

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

IN-8

**Journal  
des débats  
(Hansard)**

IN-8

**Standing Committee  
on the Interior**

Building More Mines  
Act, 2023

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament

Tuesday 18 April 2023

**Comité permanent  
des affaires intérieures**

Loi de 2023 visant  
l'aménagement  
de davantage de mines

1<sup>re</sup> session  
43<sup>e</sup> législature

Mardi 18 avril 2023

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Chair: Aris Babikian  
Clerk: Thushitha Kobikrishna

Président : Aris Babikian  
Greffière : Thushitha Kobikrishna

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House Publications and Language Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400  
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400  
Publié par l'Assemblée législative de l'Ontario

ISSN 2816-7279

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON THE INTERIOR**

**COMITÉ PERMANENT  
DES AFFAIRES INTÉRIEURES**

Tuesday 18 April 2023

Mardi 18 avril 2023

*The committee met at 0900 in committee room 1.*

**BUILDING MORE MINES  
ACT, 2023**

**LOI DE 2023 VISANT L'AMÉNAGEMENT  
DE DAVANTAGE DE MINES**

Consideration of the following bill:

Bill 71, An Act to amend the Mining Act / Projet de loi 71, Loi modifiant la Loi sur les mines.

**The Chair (Mr. Aris Babikian):** Good morning. The Standing Committee on the Interior will now come to order. We are here for clause-by-clause consideration of Bill 71, An Act to amend the Mining Act.

We are joined by Tamara Kuzyk and Bruno Falardeau from the Office of the Legislative Counsel as well as staff from Hansard and broadcast and recording.

The Clerk has distributed the amendments package to all members and staff electronically.

If a member indicates that they wish to move additional amendments, we will take a short recess to allow the member to consult with legislative counsel to draft the motion. Are there any questions before we move? No questions.

Now, we will begin clause-by-clause consideration of Bill 71. Are there any comments, questions or amendments to any section of the bill, and if so, to which section? MPP West.

**MPP Jamie West:** Yes, on number 10, I just want to bring forward—I think we all have the same document—that the Ontario NDP recommends voting against section 13 of the bill. The reason for the notice rather than a motion is if the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section rather than pass a motion to delete it.

**The Chair (Mr. Aris Babikian):** Committee members, MPP West's motion will happen when we reach section 13 of the bill.

For now, we will go to section 1. Are there any comments, questions or amendments to section 1? Seeing no comments or amendments to section 1, shall section 1 carry? All in favour, please raise your hand.

*Interjections.*

**The Chair (Mr. Aris Babikian):** Sorry. I already called for a vote.

All in favour? Any opposition? I see none. Section 1 carries.

We'll move to the next section and there is a motion from the opposition NDP. Is the NDP ready to move their amendment?

**MPP Jamie West:** Yes, Chair. I move that the bill be amended by adding the following section:

“1.1 The act is amended by adding the following section:

“Duty to consult

“2.1 (1) The crown shall consult with any impacted Indigenous populations who are inherent rights holders under section 35 of the Constitution Act, 1982 before an exploration permit is granted under this act.

“No delegation

“(2) The duty to consult set out in subsection (1) shall not be delegated.”

**The Chair (Mr. Aris Babikian):** You have the amendment. Any comment? Any questions?

**Mr. Dave Smith:** Point of order.

**The Chair (Mr. Aris Babikian):** MPP Smith, go ahead.

**Mr. Dave Smith:** Chair, didn't we just vote on section 1 to pass it?

**The Chair (Mr. Aris Babikian):** No, this is a new section added to the section.

**Mr. Dave Smith:** Okay.

**The Chair (Mr. Aris Babikian):** It is a new proposal for a new section, so we have to go through it and debate it and come to a conclusion.

Members, you have the amendment in front of you. Is there any debate on the proposed amendment? MPP Mamakwa, go ahead.

**Mr. Sol Mamakwa:** This amendment from the NDP for the crown to consult with any impacted Indigenous populations—to be clear, as well, they are the inherent rights holders under section 35 of the Constitution Act, 1982. Even when this Bill 71 was put forward, I know that when I put in a question during the briefing on the bill, one of the questions I asked to the deputy minister was if there was any duty to consult, any consultations before tabling the bill with any First Nations in Ontario. I was told no. It's certainly very clear with this government that they do not acknowledge the rights of First Nations people on these lands.

We have to understand that—I don't know how long everyone has been here, but our people have been here for thousands of years. We take care of the land. We take care of the territories. We take care of the animals. We take care of the lakes. But we've been here for thousands of years. “Crown land” is a very colonial word. And crown lands are stolen lands.

I think it's important, whether you want to come to our territories, that you engage with us, not just with some—because the continued divide-and-conquer will not work. What are you afraid of? What is this government afraid of, just talking to two people, two First Nations or some First Nations?

**0910**

I think this is a fair, much-needed amendment to the legislation. If you do not support this, you are slowing yourselves down. You are slowing down, because the more oppressed we are as First Nations, the more colonial you are on the other side as government, the stronger we become as nations. I see it happening when I travel the north.

I think this is a measure to ensure that there is, again, free, prior and informed consent. Don't be colonial. If you vote for this, you are playing one of the plays from the colonial playbook that has been played for hundreds of years toward First Nations people.

We never gave up our lands. We signed treaties with Ontario in Treaty 9 territory. I've said this before in the House: Treaty 9 is the only numbered treaty, of 1 to 11, that has a province's signature on it, and that's Ontario. We are not stakeholders. We are partners. I think it's important for you to understand.

Me, I still speak the language. I learned the language from the land. When I was a child, when I was young, I grew up on the land. That's where I learned my history of where my people were, of where my parents took me. That's where I learned the names of the places, the creeks, the points, the islands, everything. All the animals that were there, that's where I learned it.

It's really important that you engage with First Nations people in any development that you do on these territories, on our traditional territories, on our homelands. I think it would be the same as when settlers first arrived; one of the first things that they took was our lands. All of a sudden, we have to get approval from the province to try to increase our reserve boundaries. That's so colonial. We're asking for land in our traditional territories. That's how oppression and colonialism work.

I think that's why it's important that you vote for this. If you do not vote for this, if you oppose this motion, all I can say is you're setting yourselves back. There will be no development, period, because essentially there are inherent rights that we have as First Nations people in our territories. We call those [*Remarks in Anishiniimowin*], "creator's gifts." That's what we have. Right now, this bill infringes on our rights.

We're not the ones infringing on your laws. It's the Ontario government that's infringing on our laws. So if you vote for this, I know where you guys are going. Colonialism, oppression—bring it on. We're ready.

**The Chair (Mr. Aris Babikian):** Any further debate on the proposed—MPP West, go ahead.

**MPP Jamie West:** Thank you to my colleague for his comments.

Often, as opposition, when you talk, there's the impression from the government side that when you're saying something, it is just to poke them in the eye and it's not to

be helpful or improve the bill. I come from a mining background, Chair. The reality is that, in the mining industry, they have been working very diligently to build stronger nation-to-nation relationships with First Nations where they do business. The reality is that when the Premier said, "I'm going to jump on a bulldozer and build the road myself," he did a disservice to mining in Ontario. I fed my family through working in the mining industry. I know how important mining is to Ontario. This has nothing to do about being against mining; this has to do with helping mining be more successful in the province.

We need free, prior and informed consent with First Nations. We heard this on committee when we travelled. This is what helps projects move forward. The idea about not delegating this is not for the province, the crown—who has a duty to do this—to say, "Well, we will just do whatever we want to do, and then the mining companies can clean up the mess afterwards."

There currently is an obligation for the government, or it can be argued in certain states that there is an obligation. A number of First Nations made it clear that they haven't been consulted on permits or plans or projects, as my colleague Sol Mamakwa just said, related to mining, particularly around the Ring of Fire. Those impacted—I would refer to Neskantaga, who said the planned route of the road into the Ring of Fire crosses their traditional territory, that it crosses the Attawapiskat River. The entire Matawa tribal council would be impacted, not just the two communities that entered into limited agreements with the government over road developments. And we've heard through deputations when we were travelling the week before last that it creates a divide between these communities that live close to each other when we consult with two and not all of them.

This is what we intend with subsection 2 of our amendments: no delegation. It's about the provincial government growing with their commitment as the crown, to have these truly nation-to-nation agreements. The days of pretending that consultation is just showing up and telling First Nation communities what we're going to do are over, and God bless us for it. It's time to move forward into the 21st century and to do things the way they were intended in the treaty agreements.

**The Chair (Mr. Aris Babikian):** MPP Bourgouin.

**M. Guy Bourgouin:** Je remercie mes collègues de parler de cette motion. Ça va sans dire qu'on espère que le gouvernement va supporter cette motion. Je pense qu'il est grand temps qu'on s'éloigne du colonialisme, puis qu'on dit qu'on connaît mieux et qu'on sait faire mieux.

Nous, dans notre proposition, on demande « free, informed and prior consent ». Je pense que c'est tellement important. Je représente sept Premières Nations dans mon comté; je n'ai jamais entendu une Première Nation dire qu'elle est contre le développement économique et contre les mines. Par exemple, ce qu'elles nous disent, c'est : « Avant que ça se fasse, il faut avoir de la consultation. Il faut avoir de la transparence. Il faut qu'on donne notre consentement avant qu'on procède. Pourquoi? Parce qu'on

a une obligation de protéger nos terres. On a une obligation de protéger notre futur pour les sept générations. »

Mais nous, on ne le voit pas. Il semble que le gouvernement ne voit pas ça, puis ils ne veulent pas aller là. Dans le Mining Act, il y a déjà une obligation de consultation qui existe, mais ce n'est pas un prérequis. Ça vient s'il y a une dispute, mais dans ce temps-là, il est trop tard. On a vu des chefs venir en Chambre et crier à haute voix de frustration, de ne pas être écoutés par ce gouvernement. Ne faites pas l'erreur. Ne répétez pas ces erreurs colonialistes. Il est grand temps qu'on passe à autre chose, qu'on soit beaucoup plus proactif, puis qu'on réponde aux besoins des Premières Nations.

**0920**

On est signataire du Traité 9. Mon collègue l'a dit : sur 11 traités, le Traité 9 est le seul dont la province est signataire. Ça fait qu'on a des obligations, autant que le fédéral. Mais il reste qu'on semble de dire : « Non, on procède de cette façon-là. On consulte avec les Premières Nations. » Je peux vous dire, moi, les Premières Nations avec lesquelles je parle n'étaient pas consultées. Y en a-t-il qui sont consultées? Probablement, oui. Il y en a qui le sont, mais ce n'est pas la majorité. Vous faites face à des communautés qui disent : « Assez, c'est assez. »

Quand vous parlez d'une communauté comme la mienne, qui est Attawapiskat, qui est « landlocked » dans sa communauté, c'est ironique, parce qu'on parle d'une communauté qui n'a jamais concédé ses droits sur leurs territoires ancestraux, qui a dit qu'on va partager—quand on a signé ce traité, on dit qu'on partage les ressources; on va partager, mais qu'il y a beaucoup qui revient aussi à eux autres. On ne voit pas ça. C'est n'est pas ça qu'ils vivent. Dans ces communautés-là, ils vivent dans la pauvreté. Expliquez-moi : une des provinces les plus riches et qu'on va dans des communautés où on veut aller développer, puis ils vivent dans la pauvreté, des communautés où, 28 ans, ils ont à faire bouillir leur eau. On n'a jamais vu ça—mais on est signataire du traité, en passant. Ça, c'est des réalités que ces communautés vivent.

Ce qu'ils nous demandent de faire, puis ce qu'on demande dans cette section, c'est qu'on dit : « Non, on a besoin de les informer. » On a besoin de leur « prior consent » parce qu'ils ont vécu des atrocités. Le manque de respect, le manque de communication, le manque de transparence—il se passe des choses sur leurs territoires.

Il y a du monde qui va faire de la prospection sur leurs terrains, et ils ne le savent même pas. Ils disent qu'ils voyaient des « Sasquatch », mais ce n'est pas ça. C'est des prospecteurs déguisés en camouflage sur le bord des rivières. Puis, il arrive qu'ils vont voir—la communauté—puis ils disent : « Bien, il y a de la prospection qui se fait. » Parce que ce qui arrive des fois, c'est qu'ils arrivent sur des places, des sites qui ont été prospectés, et il reste des déchets. Il reste toutes sortes de signes qui sont là qui ne devraient pas être là. Mais ils ne sont même pas au courant de ce qui se passe sur leurs propres territoires. Est-ce que c'est correct, ça? Je ne le pense pas, moi. Je sais que certains de vous ne pensent pas que c'est correct aussi.

Les Premières Nations sont prêtes à avancer, mais elles n'avanceront pas tant qu'il n'y aurait pas du langage qui

va les protéger, comme on propose ici. Je demande au gouvernement de faire la bonne chose, parce que comme mon collègue a dit, si ça, ça ne se fait pas, vous allez frapper des murs, des obstacles. Je pense qu'on est au point que si on veut du développement, comme les Premières Nations veulent aussi, parce qu'elles ne sont pas différentes de nous—mais pas à tout prix. Pas à tout prix pour que ce soit leur communauté ou leur futur qui paie le prix encore, comme on a vu dans plusieurs—on parle de Grassy Narrows. On peut parler d'Attawapiskat encore, qui a bien des problèmes. Mais il ne faut pas négliger cet aspect-là.

Puis ça, ça répond à ce besoin. Je demande au gouvernement de faire la bonne chose et de supporter ce qu'on propose.

**The Chair (Mr. Aris Babikian):** Further debate? MPP Hsu.

**Mr. Ted Hsu:** I'd like to just add—et c'est difficile d'ajouter à ce que mon collègue sage a dit.

But I'd like to say that another reason for this amendment is that Bill 71 proposes to replace the roles of the directors with the minister. So in the case of the director of exploration, the minister can make the decisions. In the case of mine closures, the minister is actually just replacing the director of mine closures, and that's coming up later in another amendment.

I think the point is that, currently, if a First Nations community disagrees with a decision by the director, it's possible to say, "Okay, let's have a nation-to-nation discussion, bring this question up with the minister and the minister can have another look at things." Under this bill, the minister can make the decision, and in that case, it's really important that the consultation happens in a fulsome manner before the decision is made, because the minister is representing the crown, one of the two nations that might have a nation-to-nation discussion. And so, I think that because of what the government proposes to do in this bill in the name of speeding up the opening of mines, it's really important to make sure that fulsome consultation with Indigenous communities is not bypassed—because of what this bill does in replacing the director's role with the role of a minister who represents the crown. So I just wanted to add that, and this point will come up again in one of the other amendments related to mine closure plans and not just exploration.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Schreiner.

**Mr. Mike Schreiner:** I want to speak in favour of this amendment. I just want to quickly say that we know that the energy transition that's going to need to take place to reduce climate pollution is going to require the mining of critical minerals, and we know that expediting that expedites our opportunities to address the climate crisis, but we also know that that in no way should come at the expense of our obligations to advance reconciliation and our constitutional duty to consult with Indigenous peoples.

I would actually argue that, given the presentations we heard from both Indigenous leaders and industry leaders from the mining sector, without proper consultation and without respectful relationships, mining will not advance,

and certainly will not advance at the pace that is required. In no way should the province delegate its duty to consult for free, informed and prior consent.

So I think this amendment sends an important message and is a critical element to this legislation, to achieve the objectives of the legislation, if we're going to have a responsible, respectful mining sector with shared prosperity for all peoples. That's why I'll be voting for this amendment.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Leardi.

**Mr. Anthony Leardi:** As we all know, the proposed legislation makes absolutely no change—no change, no change whatsoever—to the constitutionally enshrined duty to consult. That's in the Constitution. This legislation makes no change whatsoever to that, and that is already recognized in section 2 of the Mining Act. In fact, even if it wasn't recognized in section 2 of the Mining Act, it would be automatic anyway, so the proposed amendment is absolutely pointless.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP West.

**MPP Jamie West:** In response to my colleague, if this was a requirement already, we wouldn't have heard from mining companies and from Indigenous communities that it wasn't happening. Now, part 7 of the Mining Act suggests there's an obligation to consult, and I think it's what he's saying already exists, but it's not a requirement. It only refers to instances where there's a dispute, so that requires a situation where you force a dispute and then have people complain about the dispute.

What we're trying to do with this motion and why we're urging the government to vote in favour of this motion is that we want the requirement to come forward without dispute, before dispute. This would be a requirement of the crown prior to permitting. It wouldn't be a fluff mark on a—my apologies. It wouldn't be just something on a piece of paper saying that when there's a dispute it would happen. It would be something that would happen every single time, which I think is the intent of the treaty agreements and is the intent of mining companies in Ontario, for the good relationships they want to have with Indigenous communities in Ontario.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Mamakwa.

**Mr. Sol Mamakwa:** Meegwetch, Chair.

0930

I think the reason we added this new section 1.1—that creates, again, an obligation for the government, the crown, to establish free, informed and prior consent consultations with impacted First Nations prior to any exploration permits being granted under the act. I know that the existing part where it talks about general provisions, talks about Aboriginal consultation, dispute resolution in the Mining Act—that obligation to consult already exists, but it is clear that this is not a requirement.

I think it's fair to say that the response back from the government MPP is a typical response. It is a colonial response. That's how colonizers have been speaking to First Nations for a long time.

**The Chair (Mr. Aris Babikian):** MPP Bourgouin.

**Mr. Guy Bourgouin:** I also have to react to the comment, because it's clear that right now in the act this is not a requirement, and it's only if there's a dispute. If this was the case, we wouldn't be arguing an argument like what was heard in committee. Mining companies are saying it's problematic. First Nations are stepping up and saying it's problematic because they are not being consulted. So we're proposing something that is more proactive, before there is a dispute, that you do not delegate responsibilities. And what we're proposing, we believe, is the right direction to go, to move forward.

We've heard too many First Nations now coming here and telling government the Ring of Fire will not happen. What do you need to understand—or realize, I should say. What does it take to realize that what we're proposing would be a solution to move forward? Because right now, the act, the way it sits—I disagree with the colleague across the floor, or across the committee floor, that it's already covered; it's not. It's a requirement. And this is why it's so problematic, and this is why we are proposing the amendments.

**The Chair (Mr. Aris Babikian):** MPP Hsu.

**Mr. Ted Hsu:** In response to the comment from my colleague on the government side, let me just re-emphasize: We believe that it's really important to have these critical minerals, to move forward on a green economy. And as my colleague Mr. Bourgouin said, none of the First Nations communities he represents are against economic development, but it has to be done with consent. In order to get the consent, I think it's pretty clear from the testimony we heard that what's lacking is trust. It's not just the process of consultation; it's trust.

Here we have in this legislation—let me just read the amendment: “The minister may exercise any power and perform any duty of a director of exploration under this act in place of the director.” So what's going to happen now is that the minister is going to make a decision that otherwise the director of exploration would make. In the case where the director makes the decision, you can imagine a First Nations community might say, “Let's have this nation-to-nation discussion. We don't agree with the decision of the director. We don't believe there was enough consultation.” But if the minister makes the decision, that avenue is not possible.

The point is that if we are making sure that we're proactive, as my colleague says, that there is proactive consultation before any dispute arises, it's trust-building. What I heard from the testimony around this bill is there is a lack of trust. It's not just that the requirement for consultation hasn't been changed at all. We have to change the way we do things to build trust. That's the only way that we're going to be able to move forward. That's the only way we're going to be able to help the mining industry and to help economic development in the north: to build trust between the province of Ontario and First Nations in the mining areas.

**The Chair (Mr. Aris Babikian):** MPP Schreiner?

**Mr. Mike Schreiner:** Real quick, I just want to re-emphasize and respond by saying that it's clear the current



consultation process—and not just in mining; I hear it in so many other areas—is broken. A lot of that, as my colleague just said, is due to lack of trust. If we want to facilitate mining in the north—and I think accessing critical minerals is vital—having consultations done prior to dispute is critically important. That’s how you build trust; that’s how you build shared relationships and partnerships for shared prosperity. I’ve heard the mining industry say this, I’ve heard governments say this and I’ve heard Indigenous leaders say this. Having the consultation process done prior is—I think, clear to me and clear to the people who presented to committee—the best and most efficient way to facilitate mining in a way that brings all communities together for shared prosperity. This amendment would help facilitate moving that forward in a more efficient and expedited way.

**The Chair (Mr. Aris Babikian):** Any further debate? I see no hands raised for further debate. Are the members ready to vote?

*Interjection.*

**The Chair (Mr. Aris Babikian):** You had a point of order? Yes, go ahead, MPP West.

**MPP Jamie West:** Recorded vote, Chair.

**The Chair (Mr. Aris Babikian):** Okay, it will be a recorded vote.

### Ayes

Hsu, Mamakwa, Schreiner, West.

### Nays

Bresee, Dixon, Flack, Leardi, McGregor, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost.

We move now to the second amendment by the NDP. MPP West, go ahead.

**MPP Jamie West:** I move that the bill be amended by adding the following section:

“1.2 The act is amended by adding the following section:

“Consultation framework

“2.2 The crown shall establish a framework for consultation with the following groups with respect to granting permits and licences under this act:

“1. The crown.

“2. Entities seeking permits or licences under this act.

“3. Indigenous populations who are inherent rights holders under section 35 of the Constitution Act, 1982.”

**The Chair (Mr. Aris Babikian):** Is there any debate on the proposed amendment? Go ahead, MPP Leardi.

**Mr. Anthony Leardi:** My belief is that this motion is out of order because it’s out of the scope of the legislation.

**The Chair (Mr. Aris Babikian):** MPP Leardi, can you tilt your microphone a little bit?

**Mr. Anthony Leardi:** My belief is the motion is out of order because it’s out of the scope of the legislation.

*Interjections.*

**The Chair (Mr. Aris Babikian):** We’re going to have a five-minute recess until we get the legal advice on the amendment. Thank you.

*The committee recessed from 0942 to 0951.*

**The Chair (Mr. Aris Babikian):** We’re back. Thank you for your patience.

The verdict is that this amendment is not out of order. This bill makes several amendments to the Mining Act. The Mining Act makes references to consultation of Aboriginal peoples. It is included in the “Purpose” provision of the act. The duty to consult is a core concept of the act, so the amendment is in order, and I’m going to open the floor for any additional debate or comments.

MPP Mamakwa.

**Mr. Sol Mamakwa:** Meegwetch, Chair. I know that one of the processes that we do is we work with legislative counsel before we do any amendments. They look through this, through the legislative counsel, and I’m sure they’re also the legal—I know you’re a lawyer, but they are also lawyers and I think they would have flagged us if this proposed amendment was out of order.

But I wanted to be clear, as well: This section 1.2, as an amendment, creates a new section of the act, again, that would require the government to create a formal framework for free, prior and informed consent consultations between the crown and entities seeking permits under this act. I believe that would include mining companies big and small and anyone who seeks a permit under the act—sometimes we call them “proponents” during this process, but also impacted First Nations. This amendment would allow for a tripartite process that would facilitate development in treaty territories.

First Nations and the mining sector, including OMA, had previously called for this, and governments continue to ignore it. The government will often duck and cover here, likely claiming that they routinely consult. We even heard it today, that it’s already in the bill or in the Mining Act. But they still don’t do it.

Again, that’s what colonial governments do; that’s what colonial people do. It’s been done to First Nations for hundreds of years, when they claim that they routinely consult but that’s not true, because colonialism has become a way of life for First Nations people but also because there is no frame or process in place. Do you know which ministry had the best engagement process? It was the MNRF. And you should know that, MPP Yakabuski; you were there as a minister for a number of years.

Two points I’d like to make as well on this bill: A number of First Nations received emails from the ministry the day Bill 71 was tabled. That is not consultation. It is just ridiculous to try and say that’s consultation. I think, also, the mining sector has said for years that a framework where everyone is clear what their obligations are and what to expect would expedite understanding, and thereby likely resource-sharing and project development. We have to understand as well that consultation is not red tape. First Nations are not red tape when we talk about development on our traditional territories and our treaty territories.

Sometimes, I say the government is the red tape to access to clean drinking water.

I got a notice from Webeque First Nation this week, on yesterday morning, that there was a fire a few days ago. This is in Webeque; there was a house fire: “I would like to start by saying I am writing in the capacity of a Webeque First Nation member, resident of the community and caretaker of my homelands which happen to be located in the area known as the Ring of Fire where high-grade critical minerals like nickel, copper, cobalt, chrome, platinum ... are known to thrive below-ground in the permafrost on our traditional territories and where an all-season supply road is currently being studied, led by my First Nation.”

He talked about the Ring of Fire and that his house burnt down to the ground on April 7: “The house was engulfed in flames within 20 minutes.” All they had was “a measly fire extinguisher.”

**1000**

This family of eight lost everything. He said, “In Webeque First Nation, there is no fire services, there are no enforceable fire codes, there is no fire truck and there is no fire station!” He knows that he lives in poverty. He knows the lands are being valued in the billions, being—

**Mr. Anthony Leardi:** Mr. Chair, on a point of order: Today’s discussion is about the bill before us. I know that the member feels very strongly about the events that are taking place, but those events that took place have nothing to do with the discussion before us today. Let’s try to stay on topic and talk about the bill. It’s kind of a business discussion.

I appreciate that. I appreciate the member feels very strongly about these events that occurred, but they’re unrelated to what we’re talking about today.

**The Chair (Mr. Aris Babikian):** Thank you. MPP Mamakwa, continue your debate, but let’s focus on the bill in front of us.

**Mr. Sol Mamakwa:** Okay. Meegwetch.  
*Remarks in Anishiniimowin.*

Again, I think it’s important that First Nations are not the red tape. Again, I think it’s unfortunate—actually, I’m not surprised that they voted against the previous amendment. This is, again, an amendment that will have a process of a framework on how to engage First Nations. I keep telling this government as well, these are good amendments. These amendments would make you less colonial. To trample on the rights of First Nations people—colonizers have done this for hundreds of years.

One of the things I think about is that when they continue to vote against these motions, we also welcome it. I welcome it. I say thank you, because it just shows me how not ready you are to be the change, how not ready you are for reconciliation. I want to thank these committee members for opposing these motions.

I’ve said this time and time again: The more oppressed we are, the more colonial you get, the stronger we become as nations, as people.

It’s not just the chief and council; it’s the rights holders of these lands, the 50,000 people who live in these territories. That’s who you have to deal with. However that looks, that’s on you.

But I wanted to make those comments. I know I kind of got sidetracked with what I was talking about, but that’s okay. I got what I wanted to say. But that’s the process.

Again, I have to acknowledge the people who are watching up north, the rights holders, the land rights holders, treaty rights holders. You have to understand, me being an MPP, all it gives me is a platform to speak to you, to speak at these places. At the end of the day, I’m a rights holder. I’m a treaty rights holder. I’m an inherent rights holder, and that is more powerful than being an MPP. When you keep on doing the colonial things that you guys do, it brings up people. So thank you for that. Meegwetch.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Bourgouin?

**M. Guy Bourgouin:** Je suis déçu un peu, puis c’est dur de passer après mon collègue, après ses paroles qui sont inspirantes—comment il est passionné pour son peuple; comment il est passionné pour sa culture, ses droits, en tant que Première Nation.

Je suis déçu aussi que le gouvernement ait voté contre notre première proposition pour faire des amendements sur le « informed and prior consent ».

Mais là, notre proposition qu’on propose aujourd’hui avec trois points, c’est que c’est un processus—un processus clair—qui va être proactif. On a entendu certains de nos collègues sur ce bord-ci parler de « trust », de confiance. Les Premières Nations ne font plus confiance au gouvernement, et avec raison. Ça fait 400 ans qu’on abuse de nos pouvoirs, qu’on a signé des traités et qu’on les traite—vraiment, on les traite comme une deuxième classe, des citoyens de deuxième classe.

Souvent, je dis en Chambre que c’est un peuple oublié. Mon collègue en parle souvent en Chambre. Il dit que le système marche bien. Il marche à la perfection. C’est un système colonialiste.

On vous propose, puis j’espère que le gouvernement va voter pour—parce que, qu’est-ce que ça fait? Ça amène un processus qui est clair, « prior consent », qui va être capable d’adresser toutes les « issues » que les parties ont—pas juste celles des Premières Nations; on parle des entités qui veulent développer des mines ou avoir des licences pour le faire, puis aussi la couronne. Faire un processus qui est clair—ce qui n’existe pas. Même si le gouvernement, peut-être, va dire que ça existe, ça n’existe pas. On a besoin d’un processus qui est clair, qui va le définir, pour faire de l’avancement, et pour que ça l’avance dans la bonne direction. On est dans un temps de réconciliation. Fini, les oppressions.

Ce qu’on propose, c’est un processus qui identifie toutes les parties et qui leur donne accès à un processus proactif, ce qui est très important. N’importe qui qui a fait des négociations sait comment c’est important d’être clair, que les parties puissent se faire entendre, que les parties puissent avancer leurs « issues ». On en propose un. Ça fait que je vous demande, le gouvernement, de le supporter. C’est important. C’est un processus qui est clair, qui définit le processus, ce qui est très important. Surtout dans un temps de réconciliation, arrêtons de faire les choses de la vieille façon.

Supportons cette proposition. Je pense que c'est la bonne direction à aller, et je pense que ça va être apprécié par toutes les parties—non seulement les Premières Nations. Je parle aussi des entités qui demandent ces permis, parce que—vous les avez entendues dans le comité—elles demandent un processus qui est clair. Il fait trop longtemps que ça dure. Pour eux, comme ils disent, ça va aider au processus. Ça va définir aussi les problèmes des entités qui sont impactées par ça.

Donc, je vous demande, au gouvernement, de supporter cette proposition.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Hsu.

**Mr. Ted Hsu:** To me, the very fact that the question was raised as to whether this amendment was out of order or not and the fact that the ruling was that it was in order means that it's relevant to the Mining Act. I think it is important to have clarity and to have expectations of how the consultations will be structured so that if you don't hear anything, if an Indigenous community doesn't hear anything, they're not wondering whether it's because they're not affected or because somebody forgot to follow some process to consult with them. So having this framework I think is important, and the fact that this amendment is in order means that it's something that needs to be considered. Again, having a framework is a way to build trust and not having a framework risks approaching the question of consultation in a sloppy manner. And sloppy consultation is going to hurt the mining industry.

1010

I think economic development is on the side of this amendment. I think our duty is to consult as a nation with First Nations. It's important to have a framework like that that is covered by the framework.

**The Chair (Mr. Aris Babikian):** Further debate? MPP Schreiner.

**Mr. Mike Schreiner:** I'm going to speak in favour of this motion. I'm actually not going to assume government members are going to vote against the motion because I think they would like to expedite projects in the mining sector. One of the things that I've learned as well in meetings with Indigenous leaders, as well as members of the mining sector and other commercial and housing developers, is one of the things that delays projects is the lack of a clear framework for consultation. I would argue that we actually need a separate piece of legislation that outlines what a consultation framework and process looks like for all projects in all areas of the province.

But we have an opportunity today to do it for the mining sector through this amendment and actually begin the change that's needed. Because the lack of a clear framework and process undermines trust, it damages relationships among all participants and it ultimately delays moving forward with proposed projects. Given the critical nature of the critical minerals mining sector to the energy transition that we need to expedite as fast as possible, I would hope that the government would want to remove complications that delay that process. And one of those complications is the lack of a clear framework for consultation. This

amendment calls for developing that framework, defining that framework.

Maybe we need to go a little further, but this is a darned good start, which is why I'm going to be voting in favour of it. But I think it's clearly in the interest of First Nations, but it's also in the interest of the mining sector and proponents of projects to have a clearer framework and process, because that will actually, in the long run, expedite the process. My hope is that all members are going to be supporting this particular amendment because I think it's going to further the objectives of expanding the mining sector into critical minerals in Ontario in a way that respects people's inherent rights and delivers on the shared prosperity that I've heard both the mining sector and Indigenous communities advocate for during hearings for this bill. That's why I'll be voting for this amendment.

**The Chair (Mr. Aris Babikian):** Any further debate? Yes, MPP West.

**MPP Jamie West:** Point of order, Chair: I'm just looking at the clock. Question period is going to start soon—

**The Chair (Mr. Aris Babikian):** Actually, I was going to put that question to the committee members. Since it is 10:15, this committee is scheduled to meet until 12 noon, but I will seek your advice: If you want to continue until 12 noon or you want to stop now and we come back at 3 o'clock. What is the advice? What is the input of the committee members? Let's make a decision on it.

*Interjection.*

**The Chair (Mr. Aris Babikian):** You had a point of order, MPP Leardi?

**Mr. Anthony Leardi:** I think, judging the feeling of everyone around the area, there would be unanimous consent for us to adjourn and then reconvene at 3 p.m.

**The Chair (Mr. Aris Babikian):** Okay. Any further debate or any further suggestions? Is there unanimous consent to adjourn until 3 o'clock this afternoon? Yes? Agreed.

So the committee will take a recess and will reconvene at 3 o'clock. Thank you.

*The committee recessed from 1015 to 1500.*

**The Chair (Mr. Aris Babikian):** Good afternoon. We are back, resuming our committee clause-by-clause examinations. We are examining and debating amendment 2 from the NDP. Is there any further debate on amendment 2? MPP West, go ahead.

**MPP Jamie West:** When we left off, when we broke for question period, MPP Mamakwa was talking about consultation. I'm not a lawyer, but a lot of my background is with health and safety, and there's a requirement for consultation for health and safety as well. We had ministry inspectors and ministry lawyers rule on what consultation is. And it really means meaningful engagement, a process where you can provide feedback, a process where you can make suggestions and hear responses as to why the suggestions are acceptable or not, or are going to be accepted, or a timeline for when it's going to be accepted.

What we're seeing has happened with this bill was that the day it was tabled, it was shown to First Nations. That's not consultation. That's why we are urging support of this

process. I think, as well—and we’ve heard this for years from mining companies; I know this was brought up when I was at a mining company—we heard during the consultations, the deputations that we had when the committee travelled, that the mining sector is looking for a framework that would spell out what the obligations are and what to expect.

I think this is a positive move forward. As politicians, I’m sure all of us by now begin our speeches by recognizing the treaty territory where they’re from or where they’re speaking. Sudbury, for example is in the Robinson-Huron Treaty territory. We’re represented by the Atikameksheng Anishnawbek people, who have been the caretakers. But I’ll tell you, that’s something I didn’t know for a long time. I simply didn’t know. I always considered myself as an ally, and it took me until my mid-forties to realize that I was just being polite. I had to go to the native friendship centre to ask them what treaty I belonged to and where I was.

This was before I was elected, but this is a growth process, and we’re all along that—we’re all trying to walk a good path, as elders would say. This is a process and this amendment is a way for us to walk that path together towards truth and reconciliation and to ensure we are doing what the treaties are calling for.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Mamakwa.

**Mr. Sol Mamakwa:** At the beginning, when we introduced this amendment, I think I was very clear on why we are putting this forward, from the First Nations perspective.

I was just remembering, this morning, as well, when we were at the committee hearings—I think it was in Timmins. I remember it was, like, five minutes to 10 and I remember lining up with Jamie, and then I saw the committee on the government side were in their seats already. One of the things I noticed right away—in my head, I’m like, “Oh, yeah, there’s all white people over there, eh?” I thought it just in my head. And I’m like, “Jamie, you’ve got to be my Lone Ranger today.” But it’s that type of humour that we have. No matter what we go through, we always have humour. When we talk about First Nations, sometimes legally they call us Indians, so I will make comments about Indians just regarding that fact. And it took me a while to be able to say that in public.

But again, I think that the framework that we are proposing is very important and a path forward, and I’d like to thank everyone that made comments on it. Based on the non-response from the government, I see where you’re going. I’m sure that there is somebody behind there making decisions for you that you cannot vote on, and I know that’s all part of the process of being whipped, I guess, so to say. I’m still learning your system of how you control people in this place, the House—this British system, I guess; the system that controls how we vote as parties, how we vote in the party that we belong to.

Again, First Nations are not red tape. Consultations are not red tape. I think it’s always very clear to me that—again, based on the non-response, based on the non-dialogue on this submission, I know you will most likely

vote against it, and I think that’s okay. I would rather see a very colonial system stand up—but there are others that will stand up to protect the environment, protect their rights, protect the lands, protect our ways of life, protect us people as who we are. Again, let me remind you, the first thing that settlers did is take our lands and take our children. This will not allow our people to be able to re-learn our ways of life. The people that have lost their ways of life have lost their language.

**The Chair (Mr. Aris Babikian):** Any further debate? I see none. Is the committee ready to vote?

**MPP Jamie West:** Point of order, Chair.

**The Chair (Mr. Aris Babikian):** MPP West?

**MPP Jamie West:** I’m going to be requesting a recorded vote for all of them. Do I have to request it each time, or—

**The Chair (Mr. Aris Babikian):** No, you can do that. You can request a recorded vote for the entire session.

**MPP Jamie West:** I’ll ask for the entire session. It just saves the interruption each time.

**The Chair (Mr. Aris Babikian):** Okay. Any further debate?

**Mr. John Yakabuski:** We want to hear you say “recorded vote, please.” Hearing your voice, we’re going to miss that, but if you insist.

**MPP Jamie West:** I’ll send you an MP3.

**The Chair (Mr. Aris Babikian):** So we will move on. From now on, all the votes should be recorded votes.

So we are voting on amendment 2 of the NDP motion.

#### Ayes

Hsu, Mamakwa, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

#### 1510

Now, we move to section 2. There are no amendments to sections 2 to 4. Is the committee in agreement to bundle sections 2, 3 and 4 together since there are no amendments? Okay. Is there any debate on any of the sections, sections 2, 3 and 4? If none, we will move to the vote. I see none. Is the committee ready to vote? By the way, I should mention that it is a recorded vote.

#### Ayes

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Schreiner, Dave Smith, West, Yakabuski.

**The Chair (Mr. Aris Babikian):** It is carried.

We’ll move to section 5. We have an amendment, number 3 from the NDP. MPP West.

**MPP Jamie West:** I move that subsection 5(1) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Okay, we heard and we read the motion. Any debate? MPP West.

**MPP Jamie West:** I had a difficult time locating anybody who was in favour of this in deputations and outreach. This is about moving the director's role into the purview of the minister. It would transfer those powers to the minister. I was very clear in debate that I have a lot of respect for the minister and his background with mining, but I feel like this brings a very partisan point of view to it. Governments rise and fall, and ministries get shuffled all the time. Like I said earlier, I had a difficult time finding someone from industry who called for this or asked for this from the government.

As well, we know that, from casually speaking with people in mining, they had concerns as well with why it would be politicized. So this amendment would remove the Conservative government's intention to remove the director of exploration role and transfer the powers exclusively to the hands of the minister.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Mamakwa.

**Mr. Sol Mamakwa:** Meegwetch, Chair. I know that this is one of the first of our amendments that takes on the government's intention, again, as my colleague said, to remove the director of exploration role and transfer these powers exclusively to the hands of the minister. It's messed up, to be honest, and I think it's very clear in the motion that would strike out subsection 5(1) that would repeal the definition of director and section 139(1) of the Mining Act.

I know that if our motion were to succeed, then the definition of director and thereby the powers would remain at arm's length from the minister's office.

I know that during the deputations, some major mining industry players supported the bill. Many mining executives and representatives have expressed concern with the politicizing of this process, meaning the approving of permits, especially when the director position is eliminated. I know one of the questions I have is, why does the government want to eliminate this position, with its expertise and experience, and place it solely at the discretion of the minister?

I think that leads to the number of permits that are being approved as well. I know that there was a group of First Nations that came here a few weeks ago who were addressing the mining issues, and one of them talked about this mining act. I think it's important to acknowledge the resistance to this mining act from the First Nations.

I know that there are warnings that have been given to government, warnings that people will stand up to it and that this is not the right way. This is not a good way. This is a colonial way, on what exactly you're doing. This is a colonial way of doing business with First Nations, and it is very clear.

Again, I keep saying this: The more oppressed we are, the stronger we become as nations. And I say again, bring it on. We will be ready. Meegwetch.

**The Chair (Mr. Aris Babikian):** MPP Bourgouin.

**M. Guy Bourgouin:** On voit que ce qu'on propose c'est de garder la position du directeur, parce que le gouvernement veut l'éliminer. La question se pose : pourquoi? Pourquoi, dans un temps que—vous avez vu les amendements qu'on a essayé d'amener. C'est d'avoir plus de consultation, plus de transparence. C'est d'avoir du « pre-informed consent ». On propose ça—avec les Premières Nations—puis le gouvernement semble juste voter contre. Puis là, on voit que c'est encore pour expédier le processus encore plus rapidement—encore moins de transparence.

Quand on a entendu des Premières Nations venir ici parler des « issues »—puis je suis convaincu qu'il va y en avoir d'autres. Avec ce qui se passe avec eux, avec ce projet de loi 71, on va en faire face encore plus : encore moins de transparence, moins de consultation. Expédier un processus qu'ils vous disent—ils viennent jusqu'à crier dans la Chambre. Dans cinq ans, c'est la première fois que je vois des Premières Nations venir ici en Chambre, crier et dire: « Non, ça n'arrivera pas. On ne le voulait pas. Vous ne nous consultez pas ».

On voit des communautés qui ont 27 ans de « boiler-plate advisories ». On voit des communautés qui ne sont même pas capables d'avoir une expansion de leur réserve. Puis là, on parle d'un projet de loi qui va aller encore plus s'imposer sur leurs territoires ancestraux—qu'ils n'ont jamais donnés, en passant. Ils ont signé des ententes, des traités, pourtant, qui disent qu'on va partager les revenus, partager—puis là, on a un gouvernement qui s'en va complètement à l'opposé. On est dans un temps de réconciliation, puis on va à l'opposé de ça, et on dit : « Non, nous autres, on s'en va. On enlève le directeur. » Il ne faut pas oublier que, ces directeurs, ils ont l'expérience et l'expertise. On va éliminer ça. Et on dit qu'on s'en va dans la bonne direction.

1520

Je pense que c'est mon collègue qui l'a dit, de Sudbury—Sudbury?

**MPP Jamie West:** Sudbury.

**M. Guy Bourgouin:** Je n'étais pas certain si c'était que Sudbury, là—

*Interjections.*

**M. Guy Bourgouin:** —de Sudbury qui a dit que—

**Mr. Dave Smith:** It wasn't Kiiwetinoong.

**M. Guy Bourgouin:** Bien, là, j'ai perdu mon fil d'idée parce je suis parti à rire—mais qui a dit que c'est encore plus important, la transparence, puis que les gouvernements—je viens de retrouver mon fil d'idée—tombent. Il y a d'autres gouvernements qui viennent en place, puis on va en mettre encore moins de transparence et donner plus de pouvoir au ministre.

On a vu votre gouvernement, le gouvernement actuel qu'on a, avec les « MZO » et tout, tout le temps donner plus de pouvoir au ministre—de plus en plus de pouvoir au ministre. Mais le problème c'est, quand tu fais ça, tu enlèves des consultations, tu enlèves des processus. On sait que c'est pour passer des projets de loi le plus vite possible, tout le temps expédier le processus. Mais là, on parle de communautés. On parle de peuples autochtones.

On parle de personnes pour qui ça fait des milliers d'années qu'elles sont ici.

Je pense que mon collègue l'a dit ce matin. Il a dit que c'est un cadeau du créateur : « Pour nous, c'est plus que juste des territoires. C'est un cadeau du créateur, puis on a une responsabilité de protéger ça. » Puis là, on voit que, encore, on va expédier le processus. Je pense que c'est une erreur que le gouvernement fait. Je vous demande de supporter cette motion. Je sais qu'on l'a fait; on a perdu les autres.

Mais en faisant ça—et cela fait, ce que vous allez faire, c'est créer encore plus de problèmes pour les opérations minières. Les buts que vous voulez atteindre vont avoir encore plus de confrontations. Écoute, on ne le répète pas, là. Je pense que mon collègue l'a dit. Il y a certaines communautés qui sont prêtes à aller très loin pour protéger leurs terres ancestrales. Ce processus-là n'aide pas ça. Au contraire, ça la rend pire, la situation. Ça fait que, faites attention à ce que vous faites.

Je pense qu'on essaye de vous faire comprendre—d'améliorer le processus. On essaye. L'industrie supporte le projet de loi, mais il n'y a jamais eu personne qui a demandé d'enlever le directeur. Il n'y a pas de miniers, comme vous avez entendu mes collègues, qui ont dit—les développeurs, ce n'est pas ça qu'ils demandaient. Mais là, on a une situation qu'on veut expédier, puis je pense que c'est une grande erreur. Je vous demande de supporter notre proposition, notre amendement, parce que je pense que c'est la bonne chose à faire.

**The Chair (Mr. Aris Babikian):** MPP Hsu, you wanted to speak. Go ahead.

**Mr. Ted Hsu:** I'm waiting for my microphone.

**The Chair (Mr. Aris Babikian):** I think it's automatic.

**Mr. Guy Bourgoin:** It's not on yet. Mine is still on, by the way.

*Interjections.*

**Mr. Ted Hsu:** There we go. It's good now. My concern with this idea of moving the powers away from the director to the minister is I feel that it's important to make evidence-informed decisions. It's important to have expertise inside government to help make objective, well-informed decisions. So I would question why the decision-making needs to be moved to the minister's office. Why isn't the government investing in having the expertise inside the government? Because moving it to the minister's office makes decisions potentially more political.

There is a time when political decisions have to be made. For example, since we rejected previous amendments, it is possible that consultation with Indigenous communities will not have been done in a manner that's satisfactory. At that point, a nation-to-nation discussion can occur where a First Nations community would approach a minister of the crown and say, "We think you're missing something in this decision that was made by this director." If the minister himself or herself makes that decision, then it's already done.

There is no acknowledgement that there is room for a nation-to-nation discussion about whether Indigenous consultation occurred properly or not. That's another reason for questioning why the powers of the director should be

moved to the minister. As my colleague from Sudbury said, it's hard to find support in industry for this move.

**The Chair (Mr. Aris Babikian):** MPP Schreiner.

**Mr. Mike Schreiner:** I'm going to be voting in favour of this amendment, and one of the reasons is that I believe that evidence-based decision-making and non-political, or minimized-political, decision-making when it comes to certain types of approvals is critically important to maintain some additional sense of independence and expertise.

One of the things that makes Ontario an attractive destination for investment in mining is that we've worked really hard over the years to improve our systems and processes to make them more environmentally sustainable, to make them safer for workers, to just minimize harm. That's taken a heck of a lot of work and it required some expertise to be built up in government. One of the concerns I have is that we're going to lose that.

Having the director position in place and having the director empowered to bring evidence-based expertise to the decision-making process is critically important because we have to recognize that governments change, ministers change, political appointments change, but oftentimes, the public service is that continuity that provides institutional memory and institutional expertise. I think that we want to minimize losing that, in order to maintain the reputation of the mining sector in Ontario. So I think that's why it's important to preserve the director's position.

**The Chair (Mr. Aris Babikian):** Any further debate? I see none. Are the members of the committee ready to vote? I will put the question on amendment 3.

#### Ayes

Hsu, Mamakwa, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost. Shall section 5 carry?

*Interjections.*

**The Chair (Mr. Aris Babikian):** The amendment was lost. We are debating section 5 now, and we are—

**Mr. Ted Hsu:** I'm just looking at the next page. I thought that was 5.1, but—

**The Chair (Mr. Aris Babikian):** Okay. Section 5, once again: Shall section 5 carry?

**MPP Jamie West:** I'm not sure what we're voting for. I apologize. Is the amendment 3.1 or just the—

*Interjection.*

**MPP Jamie West:** Yes, that was amendment 3, and then on the next page it says 3.1, and it says section 5.1. So I just want to make sure that we're—

**The Chair (Mr. Aris Babikian):** We are voting on section 5 of the bill. The amendment was lost.

1530

**MPP Jamie West:** Right.

**The Chair (Mr. Aris Babikian):** So now we are voting on section 5 of Bill 71.

**MPP Jamie West:** And 5.1 comes after 5. Okay, thank you.

**The Chair (Mr. Aris Babikian):** Okay.

### Ayes

Breese, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

### Nays

West.

**The Chair (Mr. Aris Babikian):** Section 5 is carried. Now we move to the next item, and that is a new amendment by the NDP, amendment 3.1. MPP West, go ahead.

**MPP Jamie West:** I move that the bill be amended by adding the following section:

“5.1 The act is amended by adding the following section:

“Duty to consult

“139.0.0.1(1) The crown shall consult with any impacted Indigenous populations who are inherent rights holders under section 35 of the Constitution Act, 1982 before any approvals or permits are granted under this part.

“No delegation

“(2) The duty to consult set out in subsection (1) shall not be delegated.”

**The Chair (Mr. Aris Babikian):** Debate on the amendment?

**Mr. Anthony Leardi:** A point of order, Mr. Chair.

**The Chair (Mr. Aris Babikian):** Yes, go ahead, MPP Leardi.

**Mr. Anthony Leardi:** You can put a motion to amend the bill, but you can't put a motion to amend the act. This motion is out of order because it proposes to amend the act by inserting something brand new. You can't do that. You can put a motion to amend the bill by striking or adding, but this proposes to insert something brand new into the act, and that's why I say it's out of order.

**The Chair (Mr. Aris Babikian):** Okay. MPP Mamakwa?

**Mr. Sol Mamakwa:** Before we did these amendments, we went through the process of talking to legislative counsel. We went through this again earlier in the day, and the legal counsel from the Legislature says it's okay. So I would think that it's okay.

**The Chair (Mr. Aris Babikian):** Okay. This is not a point of order. I have reviewed the amendment before me, and it falls within the scope of the bill.

Any further debate? MPP West.

**MPP Jamie West:** Similar to our earlier amendment that had been voted down, this motion adds a new section that would create an obligation of the government, the crown, to establish free, informed and prior consent consultations with impacted First Nations prior to the granting of any mine closure plans. This, again, is about urging the Conservative government to move forward on the terms of truth and reconciliation and to do what's actually spelled out in

the treaties and to have it enshrined in legislation so that we begin moving forward on that, which I think the majority of people of Ontario want us to do. I think we're in that place where we can't change the past and how business was done in the past, but I think that we can move forward together in a positive way.

We have a shared history with Indigenous people, First Nations people, but I think as well of our history when it comes to mining. I'm a proponent of mining, but we have to recognize that there are thousands of mine closures in Ontario that weren't properly remediated. This was brought up in testimony from USW Local 6500 and others. We are in a place where if a mining company isn't successful in closing and cleaning the mine site, it goes to the public purse. It goes to taxpayers to pay for it, and it goes to the people who live in the area to deal with the consequences of the fallout of the environmental damage.

My riding—my colleague asked if it was Sudbury. There used to be Sudbury East and Sudbury West, which would have been interesting if I ran back then. During my lifetime, I witnessed Sudbury go from a place where they sent astronauts to practise the moon landing because the land was so scarred and black without vegetation to a re-greening of Sudbury and a cleanup and the elimination of SO<sub>2</sub> from the world's tallest smokestack.

We are moving forward when it comes to mining and innovation and environment. This is a process where we also include the duty to consult, which is already part of a requirement, but this enshrines it so that it happens—because, as we've said several times today, it hasn't happened. It didn't happen with this bill. So the arguments that come forward saying this has to happen anyway, they don't hold water. They don't stand the test of policy as we're witnessing with this bill right now.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Hsu.

**Mr. Ted Hsu:** If I could just repeat somewhat my comments from the previous amendment, I believe this is about building trust by proactively consulting with Indigenous populations. This is about mine closure plans. The previous amendment was about exploration, but I think the same ideas apply.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Bourgouin.

**M. Guy Bourgouin:** Écoute, cette motion, ce qu'on propose, c'est encore pour la consultation. Je pense que c'est important parce qu'on a vu—on sait qu'il y a de bons joueurs et de mauvais joueurs dans toutes les industries. On voit comment ça impacte l'environnement. Mais ce qu'il faut que le gouvernement réalise, c'est quand on parle du Ring of Fire ou qu'on parle du développement dans le Nord, le « peat moss » et tout ça, c'est un environnement qui est tellement fragile.

C'est pour ça que les Premières Nations disent souvent : « On n'est pas contre le développement, mais on a une obligation puis une responsabilité de faire certain qu'on protège ça. » Il s'agit juste d'avoir une grosse « issue » environnementale qui va affecter bien des communautés, puisqu'on sait dans le Nord, l'eau coule

vers le nord. Beaucoup de ces communautés-là sont sur les rivières—en aval. Ça veut dire que l'eau va couler, puis eux autres vont aussi payer le prix.

C'est pour ça que c'est important de consulter toutes les Premières Nations dans ces situations, parce que leurs territoires ancestraux font partie de tout. On a une vision très étroite quand ça vient aux Premières Nations et leurs territoires ancestraux, mais je peux te dire que les territoires ancestraux sont vastes, sont grands. Ils s'entrecroisent. Tu ne peux pas les blâmer de vouloir faire partie de ces consultations, parce que s'il y arrive des « issues » environnementales, qui va payer le prix? C'est leurs communautés et leurs territoires ancestraux, parce qu'ils vivent toujours de pêche et chasse. Ils nourrissent les familles avec ça. Ils nourrissent leurs communautés avec ça.

1540

On a un gouvernement qui est tellement déconnecté, à ce point-là—je pense que c'est pour ça qu'on vous demande d'accepter les propositions qu'on vous demande. Quand ça vient aux « issues » puis à ce qui peut les affecter—puis, il y a certains joueurs qui sont de bons joueurs. On le sait. On sait qu'ils font beaucoup—ils font certain de ça. Mais il y a tout le temps du monde qui ne va pas le faire. Il y a tout le temps quelqu'un qui va couper les coins ronds. Pourquoi? Parce qu'il faut qu'ils répondent à leurs « shareholders ». Ça revient tout le temps à une question d'argent.

Mais quand ça arrive aux Premières Nations, ce n'est pas une question d'argent—quand tu vis avec ton futur, quand tu vis avec ton territoire, quand tu vis avec toutes ces « concernes ». Et écoute, tu ne peux pas les blâmer de penser comme ça. On ne peut pas les blâmer de penser comme ça, puisqu'ils l'ont vécu ailleurs. On a vu d'autres Premières Nations. On a parlé de Grassy Narrows. On a vu bien des situations dans le Nord avec d'autres communautés qui vivent encore—parce que, moi, je peux te dire, à Attawapiskat, ils ont un goût amer, très amer, quand ça vient au développement économique pour leur mine, parce qu'ils vivent encore avec cette situation-là. Ils disent que, non, il y a bien des « issues » qui n'ont pas été réparées encore. Ça, c'est une réalité que ces communautés vivent.

Puis on veut juste expédier un processus, tout le temps expédier sans consultation; sans consultation. Ça fait combien de motions qu'on vous propose? Vous avez tout voté contre.

Je vous demande de faire la bonne chose, puis de supporter cette motion.

**The Chair (Mr. Aris Babikian):** Any further debate? Is the committee ready to vote?

*Interjection.*

**The Chair (Mr. Aris Babikian):** You have a point of order, MPP Mamakwa?

**Mr. Sol Mamakwa:** No. Can I speak?

**The Chair (Mr. Aris Babikian):** You are participating in the debate?

**Mr. Sol Mamakwa:** Yes.

**The Chair (Mr. Aris Babikian):** Okay, go ahead, MPP Mamakwa.

**Mr. Sol Mamakwa:** Meegwetch, Chair. I'll be very quick here. Again, this motion adds a new section that creates an obligation for the government, for the crown, to establish free, prior and informed consent consultations with First Nations that are impacted prior to the granting of any mine closure plans. It's very straightforward how this effectively replicates the duty-to-consult obligations from the earlier motion. It applies to section 139.0.0.1 of the act. Again, it applies to the points on the duties to consult.

I know the impacts on our traditional lands, traditional territories, but not only that, the environment and also the liabilities to the public from the thousands of mine closures that weren't properly remediated. I was just saying to one of the MPPs who used to be a former minister for natural resources and forestry that they had the best duty-to-consult processes, and now they have stepped away and are walking away from those processes.

I know I speak in terms whereby you do not understand about rights as First Nations people; I know you do not understand about inherent rights and, I can further say, you do not care about inherent rights of First Nations people in these territories, because I see it play out on a daily basis when we're sitting in the chamber, when you do these photo ops or put these resources into these First Nations in these areas, how you make it look as if you're doing something without really doing anything.

But again, I think it's about lands. It's about environment. I hear the government say jobs, jobs, jobs. That's the easy part.

But I think it's important to also—I hear, when you mention this bill, you talk about prosperity. Prosperity can mean a lot of things for different people. I know we're very prosperous when I'm in the north. We prosper in our language, in our ways of life. We prosper in our history as people where we live. We prosper in the fish that are in our traditional territories. We prosper in our ways of life, such as goose hunting. Springtime is very important for us, for our ways of life, when we go goose and duck hunting around this time. I think, whenever there's activity on these traditional territories, traditional lands, how important the environment is.

I just wanted to make those comments. Meegwetch.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Leardi.

**Mr. Anthony Leardi:** I don't think that the member should impute negative motives to any other member. I think all of us here are here to serve all of the people who reside in Ontario, and I think all of the members here around this committee table are doing their best for everybody—trying to do their best for everybody. I would encourage all of the members around this table to recognize that and to refrain from imputing a negative motive to any other member around this table.

**The Chair (Mr. Aris Babikian):** Thank you.

**Mr. Sol Mamakwa:** “Trying” is the operative word.

**The Chair (Mr. Aris Babikian):** Please direct your questions through the Chair.



I see no further debate. I'm going to ask the members if they are ready to vote on motion 3.1. All in favour of the motion, please—

*Interjections.*

**The Chair (Mr. Aris Babikian):** Please let me do my job. There is a voting process going on. Let's focus on the voting process.

### Ayes

Hsu, Mamakwa, Schreiner, West.

### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

May I bring to the attention of the committee members that we are here debating Bill 71? I would like from all of you to focus on items related to Bill 71 and the amendments. We need to keep decorum. We are not here to impugn motive for any members, so let's not divert our attention and focus from Bill 71. I will kindly ask all of you to keep decorum of the meeting, and let's focus on the issues at hand. Thank you very much.

1550

Now, we move to section 6. We have NDP amendment 4: MPP West.

**MPP Jamie West:** I move that subsection 6(1) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any debate? MPP West.

**MPP Jamie West:** This motion would strike out subsection 6(1) of the act that repeals the director of exploration's ability to issue orders. This is similar to previous bills, where it gives the authority to the minister and creates a situation where it can look very political.

I've said before about my compliments to the current Minister of Mines and his background, but the reality is that nobody is an expert in everything and that the director in the role has that long history of what's happened with legislation, with mines opening and closing—all the staff as well. If this motion isn't passed, what will happen is this legislation will eliminate the position of the director, eliminate all that expertise and experience, and place it solely at the discretion of the minister.

As well, Chair, it creates a situation—I think none of us are naive enough to not recognize that the general population is becoming frustrated with politics and feeling like things are very politicized and polarized. It creates a situation where, in the best of intentions, while making decisions, while talking about subjects or deciding on something, it can look political. I worked at Vale my entire career with the Steelworkers, and there's a recent announcement for Vale that is excellent news in my riding. But I think that if I was the Minister of Mines and I made this announcement and I was associated with it, it would look political, even though it's a good company that does good work. Similarly,

I think that if the Minister of Mines had made an announcement that recognized a place where he had worked in the past or his connection with the Ontario Mining Association, it might look political, even though it may not be.

Keeping this as arm's-length from any government—it doesn't matter that we're currently with a Conservative government. There have been Liberal governments in the past and an NDP government in the past—and potentially, one day, a Green government. But keeping it arm's-length from any sort of political stripe is the right thing to do for the people of Ontario to regain confidence in the work that we do here.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Schreiner.

**Mr. Mike Schreiner:** I'm going to be brief and just speak in favour of this, and just remind members that even industry members, mining executives who came and spoke very favourably of this bill did, in their presentations and the questions and answers, raise concerns about the deterioration of expertise within the ministry staff and how that has contributed to delays over the years. I will be speaking to this a bit more in a later amendment, but removing the director position just further deteriorates the expertise we have within the ministry to make evidence-based, science-based decisions.

**The Chair (Mr. Aris Babikian):** Further debate? MPP Leardi.

**Mr. Anthony Leardi:** This is a terrible motion. It actually defeats the entire purpose of the bill, if this motion passes, and let me explain why. Fifteen years is too long to wait for the permitting process to open a mine. Fifteen years is too long. I should hope that everybody could agree on that; perhaps we don't. But everybody should agree that 15 years to open a mine is way too long. And what this act does is it shortens the permitting process. That's what the act does.

Now, with respect to this specific section, let's talk about what this is supposed to do. It's supposed to essentially replace the director with the minister. In fact, having the minister empowered to make decisions under a piece of legislation is, in fact, extremely common in legislation in Ontario, in provinces across this country and also at the federal level as well. You could find plenty of examples of acts in Ontario, legislation in Ontario, legislation in other provinces and legislation at the federal level that empower the minister to do this or that, and that's what the proposal mainly in this legislation does. It is 100% consistent with legislation in the province of Ontario. It is 100% consistent with legislation in other jurisdictions, including the province of Québec and including the federal government.

Let me give you one very good example. I'm going to cite for you the Mining Act from the province of Québec, section 304, which says:

“The minister may, by order,” etc.—now, here are the et ceteras—“reserve to the state...,”

“—mining inventory and exploration work;”

“—mining, industrial, port, airport or communications facilities;

“—underground conduits;” and it goes on and on and on.

That's the Mining Act in the province of Québec, section 304: "The minister may, by order"—and then there's a whole list of things that the minister may do by order. That should come as no surprise to anybody, because there's lots of legislation in Ontario, in Québec, in the other provinces and in the federal government that do exactly the same thing: empower the minister to make a decision. That should come as no surprise to anybody. That's why this motion is so bad.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP West.

**MPP Jamie West:** I'm not a lawyer. I believe my colleague is, so I could be incorrect. I don't know the legislation he's speaking about; I am familiar with legislation that says the minister may do certain things. That's not what this section is talking about. This section is talking about removing the director and replacing it with the minister, in my opinion, and that's what we find troublesome about this.

We are unable to find anybody, and the Conservative government was unable to provide anybody, who was calling for this. In all the deputations that they had—and I was very open as a co-chair to accept all late applicants to come in because I wanted to hear from as many of these people as possible—nobody said, "This is something I really asked for," through all of it, unless I'm not remembering properly. I was unable to find anyone who called for this, saying, "This is a good thing. This is going to help move things forward."

I'm all in favour of helping mining move forward in a good way, in a quick way, when it's most efficient, but I don't believe we should trample over the right to consult with First Nations communities, and I don't think we should create a system that politicizes the role of the director. This isn't about powers; this is about the director being removed and the minister now having those powers on his own. That's why we put the amendment forward.

**The Chair (Mr. Aris Babikian):** Any further debate? Seeing none, are the members ready to vote on amendment 4?

### Ayes

Hsu, Mamakwa, Schreiner, West.

### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

Now, we move to section 6. Any debate on section 6? I see none. Are the members ready to vote?

1600

### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, West, Yakabuski.

### Nays

Hsu.

**The Chair (Mr. Aris Babikian):** The section carries. Now we move to amendment 5 of section 7. MPP Schreiner.

**Mr. Mike Schreiner:** I move that subsection 7(2) of the bill be amended by striking out subsection 140(2) of the Mining Act and substituting the following:

"Certifications

"(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in a closure plan be certified by a qualified person, or other individual specified by the regulations, so long as the qualified person or individual,

"(a) has the prescribed qualifications in a regulated profession related to mine rehabilitation; and

"(b) is not employed by or otherwise related to the proponent."

**The Chair (Mr. Aris Babikian):** Any debate? MPP Schreiner, go ahead.

**Mr. Mike Schreiner:** I put forward this amendment because I was thinking that one thing that was clear from almost everyone who came to committee was deep concern around the lack of clarification around defining what prescribed qualifications were or who a qualified person would be and how that would be prescribed and defined—and too, conflicts that would exist and the potential moral hazard of having somebody who works for the proponent essentially signing off on a closure plan.

I think it was the presenter from Blue Heron Environmental consulting, who spoke in favour of the bill, who specifically raised this concern I think in the most eloquent way, saying that at one time it would take—I believe she said 45 to 90 days, and now it takes up to two years to get a plan approval. And a lot of that, I would say, is because of a deterioration of staff within the ministry to certify plans and do it in an efficient, expedited way.

I understand why there are concerns, but I think the pendulum can swing too far in another direction and can lead to potential challenges for us and at times can lead to catastrophic consequences. One example of that is the Mount Polley mining disaster in British Columbia, the largest mining disaster in Canadian history, where a "certified person" signed off on something that ended up being a disaster.

So I believe if we're going to maintain the reputation of mining in Ontario—and that's something I want us to do because I believe access to critical minerals for the transition to a climate economy is vitally important—we need to make sure the public has trust that the people signing off on these plans are (1) qualified and (2) are not in a potential conflict of interest. That's what this amendment is designed to do. I don't think it does as much as actually making the investments in having robust administration staff, once again, but in the absence of that, I think beginning to define what a qualified person is and ensuring they're not in a conflict of interest helps protect the people

of Ontario and maintain trust in the mining sector. That's why I brought forward this amendment.

**The Chair (Mr. Aris Babikian):** MPP Hsu.

**Mr. Ted Hsu:** In consulting some people in the school of mining at Queen's University, there was a concern about moving the decision-making about mine closures from the ministry out to qualified persons outside of the ministry. So one could imagine the following situation: If the qualified person in a regulated profession is a mining engineer, which is certainly regulated, suppose what they do is—in a mine closure, you have to consult really different disciplines; biology, environmental science, geochemistry. It's different from mining engineering or geology. What could happen is the mining engineer consults these other experts but then the mining engineer is the only one to sign off on the mine closure plan. And I think the purpose of this amendment is to say, why don't we have the biologist and the environmental scientist and the geochemist also sign off? Because they're the ones who are really providing some of the essential expertise that is needed to decide that a mine closure plan is a good one.

I'll echo my colleague Mr. Schreiner that the best thing would be to have that expertise cultivated and nurtured in the ministry so that it has that institutional memory and benefits from it. But in lieu of that, I think it makes a lot of sense to look at having other disciplines and, in particular, disciplines that specialize in answering the questions around mine closure—to have them sign off on the plan.

I also agree that there is this potential for a conflict of interest, and something has to be done about that. One of the ways of doing that is to ensure that they're not employed by the proponent.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Leardi.

**Mr. Anthony Leardi:** This motion is a good example of bad drafting. Take a look at this sentence: "is not employed by or otherwise related to the proponent." What does "otherwise related" mean? It could mean a thousand different things, "otherwise related." That's terrible drafting. There is no way any person around this table should vote for this motion.

**The Chair (Mr. Aris Babikian):** MPP Schreiner.

**Mr. Mike Schreiner:** With all due respect to my colleague on the other side of the table, Chair, when consulting legal counsel and asking for a legal opinion on drafting this to ensure that we do not have a conflict of interest, this was the drafting that was recommended by legal counsel as a way to ensure we don't have the potential moral hazard of a conflict of interest. We have a clear demarcation between a defined qualified person and to ensure that they are not employed by or possibly working for an adjacent company that is owned by or affiliated with the proponent. So this is all about ensuring that we do not have a conflict of interest when signing off on these plans.

**The Chair (Mr. Aris Babikian):** MPP Hsu.

**Mr. Ted Hsu:** I might add that if the government invested in expertise inside the ministry, we wouldn't have this difficulty. So I don't think that saying that there is a difficulty is an excuse for not accepting the premise of this

amendment, which is that we have to avoid the moral hazard.

1610

**The Chair (Mr. Aris Babikian):** Any further debate? MPP West.

**MPP Jamie West:** I also think it's important to recognize the conflict of interest. I try to imagine myself as a qualified person—I'm not sure if that's been defined yet, but I try to imagine myself as a qualified person working for a company that's filing a closure plan, or working for a company owned by a company that is filing a closure plan, and all I can think of is, that could potentially be a career-ending move.

We've talked several times about the importance of being at arm's length and having a third party, and I think this really makes sense as an amendment. We want to ensure the closure plan makes sense. I know that the priority for the government—I think it was shared—is that we don't want to drag them out longer than they need to be. But at the same time, we have to make sure that the public has trust that the closure plan isn't being influenced by any kind of conflict of interest that the individuals would have to continue his livelihood.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Schreiner.

**Mr. Mike Schreiner:** Yes, I'd just like to add that this amendment is trying to acknowledge a change government wants to make. I don't fully agree with the fact, as I've stated, that we shouldn't have this expertise in the ministry, but in lieu of that, this just seems to be a common-sense way of protecting the integrity of the mining industry and of closure plans in a way that acknowledges the attempts the government is making to expedite the process and to address the concerns that people who came to committee in support of the bill raised about this section of the bill.

**The Chair (Mr. Aris Babikian):** Any further debate? Seeing none, are the members ready to vote?

**Mr. Mike Schreiner:** Recorded vote, Chair.

**The Chair (Mr. Aris Babikian):** Yes, it is recorded.

#### Ayes

Hsu, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost.

We now move to section 7. Any debate on section 7? Seeing none, are the members ready to vote on section 7?

#### Ayes

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 7 is carried.

We move to amendment 6. Who's going to move amendment 6? MPP Schreiner, go ahead.

**Mr. Mike Schreiner:** I move that subsection 8(2) of the bill be amended by striking out subsection 141(2) of the Mining Act and substituting the following:

“Certifications

“(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in a closure plan be certified by a qualified person, or other individual specified by the regulations, so long as the qualified person or individual,

“(a) has the prescribed qualifications in a regulated profession related to mine rehabilitation; and

“(b) is not employed by or otherwise related to the proponent.”

**The Chair (Mr. Aris Babikian):** Any debate on amendment 6? MPP Schreiner.

**Mr. Mike Schreiner:** Here's another opportunity to define the qualified person, which numerous presenters, many of whom supported the bill, raised as a concern and asked the bill to address that concern, and also raised a concern about conflict of interest. So here's an opportunity to answer concerns actually raised by people who generally supported the bill.

**The Chair (Mr. Aris Babikian):** Any further debate on motion 6? I see none. Are the members ready to vote?

**Ayes**

Hsu, Schreiner, West.

**Nays**

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

We move to section 8. Any debate on section 8? Seeing none, are the members ready to vote?

**Ayes**

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 8 is carried.

We move to section 9. There is no amendment on section 9. Any debate on section 9? I see none.

**Ayes**

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 9 is carried.

We move to amendment 7. MPP Schreiner, please go ahead.

**Mr. Mike Schreiner:** I move that subsection 10(2) of the bill be amended by striking out subsection 143(2) of the Mining Act and substituting the following:

“Certifications

“(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in an amendment to a closure plan be certified by a qualified person, or other individual specified by the regulations, so long as the qualified person or individual,

“(a) has the prescribed qualifications in a regulated profession related to mine rehabilitation; and

“(b) is not employed or otherwise related to the proponent.”

**The Chair (Mr. Aris Babikian):** Any debate on amendment 7? MPP Schreiner, go ahead.

**Mr. Mike Schreiner:** I think I've made my point, Chair.

**The Chair (Mr. Aris Babikian):** Okay. Any further debate? I see none. Are the members ready to vote on amendment 7?

**Ayes**

Hsu, Schreiner, West.

**Nays**

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

**1620**

We move now to section 10. Any debate on section 10? Seeing none, are members ready to vote on section 10?

**Ayes**

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The section is carried.

We move to amendment 8. MPP West?

**MPP Jamie West:** I move that subsection 11(4) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any debate? MPP West.

**MPP Jamie West:** Just briefly, this is similar to previous motions that eliminate the director's role.

**The Chair (Mr. Aris Babikian):** Any further debate? I see none.

**Ayes**

Hsu, Mamakwa, Schreiner, West.

**Nays**

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

We move to section 11. Any debate on section 11? I see none.

**Ayes**

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 11 is carried.

We move to section 12. Any debate on section 12? Seeing none, are we ready to vote?

**Ayes**

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 12 is carried. We move to amendment 9. MPP West?

**MPP Jamie West:** I move that subsection 13(4) of the bill be amended by adding the following subsection to section 145 of the Mining Act:

“Condition

“(6.4) Subsections (6.1) to (6.3) do not apply unless all previous stages of a closure plan has been fully funded and completed.”

**The Chair (Mr. Aris Babikian):** Any debate? MPP West.

**Mr. Jamie West:** Our motion would require that any further permitting of a mine closure plan would have had to have been fulfilled before any subsequent steps could be approved or financial assurances deferred. It’s basically saying you can’t move to the next step until you have fulfilled the requirements of the previous one. This is about balancing the movement of mining forward and allowing the cash fluidity that delegates said to us that they need but also preserving the checks and balances as they currently exist.

When Eric Delparte from USW Local 6500 spoke to the committee in Sudbury, he reminded us that their members and their workers—they live, they hunt, they fish and they raise families where they mine. They experience the greater cost of what happens in the environment in the state when mine closures are left to the public, not only just to pick up the tab but the long-term impacts as well.

Mining companies are worldwide, as we know, and it’s easy for a mining company to move on to where the next claim is, like any industry. But the reality is that the people who work there and live there need the financial assurance as well that after the benefits of the mining organization, they will have a safe place to raise their family, to fish, to hunt, to drink the water.

Mining companies, as well, told us that they routinely build in five-year contingency plans and resource their closure plans years in advance, so this is a reasonable amendment to make.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Mamakwa.

**Mr. Sol Mamakwa:** I think this section, this amendment—we heard from Atikameksheng Anishnawbek First

Nation when they presented to us in Sudbury with respect to a reminder that they had lost their ways of life—hunting, fishing—but also regarding the mine closures.

One of the things I also heard as well is companies themselves made it very clear that they routinely build five-year contingencies and plan to resource the closure plans’ costs years in advance. That’s the norm.

We talk about the number of years of closures, that they want to open up mines faster. What is this race that you’re going to the bottom? What race to the bottom is this government in here? And what jurisdictions allow proponents to phase in the financial assurances? I think that’s why this amendment is put forward as well.

I just wanted to make those comments. Meegwetch.

**The Chair (Mr. Aris Babikian):** Any further debate? Seeing none, are members ready to vote on amendment 9?

**Ayes**

Hsu, Mamakwa, Schreiner, West.

**Nays**

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

We have a notice. If the NDP would like to speak to the notice? Go ahead, MPP West.

**MPP Jamie West:** The notice is that the Ontario NDP recommends voting against section 13 of the bill. The reason for the notice, rather than a motion, is if the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against this section rather than pass a motion to delete it. So we are recommending voting against this section.

1630

**The Chair (Mr. Aris Babikian):** Okay, thank you.

Now we move to section 13. Any debate on section 13? MPP Hsu.

**Mr. Ted Hsu:** I just want to put it on the record that section 13(1)—if I have the right nomenclature—adds this term which I find very vague: “or any type of phased”—this is regarding part 6. Actually, before I say that, let me just say that parts 1 through 5 and the first part of sentence number 6 cover a lot of different types of financial assurance: cash—the best—a letter of credit, a bond, mining reclamation trust etc., etc. But this section of the bill puts in the language “or any type of phased financial assurance, that meets any prescribed requirements and that is acceptable to the minister.”

It just seems very vague to me and it doesn’t assure me very much, and I think that, for that reason, this section really should be considered and just voted against.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP West.

**MPP Jamie West:** I’m echoing my colleague. We’re frankly not comfortable with the government’s proposed changes to financial assurances and the increased discretion of the minister to allow deferrals of assurance at various

stages of the approval process. The people who live in the territories where mining takes place need the assurance that there will be resources and money to cover the costs of remediation.

**The Chair (Mr. Aris Babikian):** Any further debate? Seeing none, are the members ready to vote on section 13?

#### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

#### Nays

Hsu, Mamakwa, West.

**The Chair (Mr. Aris Babikian):** Section 13 is carried.

We move to amendment 10. Who is going to move amendment 10? MPP West.

**MPP Jamie West:** I move that the bill be amended by adding the following section:

“13.1 The act is amended by adding the following section:

““Deferral

““145.1 The deferral of any part of a closure plan shall be temporary and any aspects of a closure plan that are deferred shall be completed before any further stages are permitted.””

**The Chair (Mr. Aris Babikian):** Any debate on the amendment? MPP West.

**MPP Jamie West:** Yes, just to further explain: This is a reasonable amendment. What we heard during committee was that it was very difficult for mining companies to predict the closure plan ahead of time, as well as to raise the capital, and that it was reasonable to have stages of development. What this amendment does is ensure that before they proceed to the second stage, they have to have the closure plan and everything in place for the first stage, and so on. It just ensures that what I believe the government is seeking in the bill has to happen for the mining companies and that there isn't a grey area.

**The Chair (Mr. Aris Babikian):** Any further debate? Seeing none, are the members ready to vote?

#### Ayes

Mamakwa, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Amendment 10 is lost.

We move to section 14. Since there is no amendment to section 14, we will go to the entire section 14. Any debate on section 14? I see none.

#### Ayes

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 14 is carried. We move to amendment 11. MPP West.

**MPP Jamie West:** I move that subsection 15(2) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any debate? MPP West.

**MPP Jamie West:** Briefly, Chair, this relates to previous amendments that had been voted down as an attempt to preserve the powers and functions of the director's office. We believe that's an important thing to preserve.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Leardi.

**Mr. Anthony Leardi:** Just by way of comparison, the Mining Act in Quebec doesn't even have a director.

**The Chair (Mr. Aris Babikian):** Okay. Any further debate? I see none.

#### Ayes

Hsu, Mamakwa, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost.

Any debate on section 15? I see none.

#### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 15 is carried. We move to amendment 11.1. MPP West.

**MPP Jamie West:** I move that the bill be amended by adding the following section:

“15.1 The act is amended by adding the following section:

““Hazard inspection task force

““147.1(1) The government of Ontario shall establish a task force to inspect closed mine sites for mine hazards.

““Powers

““(2) The task force shall have the power to enforce standards in accordance with the regulations.””

**The Chair (Mr. Aris Babikian):** Any debate on amendment 11.1? MPP Mamakwa.

#### 1640

**Mr. Sol Mamakwa:** Meegwetch, Chair. I know that this motion adds a new section, 15.1, that would require that there be a task force struck that would look at, but also be responsible for, the inspection and enforcement of closed mine sites for hazards as defined in the act and related

regulations. This was called for when we heard the people who presented—the USW Local 6500. I think, based on that as well, this would work to address the legacy of abandoned mine sites and also prevent future liabilities being borne by the public and future generations while being neutral for good industry actors.

**The Chair (Mr. Aris Babikian):** MPP Bourgouin.

**M. Guy Bourgouin:** Je pense que c'est une motion qui—je ne comprends pas pourquoi tout le monde ne serait pas d'accord. C'est d'une nouvelle section qu'on parle. Ça a été discuté par le local des métallos de 6500 qui a apporté ça à l'attention du comité et qui adresserait que les mines abandonnées—qu'il y aurait une équipe, ou un « task force » en anglais, un groupe qui vérifierait qu'il n'y a pas de résidus ou d'autres contaminants ou d'autres problèmes qui pourraient survenir avant d'abandonner une mine, pour le futur des prochaines générations.

Je pense que c'est une bonne motion. Je pense qu'il n'y a personne qui devrait voter contre, parce que c'est une nouvelle section qui fait du sens. On a vu trop de problèmes qui sont survenus avec des mines qui ont été abandonnées. Je crois que c'est une bonne façon, comme province, de gérer les problèmes qu'on peut éviter. C'est pour ça qu'on amène cette motion qui est venue du local des métallos. Je crois que c'est une bonne motion. J'espère que le gouvernement va voter en faveur de ça. Je ne peux pas voir qui pourrait être contre ça. Ça protège les gouvernements. Ça protège les communautés. Ça protège tout—pour dans le futur. C'est une très bonne motion, et j'espère qu'ils vont supporter cette motion.

**The Chair (Mr. Aris Babikian):** Any further debate? Are members ready to vote?

#### Ayes

Hsu, Mamakwa, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.

We move to section 16. There are no amendments on section 16. Any debate on section 16? I see none.

#### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 16 is carried. We move to amendment 12. MPP West.

**MPP Jamie West:** I move that subsection 17(6) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any debate? MPP West.

**MPP Jamie West:** I know, flipping through the pages and looking at the amendments, it may seem confusing. So

we're not seeking to eliminate 17(6), "refusal by tribunal." We're seeking to eliminate 17(6) relating to section 158(2) of the act, as a consequential related amendment to our motions 2, 4, 8 and 11 that seek to preserve the existing power and functions of the director of exploration. As I've said many times, we believe that it's important to have the director's role be at arm's length and to ensure the powers are non-partisan, from any government.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Hsu.

**Mr. Ted Hsu:** I'm also questioning this section of the bill because—well, the idea is if you want to appeal in order to change your closure plan, you've got to put up the money first in case you lose your appeal. I don't know why it should only apply to filed closure plans and not to filed amendments to a closure plan. That seems to have been removed from the act with this section of the bill. For that reason as well as the replacement of the director by the minister, I don't see why I should vote for this part of the bill.

**The Chair (Mr. Aris Babikian):** Any debate on amendment 12?

**Mr. John Yakabuski:** Point of order, Chair.

**The Chair (Mr. Aris Babikian):** Point of order.

**Mr. John Yakabuski:** Maybe I heard it wrong, but I believe I heard MPP West, when he was reading the motion, say "158(2)" as opposed to "152(8)." For the purpose of Hansard, that's what I believe I heard, and just for the purpose of correct records.

**MPP Jamie West:** I misspoke.

**The Chair (Mr. Aris Babikian):** MPP West, can you clarify which section you are referring to?

**MPP Jamie West:** What I had in my notes here is "158(2)," but I trust my colleague that I may have misspoken. It probably should be "152(8)."

**Mr. John Yakabuski:** Well, in the motion—I've got "152(8)" in my notes, so maybe we've got it wrong.

**MPP Jamie West:** I'll have to pull it up to look.

**Mr. John Yakabuski:** Maybe we've got a problem in our notes, but my notes say it's referencing 152(8).

**Mr. Ric Bresee:** There's no reference in the bill to 152(8).

**Mr. John Yakabuski:** Are your notes the same, Dave? *Interjections.*

**The Chair (Mr. Aris Babikian):** MPP West, go ahead.

**MPP Jamie West:** Thank you, Chair, and thank you as well to the Clerk for clarifying. I did misspeak. It was 152(8). Thank you to my colleague across the table.

**Mr. John Yakabuski:** So for all of those people who think we're asleep over here—

*Interjections.*

**The Chair (Mr. Aris Babikian):** Thank you to both members for the clarification.

MPP Hsu?

**Mr. Ted Hsu:** Thank you, Chair. If you could excuse me for—this is the first time I've done a clause-by-clause at the Ontario Legislature. Would it be out of order if I were to ask the government side of this committee whether the government really meant to leave out appeals to file

amendments, appeals to orders for changes to a filed amendment to a closure plan, as well as filed closure plans?

**The Chair (Mr. Aris Babikian):** There was no amendment from the government side. It was just clarification. That's what MPP West corrected—unless I misunderstood you, MPP Hsu.

**Mr. John Yakabuski:** Are you reading something from the bill?

1650

**Mr. Ted Hsu:** If I may, Chair. I'm looking at the act, and in the act it says, if I could paraphrase, if you want to appeal an order for a change to a filed closure plan or a filed amendment to a closure plan, you've got to put up the money first, in case you lose. In the bill that we're considering, this section is replaced by a slightly different section here, where "director" is replaced by "minister." I understand why the government wants to do that.

But it also leaves out the filed amendments to a closure plan. In other words, if you're appealing an order for changes to filed amendments to a closure plan, it looks like you don't have to put up the money. I just want to put it on the record and ask the government if that's what they really meant to do. If not, I'd be happy to make an amendment to change the bill.

**The Chair (Mr. Aris Babikian):** Any further debate on amendment 12? If MPP Hsu wants to make an amendment, we have to take a recess to prepare the amendment. So we will address first amendment 12, and then we will come to your point.

Any further debate on amendment 12? No.

#### Ayes

Hsu, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost. Further debate on section 17? MPP Hsu.

**Mr. Ted Hsu:** At the risk of not understanding procedure as well as I should, I would like to just ask if the government side would accept, as a friendly amendment, adding the filed amendments to a closure plan to part 6 of section 17.

If not, I've already made my point. If the government doesn't accept this as a friendly amendment, I'm prepared to not move it in the interests of saving time if they're going to vote against it anyway. But I just wanted to offer that opportunity to parallel the existing act, which mentions a filed closure plan or to file amendments to a closure plan.

*Interjections.*

**Mr. Ted Hsu:** Chair, all I'm saying is, I've made my point. We could go through the motions of the government side voting against my amendment, but I don't want to take that time. If it's not considered a friendly amendment by the government side, then I won't move it.

**Mr. Mike Harris:** Ted, don't make an amendment, then.

**The Chair (Mr. Aris Babikian):** MPP Hsu, if you want to make an amendment, we have to take a recess so that the Clerk and the counsel will prepare the amendment. You have to let us know how you want to proceed.

**Mr. Ted Hsu:** Yes. Just hearing some informal remarks, I will not move the amendment. I've made my point.

**The Chair (Mr. Aris Babikian):** So you're not moving an amendment?

**Mr. Ted Hsu:** No.

**The Chair (Mr. Aris Babikian):** Okay, that's fine. We addressed the issue.

We move to amendment 13.

*Interjection.*

**The Chair (Mr. Aris Babikian):** Sorry. Before we move to amendment 13, any debate on section 17? I see none.

#### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

#### Nays

Hsu.

**The Chair (Mr. Aris Babikian):** Section 17 is carried. We're going to take a five-minute recess because we need to switch the Clerk.

*The committee recessed from 1656 to 1703.*

**The Chair (Mr. Aris Babikian):** The committee will resume its business. We are at amendment 13. There is a government amendment on section 18, amendment number 13. MPP Leardi, go ahead.

**Mr. Anthony Leardi:** I'll read the full motion and then if the Clerk requires a written copy, I'll give her the written copy to make it easy.

**The Clerk pro tem (Ms. Tanzima Khan):** Everyone has got a copy.

**Mr. Anthony Leardi:** You have it?

**The Clerk pro tem (Ms. Tanzima Khan):** Yes.

**Mr. Anthony Leardi:** Okay.

I move that section 18 of the bill be struck out and the following substituted:

"18(1) Paragraph 1 of subsection 152.1(2) of the act is repealed and the following substituted:

"1. That the permit holder shall ensure the remediation of the land on which the tailings or other waste materials are located, such that the condition of the land with respect to public health and safety and the environment following the remediation is comparable to or better than it was before the recovery, as determined by the minister."

"(2) Subclause 152.1(3)(a)(iii) of the act is repealed and the following substituted:

"(iii) how the land would be remediated such that the condition of the land with respect to public health and safety and the environment following the remediation is comparable to or better than it was before the recovery, as determined by the minister,"



“(3) Clause 152.1(5)(d) of the act is repealed and the following substituted:

“(d) whether, if the remediation were carried out in accordance with the proposed recovery and remediation plan, the condition of the land with respect to public health and safety and the environment following the remediation would be comparable to or better than it was before the recovery; and”

**The Chair (Mr. Aris Babikian):** We heard the amendment. Any further debate? MPP West.

**MPP Jamie West:** I am not going to be voting in support of this amendment. This amendment brings in a weaker loophole. The requirement used to be “better,” and this allows it to be “comparable to or better,” which allows people to argue on what “comparable” is. “Better” is very clear. You can see what it was before, and you can very visibly see or be able to argue what’s better. “Comparable” lowers that bar, which I think does a disservice to the people who live in the areas where the mines are acting.

As well, I think it’s not unreasonable to expect people to do better. I was a Scout leader for years. I was also a Cub and Scout and all that stuff. As early as Beavers, there’s a motto: to leave your campsite better than you found it. Beavers starts at six years old. I think if six-year-olds can leave areas better than they found them, then it’s not unreasonable to ask adults who are running large multi-billion-dollar corporations to do the same thing.

The other thing, as well: We heard a deputation from mining companies about wanting to leave structures in place, and I think that there’s room for legislation to find a process for that to happen. But if you create a system where the minister can decide that that’s comparable, to leave the structures behind because a local community could use one of the spaces as a structure or the hydro lines or the water lines, but without the feedback of the community that’s there, who may not want the liability of those structures that are in place or may not agree that they want to use those structures—I think it’s with good intent they would want to be able to leave things behind. But two points: One is we want to ensure it’s better, and, as well, we want to ensure that the communities that would inherit that land and those structures would really want to inherit it.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Schreiner.

**Mr. Mike Schreiner:** Just because a few amendments that I’ve put forward will likely be withdrawn after this is voted on, I want to note for the record that I’ve put forward similar amendments to this amendment that address the concerns that were raised about ensuring that public health, safety and the environment are all considered and that remediation is better than it was before recovery, which would address the concerns my colleague from Sudbury just raised and I think address the concerns that were brought up by some of the presenters at committee. So I just want to note that for the record.

**The Chair (Mr. Aris Babikian):** MPP Hsu.

**Mr. Ted Hsu:** I also just want to say for the record that I’m happy the government has put forward this amend-

ment which corrects a defect that came out during questioning of the minister in our meeting in Timmins, because the bill, as written, would have allowed one of either public health and safety or the environment to be worse after the mine closure. So I’m happy that the government is bringing forth this amendment, and I would be withdrawing my amendment if this one passes.

**The Chair (Mr. Aris Babikian):** Any further debate on amendment 13? I see none.

#### Ayes

Bresee, Flack, Harris, Hsu, Leardi, Quinn, Dave Smith, Yakabuski.

#### Nays

Mamakwa, West.

**The Chair (Mr. Aris Babikian):** The amendment is carried.

**Mr. Dave Smith:** Point of order.

1710

**The Chair (Mr. Aris Babikian):** Point of order, yes.

**Mr. Dave Smith:** In respect to the fact that we’re getting later in the afternoon and my colleague to the right has to hold his hand up for a longer period of time than anyone else, could the Clerk do it in reverse alphabetical order so that my colleague doesn’t get worn out?

**Mr. John Yakabuski:** I’ll be fine.

**The Chair (Mr. Aris Babikian):** Thank you very much.

**Mr. John Yakabuski:** The less he speaks, the less I have to worry about my hand.

**The Chair (Mr. Aris Babikian):** Okay. So we move now to further amendment on—

*Interjection.*

**The Chair (Mr. Aris Babikian):** The amendment passed, yes. We will go to amendment 14 from the independent member.

**Mr. Mike Schreiner:** Withdraw.

**The Chair (Mr. Aris Babikian):** Withdrawn.

Amendment 14.1 from the independent member?

**Mr. Ted Hsu:** Withdraw.

**The Chair (Mr. Aris Babikian):** Withdrawn. Amendment 15?

**Mr. Mike Schreiner:** Withdraw.

**The Chair (Mr. Aris Babikian):** Withdrawn. Amendment 15.1?

**Mr. Ted Hsu:** Withdraw.

**The Chair (Mr. Aris Babikian):** Withdrawn. Amendment 16?

**Mr. Mike Schreiner:** Withdraw.

**The Chair (Mr. Aris Babikian):** Withdrawn. Amendment 16.1?

**Mr. Ted Hsu:** Withdraw.

**The Chair (Mr. Aris Babikian):** Withdrawn.

We have a notice from the NDP. Would you like to speak to the notice, MPP West? Go ahead.

**MPP Jamie West:** The Ontario NDP recommends voting against section 18 of the bill. Similar to the previous notice,

the reason for the notice rather than a motion is that if the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it.

**The Chair (Mr. Aris Babikian):** Thank you.

Now we will move to section 18, as amended. Any debate on section 18, as amended? I see none.

#### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

#### Nays

West.

**The Chair (Mr. Aris Babikian):** Section 18, as amended, carries.

There are no amendments to sections 19, 20 and 21. Does the committee agree to bundle them together? Okay. Any debate on sections 19, 20 and 21? Seeing none, are the members ready to vote?

#### Ayes

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Sections 19 to 21 carry. We move to section 20.

**The Clerk of the Committee (Ms. Tanzima Khan):** Section 22.

**The Chair (Mr. Aris Babikian):** Sorry, 22. We have amendment 18 by the NDP.

**MPP Jamie West:** Seventeen?

**Mr. John Yakabuski:** What about 17?

**The Chair (Mr. Aris Babikian):** Amendment 17. Go ahead, MPP West.

**MPP Jamie West:** I move that subsection 22(1) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any further debate on the amendment? MPP West.

**MPP Jamie West:** Very briefly, Chair: This NDP motion carries on related and technical amendments to our motions, relating to the government removing the powers and oversight of the director.

**The Chair (Mr. Aris Babikian):** Any further debate? Seeing none, are the members ready to vote on amendment 17?

#### Ayes

Mamakwa, Schreiner, West.

#### Nays

Bresee, Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** We move to amendment 18. MPP West.

**MPP Jamie West:** I move that subsection 22(2) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any debate on amendment 18? MPP West.

**MPP Jamie West:** This is related to the minister having the ability to assume the powers of the director of rehabilitation. Unlike the director of exploration, the director of rehabilitation is not repealed outright, but the power will now reside on a discretionary basis for the minister. We're not sure when this would be appropriate, and we're not sure why the government deems this as necessary. Like I said before, we weren't able to find anyone calling for this from industry or any of our deputations.

**The Chair (Mr. Aris Babikian):** Any further debate? I see none.

#### Ayes

Mamakwa, Schreiner, West.

#### Nays

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost. Amendment 19: MPP West.

**MPP Jamie West:** I move that subsection 22(5) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any debate? MPP West.

**MPP Jamie West:** We've spoken at length about this in the past votes. It's just another technically related amendment to our attempts to preserve the powers of the director under the act.

**The Chair (Mr. Aris Babikian):** Any further debate on amendment 19? Seeing none, are the members ready to vote?

#### Ayes

Mamakwa, Schreiner, West.

#### Nays

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost.

Shall section 22 carry? Any further debate? I see none.

#### Ayes

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 22 is carried.

There are no amendments for sections 23 and 24. Should we bundle them together? Sections 23 and 24 bundled: Any further debate on these two sections? I see none.

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** All in opposition, please raise your hand. Sections 23 and 24 carry.

We move to section 25. There is amendment 20 from the NDP. MPP West, go ahead.

**MPP Jamie West:** I move that clause 25(1)(a) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP West.

**MPP Jamie West:** This, again, is an attempt to preserve the references and powers of the director under the act.

1720

**The Chair (Mr. Aris Babikian):** Any further debate? I see none.

**Ayes**

Mamakwa, Schreiner, West.

**Nays**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost.

We move to section 25 as it is. Any further debate on section 25? I see none.

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 25 is carried.

We move to section 26. There is amendment 21 from the NDP. MPP West.

**MPP Jamie West:** I move that subsection 26(1) of the bill be struck out.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP West.

**MPP Jamie West:** This is a technical and related amendment to NDP motions related to the director's roles. This one would reserve the phrase "a director's decision," where the government intends to change it to a decision presumably of the minister.

**The Chair (Mr. Aris Babikian):** Any further debate?

**Ayes**

Mamakwa, Schreiner, West.

**Nays**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost. Section 26 as it is: Any further debate? I see none.

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 26 is carried.

We move to section 27. I see no amendment to section 27. Is there any debate on section 27 as it is? I see none.

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Section 27 is carried.

We move to section 28. There is a notice from the NDP. MPP West.

**MPP Jamie West:** The Ontario NDP recommends voting against section 28 of the bill. Similar to previous motions, the reason for the notice rather than a motion is that if the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it.

**The Chair (Mr. Aris Babikian):** Is there any debate on section 28? MPP West.

**MPP Jamie West:** I won't go very long, because I know we've been here for a long time. I do want to thank all the support staff and everyone for being so patient while we go through this. This is to signal our intention to vote against section 28. We'd like to have it removed.

This section also relates to the removal of the directors' roles and functions, oversight and powers to enforce the act. Again, for the final time today, we'd like to ensure that the directors are at arm's length and independent from any sitting government.

**The Chair (Mr. Aris Babikian):** Any further debate on section 28? I see none.

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**Nays**

Mamakwa, Schreiner, West.

**The Chair (Mr. Aris Babikian):** Section 28 is carried.

We move to section 29. There are no amendments to sections 29 and 30, so I would propose to bundle sections 29 and 30. Any agreement? Agreed. Is there any debate on sections 29 or 30? I see none.

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Sections 29 and 30 are carried.

Shall the title of the bill carry?

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The title of the bill carries.

Shall Bill 71, as amended, carry?

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** Bill 71, as amended, carries.

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

**Ayes**

Flack, Harris, Leardi, Quinn, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** I will report the bill to the House, as amended.

Thank you very much for your collaboration, patience and good luck.

The committee is adjourned.

*The committee adjourned at 1728.*







## **STANDING COMMITTEE ON THE INTERIOR**

### **Chair / Président**

Mr. Aris Babikian (Scarborough–Agincourt PC)

### **Vice-Chair / Vice-Président**

Mr. Mike Schreiner (Guelph G)

Mr. Aris Babikian (Scarborough–Agincourt PC)  
Mr. Ric Bresee (Hastings–Lennox and Addington PC)  
Ms. Jess Dixon (Kitchener South–Hespeler / Kitchener-Sud–Hespeler PC)  
Mr. Rob Flack (Elgin–Middlesex–London PC)  
Ms. Mitzie Hunter (Scarborough–Guildwood L)  
Mr. Anthony Leardi (Essex PC)  
Mr. Stéphane Sarrazin (Glengarry–Prescott–Russell PC)  
Mr. Mike Schreiner (Guelph G)  
Ms. Sandy Shaw (Hamilton West–Ancaster–Dundas / Hamilton-Ouest–Ancaster–Dundas ND)  
Mr. Dave Smith (Peterborough–Kawartha PC)  
Ms. Marit Stiles (Davenport ND)  
Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

### **Substitutions / Membres remplaçants**

Mr. Mike Harris (Kitchener–Conestoga PC)  
Mr. Ted Hsu (Kingston and the Islands / Kingston et les Îles L)  
Mr. Sol Mamakwa (Kiiwetinoong ND)  
Mr. Graham McGregor (Brampton North / Brampton-Nord PC)  
Mr. Nolan Quinn (Stormont–Dundas–South Glengarry PC)  
MPP Jamie West (Sudbury ND)

### **Also taking part / Autres participants et participantes**

Mr. Guy Bourgouin (Mushkegowuk–James Bay / Mushkegowuk–Baie James ND)

### **Clerk / Greffière**

Ms. Thushitha Kobikrishna

### **Clerk pro tem / Greffière par intérim**

Ms. Tanzima Khan

### **Staff / Personnel**

Mr. Bruno Falardeau, legislative counsel  
Ms. Tamara Kuzyk, legislative counsel