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Official Report of Debates (Hansard)

Thursday 9 March 2017

Journal des débats (Hansard)

Jeudi 9 mars 2017

**Standing Committee on
Justice Policy**

Aggregate Resources and
Mining Modernization Act, 2017

**Comité permanent
de la justice**

Loi de 2017 sur la modernisation
des secteurs des ressources
en agrégats et des mines

Chair: Shafiq Qadri
Clerk: Christopher Tyrell

Président : Shafiq Qadri
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 9 March 2017

Jeudi 9 mars 2017

The committee met at 0900 in committee room 1.

**AGGREGATE RESOURCES AND
MINING MODERNIZATION ACT, 2017
LOI DE 2017 SUR LA MODERNISATION
DES SECTEURS DES RESSOURCES
EN AGRÉGATS ET DES MINES**

Consideration of the following bill:

Bill 39, An Act to amend the Aggregate Resources Act and the Mining Act / Projet de loi 39, Loi modifiant la Loi sur les ressources en agrégats et la Loi sur les mines.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. As you know, we are here reconvening the Standing Committee on Justice Policy to consider a number of amendments and clauses.

We'll begin by standing down sections 1, 2 and 3 and dealing with the 135 sections of the schedules. I need unanimous consent to stand down those first sections. Agreed? Thank you.

I will now move to schedule 1, section 1, which is on page 2 of the bundle here. We have no amendments so far received. May I consider that approved? This is schedule 1, section 1. Approved.

We now are moving to the newly proposed section, schedule 1, section 1.1, by the NDP. Mr. Bisson, I would invite you to please enter that into the record—

Mr. Gilles Bisson: I move that—

The Chair (Mr. Shafiq Qaadri): —at which point I will intervene.

Mr. Gilles Bisson: What's that?

The Chair (Mr. Shafiq Qaadri): At which point I will intervene.

Mr. Gilles Bisson: You can intervene? Okay.

I move that schedule 1—are you intervening?

The Chair (Mr. Shafiq Qaadri): No, go ahead. You can read it.

Mr. Gilles Bisson: Okay—just the way you said that.

I move that schedule 1 of the bill be amended by adding the following section:

“1.1 Section 2 of the act is amended by adding the following clause:

“(b.1) to promote the conservation of primary aggregate reserves and the wider use of recycled aggregate materials in Ontario;”

The Chair (Mr. Shafiq Qaadri): Thank you, Monsieur Bisson. It is with extreme regret that the Chair informs you that your NDP amendment 1 is out of order, as it seeks to amend section 2 of the ARA, which is not opened by the bill.

Mr. Gilles Bisson: Legislative counsel? Terrible. All right.

The Chair (Mr. Shafiq Qaadri): Fair enough. Monsieur Bisson, thank you.

We now will move to the PCs, who are proposing section 1.1 in motion 2.

Mr. Jack MacLaren: I move that schedule 1 to the bill be amended by adding the following section:

“1.1 Section 2 of the Aggregate Resources Act is amended by striking out ‘and’ at the end of clause (c), adding ‘and’ at the end of clause (d) and adding the following clause:

“(e) to permit recycling of aggregate in all pits and quarries.”

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. MacLaren. I will also inform you, for very similar reasons, that amendment 2 is also out of order, as it seeks to amend section 2 of the Aggregate Resources Act, which is not opened by the bill. Therefore, that is now nullified.

Section 1.1 is therefore now dealt with.

We'll now move to schedule 1, section 2: NDP motion 3.

Mr. Gilles Bisson: I move that section 3.1 of the Aggregate Resources Act, as set out in section 2 of schedule 1 to the bill, be amended by striking out “the minister will consider whether” and substituting “the minister shall ensure that”.

It's fairly self-explanatory. Rather than giving the minister the discretion, make sure that he has the obligation.

The Chair (Mr. Shafiq Qaadri): Thank you, Monsieur Bisson. This motion is in order and therefore open for debate and vote. Are there any further comments before we proceed to vote? If none, those in favour of NDP motion 3, as just read by Monsieur Bisson? Those opposed? NDP motion 3 falls.

We now move to PC motion 4: Mr. MacLaren.

Mr. Jack MacLaren: I move that section 3.1 of the Aggregate Resources Act, as set out in section 2 of schedule 1 to the bill, be struck out and the following substituted:

“Aboriginal consultation

“3.1 For greater certainty, the minister will consider whether consultation with aboriginal communities has been carried out in accordance with the regulations if an application for a licence or permit has the potential to adversely affect established or credibly asserted aboriginal or treaty rights.”

The Chair (Mr. Shafiq Qaadri): PC motion 4 is now up for discussion and debate. Any comments from colleagues? Mr. Bisson.

Mr. Gilles Bisson: Well, it’s pretty clear that the First Nations that appeared and others understand more and more so that this is becoming a very large concern within the community. I think what the Conservatives are doing to do, essentially, is what we’ve tried to do with our amendments: to give greater certainty that in fact, we will respect treaty rights and doing what is right by First Nations.

The Chair (Mr. Shafiq Qaadri): Any further comments before we proceed to the PC motion 4 vote? Seeing none, those—

Mr. Gilles Bisson: Recorded vote on that one, please.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Bisson, MacLaren, Norm Miller.

Nays

Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): PC motion 4 falls. NDP motion 5.

Mr. Gilles Bisson: Well, if at first you don’t succeed, try and try again, I say.

I move that section 3.1 of the Aggregate Resources Act, as set out in section 2 of schedule 1 to the bill, be amended by adding the following subsection:

“Compliance with the UN Declaration on the Rights of Indigenous Peoples

“(2) There shall be consultation and co-operation in good faith with the aboriginal communities concerned in order to obtain their free and informed consent prior to the approval of any licence or permit affecting their lands or territories and other resources; otherwise, the minister shall not approve the licence or permit.”

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 5?

Mr. Gilles Bisson: It’s the same argument. Essentially, what we’re trying to get at is to make sure that we do respect treaties, but also that we respect what’s in the Constitution when it comes to the duty to consult.

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

Mr. Mike Colle: The last two or three motions brought forth by both parties—I know they’re an attempt to try and ensure there’s more recognition of aboriginal communities and their rights. That’s, I think, commendable. The only problem is that our advice is that these changes would essentially open the aggregate act and the industry

to more legal challenges and create more uncertainty in the aggregate industry, more court time rather than digging time. That’s our basic position. As I said, it was our legal advice on this, that it would create more legal interruptions.

The Chair (Mr. Shafiq Qaadri): Madame Des Rosiers, and then Monsieur Bisson.

M^{me} Nathalie Des Rosiers: I think it’s important to say that it does comply with the constitutional obligations here, because it does say that the minister will conduct adequate consultation with the aboriginal community before exercising any power under this act. I think that gives way to complying with the obligations that are important to recognize under the Constitution.

The Chair (Mr. Shafiq Qaadri): Monsieur Bisson.

Mr. Gilles Bisson: The definition of “adequate” is what’s at question here, right? To be fair—but I hear what you’re saying.

To Mr. Colle: By the very nature, if people feel that they’ve got to go to court, then that means to say that their rights have somehow not been respected. I don’t buy the argument. I assume that the government is going to vote against this. I just think it’s unfortunate for all of us trying to do the right thing when it comes to making sure that First Nations’ rights are protected and, at the same time, that we fully respect the responsibility of the duty to consult on the part of the province.

So let’s have the vote.

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

Mr. Mike Colle: Certainly it’s everybody’s right to go to court. We certainly know that. It’s part of our process.

0910

The only thing is that we heard, when we went across the province of Ontario listening to people, and then over the various manifestations of this attempt to update this legislation, that an applicant can sometimes wait 12 years—it’s not unusual—to even get approvals. The processes that are in place, beyond the courts—the environmental assessments, the local input, the ground-water testing, the Planning Act—a lot of them told us, “Well, the process is so convoluted”—and that’s not the fault of the people who maybe sometimes are asking questions; maybe it’s part of the whole process of how government governs aggregate extraction in this province. It has become a very costly, slow, ponderous process that adds to the cost and that adds to the frustration of not only the aggregate industry, but the municipalities and the intervenors, because the process is so fraught with potential interventions. That’s what I’m saying. So beyond the courts, there are many ways of intervening and, let’s say, delaying the processes. That is what we heard. I just want to put that on the record.

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

Mr. Gilles Bisson: Yes, very quickly—I don’t want to stay stuck on this one section; it’s pretty clear where this is going—but just for the record, First Nations across this province are not opposed to development, as we well know. They’re in favour of development, but there are a

couple of key parts to giving their consent: one, that we protect the environment and we do what's right by the environment, but also that they're able to come out of this in some way to benefit. I don't see First Nations as the ones trying to hold up things. Where I come from, they're normally on the front of a project, trying to get it approved. Just look at Placer Dome or take a look at Detour Lake or any of those places. Those projects have gone ahead with the informed consent of the First Nations.

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

Mr. Mike Colle: Yes, if I can be clear, as I said, it's not just the First Nations that are delaying the process. I didn't say that. I just want to make sure—there are just so many potential interventions possible in the aggregate legislation and aggregate approval. That's what I was trying to put on the record. Again, 10 or 12 years to get a permit is kind of slow.

The Chair (Mr. Shafiq Qaadri): I think we should perhaps now proceed to the vote. NDP motion 5—

Mr. Gilles Bisson: Recorded vote.

Ayes

Bisson.

Nays

Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 5 falls.

As you will know, this section is unamended. Therefore, I'll invite: Shall schedule 1, section 2, carry? Carried.

I'll take it as the will of the committee to consider the next four sections in aggregate, literally and figuratively, as there are no amendments so far received. That is therefore sections 3, 4, 5 and 6. Shall they carry? Carried.

We now move to schedule 1, section 7, NDP motion 6: Mr. Bisson.

Mr. Gilles Bisson: I move that subsection 7(1) of the bill, which enacts subsection 7(1.1) of the Aggregate Resources Act, be struck out.

It's pretty straightforward.

The Chair (Mr. Shafiq Qaadri): Comments or questions before the vote? We'll vote. Those in favour of NDP motion 6? Those opposed? NDP motion 6 falls.

PC motion 7: Mr. MacLaren.

Mr. Jack MacLaren: I move that subsection 7(2) of schedule 1 to the bill be struck out.

The Chair (Mr. Shafiq Qaadri): Comments? We'll vote. Those in favour of PC motion 7?

Interjection.

The Chair (Mr. Shafiq Qaadri): Do you want to comment on that?

Mr. Norm Miller: Yes.

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

Mr. Norm Miller: We heard from quite a few different groups that came before the committee that having recycling included in the annual tonnage limits on pits would actually discourage the use of recycled materials. This amendment is intended to encourage the use of recycled materials.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 7? If there are none, we'll proceed to the vote. Those in favour of PC motion 7? Those opposed? PC motion 7 falls.

PC motion 8: Mr. MacLaren.

Mr. Jack MacLaren: We will withdraw this one because motion 7 failed.

The Chair (Mr. Shafiq Qaadri): Schedule 1, section 7 is as yet unamended. May I take it as carried? Carried.

We now proceed to schedule 1, section 8. We're now on NDP motion 9.

Mr. Gilles Bisson: So the next one was withdrawn as well, right?

The Chair (Mr. Shafiq Qaadri): Correct. NDP motion 9.

Mr. Gilles Bisson: Just a question before I go there: The other number 8 is withdrawn as well, or is that a duplicate in my package? I have an 8R and an 8. I take it they're both withdrawn, right?

The Chair (Mr. Shafiq Qaadri): I agree.

Mr. Gilles Bisson: Okay. Just for the record—*Interjection.*

The Chair (Mr. Shafiq Qaadri): Fine. NDP motion 9.

Mr. Gilles Bisson: Okay.

Mr. Mike Colle: Excuse me: 8R and 8 are withdrawn?

The Chair (Mr. Shafiq Qaadri): Correct.

NDP motion 9.

Mr. Gilles Bisson: I move that section 8 of schedule 1 to the bill, which re-enacts section 8 of the Aggregate Resources Act, be struck out and the following substituted:

“8. Section 8 of the act is amended by adding the following subsections:

““Online posting

“(2) The minister shall post the site plan on a publicly accessible website and keep it posted.

““Specific studies

“(3) Every application for a licence shall include specific studies of the following matters:

““1. Impacts on natural heritage.

““2. Impacts on municipal water supplies.

““3. Cumulative impacts on hydrology and hydrogeology (including water quality and quantity).

““4. Impacts on agricultural values.””

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Gilles Bisson: Pretty straightforward. It's an ability for the public to see and to have that information available and for it to contain those things.

The Chair (Mr. Shafiq Qaadri): Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I think the intent here is that this be done in regulation. I know there's a disagreement about, “How much in regulation and how much in

legislation?” But for this part, I think it allows the government to be a bit more nimble and appropriate at times and be flexible in the way in which it proceeds. Also, it being put in a regulation is transparent as well. There’s a process by which you can comment on regulations and so on. It provides a little bit more flexibility that may be needed in this case.

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

Mr. Gilles Bisson: I would only say that more flexibility is exactly the wording. But anyway, I hear you: nimble and quick.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we’ll proceed to the vote. Those in favour of NDP motion 9? Those opposed? NDP motion falls.

It’s still unamended. Therefore, may I take it that schedule 1, section 8, carries? Carried.

We now proceed to consider schedule 1, section 9. We have an NDP notice advisory. Mr. Bisson.

Mr. Gilles Bisson: Yes. We’re just going to vote against this section.

The Chair (Mr. Shafiq Qaadri): Are there any comments on the NDP notice advisory? If not, we’ll proceed to the vote. Those in favour of schedule 1, schedule 9—

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Mr. Gilles Bisson: In favour?

Interjection.

The Chair (Mr. Shafiq Qaadri): Recorded vote. We’ll take that again.

Ayes

Bisson, Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): It’s carried.

Mr. Arthur Potts: Didn’t you just give notice you were going to vote against it?

Mr. Gilles Bisson: Yes, that’s what I did, I thought.

Interjection: No, you just voted in favour.

Mr. Gilles Bisson: I thought I heard you call again. Sorry.

Mr. Mike Colle: Yes, I think there was a—

Mr. Gilles Bisson: Sorry. My mistake. You’re right. It was my mistake. Sometimes you do those.

Mr. Mike Colle: The vote is done.

Mr. Gilles Bisson: Yes. Sorry. That was my confusion over the—

Mr. Mike Colle: I thought you were trying to be tricky.

Mr. Gilles Bisson: Well, no. You know what? Because normally there’s a pause. I was reading and I wasn’t—anyway, it was my fault, nobody else’s.

The Chair (Mr. Shafiq Qaadri): We now proceed to schedule 1, section 10. We have an NDP motion 10. Mr. Bisson.

Mr. Gilles Bisson: Oh, sorry. I was still thinking about the last vote.

I move that subsection 10(2) of schedule 1 to the bill be amended by adding the following subsection to section 11 of the Aggregate Resources Act:

“Public consultation period

“(4.5) The consultation procedure shall include a 120-day public consultation period, and the minister shall not approve a custom plan that does not provide for a 120-day public consultation period unless it is an approval with a modification to provide for a 120-day public consultation period.”

0920

Again, this comes from some of the presentations that we’ve had. I recognize that people feel, at times, that the process is a little bit long. But I think we’ve all seen, in our ridings, where we’ve had to deal with quarry developments, that often people don’t find out about stuff until pretty far into process. That’s what we’re trying to get at there, just to make sure that we give people due time.

The Chair (Mr. Shafiq Qaadri): Further comments to NDP motion 10? Seeing none, we’ll proceed to the vote. Those in favour—which means you are for and you support and you want it to pass—which is NDP motion 10—

Laughter.

Mr. Gilles Bisson: Thank you. That was very helpful, Chair.

The Chair (Mr. Shafiq Qaadri): Those opposed? NDP motion 10 falls.

We’ll now proceed to PC motion 11: Mr. MacLaren.

Mr. Jack MacLaren: I move that clause 11(6)(c) of the Aggregate Resources Act, as set out in subsection 10(4) of schedule 1 to the bill, be struck out and the following substituted:

“(c) the minister; and”

The Chair (Mr. Shafiq Qaadri): Comments—any side? If not, we’ll proceed to the vote. Those in favour of PC motion 11? Those opposed? PC motion 11 falls.

PC motion 12: Mr. MacLaren.

Mr. Jack MacLaren: I move that section 10 of schedule 1 to the bill be amended by adding the following subsection:

“(6) Subsection 11(8) of the act is amended by adding the following paragraph:

“4.1 If, before a hearing, the applicant had attempted to resolve the objections by way of mediation and all of the parties to the mediation, other than the applicant, withdrew before the commencement of the mediation, the board may refer the application back to the minister and the minister shall decide whether to issue or refuse to issue the licence.”

The Chair (Mr. Shafiq Qaadri): PC motion 12: comments? If none, we’ll proceed to the vote. Those in favour of PC motion 12? Those opposed? PC motion 12 falls.

We have an NDP advisory: Monsieur Bisson.

Mr. Gilles Bisson: Now let’s see if I can get this one right.

Same thing, same vote, but kind of different this time. I don't need to read it. We all know what we're doing here. We're recommending that you vote against.

The Chair (Mr. Shafiq Qaadri): Just for the edification of the committee, that is an NDP advisory to vote against—

Mr. Gilles Bisson: Let's record it this time, and let me get it right.

The Chair (Mr. Shafiq Qaadri): It presumes that they themselves will follow that, in any case.

Shall schedule 1, section 10 carry? Recorded vote.

Ayes

Colle, Delaney, Des Rosiers, Potts, Vernile.

Nays

Bisson, MacLaren.

The Chair (Mr. Shafiq Qaadri): Schedule 1, section 10 carries.

We will now proceed to schedule 1, section 11. From the government side, Mr. Colle.

Mr. Mike Colle: I move that subsection 11(1) of schedule 1 to the bill be amended by striking out “municipal drinking water sources” and substituting “drinking water sources”.

It's just taking out the word “municipal.” I think that's pretty self-explanatory.

The Chair (Mr. Shafiq Qaadri): Any further comments? We'll proceed to the vote. Those in favour of government motion 13? Those opposed? Government motion 13 carries.

NDP motion 14: Monsieur Bisson.

Mr. Gilles Bisson: It's kind of the same thing, isn't it?

Ms. Daiene Vernile: It is.

Mr. Gilles Bisson: It's kind of moot, so I'm just going to withdraw it, because it's pretty well the same thing.

The Chair (Mr. Shafiq Qaadri): Thank you, Monsieur Bisson. We'll proceed now to NDP motion 15.

Mr. Gilles Bisson: I am correct, right? It is the same thing.

M^{me} Nathalie Des Rosiers: It's exactly the same thing.

Mr. Gilles Bisson: Yes, it's exactly the same. Okay.

Boy, I've got to read this. Okay, here we go. This is going to be long.

I move that section 11 of schedule 1 to the bill, which amends section 12 of the Aggregate Resources Act, be amended by adding the following subsection:

“(1.1) Section 12 of the act is amended by adding the following subsections:

“Demonstrated need

“(1.1) The minister or the board, as the case may be, shall not issue a licence unless the applicant demonstrates that there is need for aggregate extraction in the relevant geographical area.

“Fixed term

“(1.2) The minister or the board, as the case may be, shall not issue a licence unless the licence has a fixed term.

“Requirement if going below the water table

“(1.3) The minister or the board, as the case may be, shall not issue a licence in respect of an application that seeks to extract aggregates below the water table unless the applicant submits a full environmental assessment of potential impacts on the hydrological system.

“Pumping water in perpetuity

“(1.4) The minister or the board, as the case may be, shall not issue a licence in respect of the extraction of aggregates that would require the pumping of water in perpetuity.

“Source water protection

“(1.5) The minister or the board, as the case may be, shall not issue a licence that conflicts with a source protection plan as defined in subsection 2(1) of the Clean Water Act, 2006.”

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 15? Mr. MacLaren and then Monsieur Bisson.

Mr. Jack MacLaren: I would say that the idea that a quarry should be only where it is needed in the immediate area is faulty logic.

Mr. Gilles Bisson: It's what? Excuse me; I didn't hear you. Faulty logic?

Mr. Jack MacLaren: Yes, faulty.

Mr. Gilles Bisson: Okay, thank you.

Mr. Jack MacLaren: Meaning that wherever aggregate is—there's a great demand for aggregate right across the province. We don't want to eliminate a source of aggregate just because it's not in a specific geographical area. This is an unnecessary limitation that would interfere with the ready availability of much-needed aggregate.

As far as the water table goes, there is no evidence in any quarries to date—and there have been many over 100 years or more. We have no scientific evidence of water being contaminated, so there's no need to go down this route.

The Chair (Mr. Shafiq Qaadri): Further comments?

Mr. Gilles Bisson: Disagree. That's about all there is.

The Chair (Mr. Shafiq Qaadri): Madame Des Rosiers?

M^{me} Nathalie Des Rosiers: As we indicated in a previous motion, I think the concern for drinking water sources has already been addressed in the previous motion, so we already are responding to what are the water impacts. They are being considered already in the bill.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we'll proceed to the vote on NDP motion 15. Those in favour of NDP motion 15? Those opposed? NDP motion 15 falls.

We'll proceed now to NDP motion 15.1.

Mr. Gilles Bisson: I move that section 11 of schedule 1 to the bill, which amends section 12 of the Aggregate

Resources Act, be amended by adding the following subsection:

“(1.2) Section 12 of the act is amended by adding the following subsection:

“Municipal opposition”—and it actually becomes (1.1). No, it stays, right? It stays the way it is. Yes. Sorry.

“(1.6) The minister or the board, as the case may be, shall not issue a licence if a local municipality or upper-tier municipality that contains the relevant geographical area passes a resolution that the licence not be granted.”

What this gets at is that there are occasions where municipal councils decide that they don't want a pit developed in a particular area. The difficulty is, the municipality may decide they don't want that because, for example, it's around a sensitive area or it's near a neighbourhood or whatever it is. I've seen it in my constituency a couple of times, where the municipality says no, and the proponent goes to the OMB and has the whole thing overturned because the official plan says, in fact, you would be allowed normally to have a pit there, if you follow what I'm getting at. It's like the elected officials, who are the ones who have to stand for re-election every four years—we should leave it to them to decide. It's their municipality. If they don't want the pit there, it should be their decision.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 15.1? Monsieur Colle and then Madame Des Rosiers.

Mr. Mike Colle: The only thing I find a bit confusing is, you said the official plan allows for pits. Who created the official plan for that municipality?

Mr. Gilles Bisson: The municipality, but—all right, so the situation is that an official plan might have been around for a while. After a period of time, there is a change of council, but also a change in a neighbourhood. More construction has taken place as the subdivision has moved into that area.

0930

Mr. Mike Colle: Who allows the construction?

Mr. Gilles Bisson: It would be the municipality.

Mr. Mike Colle: Anyway, I'm just—

Mr. Gilles Bisson: No, I understand where you're going. But you follow where I'm going. I've had it happen. The municipalities are—

Mr. Mike Colle: After—

Mr. Gilles Bisson: Yes. So I'm hoping you support this. This is a friendly amendment.

The Chair (Mr. Shafiq Qaadri): Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I think the question there is more the powers of the OMB, which is a different kettle of fish. To the extent that this bill continues to support the compliance with the municipal zoning and the municipal official plan, dealing with the OMB may be an interesting thing that we should address also.

Mr. Gilles Bisson: Let's just get rid of the OMB. We'd be a hell of a lot better off.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 15.1?

Mr. Gilles Bisson: We are all agreed. Pass.

The Chair (Mr. Shafiq Qaadri): Seeing none, we'll now proceed to the official, not unofficial, vote. Those in favour of NDP motion 15.1? Those opposed? NDP motion 15.1 falls.

NDP motion 16.

Mr. Gilles Bisson: I almost snuck that one by. It's too bad that one didn't pass, actually.

I move that subsection 11(2) of schedule 1 to the bill, which re-enacts subsection 12 of the Aggregate Resources Act, be struck out.

Well, it's pretty clear as mud, right?

The Chair (Mr. Shafiq Qaadri): Thank you. “Subsection 12(2).”

Mr. Gilles Bisson: Isn't that what I said?

Mr. Mike Colle: It says, “11(2).”

Mr. Gilles Bisson: Oh, “11(2)” is what my paper says. I'm on motion 16.

The Chair (Mr. Shafiq Qaadri): We're all on motion 16. You need to say, “12(2).”

Mr. Gilles Bisson: Oh, that's a typo.

The Chair (Mr. Shafiq Qaadri): That's not a typo. The second, where it says, “which re-enacts subsection 12(2).”

Mr. Gilles Bisson: Okay, what do you want me to do—reread it?

The Chair (Mr. Shafiq Qaadri): Agree.

Mr. Gilles Bisson: I agree.

The Chair (Mr. Shafiq Qaadri): Great. Are there any further comments on NDP motion 16? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 16? Those opposed? NDP motion 16 falls.

There was one amendment that carried, to remind colleagues. Shall therefore schedule 1, section 11, as amended, carry? Carried.

We'll now move to schedule 1, section 12, NDP motion 17. Monsieur Bisson.

Mr. Gilles Bisson: I move that section 12 of schedule 1 to the bill be amended by adding the following subsection to section 12.2 of the Aggregate Resources Act:

“Water table

“(2) It is a condition of every licence that it does not authorize extraction below the water table, unless the licence explicitly states otherwise.”

This is trying to get at the issue that people have raised who came before the committee.

The Chair (Mr. Shafiq Qaadri): Any comments on NDP motion 17? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: As we said, we think that it's already covered in the bill.

Mr. Gilles Bisson: Then vote for it.

The Chair (Mr. Shafiq Qaadri): Further comments? We'll proceed to the vote. Those in favour of NDP motion 17? Those opposed? NDP motion 17 falls.

Shall schedule 1, section 12 carry? Carried.

We proceed now to schedule 1, section 13, NDP motion 18R, “R” being “revised.”

Mr. Gilles Bisson: I move that subsection 13(2.3) of the Aggregate Resources Act, as set out in subsection

13(1) of schedule 1 to the bill, be struck out and the following substituted:

“Public consultation

“(2.3) The consultation procedure requirements that apply to an application for a licence also apply to the amendment of a site plan under this section, with any necessary modifications.”

It’s pretty straightforward.

The Chair (Mr. Shafiq Qadri): Comments? Seeing none, we’ll proceed to the vote on NDP motion 18R. Those in favour? Those opposed? NDP motion 18R falls.

I will take it that NDP motion 18 is withdrawn as it’s essentially the earlier version of the first one.

Mr. Gilles Bisson: Yes.

The Chair (Mr. Shafiq Qadri): We’ll now proceed to NDP motion 19.

Mr. Gilles Bisson: I move that section 13 of schedule 1 to the bill, which amends section 13 of the Aggregate Resources Act, be amended by adding the following subsection:

“(2.1) Section 13 of the act is amended by adding the following subsection:

““Water table

““A condition of a licence that it does not authorize extraction below the water table shall not be rescinded or varied, but a licensee who seeks permission to extract below the water table may bring a new application.””

The Chair (Mr. Shafiq Qadri): Any comments on NDP motion 19?

Mr. Gilles Bisson: It’s pretty straightforward.

The Chair (Mr. Shafiq Qadri): If not, we’ll proceed to the vote. Those in favour of NDP motion 19? Those opposed? NDP motion 19 falls.

Shall schedule 1, section 13, carry? Carried.

We’ll proceed now to schedule 1, section 14. NDP motion 19.1: Monsieur Bisson.

Mr. Gilles Bisson: I move that section 14 of the Aggregate Resources Act, as set out in section 14 of schedule 1 to the bill, be amended by adding the following subsection:

“Amount of fee

“(2.1) The licence fee shall be at least 50 cents per tonne for each tonne of aggregate removed from a site during the previous year.”

It’s fairly straightforward. It speaks to what it is that municipalities and the Ontario municipal association brought forward. I would not normally move this motion, but I made the point of asking proponents, people that are in the pit business, and they seem to be onside, so let’s see where it goes.

The Chair (Mr. Shafiq Qadri): Are there any further comments on NDP motion 19.1? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Any fee increase must be pretty carefully considered. This, I think, is a bit too prescriptive, and so—

Mr. Gilles Bisson: I’m making the point—and you’ll make a point with your vote.

The Chair (Mr. Shafiq Qadri): Any further comments on NDP motion 19.1? If not, we’ll proceed to the

vote. Those in favour of NDP motion 19.1? Those opposed? NDP motion 19.1 falls.

Mr. Bisson, you have the floor for NDP motion 19.2. I just invite you to say the numbers and the sub-numbers clearly, as it’s confusing Hansard. NDP motion 19.2.

Mr. Gilles Bisson: I move that subsection 14(3) of the Aggregate Resources Act, as set out in section 14 of schedule 1 to the bill, be struck out and the following substituted:

“Disbursement of fees

“(3) The trust or other prescribed entity or person to whom fees are paid under subsection (2) shall, for the purpose of road and bridge repair, disburse all or part of the annual licence fees it receives to such other persons or entities as may be prescribed in accordance with the regulations.”

This actually dovetails into the previous one, if you follow our—it’s a bit of a moot point, but what we’re trying to do is to say, “Let’s give the municipalities some ability to raise some money to fix roads and bridges.” It was a recommendation by municipalities and the Ontario municipal association, who had spoken to this.

The Chair (Mr. Shafiq Qadri): Further comments on NDP motion 19.2? If not, we’ll proceed to the vote. Those in favour of NDP motion 19.2? Those opposed? NDP motion 19.2 falls.

NDP motion 20: Mr. Bisson.

Mr. Gilles Bisson: I move that subsection 14(5) of the Aggregate Resources Act, as set out in section 14 of schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qadri): Comments? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 20? Those opposed? NDP motion 20 falls.

The section is still unamended, as you know. Therefore, shall schedule 1, section 14, carry? Carried.

Shall schedule 1, section 15, carry? Carried.

We’ll now proceed to schedule 1, section 16. PC motion 21: Mr. MacLaren.

Mr. Jack MacLaren: I move that subsection 15.1(2) of the Aggregate Resources Act, as set out in subsection 16(1) of schedule 1 to the bill, be amended by striking out “or at such other intervals as may be prescribed” at the end.

The Chair (Mr. Shafiq Qadri): Any further comments?

Mr. Jack MacLaren: The rationale here is that there should be annual reporting, at the very minimum.

The Chair (Mr. Shafiq Qadri): Madame Des Rosiers?

M^{me} Nathalie Des Rosiers: Yes. We’ll vote against it because we have a motion with annual reporting and we like the wording a bit better—with more clarity in what we’re putting forward.

The Chair (Mr. Shafiq Qadri): Any further comments, colleagues? If not, we’ll proceed to the vote on PC motion 21. Those in favour of PC motion 21? Those opposed? PC motion 21 falls.

NDP motion 22.

Mr. Gilles Bisson: I move that subsection 15.1(2) of the Aggregate Resources Act, as set out in subsection 16(1) of schedule 1 to the bill, be amended by striking out “or at such other intervals as may be prescribed” at the end.

It’s déjà vu.

0940

Le Président (M. Shafiq Qaadri): Oui. C’est exactement la même résolution, comme vous le savez. Therefore, it is out of order, as it’s an exact duplicate.

Mr. Gilles Bisson: That’s right. C’est du déjà vu.

The Chair (Mr. Shafiq Qaadri): Therefore, we will now proceed to government motion 23. Mr. Colle.

Mr. Mike Colle: Yes, this tries to clear up the annual reporting. The change is that every licensee shall submit an annual report to the minister for the purpose of assessing the licensee’s compliance with the act, the regulations, a site plan and the conditions of the licence—

The Chair (Mr. Shafiq Qaadri): Mr. Colle, as you may be new to the procedure, you need to read it into the record before the commentary.

Mr. Mike Colle: Yes, okay. I move that section 16 of schedule 1 to the bill be struck out and the following substituted:

“16(1) Subsections 15.1(1) and (2) of the act are repealed and the following substituted:

“Annual compliance report

“15.1(1) Every licensee shall submit an annual report to the minister for the purpose of assessing the licensee’s compliance with this act, the regulations, a site plan and the conditions of the licence.

“Same

“(2) A licensee shall prepare and submit an annual compliance report in accordance with the regulations.”

“(2) Section 15.1 of the act is amended by adding the following subsection:

“Exception

“(15.1) Clause (5)(b) does not apply in respect of a contravention disclosed in an annual compliance report if the contravention was discovered by an inspector before the compliance report was submitted to the minister.”

Basically, it’s just trying to clear up the language around the reporting.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle. With regard to the reading, with “Exception,” I believe you meant to say 5.1, as opposed to 15.1.

Mr. Mike Colle: Yes, I did. That’s right. You’re right.

The Chair (Mr. Shafiq Qaadri): Thank you. Are there further comments on government motion 23? If not, we’ll proceed to the vote. Those in favour of government motion 23? None opposed? Government motion 23 carries.

NDP motion 24.

Mr. Gilles Bisson: I move that section 15.1 of the Aggregate Resources Act, as set out in subsection 16(1) of schedule 1 to the bill, be amended by adding the following subsection:

“Online posting

“(2.1) The minister shall not post the compliance report”—no, not “shall not.” Excuse me. I’ll do that again.

“(2.1) The minister shall post the compliance report on a publicly accessible website and keep it posted.”

That was funny.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 24?

Mr. Gilles Bisson: It’s pretty straightforward. It’s just trying to provide more transparency by making sure it is posted.

The Chair (Mr. Shafiq Qaadri): Keep it posted.

Mr. Gilles Bisson: Exactly.

The Chair (Mr. Shafiq Qaadri): Exactly. Any further comments on NDP motion 24? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 24? Those opposed? NDP motion 24 fails.

Shall schedule 1, section 16, as amended, carry? Carried.

May I take it as the will of the committee to consider the next four sections in aggregate? Therefore, shall schedule 1, sections 17, 18, 19 and 20, carry? Carried.

We’ll now proceed to schedule 1, section 21. NDP motion 25: Monsieur Bisson.

Mr. Gilles Bisson: I move that subsection 21(2) of schedule 1 to the bill be amended by adding the following subsection to section 23 of the Aggregate Resources Act:

“Online posting”—here we go again.

“(4.1.1) The minister shall post the site plan on a publicly accessible website and keep it posted.

“Specific studies

“(4.1.2) Every application for a wayside permit shall include specific studies of the following matters:

“1. Impacts on natural heritage.

“2. Impacts on municipal water supplies.

“3. Cumulative impacts on hydrology and hydrogeology (including water quality and quantity).

“4. Impacts on agricultural values.”

Pretty straightforward.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 25? Madame Des Rosiers?

M^{me} Nathalie Des Rosiers: I think we consider that regulations are the appropriate place to be so specific, and that’s the reason why I’ll vote against it.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Gilles Bisson: And you know I have a completely opposite view.

M^{me} Nathalie Des Rosiers: Yes, I know.

The Chair (Mr. Shafiq Qaadri): We’ll proceed, then, to the vote on NDP motion 25. Those in favour of NDP motion 25?

Mr. Gilles Bisson: Recorded vote, please.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Bisson.

Nays

Colle, Delaney, Des Rosiers, MacLaren, Norm Miller, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion number 25 falls.

NDP motion 26: Monsieur Bisson.

Mr. Gilles Bisson: Yes. I move that subsection 21(3) of schedule 1 to the bill be amended by adding the following subsection to section 23 of the Aggregate Resources Act:

“Public consultation period

“(6.1) The consultation procedure shall include a 120-day public consultation period.”

It’s the same logic as the previous one, so I made the argument; I think I know what the result of the vote will be.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 26? There are none. We’ll proceed to the vote—

Mr. Gilles Bisson: Record this vote.

The Chair (Mr. Shafiq Qaadri): A recorded vote.

Ayes

Bisson.

Nays

Colle, Delaney, Des Rosiers, MacLaren, Norm Miller, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 26 falls.

This section, as you can see, is unamended. Therefore, shall schedule 1, section 21 carry? Carried.

We’ll now proceed. Similarly, no amendments being received to date, shall schedule 1, section 22 carry? Carried.

We’ll now proceed to section 23: government motion 27. Mr. Colle.

Mr. Mike Colle: Yes, I move that section 23 of schedule 1 to the bill be amended by striking out “municipal drinking water sources” and substituting “drinking water sources”.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion—

Ms. Daiene Vernile: Recorded vote, Chair?

The Chair (Mr. Shafiq Qaadri): Sure. Government motion 27: Further comments? If not, we’ll proceed to the recorded vote.

Ayes

Bisson, Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): Government motion 27 carries.

NDP motion 28.

Mr. Gilles Bisson: I’m going to withdraw it because essentially, in one word, it does the same thing as the section we just amended.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson. Therefore, NDP motion 29.

Mr. Gilles Bisson: Yes, hang on. Moving on—you speak faster than I can write. Here we go.

I move that section 23 of schedule 1 to the bill, which amends section 26 of the Aggregate Resources Act, be amended by adding the following subsection:

“(2) Section 26 of the act is amended by adding the following subsections:

““Demonstrated need

“(2) The minister shall not issue a wayside permit unless the applicant demonstrates that there is need for aggregate extraction in the relevant geographical area.

““Fixed term

“(3) The minister shall not issue a wayside permit unless the wayside permit has a fixed term.

““Requirement if going below the water table

“(4) The minister shall not issue a wayside permit in respect of an application that seeks to extract aggregates below the water table unless the applicant submits a full environmental assessment of potential impacts on the hydrological system.

““Pumping water in perpetuity

“(5) The minister shall not issue a wayside permit in respect of the extraction of aggregates that would require the pumping of water in perpetuity.

““Source water protection

“(6) The minister shall not issue a wayside permit that conflicts with a source protection plan as defined in subsection 2(1) of the Clean Water Act, 2006.”

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 29. Mr. MacLaren?

Mr. Jack MacLaren: This is pretty much the same as the previous motion, I believe. My comments would be that we don’t want to limit the availability of aggregates just to reach a local municipality or area. We need the flexibility of being able to obtain aggregate from wherever it may be, as desired and as economically reasonable.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 29? Seeing none, we’ll proceed to the vote.

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Bisson.

Nays

Colle, Delaney, Des Rosiers, MacLaren, Norm Miller, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 29 falls.

NDP motion 29.1: Mr. Bisson.

Mr. Gilles Bisson: I move that schedule 23 of schedule 1 to the bill, which amends section 26 of the Aggregate Resources Act, be amended by adding the following subsection:

“(3) Section 26 of the act is amended by adding the following subsection:

“Municipal opposition

“(7) The minister shall not issue a wayside permit if a local municipality or upper-tier municipality that contains the relevant geographical area passes a resolution that the licence not be granted.”

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This is my next kick at the can. I heard the government the last time saying that this is an OMB matter. I don't believe it is; I think municipalities are responsible to be able to manage where construction is going to happen within their particular municipality. Why not trust the level of government that is the one that is actually going to have to live with the consequences or the benefits of having a quarry in that particular area? If the municipal council decides that it's not in their best interest, for whatever reason, to allow a pit to be developed, we should respect that.

I think most of us have had occasions where we've seen that happen, and it's rather unfortunate that the elected municipal council gets overruled by the OMB. I don't want to wait for the OMB to change this, because it never will. I've been here for almost 30 years now and we've been fighting with the OMB for as long as I've been here, and since before. I would ask that we actually do this. This would help a number of municipalities who are pro-development but in some cases just don't believe it's the right thing to build a pit in a particular area.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 29.1? Seeing none—

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. Shafiq Qaadri): —we'll proceed to the recorded vote.

Ayes

Bisson.

Nays

Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 29.1 falls.

We'll proceed now to consider the schedules. Shall schedule 1, section 23, as amended, carry? Carried.

No amendments have been received to date for the next section. Shall schedule 1, section 24, carry? Carried.

We'll proceed now to the next section: schedule 1, section 25, NDP motion 30. Mr. Bisson.

Mr. Gilles Bisson: I move that section 30 of the Aggregate Resources Act, as set out in section 25 of the bill, be amended by adding the following subsection:

“Water table

“(2) It is a condition of every wayside permit that it does not authorize extraction below the water table, unless the wayside permit explicitly states otherwise.”

The Chair (Mr. Shafiq Qaadri): Are there further comments on NDP motion 30? If not, we will proceed to the vote. Those in favour of the NDP motion 30? Those opposed? NDP motion 30 falls.

NDP motion 31: Mr. Bisson.

Mr. Gilles Bisson: I move that subsection 30.1(5) of the Aggregate Resources Act, as set out in section 25 of schedule 1 to the bill, be struck out and the following substituted:

“Public consultation

“(5) The consultation procedure requirements that apply to an application for a wayside permit also apply to the amendment of a site plan under this section, with any necessary modifications.”

I think I forgot to say (5) at the beginning of that.

Interjection.

Mr. Gilles Bisson: I did? Okay.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 31? If there are no comments, we will proceed to the vote. Those in favour of NDP motion 31? Those opposed? NDP motion 31 falls.

NDP motion 32: Mr. Bisson.

Mr. Gilles Bisson: I move that section 30.1 of the Aggregate Resources Act, as set out in section 25 of schedule 1 to the bill, be amended by adding the following subsection:

“Water table

“(6.1) A condition of a wayside permit that it does not authorize extraction below the water table shall not be rescinded or varied, but a licensee who seeks permission to extract below the water table may bring a new application.”

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 32? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 32? Those opposed? NDP motion 32 falls.

Still unamended, shall schedule 1, section 25, carry? Carried.

We'll proceed now to section 26, NDP motion 32.1: Mr. Bisson.

Mr. Gilles Bisson: We've lost this one previously, so I'll just withdraw it.

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

NDP motion 32.2.

Mr. Gilles Bisson: Hang on; I've got to write on my paperwork here.

It's the same. We've already voted on a similar one and it was defeated, so I will withdraw it.

The Chair (Mr. Shafiq Qaadri): NDP motion 33.

Mr. Gilles Bisson: I move that subsection 31.1(5) of the Aggregate Resources Act, as set out in section 26 of schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Any comments on NDP motion 33? Let's proceed to the vote.

Those in favour of NDP motion 33? Those opposed? NDP motion 33 falls.

This section, as you can see, is still unamended. Therefore, shall schedule 1, section 26, carry? Carried.

There are still no amendments received for the next section. Shall schedule 1, section 27, carry? Carried.

We'll proceed now to section 28, NDP motion 34. Monsieur Bisson.

Mr. Gilles Bisson: I move that subsection 28(1) of schedule 1 to the bill, which enacts subsection 34(1.1) of the Aggregate Resources Act, be struck out.

The Chair (Mr. Shafiq Qadri): Further comments on NDP motion 34? If not, we'll proceed to the vote. Those in favour of NDP motion 34? Those opposed to NDP motion 34? NDP motion 34 falls.

Monsieur Bisson, NDP motion 35.

Mr. Gilles Bisson: I move that subsection 28(3) of schedule 1 to the bill be amended by adding the following subsections to section 34 of the Aggregate Resources Act:

“Specific studies

“(4.1) Every application for an aggregate permit shall include specific studies of the following matters”—we've already done this. You've already voted against it. I will withdraw it.

The Chair (Mr. Shafiq Qadri): We'll proceed to NDP motion 35.1.

Mr. Gilles Bisson: I move that subsection 28(3) of schedule 1 to the bill be amended by adding the following subsection to section 34 of the Aggregate Resources Act:

“Municipal opposition

“(4.7) The minister shall not issue an aggregate permit if a local municipality or upper-tier municipality that contains the relevant geographical area passes a resolution that the licence not be granted.”

You'll notice that I haven't withdrawn this one even though we voted on similar motions twice. I'm trying again—the old baseball adage, “Try, try again.”

Last time I want to make the point: Why wouldn't we give the municipalities the final say? It's their municipality. They're the ones that have to deal with both the proponent and the people who live in and around the proposed area. Why not let them have the say if a pit shall or shall not be done? I've got one right now that I'm dealing with in our constituency: Baker Lake. It's a beautiful little cottage area, right in the middle of the city of Timmins. It's a beautiful, pristine area, and somebody is trying to build a pit in there. The municipality voted no. The individual has gone off to the OMB, and the OMB will probably approve it. Here are these people who bought beautiful land for years. They've been living there for generations on this nice little lake. They're going to have a pit next door. Who wants that? The municipality, for good reason, said no.

The Chair (Mr. Shafiq Qadri): Mr. Colle.

Mr. Mike Colle: It is difficult, because all these municipalities—everybody wants roads, schools, hospitals. They want condos downtown.

Mr. Gilles Bisson: No, they don't want condos there.

Mr. Mike Colle: Well, people in Toronto want condos to live in, because they've got nowhere else to live, because a lot costs \$1.5 million in Toronto.

Anyway, everybody is worried about pits, yet they want the concrete, they want the cement, they want the gravel. We're never going to solve this demand and supply.

Mr. Gilles Bisson: Listen, there's not very much danger that the stuff out of Baker Lake is going to end up in a condo in downtown Toronto. Most of the gravel that we do is for our own construction needs and for road construction. There are lots of areas to be able to go get aggregate in the place that I come from.

The point that I'm trying to make is—I think most of you have served on municipal councils; I did not—municipalities take this rather seriously, because they have to balance the interests of their residents and the interests of the business community. They're not going to willy-nilly say no just because of whatever. They will do it based on the reality of the situation.

As in the case of Baker Lake, those people have been there for generations. Why should the council not have the right to protect what has been a natural heritage for years in that part of the community?

Mr. Mike Colle: Yet they want aggregates from the municipality next door to build their roads in their municipality.

Mr. Gilles Bisson: The municipality next door is 300 miles away, where I live.

Mr. Mike Colle: Anyway, you get what I'm saying. There's always a municipality next door that will say, “Get the aggregates there.”

Mr. Gilles Bisson: But you can build the pit two miles away from this one. There's a lot of land. There's a lot of aggregate. That's not the issue.

Mr. Mike Colle: It's difficult to make a law that—was it Baker Lake?

Mr. Gilles Bisson: Baker Lake, yes.

Mr. Mike Colle: There are a lot of Baker Lakes.

Mr. Gilles Bisson: But this is not just Baker Lake. I'm using that as an example. I've had it now two or three times in the last 10 years, where a municipal council has said no, that they don't want that particular development. If you lived in rural Ontario, you might have some of these. I'm just thinking, why not trust the local level of government? They're the one that has to deal with it.

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The Chair (Mr. Shafiq Qadri): Thank you, Monsieur Bisson.

Mr. Mike Colle: Anyway, I've been told we've got to move on, so I can't speak anymore.

Mr. Gilles Bisson: You can't, and you've been told, eh?

The Chair (Mr. Shafiq Qadri): We'll proceed now, moving on, to consider—

Mr. Gilles Bisson: Hang on. I've got to check with my staff person. They told me I can keep on going—

there's no staff behind me, in case you're reading this in Hansard.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 35.1—

Mr. Gilles Bisson: Recorded vote.

The Chair (Mr. Shafiq Qaadri): A recorded vote.

Ayes

Bisson.

Nays

Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): Motion 35.1 falls.

Shall schedule 1, section 28, carry? Carried.

Schedule 29: NDP motion 36.

Mr. Gilles Bisson: I move that section 35 of the Aggregate Resources Act, as set out in section 29 of schedule 1 to the bill, be amended by adding the following subsection:

“Public consultation period

“(1.1) The consultation procedure shall include a 120-day public consultation period.”

The Chair (Mr. Shafiq Qaadri): Comments? We'll proceed to the vote. Those in favour of NDP motion 36? Those opposed? The motion falls.

NDP motion 37.

Mr. Gilles Bisson: I move that section 35.1 of the Aggregate Resources Act, as set out in section 29 of schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments? Vote: Those in favour of NDP motion 37? Those opposed? NDP motion 37 falls.

Shall schedule 1, section 29, carry? Carried.

Now to section 30: NDP motion 38.

Mr. Gilles Bisson: Let's try it again. I move that section 36 of the Aggregate Resources Act, as set out in section 30 of schedule 1 to the bill, be amended by adding the following subsection:

“Online posting

“(2) The minister shall post the site plan on a publicly accessible website and keep it posted.”

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Gilles Bisson: Transparency.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote. Those in favour of NDP motion 38—

Mr. Gilles Bisson: Hang on. Madame Des Rosiers wanted to say something.

The Chair (Mr. Shafiq Qaadri): Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I just wanted to say that our position is that public transparency will be achieved; it's a question of regulations or legislation, the balance between the two.

The Chair (Mr. Shafiq Qaadri): We'll proceed now to the vote. Those in favour of NDP motion 38? Those opposed? Motion 38 falls.

Shall section 30 carry? Carried.

We'll now go to section 31. NDP motion 39: Mr. Bisson.

Mr. Gilles Bisson: I move that section 37 of the Aggregate Resources Act, as set out in section 31 of schedule 1 of the bill, be amended by adding the following subsection:

“Water table

“(2) It is a condition of every aggregate permit that it does not authorize extraction below the water table, unless the aggregate permit explicitly states otherwise.”

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 39? If not, we will proceed to the vote. Those in favour of NDP motion 39? Those opposed? Motion 39 falls.

NDP motion 40.

Mr. Gilles Bisson: I move that subsection 37.1(5) of the Aggregate Resources Act, as set out in section 31 of schedule 1 to the bill, be struck out and the following substituted:

“Public consultation

“(5) The consultation procedures that apply to an application for an aggregate permit also apply to the amendment of a site plan under this section, with any necessary modifications.”

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 40? If none, we'll proceed to the vote. Those in favour of NDP motion 40? Those opposed? The motion falls.

NDP motion 41: Mr. Bisson.

Mr. Gilles Bisson: I move that section 37.1 of the Aggregate Resources Act, as set out in section 31 of schedule 1 to the bill, be amended by adding the following subsection:

“Water table

“(7) A condition of an aggregate permit that it does not authorize extraction below the water table shall not be rescinded or varied, but a licensee who seeks permission to extract below the water table may bring a new application.”

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 41? If none, we'll proceed to the vote. Those in favour of NDP motion 41? Those opposed? It falls.

NDP motion 41.1.

Mr. Gilles Bisson: I will withdraw 41.1—just for the record, it's because we've already voted on a similar motion, and it was voted down.

The Chair (Mr. Shafiq Qaadri): NDP motion 41.2.

Mr. Gilles Bisson: Hang on; I'm just writing on the paper here.

Again, this is a similar motion to one we've already voted on that the government voted against, so I'll just withdraw it.

The Chair (Mr. Shafiq Qaadri): NDP motion 42.

Mr. Gilles Bisson: Hang on. Oh, this is a good one. They're all good.

Laughter.

Mr. Gilles Bisson: I thought you'd like that.

I move that subsection 37.2(5) of the Aggregate Resources Act, as set out in section 31 of schedule 1 to the bill, be struck out.

I know that we've been waiting for this one all morning, right?

Mr. Arthur Potts: And it's a good one.

Mr. Gilles Bisson: Yes.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 42? If none, we'll vote—Mr. MacLaren?

Mr. Jack MacLaren: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Yes, recorded vote.

Ayes

Bisson, MacLaren, Norm Miller.

Nays

Colle, Delaney, Des Rosiers, Potts, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 42 falls.

Shall schedule 1, section 31, carry? Carried.

We'll move now to section 32, and PC motion 43: Mr. MacLaren.

Mr. Jack MacLaren: I move that subsection 40.1(2) of the Aggregate Resources Act, as set out in subsection 32(1) of schedule 1 to the bill, be amended by striking out "or at such other intervals as may be prescribed" at the end.

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 43? If none, we'll proceed to the vote. Those in favour of PC motion 43? Those opposed? PC motion 43 falls.

Government motion 44: Mr. Colle.

Mr. Mike Colle: I move that section 32 of schedule 1 to the bill be struck out and the following substituted:

"32(1) Subsection 40.1(1) and (2) of the act are repealed and the following substituted:

"Annual compliance report

"40.1(1) Every holder of an aggregate permit shall submit an annual report to the minister for the purpose of assessing the permittee's compliance with this act, the regulations, a site plan and the conditions of the permit.

"Same

"(2) The holder of an aggregate permit shall prepare and submit an annual compliance report in accordance with the regulations."

"(2) Section 40.1 of the act is amended by adding the following subsection:

"Exception

"(5.1) Clause (5)(b) does not apply in respect of a contravention disclosed in an annual compliance report if the contravention was discovered by an inspector before the compliance report was submitted to the minister."

I so move.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 44? If there are none, we'll proceed

to the vote. Those in favour of government motion 44? None opposed? Motion 44 carries.

NDP motion 45.

Mr. Gilles Bisson: I move that subsection 40.1(2) of the Aggregate Resources Act, as set out in subsection 32(1) of schedule 1 to the bill, be amended by striking out "or at such other intervals as may be prescribed" at the end.

The Chair (Mr. Shafiq Qaadri): Monsieur Bisson, this motion is out of order, as the preceding passage of amendment 44 renders this obsolete.

Mr. Gilles Bisson: I know.

The Chair (Mr. Shafiq Qaadri): So I will take it as withdrawn.

Mr. Gilles Bisson: But it was so much fun reading it.

The Chair (Mr. Shafiq Qaadri): We share that fun too.

NDP motion 46.

Mr. Gilles Bisson: I move that subsection 32(1) of schedule 1 to the bill be amended by adding the following subsection to section 40.1 of the Aggregate Resources Act:

"Online posting

"(2.1) The minister shall post the compliance report on a publicly accessible website and keep it posted."

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 46?

Mr. Gilles Bisson: Transparency, transparency.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote. Those in favour of NDP motion 46? Those opposed? Motion 46 falls.

Shall schedule 1, section 32, as amended, carry? Carried.

May I take it as the will of the committee to consider sections 33, 34, 35, 36 and 37 in the aggregate? Yes. Therefore, shall schedule 1, sections 33, 34, 35, 36 and 37, carry? Carried.

We'll now proceed to section 38. NDP motion 47: Monsieur Bisson.

Mr. Gilles Bisson: I move that section 38 of schedule 1 to the bill, which amends section 46 of the Aggregate Resources Act, be amended by adding the following subsection:

"(0.1) Subsection 46(1) of the act is amended by adding 'and, in the case of extraction below the water table, the royalty shall exceed the royalty that would be charged for extraction above the water table in an amount that is approximately proportionate to the difference in cost between rehabilitating extraction above the water table and rehabilitating extraction below the water table' at the end."

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 47? We'll proceed, then, to the vote. Those in favour of NDP motion 47? Those opposed? NDP motion 47 falls.

Shall section 38, schedule 1, carry? Carried.

We'll now proceed to section 39, NDP motion 48. Mr. Bisson.

Mr. Gilles Bisson: I move that section 39 of schedule 1 to the bill be amended by adding the following subsection to section 48 of the Aggregate Resources Act:

“Online posting

“(1.2) The minister shall post the reports on a publicly accessible website and keep the reports posted.”

The Chair (Mr. Shafiq Qaadri): Further comments? We’ll proceed to the vote. Those in favour of NDP motion 48? Those opposed? NDP motion 48 falls.

Shall section 39 carry? Carried.

May I take it as the will of the committee to consider sections 40, 41 and 42 in the aggregate? Therefore, shall schedule 1, sections 40, 41 and 42, carry? Carried.

We’ll now proceed to the creation, potentially, of a new section, 42.1, with NDP motion 49.

Mr. Gilles Bisson: I move that schedule 1 to the bill be amended by adding the following section:

“42.1 The act is amended by adding the following sections:

“Sectoral assessment and evaluation

“60(1) The minister shall develop and maintain an up-to-date publicly available assessment of current aggregate demand and supply and provide projections of future needs, including analysis of opportunities for conservation, recycling and reduction of the demand for aggregates.

“Same

“(2) The minister shall track and evaluate the amount of recycled aggregate resources used in Ontario, and make reports of the results available to the public.

“Targets

“61(1) The minister shall, no later than one year after the day the Aggregate Resources and Mining Modernization Act, 2016, receives royal assent, establish a target for the use of aggregate resources, set a timeline for achieving that target, publish the target on a publicly accessible website, prepare an annual report on the progress towards achieving the target and timeline and publish the report on a publicly accessible website.

“Non-application of the Legislation Act, 2006, part III

“(2) Part III (Regulations) of the Legislation Act, 2006 does not apply to the target.”

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 49? If there are none, we’ll proceed to the vote. Those in favour of NDP motion 49? Those opposed to NDP motion 49? NDP motion 49 is lost.

May I consider, therefore, sections 43 and 44 in the aggregate, paired, as there are no amendments received to date? Therefore, shall schedule 1, sections 43 and 44, carry? Carried.

Thank you, colleagues. We are in recess till this afternoon at 2 p.m.

The committee recessed from 1013 to 1400.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. I reconvene the Standing Committee on Justice Policy. As you know, we’re here to consider clause-by-clause amendments.

We are on schedule 1, section 45. PC motion 50: Mr. MacLaren.

Mr. Jack MacLaren: I move that subsection 62.2(1) of the Aggregate Resources Act, as set out in section 45 of schedule 1 to the bill, is struck out and the following substituted:

“Expert review of application information

“62.2(1) The minister may require the review, in accordance with the regulations, of technical or specialized studies or reports that an applicant for a licence or permit or a licensee or permittee is required under this act to prepare by persons or entities outside the ministry who have the prescribed qualifications.

“Notice

“(1.1) The minister shall give an applicant, licensee or permittee 30 days’ notice before a review is conducted under this section.

“Opportunity to make representations, etc.

“(1.2) The applicant, licensee or permittee may, before the review is conducted, make representations to the minister relating to whether the review is necessary, the terms of reference for the review and the cost of the review.

“Exemption

“(1.3) If a peer review of the study or report is required by a municipality or conservation authority, the minister may not require a review to be conducted under this section.”

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 50? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 50? All opposed? PC motion 50 falls.

We now move to government motion 51.

M^{me} Nathalie Des Rosiers: I move that subsections 62.3(2) and (3) of the Aggregate Resources Act, as set out in section 45 of schedule 1 to the bill, be struck out and the following substituted:

“Direction

“(2) A direction under subsection (1) shall be made in accordance with the regulations and shall inform the licensee or permittee of the right to request a reconsideration of the direction under subsection (3).

“Request for reconsideration

“(3) Within 30 days after receiving a direction under subsection (1), a licensee or permittee may request in writing that the minister reconsider the direction and may include in the request any written submission or materials to support the request.

“Reconsideration

“(4) After reconsideration of a direction, the minister may confirm or revoke the direction or make such other direction as he or she considers appropriate.

“Compliance

“(5) A licensee or permittee shall comply with a direction made by the minister under subsection (1) or (4) within the time specified by the minister.”

The Chair (Mr. Shafiq Qaadri): Comments to government motion 51?

M^{me} Nathalie Des Rosiers: This simply has reflected the need that was expressed by some people to have some form of appeal in the context.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. I would also, just to inform the committee, respectfully say, Mr. Walker, you are certainly welcome to stay, participate and morally support your party, but you're not allowed to officially vote. We don't want to get into fake voting here.

Those in favour of government motion 51? Those opposed? Government motion 51 carries.

PC motion 52.

Mr. Bob Delaney: If we have a fake vote, would that then become fake news?

Mr. Jack MacLaren: No, it becomes the truth.

Mr. Bill Walker: Or an alternative fact.

The Chair (Mr. Shafiq Qaadri): PC motion 52.

Mr. Jack MacLaren: I move that subsection 62.4(2) of the Aggregate Resources Act, as set out in section 45 of schedule 1 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Considerations

“(2) The minister shall make a direction under subsection (1) only if there is a proven scientific basis for concern and he or she considers it necessary for the proper administration of this act after considering.”

The Chair (Mr. Shafiq Qaadri): Comments to PC motion 52? If there are no comments, we will proceed to the vote. Those in favour of PC motion 52? Those opposed? PC motion 52 falls.

PC motion 53: Mr. MacLaren.

Mr. Jack MacLaren: I move that section 62.4 of the Aggregate Resources Act, as set out in section 45 of schedule 1 to the bill, be amended by adding the following subsection:

“Existing reserves

“(9) No aggregate reserve that exists on the day this section comes into force shall be reduced as a result of anything required to be done under subsection (1).”

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 53? If there are none, we will proceed to the vote. Those in favour of PC motion 53? Those opposed? PC motion 53 falls.

PC motion 54: Mr. MacLaren.

Mr. Jack MacLaren: I move that section 62.4 of the Aggregate Resources Act, as set out in section 45 of schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 54? If there are none, we will proceed to the vote. Those in favour of PC motion 54? Those opposed? PC motion 54 falls.

NDP motion 54.1.

Mr. Gilles Bisson: I move that section 45 of schedule 1 to the bill be amended by adding the following section to the Aggregate Resources Act:

“Information sharing with municipalities

“62.5 The minister shall share notices under this act and all the information the minister receives under this

act, including reports and tests, with the all lower-tier, upper-tier and single-tier municipalities to which the notice or information relates.”

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 54.1?

Mr. Gilles Bisson: It's pretty straightforward.

The Chair (Mr. Shafiq Qaadri): If there are none, we'll proceed to the vote. Those in favour of NDP motion 54.1? Those opposed? NDP motion 54.1 falls.

This section has been amended, as you know. Shall schedule 1, section 45, as amended, carry?

May I take it as the will of the committee to consider in aggregate sections 46, 47, 48? Carried.

We now move to section 49. Government motion 55: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 49(13) of schedule 1 to the bill be struck out.

The Chair (Mr. Shafiq Qaadri): Comments? We proceed to the vote. Those in favour of government motion 55? Those opposed? Government motion 55 carries.

PC motion 56.

Mr. Jack MacLaren: I move that clause 67(1)(o.4) of the Aggregate Resources Act, as set out in subsection 49(14) of schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Jack MacLaren: The purpose of this is to not include recycled aggregate in the annual total tonnage limits, with the idea that this would be a disincentive to recycle aggregates.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we will proceed to the vote. Those in favour of PC motion 56? Those opposed? PC motion 56 falls.

PC motion 57.

Interjection.

The Chair (Mr. Shafiq Qaadri): Mr. MacLaren, apparently PC motion 57 is contingent upon PC motion 59 passing. If it's the will of the committee, we will stand down sections 49 to 52 so that we can proceed to PC motion 59, which needs to be enabled before 57 can be voted upon. I'll take that as the will of the committee so I don't have to explain it.

PC motion 59: Mr. MacLaren.

Mr. Jack MacLaren: I move that subsection 71.1(4) of the Aggregate Resources Act, as set out in section 53 of schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Just to be clear, we are now on PC motion 59: schedule 1, section 53. Is that clear? Is there any comment on it, or will we proceed to the vote? If none, we will proceed to the vote. Those in favour of PC motion 59? Those opposed? PC motion 59 falls.

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We will now return to PC motion 57, which I presume is now essentially invalid and nullified, as it did not get enabled by the previous amendment we just voted on.

Mr. Jack MacLaren: So we withdraw that one?

The Chair (Mr. Shafiq Qaadri): Yes.

Mr. Jack MacLaren: Okay.

The Chair (Mr. Shafiq Qaadri): Shall section 49, as amended, carry? Carried.

Just to be clear, we have now dispensed with schedule 1, section 49, as amended. It has been carried.

May I take it as the will of the committee to consider sections 50, 51 and 52 in aggregate? Agreed. Shall schedule 1, sections 50, 51 and 52, carry? Carried.

We'll now move to section 53, PC motion 58. Mr. MacLaren.

Mr. Jack MacLaren: I move that subsection 71.1(2) of the Aggregate Resources Act, as set out in section 53 of schedule 1 to the bill, be amended by,

(a) striking out "removed" and substituting "extracted"; and

(b) striking out "or remove".

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 58? Just to be clear, we're on schedule 1, section 53, PC motion 58. If there are no further comments, we'll proceed to the vote. Those in favour of PC motion 58? Those opposed? PC motion 58 falls.

We have already dispensed with PC motion 59. There are no amendments so far to that section. Therefore, shall schedule 1, section 53, carry? Carried.

Next, section 54—also no amendments received to date. Shall schedule 1, section 54, carry? Carried.

Shall that entire schedule 1, as amended, carry? Carried.

We now proceed to schedule 2, section 1, government motion 60. Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that the definition of "boundary cell" in subsection 1(1) of the Mining Act, as set out in subsection 1(2) of schedule 2 to the bill, be amended by striking out "one or more boundary claims" at the end and substituting "two or more boundary claims".

Le Président (M. Shafiq Qaadri): Commentaires? Des questions?

M^{me} Nathalie Des Rosiers: The series of amendments are quite technical. They are designed to facilitate the transition from what we have now to the online, and are responsive to some of the comments that we heard during the hearings.

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

Mr. Norm Miller: They all seem to be mainly technical in nature. I'm just surprised at how many there are. On a brand new bill, there are so many technical amendments.

M^{me} Nathalie Des Rosiers: I think we should do them right the first time.

Mr. Norm Miller: Okay.

The Chair (Mr. Shafiq Qaadri): If there are no comments, we'll proceed. Those in favour of government motion—yes, Monsieur Bisson?

Mr. Gilles Bisson: I take it that it responds to what was raised, where the way that it was written, there may be some confusion as to the boundaries of a claim—and that's why it's being changed, right?

M^{me} Nathalie Des Rosiers: Yes.

Mr. Gilles Bisson: Okay.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we'll consider the vote. Those in favour of government motion 60? Those opposed? Government motion 60 carries.

Government motion 61: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that the definition of "boundary claim" in subsection 1(1) of the Mining Act, as set out in subsection 1(2) of schedule 2 to the bill, be struck out and the following substituted:

"boundary claim" means the part or parts of one or more legacy claims that on the conversion date under section 38.2 are located within a single cell on the provincial grid and converted to a boundary claim in accordance with paragraph 3 or 5 of subsection 38.2(2); ('claim sur cellule mixte')

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 61?

M. Gilles Bisson: Même chose.

M^{me} Nathalie Des Rosiers: Même chose.

Le Président (M. Shafiq Qaadri): La même chose. D'accord.

We'll proceed to the vote. Those in favour of government motion 61? Those opposed? Government motion 61 carries.

Shall schedule 2, section 1, as amended, carry? Carried.

We'll consider the next two sections en bloc. Shall schedule 2, sections 2 and 3, carry? Carried.

We'll now proceed to section 4 of schedule 2: government motion 62.

M^{me} Nathalie Des Rosiers: I move that clause 7(2)(d) of the Mining Act, as set out in section 4 of schedule 2 to the bill, be struck out and the following substituted:

"(d) for each mining claim,

(i) an abstract in which all transfers, assessment work reports, exploration plans, exploration permits, orders, agreements, instruments, notes and other entries relating to the mining claim are recorded,

(ii) any assessment work reports, exploration plans and exploration permits relating to the mining claim, and

(iii) any orders, agreements, instruments or other documents relating to the mining claim that are in an electronic format, subject to a direction made by the minister under subsection (3.1)."

The Chair (Mr. Shafiq Qaadri): Comments on government motion 62? If none, we'll proceed to the vote. Those in favour of government motion 62? Those opposed? Government motion 62 carries.

Government motion 63.

M^{me} Nathalie Des Rosiers: I move that section 7 of the Mining Act, as set out in section 4 of schedule 2 to the bill, be amended by adding the following subsection:

"Documents excluded from registry

(3.1) The minister may, in his or her discretion, direct that certain instruments or documents referred to in subclause (2)(d)(iii), or certain classes of such instruments or documents, not be included in the mining claim registry."

Le Président (M. Shafiq Qaadri): Merci beaucoup. Y a-t-il des commentaires ou des questions avant le vote?

We'll proceed to the vote, then, on government motion 63. Those in favour of government motion 63? Those opposed? Government motion 63 carries.

Shall schedule 2, section 4, as amended, carry? Carried.

The next two sections have no amendments received to date. Shall schedule 2, sections 5 and 6, carry en bloc? Carried.

We now proceed to schedule 2, section 7, government motion 64R: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 7 of schedule 2 to the bill be struck out and the following substituted:

“7. Sections 15, 16 and 17 of the act are repealed and the following substituted:

“Posting, filing and service

“Posting and filing

“15(1) A notice, order or document to be posted or filed under this act, except under section 92 or a provision in part IV, shall be posted in such place and manner as the minister directs or filed in such manner as the minister directs.

“Service

“(2) Any notice, order or document relating to a licensee or claim holder is sufficiently served upon the licensee or claim holder if delivered or sent by mail to their address for service as shown in the mining lands administration system.

“Same

“(3) Where service is made by mail under subsection (2) it is deemed to have been made on the fifth day after the day of mailing.

“Change of address

“(4) A licensee or claim holder shall update the mining lands administration system with respect to any change of address for service.

“When document received

“16. Any document required or permitted to be filed or recorded under this act that is received at an office specified in a notice issued by the minister after 4:30 local time where the office specified in the notice is located is deemed to have been received on the next day that the office is open for business.”

Interjection.

The Chair (Mr. Shafiq Qadri): Madame Des Rosiers, something about the time: 4:30 p.m.—

M^{me} Nathalie Des Rosiers: Yes, “4:30 p.m. local time.”

Interjection.

The Chair (Mr. Shafiq Qadri): That's fine. It has been clarified now.

Any comments on government motion 64R? If there are none, we'll proceed to the vote. Those in favour of government motion 64R? Those opposed? So 64R carries.

Government motion 64?

M^{me} Nathalie Des Rosiers: We are withdrawing the motion.

The Chair (Mr. Shafiq Qadri): Thank you.

Shall schedule 2, section 7, as amended, carry? Carried.

We'll now proceed to the potential creation of a new section, 7.1: government motion 64.1.

M^{me} Nathalie Des Rosiers: I move that schedule 2 to the bill be amended by adding the following section:

“7.1 Section 18 of the act is repealed and the following substituted:

“Licence required

“18. No person shall, without a prospector's licence, do any of the following with respect to land that has not been registered as part of a mining claim and for which the mining rights are held by the crown:

“1. Prospect.

“2. Register a mining claim.”

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The Chair (Mr. Shafiq Qadri): Comments on 64.1, the government motion? If there are none, we'll proceed to the vote. Those in favour of government motion 64.1? Those opposed? Government motion 64.1 carries, which de facto creates that new section 7.1.

We'll now proceed to the next section, section 8. Government motion 65: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 8(1) of schedule 2 to the bill be struck out and the following substituted:

“8(1) Subsections 19(1) and (2) of the act are repealed and the following substituted:

“Prospector's licence

“(1) Any person who is 18 years or older may obtain a prospector's licence online through the mining lands administration system if the person has successfully completed the prescribed Mining Act awareness program within 60 days before the day he or she accesses the system to obtain the licence.

“Term of licence

“(2) A licence shall be effective as of the date it is obtained online and shall expire on the day before the fifth anniversary of that date.”

The Chair (Mr. Shafiq Qadri): Comments on government motion 65? If there are none, we'll proceed to the vote. Those in favour of government motion 65? Those opposed? Government motion 65 carries.

Shall schedule 2, section 8, as amended, carry? Carried.

Next section: government motion 66. Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 9 of the bill be struck out and the following substituted:

“9. Section 21 of the act is repealed and the following substituted:

“Renewal of licence

“21(1) At any time within the 60-day period that precedes the expiry of a licence, the licensee may obtain a renewal of the licence online through the mining lands administration system if the licensee has successfully completed the prescribed Mining Act awareness program within that 60-day period.

“Notice of expiration of licence

“(2) Notice of the expiration of a licence shall be given to the holder of the licence electronically through

the mining lands administration system not later than 60 days before the expiry date.

“Term of renewal

“(3) A renewed licence shall be effective immediately after the day the previous licence expires and shall expire on the day before the fifth anniversary of the day it became effective.

“Lifetime renewal after 25 years

“(4) Despite subsection (3), a renewed licence shall be effective for a term equal to the remainder of the licensee’s life if, at the time of the renewal, the licensee has held a licence for a total of 25 years.

“Discretionary lifetime renewal

“(5) Despite subsection (3), the minister may, whenever a licence is to be renewed, direct that the licence be renewed for a term equal to the remainder of the licensee’s life.

“No fee for lifetime renewal

“(6) No fee shall be established or charged under section 177.1 for the lifetime renewal of a licence under subsection (4) or (5).

“Exception

“(7) The minister may, in his or her discretion, waive the requirement for a prospector to complete the prescribed Mining Act awareness program in the case of a lifetime renewal of a licence under subsection (4) or (5).”

The Chair (Mr. Shafiq Qadri): Comments on government motion 66? Seeing none, we’ll proceed to the vote. Those in favour of government motion 66? Government motion 66 carries.

Shall schedule 2, section 9, as amended, carry? Carried.

Nous passons maintenant à la prochaine section. Motion 67 proposée par le gouvernement : Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Merci. I move that section 22 of the Mining Act, as set out in section 10 of schedule 2 to the bill, be amended by striking out “from the mining lands administration system” at the end and substituting “online through the mining lands administration system”.

The Chair (Mr. Shafiq Qadri): Comments on government motion 67? None? We’ll proceed to the vote. Those in favour of government motion 67? Those opposed? Government motion 67 carries.

Shall that section, section 10, as amended, carry? Carried.

The next section: still no amendments received to date. Shall section 11 carry? Carried.

I’ll proceed now to section 12, government motion 68.

M^{me} Nathalie Des Rosiers: I move that clauses 27(c) and (c.1) of the Mining Act, as set out in subsection 12(2) of schedule 2 to the bill, be struck out and the following substituted:

“(c) registered as a mining claim, including a mining claim that has lapsed or been abandoned, cancelled or forfeited if the cells related to that claim have not been re-opened for mining claims registration;

“(c.1) included in a part of a boundary cell that is outside of the limits of any boundary claims registered with respect to the boundary cell;”

The Chair (Mr. Shafiq Qadri): Comments on government motion 68? If there are none, we’ll proceed to the vote. Those in favour of government motion 68? Those opposed? Government motion 68 carries.

Shall section 12, as amended, carry? Carried.

To date, we have received no amendments for the next eight sections: sections 13 to 20, inclusive. May I take it as the will of the committee to consider them en bloc? Therefore, shall schedule 2, sections 13 up to and including 20, carry? Carried.

We’ll now proceed to section 21. Government motion 69.

M^{me} Nathalie Des Rosiers: I move that paragraph 3 of subsection 38.2(2) of the Mining Act, as set out in section 21 of schedule 2 to the bill, be struck out and the following substituted:

“3. If, immediately before the conversion date, two or more legacy claims as delineated under section 38.1 each include a part of a cell on the provincial grid and if two or more of the legacy claims are held by different claim holders,

“i. the cell becomes a boundary cell for the purposes of this act,

“ii. any legacy claim or portion of a legacy claim delineated in the cell that is held by a claim holder who does not hold any other legacy claims or portions of legacy claims delineated in the cell is converted to a separate boundary claim for the corresponding part of the boundary cell, and

“iii. any two or more legacy claims or portions of legacy claims delineated in the cell that are held by the same claim holder merge into one claim and are converted to a single boundary claim, for the corresponding parts of the boundary cell, even if the legacy claims or portions of legacy claims were not contiguous, subject to paragraph 3.1.

“3.1 If a claim holder of two or more legacy claims or portions of legacy claims described in subparagraph 3 iii elects under subsection (2.1) to convert two or more of the legacy claims or portions of legacy claims to separate boundary claims, each legacy claim or portion of a legacy claim identified in the election is converted to a separate boundary claim for the corresponding part of the boundary cell.”

The Chair (Mr. Shafiq Qadri): Comments on government motion 69? Monsieur Bisson.

Mr. Gilles Bisson: I just want to be clear. What this essentially means—you and I each have a claim, the old claims that were staked. They happen to be coterminous on the new boundaries. What will happen is that the cell will show that you own that part and I own this part.

M^{me} Nathalie Des Rosiers: And if I had several, I could elect to put them together.

Mr. Gilles Bisson: Yes. But the point is, nobody loses ownership.

M^{me} Nathalie Des Rosiers: C’est ça.

Mr. Gilles Bisson: Okay.

The Chair (Mr. Shafiq Qadri): If there are no further comments on government motion 69, we will proceed to the vote. Those in favour of government motion 69? Those opposed? Government motion 69 carries.

Government motion 70.

M^{me} Nathalie Des Rosiers: I move that paragraph 6 of subsection 38.2(2) of the Mining Act, as set out in section 21 of schedule 2 to the bill, be struck out.

The Chair (Mr. Shafiq Qadri): Comments on government motion 70? We'll proceed to the vote. Those in favour of government motion 70? Those opposed? Government motion 70 carries.

Government motion 71.

M^{me} Nathalie Des Rosiers: I move that section 38.2 of the Mining Act, as set out in section 21 of schedule 2 to the bill, be amended by adding the following subsection:

“Election to convert to separate boundary claims

“(2.1) At such time before the conversion date as may be determined by regulation, the holder of two or more legacy claims, all or portions of which would otherwise be merged and converted to a single boundary claim upon conversion under subparagraph 3 iii of subsection (2), may elect to prevent the merger and to have the legacy claims or portions of the legacy claims converted to separate boundary claims under paragraph 3.1 of subsection (2).”

The Chair (Mr. Shafiq Qadri): Comments?

Mr. Gilles Bisson: Was it not the case, though, that if that amendment was not put forward, we would have been in a situation where you would have had to default to one boundary claim?

M^{me} Nathalie Des Rosiers: We want to offer choices.

Mr. Gilles Bisson: Yes, I know. That's what I'm saying. But the default would have been that you go to one—yes, exactly.

The Chair (Mr. Shafiq Qadri): If there are no further comments, we'll proceed to the vote on government motion 71. Those in favour of government motion 71? Those opposed? Government motion 71 carries.

Government motion 72.

M^{me} Nathalie Des Rosiers: I move that subsection 38.2(4) of the Mining Act, as set out in section 21 of schedule 2 to the bill, be amended by striking out “subsection (3)” and substituting “subsection (2.1) or (3)”.

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The Chair (Mr. Shafiq Qadri): Comments on government motion 72? We'll then proceed to the vote. Those in favour of government motion 72? Those opposed? Government motion 72 carries.

I think we should go to motion 73, as that will enable the next motion. I'll entertain government motion 73: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 38.3(3) of the Mining Act, as set out in section 21 of schedule 2 to the bill, be struck out.

The Chair (Mr. Shafiq Qadri): Comments on government motion 73? If none, we'll proceed to the vote. Those in favour of government motion 73? Those opposed? Motion 73 carries.

Now returning to government motion 72.1.

M^{me} Nathalie Des Rosiers: I move that subsection 38.3(2) of the Mining Act, as set out in section 21 of schedule 2 to the bill, be amended by striking out “Subject to subsection (3),” at the beginning.

The Chair (Mr. Shafiq Qadri): Comments on government motion 72.1? If none, we'll proceed to the vote. Those in favour of government motion 72.1? Those opposed? Motion 72.1 carries.

Shall section 21 of schedule 2, as amended, carry? Carried.

I advise the committee that for the next 13 sections—22 to 34, inclusive—no amendments were received to date, so we'll consider them en bloc. Shall schedule 2, sections 22 to 34, inclusive, carry? Carried.

We'll now proceed to section 35, government motion 74.

M^{me} Nathalie Des Rosiers: I move that clause 58(3)(a) of the Mining Act, as set out in section 35 of schedule 2 to the bill, be amended by striking out “by the recorded claim holder” at the end.

The Chair (Mr. Shafiq Qadri): Comments on government motion 74? If none, we'll proceed to the—

Mr. Gilles Bisson: Chair?

The Chair (Mr. Shafiq Qadri): Monsieur Bisson.

Mr. Gilles Bisson: Yes, just a question: If it's not the claim holder, then who? I'm not quite sure of this. I would have to see 58(3), obviously, to understand, right?

M^{me} Nathalie Des Rosiers: Yes.

Mr. Gilles Bisson: Does anybody have the answer quickly, without me holding up the committee?

Interjection.

Mr. Gilles Bisson: Yes, please just say your name, for the record.

The Chair (Mr. Shafiq Qadri): You need to come forward. It's not a fireside chat in here.

Mr. Gilles Bisson: I just want to be clear.

M^{me} Nathalie Des Rosiers: Yes, yes.

Mr. Gilles Bisson: I'm not sure what that means.

Mr. Roy Denomme: My name is Roy Denomme. I'm the project lead for Mining Act modernization.

In this particular case here, it said “by the recorded claim holder,” but it's not necessarily just the recorded holder. It could have been somebody else—an agent or somebody else.

This made it so that it was just the recorded holder, but it could have been more than just the recorded holder. It could have been somebody else.

Mr. Gilles Bisson: Yes, yes, I see. Okay. I was just wondering. Good. Thank you. It's just nice to know what you're voting on.

The Chair (Mr. Shafiq Qadri): Any further questions on government motion 74? If none, we'll proceed to the vote. Those in favour of government motion 74? Those opposed? Government motion 74 carries.

Shall schedule 2, section 35, as amended, carry? Carried.

I have not received amendments to date for schedule 2, section 36. Shall it carry? Carried.

We'll now proceed to government motion 75.

M^{me} Nathalie Des Rosiers: I move that subsection 60(1) of the Mining Act, as set out in section 37 of schedule 2 to the bill, be amended by striking out "shall be entered on the mining claims registry" and substituting "shall be recorded in the mining claims registry".

It's "in," as opposed to "on."

The Chair (Mr. Shafiq Qadri): I presume we can vote on that? Those in favour of government motion 75? Those opposed? Government motion 75 carries.

Shall schedule 2, section 37, as amended, carry? Carried.

We'll consider the next two sections en bloc. Shall schedule 2, sections 38 and 39, carry? Carried.

We'll now proceed to government motion 76.

M^{me} Nathalie Des Rosiers: I move that section 40 of schedule 2 to the bill be amended by adding the following subsection:

"(2) Subsections 64(7), (8) and (9) of the act are repealed and the following substituted:

"Recording of writ

"(7) Upon being given the number or a description of every mining claim held by the judgment debtor named in a writ of seizure and sale filed with the recorder under subsection (6) and upon receiving the required fee, the recorder shall record the writ on the abstract for each mining claim so identified.

"Effect of recording writ

"(8) If a writ of seizure and sale is recorded on the abstract for a mining claim, the writ binds the judgment debtor's interest in the claim and the sheriff or bailiff may treat the interest as if it were goods and chattels subject to a writ of seizure and sale.

"Recording of transfer

"(9) If a sheriff or bailiff sells a judgment debtor's interest in a mining claim under a writ of seizure and sale, the recorder may record the transfer of the claim to the purchaser on the abstract for the claim and the transfer has the same effect as if the judgment debtor had transferred the claim."

The Chair (Mr. Shafiq Qadri): Comments on government motion 76?

Mr. Gilles Bisson: Was that not the case before?

M^{me} Nathalie Des Rosiers: I think this is technical, because it reflects that the mining land administration system would be in place—

Mr. Gilles Bisson: Yes, but it's not a change to what happened before.

M^{me} Nathalie Des Rosiers: No.

Mr. Gilles Bisson: Okay.

The Chair (Mr. Shafiq Qadri): We'll proceed to the vote, then, on government motion 76. Those in favour of government motion 76? Those opposed? Government motion 76 carries.

Government motion 77.

M^{me} Nathalie Des Rosiers: I move that section 40 of schedule 2 to the bill be amended by adding the following subsections:

"(3) Subsection 64(11) of the act is amended by striking out 'Once the writ has been recorded on a claim' at the beginning and substituting 'Once a writ of seizure and sale is recorded on the abstract for a mining claim'.

"(4) Subsection 64(12) of the act is repealed and the following substituted:

"Where writ discharged

"(12) A recorder may amend the abstract for a mining claim to note the discharge of a writ of seizure and sale that was previously recorded if any of the following documents are filed with a recorder:

"1. A certificate from the sheriff or bailiff indicating that the judgment debt that gave rise to the writ has been satisfied.

"2. A release of the judgment debt from the judgment creditor.

"3. An order by the commissioner directing that the abstract for the mining claim be amended to note the discharge of the writ.

"Writ ceasing to bind mining claim

"(13) Upon a discharge of a writ of seizure and sale being noted in the abstract for a mining claim, the writ shall cease to bind the claim holder's interest in the mining claim."

The Chair (Mr. Shafiq Qadri): Comments to government motion 77? If there are none, we'll proceed to the vote. Those in favour of government motion 77? Those opposed? Government motion 77 carries.

Shall section 40 of schedule 2, as amended, carry? Carried.

The next five sections en bloc: Shall schedule 2, sections 41 to 45, inclusive, carry? Carried.

We'll proceed to section 46, government motion 78.

M^{me} Nathalie Des Rosiers: I move that subsection 72(1) of the Mining Act, as set out in section 46 of schedule 2 to the bill, be amended by striking out "the holder of a mining claim before a lease has issued ceases" in the portion before paragraph 1 and substituting "the holder of an unpatented mining claim ceases".

The Chair (Mr. Shafiq Qadri): Comments? Mr. Miller.

Mr. Norm Miller: Yes, if you could explain that a little bit, please?

M^{me} Nathalie Des Rosiers: Claim holders do ongoing exploration of their claims to keep them in good standing; otherwise, they will be cancelled. It's a minor technical amendment, because it reflects an assessment—work requirements that need to be undertaken when the claim holder takes the mining claims. It just ensures that all the holders continue exploration, to keep in good standing.

From what I can see, I think there was a requirement—somebody asked that it be clarified as to what the requirements were to bring a property to a lease. That's where it came from.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 78? Seeing none, we'll proceed to the vote. Those in favour of government motion 78, if any? Those opposed? Government motion 78 carries.

Shall section 46, as amended, carry? Carried.

We'll consider the next three—schedule 2, sections 47, 48 and 49—as one block. Shall they carry? Carried.

We'll now proceed to section 50, government motion 79.

M^{me} Nathalie Des Rosiers: I move that subsection 75(2) of the Mining Act, as set out in section 50 of schedule 2 to the bill, be amended by striking out “in the prescribed manner” and substituting “in the manner required under this act”.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 79? Seeing none, we'll proceed to the vote. Those in favour of government motion 79? Those opposed? Government motion 79 carries.

Shall section 50, as amended, carry? Carried.

We'll proceed now to government motion 80.

M^{me} Nathalie Des Rosiers: I move that section 51 of schedule 2 to the bill be amended by adding the following subsection:

“(3) Subsection 76(5) of the act is amended by striking out ‘Despite subsections 48(5) and 71(2)’ at the beginning and substituting ‘Despite subsection 48(3)’.”

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The Chair (Mr. Shafiq Qaadri): Comments on government motion 80? If there are none, we'll proceed to the vote. Those in favour of government motion 80? Those opposed? Government motion 80 carries.

Shall section 51, as amended, carry? Carried.

We'll consider the next eight sections, 52 to 59, inclusive, as a block. Shall schedule 2, sections 52 to 59, inclusive, carry? Carried.

We'll proceed now to government motion 81.

M^{me} Nathalie Des Rosiers: I move that subsection 60(2) of schedule 2 to the bill be struck out and the following substituted:

“(2) Subsection 92(4) of the act is repealed and the following substituted:

“Conditions under which holder, owner or lessee may cut trees

“(4) Despite subsection (1) and (3) and subject to subsections (5) and (6), the recorded holder of a mining claim registered with respect to crown lands or the owner or lessee of lands acquired under this act may cut such trees on those crown lands or acquired lands as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon.”

The Chair (Mr. Shafiq Qaadri): Monsieur Bisson?

Mr. Gilles Bisson: Wasn't that always the case?

M^{me} Nathalie Des Rosiers: I think so. I think this is to correct the French version.

Ms. Daiene Vernile: It's to facilitate the French translation.

Mr. Gilles Bisson: So it's just a clarification?

M^{me} Nathalie Des Rosiers: It's to facilitate the French translation.

Mr. Gilles Bisson: Okay. C'est beau. So why didn't you read it in French?

M^{me} Nathalie Des Rosiers: Oui. That would be easier for me. Next time.

The Chair (Mr. Shafiq Qaadri): D'accord. All right. Therefore, we'll proceed to the vote. Those in favour of government motion 81? Those opposed? Government motion 81 carries.

Government motion 82.

Ms. Daiene Vernile: I move that subsection 60(3) of schedule 2 to the bill be struck out and the following substituted:

“(3) Subsection 92(8) of the act is repealed and the following substituted:

“Holder, etc., of mining rights not to cut trees

“(8) This section does not confer upon the recorded holder or the owner or lessee of the mining rights any right to cut trees upon,

“(a) the lands with respect to which the holder has registered a mining claim; or

“(b) the lands on which the owner or lessee has acquired only the mining rights.”

The Chair (Mr. Shafiq Qaadri): Thank you, Madame Vernile. Any comments on government motion 82? If there are none, we'll proceed to the vote. Those in favour of government motion 82? Those opposed? Government motion 82 carries.

Shall section 60, as amended, carry? Carried.

Again, we have received nothing to date for the next 14 sections, 61 to 74, inclusive, so are we prepared to consider them as a block? Shall schedule 2, sections 61 to 74, inclusive, carry? Carried.

We'll now proceed to government motion 83.

Ms. Daiene Vernile: I move that subsection 75(13) of schedule 2 to the bill be struck out and the following substituted:

“(13) Paragraph 20 of subsection 176(1) of the act is repealed and the following substituted:

“20. governing the surveying of mining claims, including prescribing the methods and procedures to be followed when conducting such surveys;

“20.1 respecting extensions of time that may be ordered under subsection 138(2), including prescribing conditions for the extension;”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 83? If there are none, we'll proceed to the vote. Those in favour of government motion 83? Those opposed? Government motion 83 carries.

Government motion 84.

Ms. Daiene Vernile: I move that section 75 of schedule 2 to the bill be amended by adding the following subsection:

“(15.1) Paragraph 26 of subsection 176(1) of the act is repealed and the following substituted:

“26. respecting anything in this act that is required or permitted to be prescribed or to be done by or in accordance with the regulations or that is subject to the regula-

tions or required to be authorized, specified or provided in or by the regulations.”

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 84? Mr. Dickson, are you gesturing to me?

Mr. Joe Dickson: I’m just waiting for everybody else to vote and get on with it.

The Chair (Mr. Shafiq Qaadri): Oh, premature voting. Fair enough.

In any case, those in favour of government motion 84? Those opposed? Government motion 84 carries.

No amendments were received to date for the next five sections, 76 to 80. Shall we consider them en bloc? Shall schedule 2, sections 76 to 80, so named, carry? Carried.

Shall schedule 2, section 75, also carry? Carried.

We’ll now proceed to government motion—

Mr. Bob Delaney: Sorry, Chair; section 75 to schedule 2, as amended?

The Chair (Mr. Shafiq Qaadri): Correct. Schedule 2, section 75, as amended. Carried.

We’ll now proceed to the final motion of the day: government motion 85.

Ms. Daiene Vernile: Chair, I move that subsection 185(2) of the Mining Act, as set out in subsection 81(1) of schedule 2 to the bill, be struck out and the following substituted:

“Recording of order

“(2) If an order under subsection (1) concerns unpatented mining claims, the order shall be noted on the abstract for the claim and recorded in the mining claims registry.”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 85? If there are none, we’ll proceed to the vote. Shall government motion 85 carry? Carried.

Shall section 81 carry? Carried.

Shall sections 82 and 83 carry?

Interjection.

The Chair (Mr. Shafiq Qaadri): Shall schedule 2, section 81, as amended, carry? Carried.

Since we have no amendments received to date on sections 82 and 83, we’ll consider it as a block. Shall sections 82 and 83 carry? Carried.

Shall schedule 2, as amended, carry? Carried.

We now return to the beginning of it all with sections 1—

Interjection.

The Chair (Mr. Shafiq Qaadri): Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 77, as amended, carry?

Shall I report the bill, as amended, to the House? Agreed.

Mr. Bisson.

Mr. Gilles Bisson: I’m wondering if I can get—I forgot your name. I have a question in regard to assessment files.

Interjection: Roy.

Mr. Gilles Bisson: Roy; sorry. I just have a question on assessment files. It’s outside of the bill. It won’t take long. There was some difficulty, for a while, getting assessment files released by the ministry because of the ODA. Has that been resolved? I was getting calls on that.

Mr. Roy Denomme: While it’s not something within my department, I do know that the assessment files are uploaded to a site and then they’re further uploaded to the OGS site.

Mr. Gilles Bisson: So it is now resolved?

Mr. Roy Denomme: I do believe that’s being worked on now, but I am not the manager for that site.

Mr. Gilles Bisson: Okay. I thought you were; that’s why I was asking.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues, for your patience and endurance, and for completing the task at hand. The committee is adjourned.

The committee adjourned at 1448.

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Mr. Arthur Potts (Beaches–East York L)

Also taking part / Autres participants et participantes

Mr. Roy Denomme, director, project lead, Mining Act modernization,
Ministry of Northern Development and Mines

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Tara Partington, legislative counsel