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**Monday 16 May 2005**

**Journal  
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(Hansard)**

**Lundi 16 mai 2005**

**Standing committee on  
general government**

Family Responsibility and  
Support Arrears Enforcement  
Amendment Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 modifiant la Loi  
sur les obligations familiales  
et l'exécution des arriérés  
d'aliments

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Monday 16 May 2005

Lundi 16 mai 2005

*The committee met at 1543 in room 151.*

**FAMILY RESPONSIBILITY AND  
SUPPORT ARREARS ENFORCEMENT  
AMENDMENT ACT, 2005**

**LOI DE 2005 MODIFIANT LA LOI  
SUR LES OBLIGATIONS FAMILIALES  
ET L'EXÉCUTION DES ARRIÉRÉS  
D'ALIMENTS**

Consideration of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. We meet this afternoon for the purpose of clause-by-clause consideration of Bill 155. We will now commence clause-by-clause consideration of the bill.

Are there any comments or questions on section 1 of the bill? Shall section 1 carry? All those in favour? All those opposed? That's carried.

Section 2, Ms. Matthews.

**Ms. Deborah Matthews (London North Centre):** I move that section 7.1 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 2 of the bill, be amended by adding the following subsection:

"Non-application of Courts of Justice Act, s. 129

"(5) Section 129 of the Courts of Justice Act does not apply to interest calculated by the director under clause (2)(a)."

**The Chair:** Any comments or questions? Seeing none, shall the amendment carry?

**Ms. Matthews:** Could I have a recorded vote?

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Rinaldi.

**The Chair:** The amendment is carried.

Shall section 2, as amended, carry?

**Ms. Matthews:** Recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Rinaldi.

**The Chair:** That's carried.

Section 3, Ms. Matthews.

**Ms. Matthews:** I move that paragraphs 2 and 3 of subsection 8.2(2) of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 3 of the bill, be struck out and the following substituted:

"2. It has been agreed under clause 8(4)(a) that the support obligation under the order has terminated with respect to a child.

"3. The support obligation under the order still continues with respect to another child."

**The Chair:** Any comments or questions? Shall the amendment carry? All those in favour?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That's carried. Shall section 3, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 4 carry? All those in favour? All those opposed? That's carried.

Shall section 5 carry? All those in favour? All those opposed? That's carried.

Shall section 6 carry? All those in favour? All those opposed? That's carried.

Shall section 7 carry? All those in favour? All those opposed? That's carried.

Section 8, Ms. Matthews.

**Ms. Matthews:** I move that section 19 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 8 of the bill, be struck out and the following substituted:

"Updating contact information

"19(1) A payor or recipient under a support order or support deduction order that is filed in the director's office shall, within 10 days after any change in information listed in subsection (2), advise the director of the details.

"Same

"(2) Subsection (1) applies with respect to,

“(a) the payor’s or recipient’s home address, and the mailing address if different from the home address;

“(b) all telephone numbers of the payor or recipient; and

“(c) other contact information, such as the payor’s or recipient’s work address, fax number or e-mail address, if the payor or recipient has previously provided that contact information to the director.”

**The Chair:** Any comments or questions on the amendment?

**Mr. Jerry J. Ouellette (Oshawa):** How does this pertain to the Fish and Wildlife Conservation Act, as relates to licensing and the changes of requirements to notify the Ministry of Natural Resources for that particular change as well?

**Ms. Matthews:** I think it has no reference to that at all.

**The Chair:** Shall the amendment carry? All those in favour?

**Ms. Matthews:** Recorded vote, please.

**The Chair:** A recorded vote has been requested.

#### Ayes

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That’s carried.

Shall section 8, as amended, carry?

**Mr. Ouellette:** I think there’s another motion.

**The Chair:** No. Shall section 8, as amended, carry? All those in favour? All those opposed? That’s carried.

Shall section 9 carry? All those in favour? All those opposed? That’s carried.

Shall section 10 carry? Did you want to speak?

**Mr. Ouellette:** I was just going to say, 10 through to 21.

**The Chair:** OK, thank you. Any comments on 10 through 21? All those in favour? All those opposed? That’s carried.

Section 22.

**Mr. Ouellette:** I move that part V.1 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 22 of the bill, be amended by adding the following section:

“Restriction on proclamation

“39.5 No proclamation shall be issued under section 42 of the Family Responsibility and Support Arrears Enforcement Amendment Act, 2005 with respect to section 22 of that act unless, in the opinion of the Minister of Natural Resources, adequate funding has been made available with respect to the enforcement work required in connection with section 78.1 of the Fish and Wildlife Conservation Act, 1997 for the following purposes:

“1. Hiring, training and supporting a sufficient number of additional conservation officers and police officers.

“2. Providing appropriate communications and information technology linkages among the ministries and agencies involved and outside licence issuers.”

1550

**The Chair:** Did you want to describe your amendment?

**Mr. Ouellette:** This is just trying to design it to ensure that there’s enough funding to make sure that the training is there so the officers know that they’re dealing with the fish and game act. Not only that, police officers are required to understand how it applies to the fish and game act as well, so we have to make sure there’s enough training there. As well, we have to ensure that there’s enough communication for the linkages between the ministries, whether it’s the Ministry of Natural Resources, the Family Responsibility Office, or other ministries pertaining to this issue.

**The Chair:** Any other comments or questions?

**Mr. Michael Prue (Beaches–East York):** If there is a glaring omission in this bill, it’s this one. You cannot attempt to try to enforce these provisions, when licences are so readily available in every Canadian Tire store and every sport shop in northern Ontario without identification, without rearming the police and wildlife officers; it just cannot be done. If this is to have any effect when it comes to losing one’s fishing licence, this amendment is essential.

**Ms. Matthews:** As we who have sat on this committee and sat in the Legislature all know, this is one of those contentious parts of the bill. It’s our opinion that this provision is, for some people, a helpful component of our attempt to make sure that families and children get the support to which they are entitled by law. This is one tool.

This particular amendment is inappropriate. It doesn’t belong in the legislation.

We are currently negotiating with MNR; we’re talking to them. We’re trying to figure out exactly how we can implement this particular provision. The outdoor card is issued every three years, so that’s an opportunity. There are other opportunities to make this provision have teeth, and we are in the process of discovering what those are. When the regulations are written, they will be included.

**Mr. Ouellette:** As the parliamentary assistant mentioned, they’re negotiating on how we are going to implement this particular legislation. What this does is add that component to make sure it’s there.

As opposition and third party members, we have limited ability to ensure, whether through regulation or through legislation, that it’s in there. We’re trying to move forward in a fashion that I think would give the government the ability to ensure that those negotiations and the funds required and the ability to carry this out will be a big asset.

**Ms. Matthews:** As I said, we are currently working out how we can appropriately enforce this provision with MNR. They’ve been very co-operative. They have ideas; we’re working with them. So we want this to stay, and we want it to stay as it is.

**Mr. Ouellette:** Do you think that it’s prudent to move forward on passing the bill without having those details

worked out so that we can ensure that it is going to work functionally?

**Ms. Matthews:** Absolutely, because this legislation puts in place the framework so we can move forward in developing those regulations.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the amendment?

**Mr. Prue:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Ouellette, Prue.

### Nays

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That amendment is lost.

Shall section 22 carry? All those in favour? All those opposed? That's carried.

Shall sections 23 through 31 carry? All those in favour? All those opposed? That's carried.

The next motion, Ms. Matthews?

**Ms. Matthews:** I move that section 54 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 32 of the bill, be struck out and the following substituted:

“Director’s access to information

“Definitions

“54(1) In this section,

“‘enforcement-related information’ means information that indicates any of the following about a payor:

“1. employer or place of employment,

“2. wages, salary or other income,

“3. assets or liabilities,

“4. home, work or mailing address, or location,

“5. telephone number, fax number or e-mail address; (‘renseignements liés à l’exécution’)

“‘recipient information’ means information that indicates any of the following about a recipient:

“1. home, work or mailing address, or location,

“2. telephone number, fax number or e-mail address.

(‘renseignements sur le bénéficiaire’)

“Power of director

“(2) The director may, for the purpose of enforcing a support order or support deduction order filed in the director’s office or for the purpose of assisting an office or person in another jurisdiction performing similar functions to those performed by the director,

“(a) demand enforcement-related information or recipient information from any person, public body or other entity from a record in the possession or control of the person, public body or other entity;

“(b) subject to subsections (4) and (5), have access to all records that may contain enforcement-related information or recipient information and that are in the possession or control of any ministry, agency, board or com-

mission of the government of Ontario in order to search for and obtain the information from the records;

“(c) subject to subsections (4) and (5), enter into an agreement with any person, public body or other entity, including the government of Canada, a crown corporation, the government of another province or territory or any agency, board or commission of such government, to permit the director to have access to records in the possession or control of the person, public body or other entity that may contain enforcement-related information or recipient information, in order to search for and obtain the information from the records; and

“(d) disclose information obtained under clause (a), (b) or (c) to a person performing similar functions to those of the director in another jurisdiction.

“10-day period for response

“(3) When the director demands information under clause (2)(a), the person, public body or other entity shall provide the information within 10 days after being served with the demand.

“Access to part of record

“(4) Where the record referred to in clause (2)(b) or (c) is part of a larger record, the director,

“(a) may have access to the part of the record that may contain enforcement-related information or recipient information; and

“(b) may have incidental access to any other information contained in that part of the record, but may not use or disclose that other information.

“Restriction on access to health information

“(5) Despite subsection (4), if a record described in clause (2)(b) or (c) contains health information, as defined in the regulations, the director shall not have access to the health information but shall have access only to the part of the record that may contain enforcement-related information or recipient information.

“Information confidential

“(6) Information obtained under subsection (2) shall not be disclosed except,

“(a) to the extent necessary for the enforcement of the support order or support deduction order;

“(b) as provided in clause (2)(d); or

“(c) to a police officer who needs the information for a criminal investigation that is likely to assist the enforcement of the support order or support deduction order.

“Court order for access to information

“(7) A court may, on motion, make an order requiring any person, public body or other entity to provide the court or the person whom the court names with any enforcement-related information or recipient information that is shown on a record in the possession or control of the person, public body or other entity if it appears that,

“(a) the director has been refused information after making a demand under clause (2)(a);

“(b) the director has been refused access to a record under clause (2)(b); or

“(c) a person needs an order under this subsection for the enforcement of a support order that is not filed in the director’s office.

“Court order re agreement

“(8) A court may, on motion, make an order requesting any person, public body or other entity to enter into an agreement described in clause (2)(c) with the director if it appears that the person, public body or other entity has unreasonably refused to enter into such an agreement.

“Costs

“(9) If the director obtains an order under clause (7)(a) or (b) or under subsection (8), the court shall award the costs of the motion to the director.

“Information confidential

“(10) Information obtained under an order under clause (7)(c) shall be sealed in the court file and shall not be disclosed except,

“(a) as permitted by the order or a subsequent order;

“(b) to the extent necessary for the enforcement of the support order or support deduction order;

“(c) as provided in clause (2)(d); or

“(d) to a police officer who needs the information for a criminal investigation that is likely to assist the enforcement of the support order or support deduction order.

“Section governs

“(11) This section applies despite any other act or regulation and despite any common law rule of confidentiality.”

**1600**

**The Chair:** Ms. Matthews, can I just confirm a word that you said under “Court order re agreement”?

**Ms. Matthews:** Could you tell me where that is?

**The Chair:** At the bottom of page 4b, number 8. You said, “A court may, on motion, make an order requesting....” Do you mean “requiring”?

**Ms. Matthews:** I do mean “requiring.” Thank you, Chair.

**The Chair:** Any comments or questions on this amendment? Seeing none, all those in favour? All those opposed? That’s carried.

Shall section 32, as amended, carry? All those in favour? All those opposed? That’s carried.

Shall section 33 carry? All those in favour? All those opposed? That’s carried.

Section 34.

**Ms. Matthews:** I move that subsection 61(2) of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in subsection 34(1) of the bill, be amended by striking out “person, entity, trade union or public body” and substituting “person, public body or other entity.”

**The Chair:** Any comments or questions? Seeing none, shall the amendment carry?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That’s carried.

Shall section 34, as amended, carry? All those in favour? All those opposed? That’s carried.

Section 35.

**Ms. Matthews:** I move that subsection 61.1(2) of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 35 of the bill, be struck out and the following substituted:

“Purpose of posting

“(2) The sole purpose of posting information under subsection (1) is to assist the director in locating the payor.

“Confidentiality of information obtained as a result of posting

“(3) Subsection 54(6) applies, with necessary modifications, to any information obtained by the director as a result of the posting.”

**The Chair:** Any comments or questions? Seeing none, all those in favour of the amendment?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That’s carried.

Shall section 35, as amended, carry? All those in favour? All those opposed? That’s carried.

Ms. Matthews, section 36. Both motions are yours.

**Ms. Matthews:** I move that section 36 of the bill be amended by adding the following subsection:

“(4.1) Clause 63(j) of the act is repealed and the following substituted:

“(j) prescribing, for the purposes of clause 47.2(e), other information that may be disclosed under section 47 or 47.1.”

**The Chair:** Comments or questions? Seeing none, all those in favour of the amendment?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Prue, Rinaldi.

**The Chair:** That’s carried.

Ms. Matthews, you have the next one.

**Ms. Matthews:** I move that subsection 36(6) of the bill be struck out and the following substituted:

“(6) Clause 63(o) of the act is repealed and the following substituted:

“(o) defining “health information” for the purposes of subsection 54 (5);

“(6.1) Section 63 of the act is amended by adding the following clauses:

“(p.1) governing the delivery of payments to recipients, including requiring recipients to provide the director with the information and authorization required to enable

the director to make direct deposits into the recipients' accounts with financial institutions;

“(p.2) setting out recommended standard terms for support orders.”

**The Chair:** Any comments or questions? Seeing none, all those in favour of the amendment?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

### Ayes

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That's carried.

Shall section 36, as amended, carry? All those in favour? That's carried.

Shall sections 37 through 40 carry? All those in favour? All those opposed? That's carried.

Mr. Ouellette.

**Mr. Ouellette:** I move that section 78.1 of the Fish and Wildlife Conservation Act, 1997, as set out in section 41 of the bill, be amended by adding the following subsection:

“Restriction on proclamation

“(6) No proclamation shall be issued under section 42 of the Family Responsibility and Support Arrears Enforcement Amendment Act, 2005 with respect to section 41 of that act unless, in the opinion of the Minister of Natural Resources, adequate funding has been made available with respect to the enforcement work required in connection with section 78.1 of the Fish and Wildlife Conservation Act, 1997 for the following purposes:

“1. Hiring, training and supporting a sufficient number of additional conservation officers and police officers.

“2. Providing appropriate communications and information technology linkages among the ministries and agencies involved and outside licence issuers.”

**The Chair:** Mr Ouellette, did you want to discuss your amendment?

**Mr. Ouellette:** Essentially, this is the same argument that we had earlier on. I think it's going to be defeated. However, we emphasize the fact that we gave, in the opinion of the Minister of Natural Resources, the ability to determine whether there are enough individuals; we tried to ensure there was enough flexibility, to make sure that it was there. The emphasis here was to make sure there were sufficient funds and technologies available to make it happen. That's all we've tried to do with these amendments.

**Ms. Matthews:** I appreciate that, but our earlier arguments hold. This one, I think, will not proceed unless we know that the job can be done properly.

**The Chair:** Any other comments or questions? Seeing none, all those in favour of the amendment?

**Mr. Ouellette:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Ouellette, Prue.

### Nays

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That's lost.

Shall section 41 carry? All those in favour?

**Mr. Ouellette:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Dhillon, Duguid, Matthews, Rinaldi.

### Nays

Ouellette, Prue.

**The Chair:** That's carried.

Section 42.

**Ms. Matthews:** I move that subsection 42(2) of the bill be amended by striking out “subsection 36(3)” and substituting “subsections 36(3) and (4.1).”

This is a consequential amendment relating to an earlier amendment.

**The Chair:** Any comments or questions? Seeing none, all those in favour? All those opposed? That's carried.

Shall section 42, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 43 carry? All those in favour? All those opposed? That's carried.

Shall the title of the bill carry? All those in favour? All those opposed? That's carried.

Shall Bill 155, as amended, carry? All those in favour? That's carried.

Shall I report the bill, as amended, to the House? All those in favour? That's carried.

Thank you. This concludes this committee's consideration of Bill 155. I'd like to thank all my colleagues on the committee for their work on the bill, and the staff present. This committee also thanks ministry staff and members of the public who contributed to the committee's work.

This committee stands adjourned until the call of the Chair.

*The committee adjourned at 1608.*

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Monday 16 May 2005

### **Family Responsibility and Support Arrears Enforcement**

**Amendment Act, 2005, Bill 155, *Ms. Papatello* / **Loi de 2005 modifiant la Loi sur les obligations familiales et l'exécution des arriérés d'aliments,****

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