So to deny that area an opportunity to come in and bring their views or their suggestions or their amendments, especially with five minutes—you've got to be kidding me. For individuals to come in and express their views on the impact that this will have on the industry in a five-minute speech with a rotation of three minutes each is, quite frankly, insulting to their industry—that they're going to have that limited amount of time in order to express their views on a particular subject that they've been anticipating and working towards for years and years and years, and here we are, trying to rush this through.

I think we're best to do this right. This is a large bill that we're dealing with, and it is going to have an impact on the economy, on communities, on tourism. It's going to have an impact on jobs. We really need to revisit our position as far as how we're going to be doing this and really open it up to other areas of the province.

Yes, southwestern Ontario is very key as far as where we should be going, but also northern Ontario, where we have a lot of our mining sector who are looking at expanding. There's good news that is happening right now in the mining sector. Some mines are opening up. This gives them an opportunity as well, when it comes to staking—some of the problems that they're challenged with in their area as well.

So limiting it to a very short window really is a slap in the face to both industries. We should be looking at opening it up, to making sure that we get a wholesome discussion so that we can do our jobs properly. I can't see why the government would want to rush something like this so quickly through the process. Instead of doing something and then finding out that we've missed—we should have had discussions, because we've done it before. We've seen where pieces of the legislation were rushed through this House, only to find out a month or two months down the road that we've made errors and we have to bring it back and revisit the whole issue.

We've been at this for a very long time, particularly on the aggregate side of it. Let's do it right; let's make sure that we get all the views of industry coming in. Again, we have a lot of stakeholders that didn't get an opportunity to put in their views in regard to the blueprint. Some of them were anticipating getting those recommendations in, and we just have to make sure that those views, those ideas, are really reflected in the piece of legislation that we're going to be putting forward once it leaves this House.

C'est extrêmement important qu'on fasse notre ouvrage d'une façon qui est, premièrement, respectueuse envers l'industrie. Aussi, il ne faut pas qu'on oublie que ces gens-là, ce sont eux qui travaillent en dehors des murs qu'on a ici à Queen's Park. Ce sont eux qui ont—premièrement, le projet de loi a été présenté le 6 octobre. Nous sommes maintenant le 17 novembre, et puis on cherche à avoir toutes les discussions par la fin—dans deux ou trois semaines. Je m'excuse du langage, mais c'est complètement ridicule envers les deux industries si on veut faire certain qu'ils aient la chance de venir ici à Queen's Park donner leurs discours et les amendements qu'ils veulent faire, et pour faire certain qu'on ait une vraie réflexion de leurs besoins, et pour qu'on ne se soit pas repris ici dans trois, quatre ou cinq mois pour reprendre une autre initiative et pour refaire un discours.

The travelling that we did essentially begin with when we started changing the AGA is to make sure that the work that has been done is not thrown out the door. This is actually a good stepping stone that came out. Industry and a lot of stakeholders were looking at that blueprint saying, "All right, it's not exactly what we wanted but it's a good stepping stone to go forward in establishing that piece of legislation that we're going to need."

I'm sure the government has heard this and so has the opposition: That a lot of these views and these ideas are not contained within this legislation should be concerning for all of us in here so that we're not back here a few months from now correcting an error when we have the opportunity of doing it now.

The Chair (Mr. Shafiq Qaadri): The floor is open. Mr. Smith.

Mr. Todd Smith: I just want to reinforce a few of the comments that were made by my colleague Mr. Mantha. One of the big concerns that we have is the small quarries that are out there. The big guys have a team that is watching every move here at Queen's Park and is very aware of when legislation is moving its way through the House.

One of the concerns that I heard last weekend when I was up in Bancroft, which is home for one quarry and one proposed quarry, is, "Really? There's legislation making its way through the Legislature?" One of the individuals was very aware of it and the other was not, and I think for them to go through and digest this—yesterday, I was talking in the House about the burden of overregulation, but some of these small businesses don't have the manpower to have an individual watching every move of government at Queen's Park to ensure that what's making its way through the Legislature isn't impacting their business in a negative way. They need a little bit more time and they need a little bit more head's up to be aware of the legislation making its way through the Legislature.

So I think that while the big guys certainly are aware of it, the big aggregate producers in Ontario, some of the smaller operations need a little bit more time to digest exactly what Bill 39 is all about and what it intends to do. Even when the small guys, the small operators, who are very, very important in their home communities as far as the economic impact their business has in their communities—the proximity to aggregate is so important to local residents as well, anybody who wants to pave a driveway or put a new foundation under their home or the new shed that they just purchased. It's important to have those aggregate supplies in our rural communities. Most of them aren't employing hundreds of people but they're providing good-paying jobs to local residents in their communities, so I think it's important that we extend the period so that they can digest what Bill 39 intends to do and ensure that it's not going to have a negative impact on the pits and quarries and aggregate supplies in their communities.

1420

I would recommend that we take a little bit more time and allow the public to digest what's happening here as well. Mr. Mantha said that 2011 was when we started this process, but I think Ted Arnott from Wellington-Halton Hills said, during his debate in the Legislature when he had the opportunity to speak to this bill, that this process was talked about even back in 2008. He brought it to light for the first time. In his community, in that Cambridge-Guelph-Kitchener-Waterloo area that he represents, aggregates are a very important employer and generator of local business.

It has been a long time coming. The idea that the government wants to rush this through in a week—I believe Mr. Mantha put it right: It's a slap in the face, actually, to those who are in the business and to the public, who have

concerns about this as well. We certainly need to take more time on this bill.

I just want to make sure that the committee understands that the 10 largest aggregate communities in Ontario are more than an hour outside of Toronto. I know that, in the eyes of the government, Toronto is the centre of the universe, but there certainly are a lot of people and business operators outside of the GTA who would relish the idea of having this committee visit their community instead of having to come into Toronto to participate in the hearings.

Certainly a lot of the products that are being produced from the aggregate pits and quarries outside of the GTA are being used on projects inside the GTHA. Whether it's the construction of the 407 or condo towers here in downtown Toronto or the extension of some subway lines or whatever might be going on, those aggregates are coming, in large part, from outside of the GTHA. I think it's important that we go to them and make it as convenient as possible for those businesses and those producers of aggregate to participate in the committee hearing process.

I know, Chair, that you are very proficient with your stopwatch. You put the gavel down exactly at the time that the time is up. I think that three minutes—because you go by the letter of the law—is a very, very short period of time for questions. There's not a lot of room there, if somebody is trying to convey their concern on something that may be a part of the legislation, to get it in in such a short period of time. That's not a criticism of you; you're doing your job. But I think it is such a very, very short period of time.

If we're going to do this right, let's go to where the aggregates are. I think the committee has the opportunity to do that. We have the time to do that. We have the ability to do that. I think we should go and do that.

I don't know if anyone else has anything to add, but we seriously need to consider giving those proponents, or those who are concerned with aggregate pits and quarries, more opportunity and more time to come and express their concerns with us.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Smith. The Chair accepts your endorsement, such as it was. We'll now offer the floor. The floor is open.

Mr. Miller?

Mr. Norm Miller: I'd just be interested in hearing feedback from government members on the three key things: the five-minute time frame, which I agree is an insult to people who have taken the time to comment on really two bills in one. It's not a simple business. The five minutes and the very short deadline—next Tuesday at noon—and also thoughts about whether the committee might travel or not. Those three things, it would be nice to get comment from the government on.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Miller. Mr. Mantha.

Mr. Michael Mantha: I was just looking over a lot of my notes that I did through the one-hour lead. Not only would this be a big slap in the face of industry, not going

out and actually consulting, making ourselves available as a committee, but there's one big, huge component in here where I hope we're not going to make the same error—and it's the aboriginal component that's under this legislation now—of not having that discussion with some of the First Nations leadership in regard to how they see themselves reflected in this new piece of legislation.

Listen, if there's something that this Liberal government needs to learn, it's that engagement process. We've harped about it. We've talked about it. As critic for northern development and mines, I've often stood in my seat in the House and talked about the challenges that have been there where we're always putting the cart before the horse and then finding out, "Wait a second. Maybe we should have had these discussions with the First Nations community, how they see themselves reflected under this legislation." That is definitely something that we need to make sure we get right.

You know as well as I do—and I'm looking at the four government individuals right now—that the main answer that you always give to the House in regard to why the Ring of Fire is not progressing is because of the challenging discussions that are there, much-needed discussions that are needed to be held, with engagement with the First Nations.

You're telling this committee that in one week—where this bill was tabled on October 6 and it's now November 17, that in one week we can get those individuals in, get that true reflection of how a First Nations community identifies themselves with this, what is their role, what is industry's role in this engagement process, where you have been dealing with the Ring of Fire for the last—

Mr. Norm Miller: Eight years.

Mr. Michael Mantha: Many, many years. Who are we kidding here? If we're going to do this, then we have to do it right. By doing something like this, we're only opening ourselves up for further complications down the road. As the government says in their many responses—because I know I've sat there and so has my colleague Mr. Miller, who has sat there and heard the same responses—it takes time. Well, let's take the time. Let's do this right.

There's a lot of opportunities there for the First Nations community to expand their capacity as well in order to identify where the opportunities are. What are the rules of engagement? Because they're certainly not in this legislation. Yes, there is wording where now aboriginal communities will be taking priority and the discussions will take place. What does that mean? There are no details within the act as to what that means. When there's a mine that opens up or prospecting that happens or just development that happens or research that happens, nobody seems to know what that engagement process is going to be.

Even for prospectors, before you find any type of mine, you need to have the ability to go knock on rocks, to look and watch and walk and do the exploration that is required. But again, either it's through prospecting—how

is their role going to change in this? What is going to be their engagement? Whether it's mining or aggregates, we need to have what that role will be.

We're opening ourselves up. We're calling this amending the Aggregate Resources Act and the Mining Act. If there's a process that's going to be established, that could be established under the aggregates, could we potentially use that same process for mining? I don't know. I don't read it in the act. I don't see that legislation and I don't see that framework, which is something that industry has been asking for for a long time.

Going back to the original intent of what we're looking at here, one day, five-minute rotations, three-minute questions, is just not a true reflection of the complexity of what these issues are. Industry, who are very much engaged, who do want to participate in this process, have looked at the blueprints that have come out. There has been the committee that has been circulated. But these are not in the legislation, and people need to know how to get those in there. They need the opportunity to come in and have a wholesome discussion to bring those issues forward.

I'm going to harp on it again, and I will many times over the course of the day. If we're going to do this right, we need to be respectful of all of the stakeholders we're dealing with, keeping in mind specifically our role and our responsibility for true discussions, true reconciliation and true engagement with our First Nations communities.

1430

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Mantha. The floor is open. Any comments? Or do I take it that the committee is ready to vote? Mr. Smith.

Mr. Todd Smith: Yes, I share some of the concerns around the language in the bill or lack of language in the bill that my colleague Mr. Mantha shares as well. There are a lot of wishy-washy words in this legislation. There are words that don't make it clear to proponents or opponents of pits and quarries—and I understand that one of the issues that the government is facing is the time involved with getting the permitting and getting pits and quarries open to produce aggregate.

I have a number of stories that I've heard over the last several years. When I first arrived here in 2011, I was the small business and red tape critic for the PC caucus and talked to a number of individuals and businesses involved in the aggregate industry. They are continually exasperated about the time it takes from application to permitting of an aggregate quarry. I know that in some cases the process is taking eight and nine years to complete when really it should be taking three years, maximum, for the permitting process. Every year adds hundreds of thousands, if not millions, of dollars to the cost of operating that quarry.

The language included in this bill allows for too much interpretation by the minister. As I said during my hour-long leadoff in the Legislature, we've had a number of ministers, and when you're leaving interpretation to the minister, it makes it very difficult for the proponents or the opponents of a quarry to know exactly what the rules

are. I think the rules need to be clear in the legislation. What we're seeing time and time again in legislation that's being passed by this government on the floor of the Legislature is that it's very thin on details or it leaves a lot of flexibility when it gets to the regulation stage. We're seeing regulations added after the fact, out of the sight of legislators who have been elected to pass the legislation, and leaving a lot of authority and a lot of the power when it comes to the regulation stage—which is so important—to the bureaucrats. It doesn't serve our purposes as legislators very well when we have pieces of legislation that are coming before us and there's not a lot of detail in them, or there's a lot of wishy-washy language or grey language that isn't black or white and that doesn't make it clear exactly what the legislation intends to do.

In the case that Mr. Mantha was just mentioning, consultation with our First Nations, it doesn't define what that consultation should look like. It's, again, more waffly language around consultation and what should be required before any pit or quarry is allowed to proceed. I think it's very important that we get the language right and get a chance to examine all of these issues.

The other issue—and I started off talking about this—is the length of time that it's taking to go from application to production. I agree that it is taking far too long. There are many, many reasons for that, and I think the main reason for that is that the rules and the legislation aren't clear. We need to do everything in our power here to ensure that the legislation is black and white, that those who are in the business of opening pits and quarries and operating pits and quarries in our communities know what they're getting into before they invest, in some cases millions and millions of dollars, only to find out that the project is denied on some kind of technicality that potentially could have been dealt with far, far earlier in the process.

I think the language in the bill is not where it should be in spite of the fact that this is something that numerous ministers and the ministry have been working on. I'm speaking mostly about the aggregates side of it. My colleague Norm Miller is handling the Mining Act side of it. But there are some concerns from quarry operators across the province about the language. It needs to be strengthened and I think that would create a clearer process so that all involved know what the expectations are from the government in this piece of legislation.

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

Mr. Norm Miller: Again, I would restate what I did a few minutes ago and just ask the government members for comment on the first two points especially: the five minutes that people or groups would have to talk about the bill if they do come before the committee—I think that's not nearly enough time; a minimum of 15 minutes would be the amount of time I would recommend—and the deadline of next Tuesday. I think it's not long enough, especially for those interested in the mining part of this bill—the prospectors in far-flung parts of northern Ontario—to even be aware that this bill is being debated.

I think those two points are critical. It would be nice to hear from government members as to the logic for five minutes and the quick deadline, but also whether the government is interested at all in making it easier in particular for prospectors to be able to comment on the bill by travelling to possibly Thunder Bay and Timmins.

The Chair (Mr. Shafiq Qadri): The floor is open. Mr. Mantha?

Mr. Bob Delaney: Is there anything else that you guys have to say?

Mr. Michael Mantha: Are you talking any or just—?

Mr. Bob Delaney: We're asking—

The Chair (Mr. Shafiq Qadri): Mr. Mantha, you have the floor.

M. Michael Mantha: Encore une fois, monsieur le Président, je dois apporter cela sur le plancher. Le gros de mes « concernes », c'est surtout pour les communautés autochtones. Quand on regarde ce qui s'est passé et puis le manque de développement sur le Cercle de feu, l'engagement que ça a pris puis qui continue aujourd'hui sur l'engagement ou le manque d'engagement sur le Cercle de feu, la complexité de toute cette discussion-là—beaucoup de ça, j'ai déjà touché dessus.

Mais, si tu regardes les trois gros « stakeholders »—les gens du secteur minier, les gens du secteur du gravier et puis les communautés autochtones—ce sont vraiment les trois gros groupes touchés par la pièce de législation ici, qui, encore, a été présentée voilà quatre ou cinq semaines et discutée, relativement pressée, dans le travail de la Chambre. On regarde un développement du Cercle de feu quand on est encore en train d'avoir des discussions sur—

I apologize. You guys don't understand a word I'm saying.

Mr. Todd Smith: No, I do.

M. Michael Mantha: Super bon, super bon. Mais c'est bon. Si tu n'utilises pas ton français, tu ne vas jamais t'habituer. C'est pour ça que j'essaie de vous aider, là, un peu.

M. Arthur Potts: C'est la même chose pour moi, parce que la traduction n'est pas présente aujourd'hui.

M. Michael Mantha: La traduction n'est pas présente? Je pensais que c'était ça que ce petit bonhomme faisait dans le coin.

Interjection: Is it?

Le Président (M. Shafiq Qadri): Non, officiellement, nous n'avons pas la traduction simultanée maintenant. C'est seulement—

M. Michael Mantha: On va l'avoir tantôt? OK.

Ce que j'essaie d'exprimer aussi c'est que pour nous autres, nos cédules, tous ici dedans ensemble, c'est facile. On peut s'accommoder, on peut déterminer comment une journée va être disponible pour avoir des discussions. Mais il faut qu'on soit réaliste aussi, là : les industries, les gens qui sont dans le métier, soit dans la gravelle, dans les mines ou les communautés autochtones, ce n'est pas aussi facile pour eux autres de se rendre ici et de se rendre disponibles pour une journée pour cinq minutes, et

trois minutes de réponse. Ce n'est vraiment pas, on va dire, adéquat pour eux autres.

Really, when you look at it, for us, we're in this bubble when we're sitting here. Chair, I'm trying to understand here a little bit about why we're trying to rush this so quickly. It bothers me why we're trying to rush this through so quickly. I'll harp and I'll be harping on this for quite some time today if I have to.

When you look at just the component of aboriginal communities and the engagement that we have to do or that will be expected and the complications that have been there and the rightful discussions that should have been held and should be held with the First Nations communities, knowing the complexity of why certain projects have not gone forward in the province because of relationships, because of trust, because of broken promises, because of decisions that have been made, processes that have been established, committees that have been formed and legislation that has been introduced without proper consultations with First Nations, it's just leading us down the path to failure. I will continue harping on that throughout the day. What we have as far as that proof is, let's just look at the problems that we're having and the amount of consultation that has to take place. Why? Because we didn't follow the process, because we hurt relationships, because we built walls, because we made commissions or had reports or made announcements before First Nations were ever consulted. I don't want to make that same error with this.

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Particularly, this involves the Aggregate Resources Act and the Mining Act. There are very big stakeholders that are in play here. There are economic opportunities for First Nations communities and northern municipalities, and municipalities and cities across this province. We need to make sure that we're doing this right.

One of the biggest concerns that I constantly hear from industry, whether it's in the aggregates or in the mining sector, is they are very cognizant of their responsibilities as far as having to engage with the First Nations community or the municipalities that are there. But what does that framework look like? Nobody seems to be able to tell them, "Well, if you do A, B and C and you file reports 1, 2 and 3, you will be able to proceed." That's false, because there have been many, many mining and aggregates projects that have been delayed because, for whatever reason, not all interested parties have been consulted. And that's only one aspect of it, because when you haven't done your due diligence—and a lot of the mining industry have actually gone over and above a lot of their discussions that they need, with engagements with communities. They've actually built a very good, solid relationship with many of the First Nations communities and are actually providing them with the resources to help them ask questions that they need to be aware of. So that's actually working. However, in this piece of legislation, we don't see where that framework is, so that where new aggregates might come in or new quarries might come up or new mines might come into

play—“Tell me what I need to do, because I’m in a business of opening up a quarry. That’s what I want to do,” or “I’m in the business of opening up a mine. Tell me what I need to do and I’ll do it.” It’s not in here.

We’re going to give them an opportunity to come up and express themselves and we’re going to give them one day, with a five-minute speech and a three-minute question period? Come on. Really? I am trying to understand this process, but, for crying out loud, guys, if we’re going to do this right, let’s do it right. Let’s be fair to them and give them the opportunity to come up and actually share their views, and actually give us the tools that we’re going to need to make the amendments that are going to be required in this act, because it is not perfect. It is far from being perfect. There have been a lot of discussions that have been put out there, and time and effort, but they’re not seen in this bill. People have questions as to why those aren’t being reflected in this bill. Why am I not seeing some of these venues?

One of our biggest stakeholders is with the OSSGA. You look at the powers that now are being added to the minister, where a quarry is open, but for whatever reason the minister might review that quarry one more time. Or we have an old quarry that reopens, and we’re going to review that. Well, what’s going to be expected of them? What reports are going to be expected of them? What engagement is going to be expected of them? It’s not in here. It’s not being seen in here. In addition to that, if some of these quarries that have been opened or some of these mines—when they get into their discussions with their stakeholders, they get to the table and, “All right. So I’ve done A, B, C and D, and we’ve gone through to accomplish 1, 2, 3. All right, I can go to the next step.” Wait a second. You’re two years down the road and then all of a sudden the minister comes in and, “Oh, by the way, you forgot to talk to them.” Now you have to start that process over and engage those individuals as well.

How is it that we’re going to be able to establish any project going forward? Where is that framework? That’s what we’re asking for, or what industry is asking for: What is that framework going to look like? Because we have—again, I’m going to harp on this—an opportunity now to really lay down a path or a framework. I’ve said this many times: What is the engagement or what is going to be expected from either an aggregates company, a mining company or with the First Nations? What is that engagement going to look like? What is going to be government’s role to play in this engagement? Quite frankly, that role has been pushed on to the mining sector: “You guys go ahead. You guys figure it out, mix it up, fix it up.” What one company does in one particular sector might not work in another sector, but you do that engagement. So then you get a competitiveness that goes on out there, where there is really no true, clear path as far as how we’re going to be either opening up a quarry or a mine.

From a First Nations perspective, I think we owe it to them to go out and actually have a consultation process with them on this bill alone. We owe that to them. We talk about reconciliation and true engagement. Well, here

we are again, putting legislation identifying what is best for First Nations when we have not been out there. We’re giving them one day and five minutes to come here and tell us how they see their community needs and what their capacity will be so that it’s reflected in this legislation. Come on. Seriously, that’s what we’re doing?

Come on, Bob. Don’t look at me like that. We’re going to be doing a lot better job than that, aren’t we? That’s not what we’re going to limit ourselves to? We’re setting ourselves up for failure once again, and we’re going to be back here fighting. Whether it’s a quarry or whether it’s a mine, we’re going to be fighting for somebody’s—our errors in putting this legislation forward. We’ve got to be better than that.

That’s on a First Nations perspective but then, by the same token, there are many quarries that are opening up just in my riding of Algoma–Manitoulin. There’s two of them. There was one that was sitting there for a long time which is now going into development, a smaller development. Just the learning process of that engagement with the community members who were there—and I’m talking about in Blind River—the whole scare of what it’s going to look like and the fact that community members aren’t sure of that engagement process and how the notification gets sent out, because it’s very limited.

A lot of the other things that came through this blueprint are to expanding that information that goes out to community members so that they are fully aware of what’s going on. Because I’m beyond this line of notice, I’m not going to get any information as to the potential impact of the quarry that’s going to be opening up in my area. We want to expand that, and one of the things that has been highlighted through this blueprint is to expand that information so that the information is actually more available for individuals.

I did get my briefing with the ministry staff, which I very much appreciate, but again a lot of the answers that I was receiving were, “Yes, we’ll take that into consideration and we’ll make sure that it’s possible and could be. There’s a really strong sense that we’re giving you that it might be reflected in what’s going to come out in the actual regulations.” That’s not good enough. That is not good enough, because people are asking for more information so that they can make informed decisions.

Now, just going back to the quarry that just opened up in Blind River, or that is in the process of opening up, they went through the entire process of having that engagement. It was one of those—I guess it took a while for a trust factor to come in between the OMB, the actual proponent that was opening up the quarry and the concerned citizens. It was only once they actually built a relationship, where they had an opportunity to share information, where they had many garage and coffee-pot and Tim Hortons meetings, that they were able to sit down and say, “All right. This is how I’m going to be affected, or this is not how I’m going to be affected. I’m okay with these.”

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They went down the OMB route, they had some discussions, and they actually were successful in doing

something, because they had a process that they engaged with and followed.

But that process is not identified here. It worked there, but it might not be the same process that is going to be followed by other areas.

Again, I will go back to the importance of getting this done the right way this time, and specifically that we have to do a lot better in regard to identifying how industry, whether it's mining or aggregates, is going to be able to engage and what is going to be that framework when they have the discussions with the aboriginal communities.

We have to do better, and right now we're not by rushing this.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Mantha.

The floor is open, if there are any further comments. Mr. Smith?

Mr. Todd Smith: I understand the frustration. The frustration of my colleague from Algoma-Manitoulin is palpable, and he's right to have that frustration. I think that's part of the frustration that the public of Ontario feels as well.

It seems like any time we have serious concerns, as members of the official opposition or the opposition parties, those concerns are dismissed. Those concerns aren't just things that we're making up in our spare time. Those concerns are actually coming from real people, real stakeholders in our communities or stakeholders in our critics' portfolios that have concerns with government legislation.

What the government is doing by not listening to those people is saying that their concerns don't matter. It's that arrogance that we've seen time and time again from this government that discourages people out there, and I think we're seeing the support, and maybe the faith that the public had in this government, deteriorating because of that arrogance, this "I know better than you" type of mentality that seems to be expressed by the government on a daily basis.

Question period isn't the best example, because of the way question period runs, but yesterday, in another committee, I was asking the Minister of Education simply to share with us the electricity bills for schools in our communities, school boards in our communities, so that the electricity ratepayers and taxpayers of Ontario would get some answers as to how their money is being spent. The minister refused to provide any answer or even acknowledge the question.

Those are the kinds of things that we're facing all the time. We're seeing bills rushed through committee. I can tell you—I don't have a count, but I would say that you could count them on both hands, for sure—that in this fall session, we've had time allocation on that many pieces of legislation. What that means is that members who were elected to come to the Legislature to share the concerns of their constituents and their residents aren't getting that opportunity.

There are an awful lot of members of the Legislature, an awful lot, who didn't get the chance to speak to Bill

39. This is a bill that might not affect every region directly, but it certainly does affect all 107 ridings in Ontario in one way or another. By not allowing the members to speak to Bill 39—and that's basically what the government is doing; they're not allowing members to speak to this very, very important piece of legislation—they are silencing the residents of Ontario and saying, "Don't worry. We've got this covered. We know what we're doing. Nothing bad is going to happen here. With the Green Energy Act, it's only going to cost you a dollar a month on your hydro bill."

Clearly, it has cost a lot more than that because the government didn't take the proper amount of time to do the research necessary to ensure the bill wasn't going to have a negative impact on the economy of the province or the residents in this province. Probably the best example that I can share is the Green Energy Act—on how things can go off the rails because they're not properly consulted and the research isn't done.

You certainly can't argue that there has been no research on this bill, because there certainly has been. Let me take that back. There has certainly been a lot of research on this issue. There hasn't been a lot of input from stakeholders on this bill, and I think that's the important thing to recognize. While the general government committee did a thorough investigation into pits and quarries in Ontario back in 2011, 2012 and 2013, because of prorogation, because of the election, because of a change in ministers, we didn't see any legislation as a result of all of that work by that committee.

I can tell you that there are many, many groups out there—I have a stack of papers in front of me right now from concerned groups. And this doesn't include industry; I think there are a few industry associations here that have provided feedback, but certainly not individual companies in Ontario that have provided feedback on what they'd like to see in the bill or what they're not seeing in the legislation. I think it's imperative for us, as legislators, and imperative for the government to listen to those who are affected by the legislation that they're proposing, and they have no intention of doing that. The frustration shared by my colleague from Algoma-Manitoulin is shared by those industry stakeholders and those who are potentially affected by this legislation, as well.

We've got a number of different groups here that have shared concerns. Conservation Ontario wants enhanced requirements for studies and information related to natural environment, water, cultural heritage, noise, traffic and dust. There is a lot of concern from opponents in our communities about these issues, and clearly Conservation Ontario has some concerns about these issues, as well.

There's an issue in this legislation with peer reviews: when peer reviews are ordered and when they're not. It's left to the discretion, in some cases, of the ministry or the minister. Earlier, I believe my colleague mentioned the fact that the rules should be clearer for the proponents and opponents. It shouldn't be left to a minister to make a

judgment call, because that's where the politics comes in, and I think we want to remove the politics from the aggregates industry. We don't want a minister ordering another study because that minister may be getting some pressure from a community group in the area, and ordering to delay the process as a result of that pressure. That ends up costing the proponent millions, and it ends up frustrating the group because nothing is happening during that time. Meanwhile, they have concerns in their communities. If the legislation is clear, if the rules around expanding the quarry are clear, then we can take that ministerial discretion out of the equation.

I have a quarry in Tyendinaga township in my riding. It has been operating for 40 years—a privately owned company, a very nice gentleman, a very good community citizen. They've had no issues at this quarry for 40 years. He has applied for an expansion of the quarry. Of course, there's some concern from neighbours in the area. He has been waiting for years and spent millions waiting to get the approvals that are necessary. He doesn't know what's going to happen next, and the opponents don't know what's going to happen next, because there is no clear definition of the rules around this particular expansion.

What we have the opportunity to do here, in this committee, is to hear from those who work in this industry or have concerns about this industry, for them to come into committee and give us their best advice on how we can ensure that we have the best legislation we possibly can moving forward.

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Conservation Ontario wants to have updated site plan requirements for new licences and permits as well as existing sites. They want new requirements for requests to lower extraction depth below the water table, automatic conditions related to source water protection for new aggregate sites, an ability to establish conditions on existing aggregate sites related to SWP plans—the regional setting for hydrology and hydrogeology studies, be it sub-watershed or watershed level.

All of these are legitimate concerns that Conservation Ontario has, and they would like the ability to discuss them with this committee. According to the organizational proposal from the government for scheduling Bill 39 at committee, they're supposed to get through that in five minutes, talking about hydrology and hydrogeology and studies about watershed levels and water tables? These are complicated issues that need some time to explain. You simply can't do it in five minutes. It's ridiculous for the government to even think that we could do that.

They're saying that extraction below the water table should be supported by a feature-based water balance to ensure no negative impact on natural heritage features. There are concerns there that they have. Further, they say any extraction below the water table should only be approved with an established adaptive management program that would ease ongoing extraction if a negative incident occurs—a pop-up or those types of things, which have occurred in certain areas. There should be rules around that. There's a recommendation that progressive

rehabilitation be a strongly enforced requirement, utilizing exhausted aggregate sites as depositories for commercial fill from the GTA, including provisions that municipal source drinking water be protected.

There are all these legitimate concerns, and that's just one organization. The idea that that organization, Conservation Ontario, could come before the committee—and I'm sure they would love the opportunity to appear as a delegation before the committee, given the opportunity. The idea that they would have five minutes to cover all of the issues that I just mentioned in bullet-point form—it just took me five minutes to do that without any explanation or deeper understanding of the concerns involved. Then three minutes for the three parties to pose questions to Conservation Ontario on those concerns is inadequate, and it's embarrassing, frankly, for this committee to want to go forward with this type of organizational plan for the committee. One day of hearings, one day of clause-by-clause, very little notice to the groups: It just doesn't make any sense.

The Canadian Environmental Law Association, CELA, estimated that it could take up to 335 years to rehabilitate all pits and quarries that were abandoned as of 2012 in the province: 335 years to rehabilitate those under the current structure when it comes the MAAP process, the Management of Abandoned Aggregate Properties. They're estimating that if funding went from that half a cent per tonne to three cents per tonne, it would be possible to rehabilitate all sites within 20 years. I think we have to have the ability to have that discussion in this committee, as to how that money is being allocated. Industry is interested in increasing the levy. They're actually proposing that the levy per tonne go from 11 cents to a larger amount. I think we need the opportunity in this committee to be able to discuss with the stakeholders and interested parties how that money is divided. We don't want to see it go into the general revenue for the government, because who knows where it will end up?

There needs to be a clear definition, a plan laid out as to how that money is spent. Does it make sense, as CELA is proposing, to put that money into rehabilitating the pits and quarries that are out there? Obviously I agree that we do need to rehabilitate those pits and quarries. They can be some of the most beautiful parts of our communities if they're rehabilitated properly.

I can speak about the Marmora Mine site in my riding in Hastings county, an old iron ore mine site. It's a huge hole in the ground right now. You can actually fit six SkyDomes—or Rogers Centres—inside of that hole in the ground. It's that massive. It's a giant lake that's been created and it's a beautiful spot. If rehabilitated properly, it can be a tourist attraction. Right now, it hasn't been rehabbed properly, so it can be a danger to the public. That's why it's fenced off and that's why there are security guards there around the clock, making sure that people aren't entering and putting themselves in a precarious situation.

But if that quarry, that old mine site, is rehabbed properly, it could be a tourist attraction. One of the proposed

projects for that site—and I'll credit the government, because they have come through with some money for studies for Hastings county on how they can beautify that site and turn it into a hiking area and study the proposed pumped storage project for that site, which is something that the Ministry of Energy has had on its plate for coming up on six years now, a proposal there to meet the peak demands when it comes to power for the province of Ontario.

That project has been sitting—I won't say it's been gathering dust, but certainly it hasn't been approved by the province as it explores where it's going to go with storage of electricity in the future. But I think the Marmora project—and I would love to have Mr. Delaney come and visit the proposed Marmora pumped storage power site, seeing how he is the parliamentary assistant to energy. I think it would be great for him to come up and check out that site, seeing the potential that a rehabilitated Marmora Mine site could have, and not just the impact it could have on our messed-up energy sector in Ontario, but the impact it could have on tourism in rural Ontario and the economic prosperity of the Marmora area, which right now is a community that's struggling and losing businesses.

The mine site isn't operational any longer. It was the driving economic force in Marmora for many, many years, and it could be again if that project were approved and brought to life. The potential for a rehabilitated mine site would be a good thing.

That's a roundabout way to get to proving the point that we need to have that discussion on how the levy for tonnage of aggregate is disbursed, whether it goes to the municipality for infrastructure in the municipality, whether a portion of it goes to rehabilitation of the sites, and how much of it goes to the rehabilitation of the sites. Does some of it come to the province? That's a discussion that we need to have here at this committee.

The OSSGA submission calls for keeping environmental permits current; endangered species protected, regardless of the status of a licence. The EBR provides a process for requests to review. The MNRF has the authority to amend site plans. The Clean Water Act already provides authority to amend instruments, including ARA licences, to implement source water protection plans. What is the rationale for new powers and automatic conditions? Why is the Clean Water Act insufficient? While there may be merit in more efficient implementation, no information is provided on what conditions will be automatically applied or established in regulations, so there's still a lot of that grey area that we've been talking about now for a while. They contest the idea that the creation of a maximum disturbed area will be an effective tool to achieve progressive rehabilitation. They believe that current tools in existing legislation are adequate to achieve progressive rehabilitation.

I think you get the point, Chair. I've talked about three different stakeholder groups in the last couple of minutes: Conservation Ontario, the Canadian Environmental Law Association and the Ontario Stone, Sand and Gravel

Association. All of them come at this from different angles and have different concerns that they would like to see addressed by this committee before the legislation makes it back to the House for third reading. I think it's imperative on us, as members of the committee, and I know the members of the opposition parties are doing the best job that we can.

I don't know what the intentions are of the government members of the committee; it doesn't seem like they're that engaged in the process so far. Perhaps they have their marching orders and are going to be good soldiers and do what's necessary. But I think it's important that those industry groups hear from the government and explain to them why they think it's fair that they only get five minutes before a committee to talk about some of the concerns—and that's just three groups.

J'ai beaucoup de papiers ici, beaucoup de feuilles de papier ici. Beaucoup d'organisations et d'associations ont des problèmes avec la législation.

I think we need to discuss that further.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Smith. I'll offer the floor to Mr. Delaney.

Mr. Bob Delaney: Chair, thank you. It appears that my colleagues, no pun intended, have more concrete things to say on the motion before the committee. May I propose, for everyone's comfort and well-being, that at this time we take a 20-minute recess?

The Chair (Mr. Shafiq Qaadri): A 20-minute recess is—you are certainly welcome to propose that. Fine: 20 minutes.

The committee recessed from 1511 to 1531.

The Chair (Mr. Shafiq Qaadri): Colleagues, I reconvene the Standing Committee on Justice Policy and invite you to be seated. The floor is now open for discussion on the motion before us. Mr. Smith.

Mr. Todd Smith: Well, thanks very much for the 20-minute recess, Chair. That wasn't quite long enough. Could we have another 20-minute recess?

Mr. Bob Delaney: Agreed.

The Chair (Mr. Shafiq Qaadri): Agreed. Twenty minutes.

The committee recessed from 1532 to 1552.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. We reconvene the Standing Committee on Justice Policy.

We are, as you know, considering the motion before the floor, presented by Mr. Delaney, on Bill 39. I would open the floor for questions. Monsieur Mantha.

Mr. Michael Mantha: Chair, we were having such a good discussion on trying to resolve this that I think we're going to need another 20-minute break.

The Chair (Mr. Shafiq Qaadri): Is a 20-minute break the will of the committee? A 20-minute break.

The committee recessed from 1552 to 1612.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. Welcome. We reconvene the Standing Committee on Justice Policy. We have a motion before the floor, as was read earlier, the nine points. The floor is now open for questions and comments. Mr. Delaney.

Mr. Bob Delaney: I move that the committee recess for 10 minutes.

The Chair (Mr. Shafiq Qaadri): Is that the will of the committee? Ten minutes.

The committee recessed from 1613 to 1626.

The Chair (Mr. Shafiq Qaadri): Colleagues, I welcome you once again to the Standing Committee on Justice Policy. We have a motion before the floor. As you know very well, the floor is open. Yes, Mr. Delaney?

Mr. Bob Delaney: I would like to seek unanimous consent, as we discuss some of the details on the motion before the floor, as there is one staff member for each of our parties here, that they at least be permitted to sit in our general vicinity in the interests of time and seeking some of their advice on the finer points of what we're about to discuss.

The Chair (Mr. Shafiq Qaadri): I take it that where they're currently sitting is not the general vicinity?

Mr. Bob Delaney: In other words, to sit close enough that I can turn around and just get a reality check.

The Chair (Mr. Shafiq Qaadri): We grant your request for intimacy, Mr. Delaney. Go ahead.

Mr. Bob Delaney: I was actually asking unanimous consent for that.

The Chair (Mr. Shafiq Qaadri): Is there unanimous consent for intimacy?

Mr. Arthur Potts: Absolutely, yes.

The Chair (Mr. Shafiq Qaadri): Granted. Please proceed.

Mr. Michael Mantha: Can the Chair indulge me, because my partner is not here yet, so—

The Chair (Mr. Shafiq Qaadri): Well, like legal counsel, if you cannot find one yourself, one can and will be provided for you.

Mr. Mantha.

Mr. Michael Mantha: I do want to get this on the record, Chair: I am quite encouraged to see the amount of effort that has been done over the last hour between the three parties, particularly my friend Todd and my friend Bob.

I think ultimately, at the end of the day, if things were left up to us, things would have been resolved a long time ago, but unfortunately, there are outside pressures that the three of us recognize we have to deal with.

I just wanted to put it out there for the record that I have enjoyed immensely the last hour and the discussions that we've had. I've gotten to know these individuals and understand where their priorities are: very close to where my priorities are.

I think that we stand a pretty good chance of having some common sense here in trying to resolve this. Hopefully, with a little bit more discussion and maybe another hour, we might get there.

The Chair (Mr. Shafiq Qaadri): I would just like to say, for the benefit of the committee, that if having staff so close brings more common sense, I am willing to institutionalize this practice. But we'll deal with that, perhaps, later.

Mr. Smith, you have the floor.

Mr. Todd Smith: Yes. I would just like to echo the remarks from my colleague Mr. Mantha, because it has been actually interesting to be a part of such a collaboration or, at least, attempted collaboration to find a resolution to the issues that we're dealing with here and try and make sure that those individuals and organizations and stakeholders who have concerns about Bill 39 have the opportunity to either travel here to Toronto to share those concerns or potentially have the committee come a little bit closer to where they are to discuss the various issues and concerns that they have with the bill as it is currently written.

Having said all of that, there are a couple of issues that we have. I think that we need to understand the timelines that we're dealing with. In the discussions that the three of us have had, along with some of our staff, it seems like there is some pressure to have the bill passed and returned to the House before the Christmas break. That would be December 8.

Of course, the committee, as it currently sits—or at least the rules around the committee currently are that we meet on Thursdays. I'm a full-time member of the estimates committee, and I know that the estimates committee has wrapped up in this current session, so that would free up some time, on Tuesdays, in particular. The estimates committee generally meets in the morning and in the afternoon on Tuesdays. I know the constraints or the issues that particularly the government whip has in trying to find members to fill the spots at committee. But with estimates now being completed, I'm hopeful that maybe we can find the time for the committee to meet, potentially on Tuesdays and Thursdays, a couple of times, so that we can have some extra hearings on this issue going forward.

I know that Mr. Mantha in particular—I think we all are in agreement that we would like to see a block of time available for interested First Nations communities in particular so that they have a designated slot to participate in the committee hearings.

I hope that we can come to that agreement as we talk this out now and see where things land before we get it to House leaders to ultimately give us the green light on this.

Shall I make an amendment now? What is the best process to get this rolling, Bob?

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

Mr. Bob Delaney: Can I suggest that we get some of the essence of the discussion that we were having in camera down in broad terms before we begin to discuss specific amendments to the motion before us? I think we had some concurrence on some broad strokes, but let's try actually putting them down on paper and see how they look to everybody here.

Mr. Todd Smith: Okay. Right now, in the motion that we're discussing, the committee would meet next Thursday, November 24, to begin the public hearing phase. I would say this: Would it be possible for the committee to meet on the 24th, as scheduled in the motion, and then again on the 29th, which would be the following

Tuesday, for public hearings, and possibly, then, on the 1st as well? We could have three days of public hearings, with a block of that for First Nations communities.

Ultimately, I think what we would like to see, here on the opposition side—and I know Mr. Mantha is in agreement—is one day where we could take this committee to the concerned citizens and residents and stakeholders; if possible, if we decided on the 24th, 29th and the 1st for public hearings, if, on one of those days, we could actually travel the bill. I don't know if Mr. Mantha has anything to add to that. Then we could potentially meet the following Tuesday, which would be the 6th, for clause-by-clause. I'm just wondering if that would give you enough time to have the bill pass in the Legislature before we break for Christmas.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Smith. I'd also just advise committee members that if there is a request for meeting outside our regularly scheduled time, which is basically Thursdays, then we're looking at requiring a motion from the House leaders and so on, whatever configuration we decide on.

Mr. Todd Smith: Yes; understood.

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

Mr. Michael Mantha: Part of our discussions that I think all three agree on the importance of is that we actually have a sincere engagement with First Nations communities. Too many times, I think, we've made the error of making changes and looking at those changes, only to hear how they have affected First Nations communities afterwards. So I think it's going to be extremely important that we agree to a time set aside specifically for that engagement process.

Again, I need to stress the fact that it's going to be important that this bill does travel. There were locations that we had discussed or that were suggested—possibly two, maybe three days, one of them being in Timmins, another one being in Cambridge. Looking at favourable opportunities, now that we have the flexibility of other committees not being in function, we could maybe use that time slot for a specific engagement with First Nations communities here in Toronto, with the opportunity to open that up in the afternoon. I'm hoping that's the direction this committee is going in. There was a lot of fruitful discussion that took place. It has really enlightened me that there's a possibility that we could actually accomplish that, respecting all of our stakeholders, giving them an opportunity to come up and give their concerns, knowledge, amendments.

I'm still open to hearing some discussion as far as the allotted time that these individuals are going to be provided with—particularly that we're talking about two acts that we're changing: the Aggregate Resources Act and the Mining Act.

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

Mr. John Vanthof: As I sit listening, I have a question to the government. I'm at a bit of a loss as to exactly why this bill has to be passed by the end of the session. I can see why the government would like to have it passed. I understand that. But what's the legislative imperative to get it done, as opposed to making sure it gets done right?

This bill is a bit of an odd duck. It has both mining and aggregate resources. If there's one bill that has an impact province-wide, it's this one. It's not the new Toronto act, it's not the—so you're taking two huge issues.

I know we've all been working on this for a long time, and I know, sitting here, we want to get things—but, really, I need to know from the government: What's the legislative imperative that this bill has to be done at the end of this session?

The Chair (Mr. Shafiq Qaadri): Mr. Delaney?

Mr. Bob Delaney: Chair, I grasp the question asked by my colleague. That's why when and if we are able to come to agreement on something here, I'm going to propose that it begin with a phrase similar to, "I move that, subject to agreement by the three House leaders and unanimous consent in the House, if additional sittings are required outside the committee's regular schedule"—and then we're going to have the list of it.

The long and the short of it, to my friend Mr. Vanthof, is, the committee doesn't have the mandate to do the job of the House leaders. We're going to hand this back to the House leaders in some form, and if indeed there has been a sufficient outbreak of compromise and reason, then we can always meet over the telephone on fairly little notice, as a subcommittee, to finalize any change that you as House leaders may discuss on the telephone and get this bill moving.

So whether or not it has to be passed this Christmas, next Easter or next Christmas is something that you'll have to resolve in the House leaders' meeting. In this committee, we are charged with the motion that's on the floor. What we're trying to do is to explore what additional options we have discussed that perhaps the House leaders had not considered, that the committee respectfully suggests are reasonable and prudent within the bounds of the mandate that the motion has given us. Is that sufficient?

1640

Interjection.

Mr. Bob Delaney: John, I'm trying to say yes to you here.

Mr. John Vanthof: I know you are.

How am I going to put this in words that I understand myself after I read this? And I'm going to repeat it. I don't know of very many bills that have as great an impact across the province as this one. We have to travel this one. I'm not trying to say, "Well, we need to travel to every hill and dale across the province." I'm trying to be realistic here, but we need to be able to have spots where we can defend where it's been. This is a bill that's going to impact—some people are going to feel they're being impacted negatively, and we want to be able to justify that the government and all of us took the time to actually do this right.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof.

Mr. Bob Delaney: During the past two and a half hours, this point has been made eloquently by Mr. Mantha, Mr. Miller and Mr. Smith, and the government has listened patiently to this point as it has been made

from a variety of perspectives. I think it's safe to say that the government has heard the message and heard it clearly.

What I think we are trying to do now is to hand back to the House leaders an option that the House leaders may find workable and that can get this committee doing the things that its members have asked and that the government is willing to live with. Would that encapsulate things?

Mr. Todd Smith: Yes, Bob. To Mr. Vanthof's point—and we have made those points, and thank you for backing us all up on those—this is an important bill. The proposal that I just put forward there is going to be difficult. It's going to be rushed, right? Even though we're working with a three-week time frame, it's pretty rushed.

It seemed like when we started our negotiations, we weren't dealing with a cut-off date of December 8 where this had to be done, that there was the potential that this could possibly extend past the session ending on December 8 or at least the Christmas break. Both Mr. Mantha and I talked about the importance of taking this bill to Timmins or to Cambridge or wherever we might go so that we could get more feedback on this.

I guess I would ask the same question that John asks: Why is it imperative that we get this done on December 8, or is it actually imperative in the government's view that this is done on December 8? If it receives royal assent on December 8, it's going to take a long time—and we've talked about this in our leadoffs, about the regulation phase starting. The impacts of this bill are not going to be felt on the ground or in the ground until a long time after royal assent. There is a lot of regulation to be added after the fact.

I'm just asking, is it possible that we have a committee meeting or two in late January or early February where we have the potential to get more feedback and allow us more time to advertise so that we get that feedback that we're looking for?

Mr. Bob Delaney: I think actually that's a fair question.

To encapsulate where we've come today, we could have continued on the path that we began on, in which procedurally Mr. Smith, Mr. Miller and Mr. Mantha were going to talk out their time and we could have ended up at 6 o'clock exactly where we started—which, by the way, is still an option. We chose to explore whether or not, with the consent of our House leaders, there was another option that within the scope of the motion that's on the floor right now makes it amendable by the committee and potentially makes it supportable by our House leaders. That is why I said earlier “subject to agreement” by the House leaders and, if required, unanimous consent in the House if additional sitting days are needed outside the committee's schedule.

Ultimately, what we're going to try to do here is to expand the scope of what's in the motion in front of us, and if the committee can adopt a version of that motion, it then, by definition, has to go back to our House leaders and then back to us. So we're going to get one more kick

at it. But because our respective House leaders have said, “This is our position,” we as committee members have said, “Well, there's a little bit of room in there. Maybe there's enough room to do what we collectively want to do,” because we all want this to be a good bill.

Just to quickly recap, this was before the Standing Committee on General Government four years ago. It did receive public hearings at the time. It sat in Toronto for four days. My colleague Mr. Colle was on the committee. It also travelled to Orangeville, Kitchener, Ottawa and Sudbury. The committee members visited 12—count 'em, 12—abandoned or proposed or active gravel pits or quarries. There was a full legislative report written pursuant to those hearings. The findings of that legislative report were incorporated into the bill as it was reintroduced this fall. The measure before us now reflects the work done by the Standing Committee on General Government four years ago.

What we're going to try to do now is offer our House leaders an option broader than the terms of reference in the motion that I was asked to present and see whether or not there is concurrence among our House leaders, accepting the fact that whatever we may be talking about 18 months from now—as we all agreed out in the hallway—it's not likely to have a lot to do with aggregates, quarries or gravel pits when we jockey for position in the minds and the hearts of the people who send us here.

At this juncture in time, we have a precious few minutes to sit down and rework the motion before us to hand back to our House leaders to gain concurrence and to bring back to us, either in committee or, preferably, in subcommittee. If they can find that, then for heaven's sake, take your victory and run with it, because we will all have done our job as members of provincial Parliament and as members of a parliamentary committee. Frankly, I think we could all be a little proud of it.

The Chair (Mr. Shafiq Qaadri): I might also intervene for a moment and just at least observe that if there are still configurations to be decided upon, the other option the committee has is to adjourn today and then take it back into the corridors of power, such as they are, and revisit all the various configurations that you would want, and then we'd begin whenever our committee's next scheduled meeting would be. But I'm just telling you that that's another option. There seems to be an impasse here. Mr. Smith?

Interjection.

Mr. Bob Delaney: Just before you do: Chair, I thank you for that, because I was headed in that direction. Should there be some common ground that we can talk about and say, “Okay, we're there,” then I would, in fact, suggest that we propose just that: the adjournment for today and we'll pick it up here another time.

I think Mr. Colle wanted to make a point.

The Chair (Mr. Shafiq Qaadri): All I need is a formal proposal and then we're done. Mr. Colle?

Mr. Mike Colle: Yes, we are trying to do the House leaders' work here, and that's a no-win situation for us, really. In terms of this bill, we had a very productive

committee on this, from all sides. We visited sites. We went right into the quarries, abandoned, and Bob even—there's a list of others we went to in Alexandria with Crack. The real contentious issues are all in southern Ontario, because they don't want the quarries near their expanded subdivisions in Brantford, in Cambridge.

1650

That was the really difficult part of our hearings, trying to come up with something reasonable that reminded people that you need sand and gravel to build your roads, your houses and your hospitals. That was difficult.

But I think we came to a consensus that there was an important approach to this, which was the reality of the economic essentials here. The environmental protection is the best you can do, but there are some intervenor groups that, no matter what you suggest, are never going to be happy with a quarry, no matter how big or small. We saw some rehabilitated ones that were just beautifully done in Cambridge and other places. The potential is there.

We tried to come up with an approach that kept the economy going and understood that this is not a perfect world when it comes to trucks and gravel. As I've said, the contention was near Melancthon and the Cambridge area; I remember Peterborough, where a lot of hauling is taking place. That's what we try to do.

I think there was a general consensus between the small and large operators and the municipal leaders, because as you know, their haulage royalties have not really kept pace with the impact it has on their roads, etc. I think there was a consensus there of a price point that they would get, which was reasonable, according to most of the municipal mayors. Basically, the theme was that we need to get on with this. But it is not easy to balance all these things. That's why I think it's taken so long: Because there are so many countervailing interests here. I just want to put that perspective on it.

As I said, there was a lot of good, on-the-ground work done by MPPs of all parties for a long period of time. It wasn't just a quick visit. We really tried our best to understand. Remember, we went up to the shipping up in Manitoulin that was taking place. We never knew that existed before. It was very, very informative to see that type of thing.

Anyway, I just wanted to give you that bit of background.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle. Again, for the edification of the committee, for adjournment, I need someone to move adjournment, and then there's a vote—just to let you know.

Mr. Smith and/or Mr. Mantha.

Mr. Todd Smith: Just before we go down that road, I guess, I understand Mr. Colle, because we had members on those committees as well who travelled, as you say. There was a lot of work and investigation and study that occurred. But with all due respect, we have a new piece

of legislation now that also needs to be analyzed and examined, and we need some feedback on that.

I think it's important that we give some of those groups who you met with or others the opportunity to comment on the piece of legislation that's before us. I know the good work that happened and I acknowledged the good work of the general government committee when you did travel the province and visit all those quarries and rehabilitated quarries, but we do need to have the opportunity for the committee to hear from those same stakeholders to provide some feedback on the bill that's before us.

It doesn't have to take a long time. A couple of days in the grand scheme of things—your hair was probably just a touch of grey when you started working on this. It's been a long time, and a couple more public hearings probably wouldn't hurt, just to make sure that we are hearing from those.

I understand we're never going to make everybody happy—no one is ever completely happy with any piece of legislation—but I think we have the responsibility to ensure that we have at least a couple of days of hearings. If we can take the hearings to the people instead of having them come to Toronto, it's a lot easier. I just wanted to point that out.

Did you want to respond, too?

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

Mr. Michael Mantha: It's been a good, productive afternoon for all of us. I've seen a different function of how a committee actually can work. There were a lot of good, fruitful discussions that we had here this afternoon, but I think we're at a point where ultimately, as my friend indicated earlier, we're trying to do House leaders' work. I think there are enough options here on the table where they could have a good, fruitful discussion as well.

I'd like to move that we adjourn today's committee meeting.

The Chair (Mr. Shafiq Qaadri): I have a request for movement for adjournment. There's no discussion. We'll proceed to the vote.

Mr. Bob Delaney: Hold on, hold on.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Delaney.

Mr. Bob Delaney: Chair, as a motion has been made, the government respectfully requests a 10-minute recess, please.

The Chair (Mr. Shafiq Qaadri): Ten-minute recess.

The committee recessed from 1655 to 1702.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. I just advise you that we did have, as you know, a motion before the floor for adjournment, which means it triggers a vote. We've now returned from a recess, which also triggers a vote without discussion of any kind.

We will now be voting on the motion for adjournment. All those in favour of the motion for adjournment? All those opposed? I congratulate the committee on adjourning.

The committee adjourned at 1703.

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