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Mercredi 27 septembre 2006

**Standing committee on
justice policy**

Access to Justice Act, 2006

**Comité permanent
de la justice**

Loi de 2006 sur l'accès à la justice

Chair: Vic Dhillon
Clerk: Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Wednesday 27 September 2006

Mercredi 27 septembre 2006

The committee met at 1002 in room 228.

ACCESS TO JUSTICE ACT, 2006
LOI DE 2006
SUR L'ACCÈS À LA JUSTICE

Consideration of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

The Chair (Mr. Vic Dhillon): Welcome back to the standing committee on justice policy.

When we last left off, we were at schedule F, section 19. There are no amendments between sections 19 and 27. If you would like to take a minute to look at those—

Mr. Peter Kormos (Niagara Centre): No, I'm fine. Recorded vote, please.

The Chair: Okay. Is there any debate?

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Could we have a five-minute recess, please?

The Chair: Sure.

The committee recessed from 1003 to 1008.

The Chair: The committee is called back to order. Mr. Kormos has requested a recorded vote on sections 19 to 27.

Ayes

Balkissoon, Elliott, Kormos, McMeekin, Oraziotti, Van Bommel, Zimmer.

The Chair: That's carried.

Section 28: government motion number 91.

Mr. David Zimmer (Willowdale): I move that subsection 28(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out "Part III (Regulations)" and substituting "Part III (Regulations) or a predecessor of that part."

The Chair: Any debate? Seeing none, shall government motion number 91 carry? Carried.

Any debate on section 28, as amended? Shall section 28, as amended, carry? Carried.

Government motion number 92.

Mr. Zimmer: I move that clause 91(1)(a) of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

"(a) it is printed by the Queen's Printer or by an entity that is prescribed under clause 35(1)(a);"

The Chair: Any debate?

Mr. Kormos: Just real quick, for information's sake, the Queen's Printer now is a body, or is it—this stuff is contracted out, I presume. Again, this is just the sort of stuff that we get to learn in the course of these types of clause-by-clause hearings.

Mr. John Gregory: The Queen's Printer is in fact—the Ministry of Government Services, at present, is assigned to that and takes charge of the printing. I don't know who does the actual physical production, but it's done under the authority of the Queen's Printer, which is the Ministry of Government Services. Legislative counsel may know.

Ms. Mariam Leitman: It's Publications Ontario, which is under the Ministry of Government Services. Yes, they do contract out a fair bit of the production, but they're responsible for the content.

Mr. Kormos: But is there some in-house production of this sort of stuff?

Ms. Leitman: These days of technology—the actual printing out, as I understand it, at this moment is contracted out.

Mr. Kormos: That's how I assumed it to be. Then why is there a need for other prescribed entities?

Ms. Leitman: It's contracted out, but it's contracted out by the Queen's Printer. The Queen's Printer retains control of the content and the quality. I can't tell you why there's a need, but the issue is that with changes in production and print publication, electronic publication, it's conceivable that one would want to move this elsewhere as government organizations change functions to adapt to technology.

Mr. Kormos: The reason I ask is because the Queen's Printer is not a print shop; it is, in effect, the publisher that contracts out to any number of print shops. You understand why I'm saying that the other prescribed entity—the Queen's Printer is a virtual printer, for all intents and purposes.

Ms. Leitman: That's right.

Mr. Kormos: And that's why I'm questioning the other prescribed entity. What's contemplated? Again, that's sort of a government policy concern.

Mr. Gregory: At present, there aren't any plans to do anything. But Publications Ontario, as the sort of public distribution wing of the Queen's Printer, re-examines its business lines from time to time. It could simply say, "Okay, we're doing only things that make a profit," for example. I doubt that's likely, given the other responsibilities it has, but if it did and it said, "Okay. We are doing only glossy pamphlets as Publications Ontario. We're not doing any of the routine public service part of it anymore. That's being shifted over to some other part," we want to be able to say, "Yes, but we need to be able to control how the statutes get published." So we're going to say, "Fine. We can deal with that by a regulation." At present, as far as I know, Publications Ontario, as an emanation of the Queen's Printer, will continue to do it.

Mr. Kormos: Of course, the glossy printing is oftentimes the subject matter of questions in question period.

I'm looking at subsection (2) in contrast to sections 30 and 32—no, never mind 30, but especially 32. The disclaimer, which I think we've all seen—right? We've all seen that on statutes that are, for instance, sold through the government bookstore.

Mr. Gregory: That's right. You buy a printed consolidation, office consolidation, that says, "Here it is. It's got all the amendments in it. Note: This isn't official."

Mr. Kormos: Yes. In other words, you go buy a copy of the Education Act—it's a volume around that thick; I presume you still can over at the Ontario government bookstore—and it's got the disclaimer on it. What are people to do, then, when you've got that, but you've got section 32, "an official copy of a source law"? I presume that that's an official copy. It's not published by Carswell, for instance, or an independent publisher. It's an official Queen's Printer copy. I presume that's what you mean by "source law"—it's an accurate statement of the law, yet you've got sort of the indemnifying quality of the disclaimer. Am I misunderstanding something here?

Mr. Gregory: No. What has been going on up to now is that the consolidations and—the source law is the statute as actually enacted. So we enact the Legislation Act; assuming that this bill gets passed and the schedules passed, there is a Legislation Act. That's the source law. As it is amended over time, you look for a consolidated law. What you tend to buy at the government bookstore in print is the consolidated laws—source plus the various statutes. Section 33 deals with the official copy of the consolidated law and basically reflects 32, except it's a little more complex because of the consolidation electronically.

The purpose of the Legislation Act essentially is to say the consolidated law that you get on e-laws is an accurate statement of that law, unless contrary is proved. It's presumed to be an accurate statement, and the disclaimer that is also on e-laws now—if you go on to e-laws and you read it and go down to the bottom of the page, there's something saying "disclaimer" or whatever, and it says the same thing as it says in the printed copies. The purpose after this is in force is to remove that so that it

will not be disclaimed and it will be presumed to be accurate.

Mr. Kormos: It's still rebuttable, if you will.

Mr. Gregory: Well, subject to rebutting the presumption, absolutely, because somebody could print something off and you could say, "But you've just taken out one subsection that says this doesn't apply to something relevant."

The Chair: Leg. counsel, I believe, has a comment.

Ms. Leitman: I just want to add one thing, which is in 1996, the assembly amended the Evidence Act so that, in fact, those print consolidations, the big, fat Education Act you're talking about, no longer have disclaimers. They are official.

Mr. Kormos: But they're still rebuttable.

Ms. Leitman: Everything is rebuttable except the enrolled bill and the filed regulation, yes, but in 1996, we amended the Evidence Act, similar to this, so that unless there was a disclaimer, it was official. And to my knowledge, there's never been a disclaimer since on that print.

Mr. Kormos: Okay. Fascinating. So, really, how does one access the bill that's endorsed by the clerk in section 28? Where are those filed, kept?

Ms. Leitman: Fortunately, that doesn't tend to happen. People don't ask, although there have been cases in the Commonwealth, one case, where it created a storm because no one knew what the law was. However, from the get-go, from the beginning of the publication of law in Ontario, nothing but the enrolled bill kept by the assembly or the filed regulation kept by the registrar of regulations has complete official status. That's the original. Everything else is unofficial copy, which is to say, "Prove in the absence of evidence to the contrary." For example, the red books that you're used to, the RSOs, the blue books, the annual volumes—

Mr. Kormos: And they're gone.

Ms. Leitman: No, no, no. They're there.

Mr. Kormos: I don't get them anymore.

Ms. Leitman: Well, no one does, frankly, because why would you, when you can get it for free online?

Mr. Kormos: Because I hate reading a computer screen. That's not reading. Reading is when you have a book with a spine and pages that you turn. Go ahead.

Ms. Leitman: We still print them, and this bill requires that they still be printed.

Mr. Kormos: Okay, but what happens to the bill that's endorsed by the clerk, the royal assent bill?

Ms. Leitman: There are two copies. Tamara, you might know exactly. Do you know where the two are kept?

Ms. Tamara Kuzyk: Tamara Kuzyk from the office of legislative counsel. I'd have to check to see. One is sent to the feds, because the secretary there keeps a copy, and then another one—I'd have to check which office here keeps it, but it might be with the clerk.

Ms. Leitman: When it comes to regulations, the official copy is with the registrar of regulations.

Mr. Kormos: Okay. I'm not going to belabour this. This is just interesting stuff.

Mr. Zimmer, to his credit, is something of a bibliophile. I admire him for that. I don't consider him a Luddite. I consider him a person of significant intellect in regard to his affection for the written word on the printed page. He actually looks at the back and reads that little section that says, "This typesetting is designed by so-and-so and has this history."

If, at some point, somebody could let us know how a member of the public—can you imagine the mischief this could create, far be it from me—because surely the public has a right to access the royal assent bills. Down the road, perhaps you could just let legislative research know or the clerk know, and it can be passed on.

Thank you, Chair. We're ready to proceed with the vote. I have no further comments. Go ahead.

1020

Mr. Zimmer: On a point of order, Mr. Chair: I may have misspoken when I made motion 92. I hope I said, "I move that clause 29(1)(a)," or did I say, "92", reversing the—

Mrs. Christine Elliott (Whitby–Ajax): You did. We knew what you meant.

Mr. Kormos: Yes, you did, but we knew it was just a little dyslexic moment.

Mr. Zimmer: It's my mild dyslexia there, just for a moment.

Mr. Kormos: I thought it was age, myself.

Mr. Zimmer: No, just a touch of dyslexia. Anyway, it's 29(1)(a).

Mr. Kormos: We understood.

Mr. Zimmer: Thank you.

The Vice-Chair (Mrs. Maria Van Bommel): Further debate on government motion 92? Hearing none—

Mr. Kormos: Recorded vote.

Ayes

Balkissoon, Elliott, Kormos, McMeekin, Zimmer.

The Vice-Chair: That was unanimous.

Shall section 29 of schedule F, as amended, carry? Carried.

Mr. Kormos: If I may, Chair, please, that you proceed all the way through to 33.

The Vice-Chair: Seeing there are no amendments to 30 to 33, is there any debate? Hearing none—

Mr. Kormos: Recorded vote, so that the vote can reflect any absences from committee attendance.

The Vice-Chair: Okay. Shall sections 30 to 33 of schedule F carry?

Ayes

Balkissoon, Elliott, Kormos, McMeekin, Zimmer.

The Vice-Chair: Thank you very much.

Now we move to government motion 93.

Mr. Zimmer: I move that subsection 34(1) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out "Part III (Regulations)" and substituting "Part III (Regulations) or a predecessor of that part."

The Vice-Chair: Debate?

Mr. Kormos: A question just for information's sake: Again, I understand the bills that are e-lawed, where you have the grey shaded sections. Laws that are not yet proclaimed, are they in e-laws as well—laws that are enacted but not yet proclaimed?

Ms. Leitman: Yes, they are, with an indication that they're not yet in force, whether it's because of not proclaimed or because of delayed effective date. And that practice, which is on our e-laws website now, is mandated to be carried on under this act.

Mr. Kormos: Thank you.

The Vice-Chair: Further debate? Hearing none, shall government motion 93 carry? Carried.

Shall section 34 of schedule F, as amended, carry? That carries.

Is there any debate on section 35? Hearing none—

Mr. Kormos: Yes. Again, just very briefly, one of the issues arising, for instance, around the land titles concerns is the integrity of the computer system. In view of the fact that increasingly people are regrettably relying upon e-laws, although it does give access to the folks out there that they wouldn't otherwise have, how secure is that system? We didn't buy it from MFP or one of the Domis, did we? Do you understand what I'm saying? Is the integrity of that system an issue that's addressed, and addressed on a constant basis?

Ms. Leitman: First of all, it is addressed in this bill in that the Attorney General has an obligation to ensure the integrity and accuracy and security, so there is ministerial responsibility. At a practical level, it is addressed constantly—the technology and security is reviewed pretty much daily, and backups, and we've been in touch with other jurisdictions that have legislation websites. We share the knowledge. As you know, it's an ever-changing landscape, so it has to be ever vigilant, but yes, we're very conscious of that.

Mr. Kormos: Thank you, counsel. I raise that, Chair, because I'm obviously laying some groundwork for the debate around the land titles system, because notwithstanding all the best-laid plans of bureaucrats and ministers, it seems there are 12-year-old kids out there who can hack into some of the most secure and highly sensitive systems.

Ms. Leitman: Mr. Kormos, that indeed is part of why we added the disclaimer provision and insisted that there be print as well.

Mr. Kormos: I hear you. Can you imagine the havoc that could be created, though? How is it checked? If somebody were to hack in and change a word, a sentence or delete a subsection, how does the system know that that's happened? Do you understand what I'm saying, Mr. Zimmer? How is it scanned to say that there's some-

thing here that wasn't there yesterday or there's something not here that was there yesterday.

Ms. Leitman: At the risk of being beyond my technical expertise, there's a daily comparison of bits and bytes.

Mr. Kormos: An input-output sort of thing? Interesting. Thank you, counsel.

Ms. Leitman: And there are vigilant citizens who notice when things are wrong.

The Vice-Chair: A good thing.

Mr. Zimmer: And opposition.

Mr. Kormos: Mrs. Elliott's an example.

The Vice-Chair: Further debate? Hearing none, shall section 35 of schedule F carry? Carried.

Now we move to government motion 94.

Mr. Zimmer: I move that the French version of the heading to part V of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out "Pouvoirs de modification" and substituting "Modifications autorisées."

The Vice-Chair: Debate? Mr. Kormos.

Mr. Kormos: I commend Mr. Zimmer for his effort, and I point out that there was a memo recently circulated indicating that Jonquière intensive language training is now available to members who aren't ministers and can't access their ministerial budgets. It really is a good exercise. Even if one doesn't learn French fluently, one acquires a little bit of linguistic and pronunciation skill. It's a delightful exercise.

Once again, a little bit of an explanation, because what always confounds me—we've done this before in this bill and we've done it in so many other bills. Surely our very talented French-language people are consulted in the first instance, and then we see the changes here like we did with the French version of paralegal—parajuriste, if I recall. Can you help us real quick?

Mr. Gregory: In this case, the question was really understanding in our own minds, and sharing that understanding with the French team, the impact of change powers. We have change powers and we have correction powers that are given to chief legislative counsel in this bill, both of them resulting, as I believe I said last week, from the need to replace the process that used to be done in the decennial revisions. Essentially, the first time we said "pouvoirs de modification," and then, after further thinking, we thought, "No, that's not really got it quite right." We did some agonizing on it, saying, "Well, surely that's close enough." The thinking at the end of the day was, "No, that's not close enough. We really have to make this change." It matters to the French team enough that we are taking the time of the committee; there are seven or eight motions that are exactly the same. It was really the difficulty of conceptualizing, "Well, that's a change power, that's a correction power. What can they do with one and what can they do with the other?" and making sure that the French reflected those differences.

Mr. Kormos: And we're going to proceed promptly through those amendments. But how does that happen? Is

the consultation not made in the first instance, or is it simply reflection?

Mr. Gregory: Sorry, you mean with the French team?

Mr. Kormos: Yes.

Mr. Gregory: The French team, once the bill is at a stage that we can say, "Yes, this is pretty much what we're going with," is brought in. We don't have a final bill and then say, "Okay, French, over to you." The late stages of the process are done parallel as the French keeps up, and often the English drafting is affected in a certain way. As someone who deals regularly with legislative counsel, I'm sort of used to getting a call saying, "The French team can't really make this expression work. Could we use something else in English?" and the English is modified so that the text makes sense in both languages. This is a case where, unfortunately, because of the complexity of the drafting, that didn't get caught up before the first reading of the bill.

1030

Mr. Kormos: Thank you kindly.

The Vice-Chair: Further debate? Hearing none, shall government motion 94 carry? Carried.

Government motion 95.

Mr. Zimmer: Mr. Kormos, this is another house-keeping motion, involving some facility in French to present the motion. I wonder if you might present the motion.

Mr. Kormos: It's not my job to steward government bills, especially sloppily prepared ones, through the process, sir.

Mr. Zimmer: I was thinking more so I could copy your exquisite French.

Mr. Kormos: It's far from exquisite, but it's still not my job to steward sloppily drafted and ill-conceived government bills through the process. That unenviable task falls upon your shoulders.

Mr. Zimmer: I move that the French version of subsection 36(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out "modifications" wherever it appears in the following provisions and substituting in each case "modifications autorisées":

- i. in the portion before paragraph 1, and
- ii. in paragraphs 6, 7, 10 and 11.

The Vice-Chair: Debate? Hearing none, shall government motion 95 carry? Carried.

Government motion 96.

Mr. Zimmer: I move that subsection 36(4) of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

"Error in consolidation

"(4) If the chief legislative counsel discovers that an error was made in the process of publishing or consolidating a consolidated law,

"(a) in the case of a consolidated law published on the e-Laws website, he or she shall ensure that a corrected consolidated law is published on the e-Laws website; and

"(b) in the case of a consolidated law printed by the Queen's Printer or by an entity that is prescribed under

clause 35(1)(a), he or she may cause a corrected consolidated law to be published in print, if he or she considers it appropriate in the circumstances.”

The Vice-Chair: Mr. Kormos.

Mr. Kormos: We all recall the notorious amendment to the official Tartan Act, which added one thread to the woof and warp of the tartan. Was that a matter of the original bill that was passed having inaccurately described the tartan, or was that simply correcting the bill? If it was the former, it's obvious that we needed an amendment; if it was the latter, this is the sort of thing I trust where you wouldn't need an amendment. You would simply correct it in the process of publishing or republishing.

Mr. Gregory: My recollection of the discussion of the Tartan Act, which was finally corrected in the Good Government Act, is that that would not be the kind of mistake that chief legislative counsel would be correcting. The problem was that the shade of green of one of the strands was improperly described or whatever. To correct that took an act of the Legislature. That's not the kind of error correction we're talking about, really. There's a list of the kinds of corrections that could be made: “t-e-h” appears instead of “t-h-e” for the word “the.” This is one of the reasons for the motion. If that's in print, you look at the print and say, “That's the Ontario Gazette. We don't have to reprint the whole issue of the Ontario Gazette because there's a ‘t-e-h.’ Everyone will know what it means.” But if it's on e-Laws, it's there over time and it's simple to correct. It's not a complete print rerun, so they have an obligation to correct it. But where you draw the line between whether it is something chief legislative counsel can correct or whether it is something that the Legislature has to do, again, is a bit of a hard one. But if it's the description of a colour, that's not a typographical or processing error.

The Vice-Chair: Further debate?

Mr. Kormos: Yes, ma'am. I'm reminded of the title of that bill. Isn't it amazing that the Liberals consider it good government to be adding a thread to the description of a tartan?

The Vice-Chair: Further debate? Hearing none, shall government motion 96 carry? Carried.

Is there any debate on section 36, as amended? Shall section 36, schedule F, as amended, carry? Carried.

I call for government motion 97.

Mr. Zimmer I move that the French version of subsection 37(1) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “modifications apportées” and substituting “modifications autorisées qui sont apportées.”

The Chair: Any debate? Seeing none, shall government motion 97 carry?

Government motion 98.

Mr. Zimmer I move that subsection 37(1) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “and of the changes made under subsection 36(4)” and substituting “and of corrections made under subsection 36(4).”

The Chair: Any debate? Seeing none, shall government motion 98 carry? Carried.

Government motion 99.

Mr. Zimmer I move that the French version of subsection 37(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “modifications apportées” and substituting “modifications autorisées qui sont apportées.”

The Chair: Any debate? Seeing none, shall government motion 99 carry? Carried.

Government motion 100.

Mr. Zimmer I move that the French version of subsection 37(3) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “modification apportée” in the portion before clause (a) and substituting “modification autorisée qui est apportée.”

The Chair: Any debate? Seeing none, shall government motion 100 carry? Carried.

Government motion 101.

Mr. Zimmer I move that the French version of subsection 37(4) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “modification” and substituting “modification autorisée.”

The Chair: Any debate? Seeing none, shall government motion 101 carry? Carried.

Any other debate on section 37? Seeing none, shall section 37, as amended, carry? It's carried.

Section 38: Any debate? Shall section 38 carry? Carried.

Government motion 102: We're at section 39.

Mr. Zimmer I move that the French version of section 39 of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “une modification est apportée” in the portion before clause (a) and substituting “une modification autorisée est apportée.”

The Chair: Any debate? Seeing none, shall government motion 102 carry? Carried.

Any other debate on section 39? Seeing none, shall section 39, as amended, carry? Carried.

Sections 40 to 45: There are no amendments. Any debate? Shall sections 40 to 45 carry? Carried.

Government motion 103: section 46.

Mr. Zimmer I move that subsection 46(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

“Authorized persons continue to act

“(2) A person authorized to act under the former act or regulation has authority to act under the corresponding provisions, if any, of the new or amended one until another person becomes authorized to do so.”

The Chair: Any debate? Seeing none, shall government amendment 103 carry? Carried.

Any debate on section 46? Shall section 46, as amended, carry? Carried.

We're now dealing with section—

Mr. Kormos: Section 47, please.

The Chair: Section 47?

Mr. Kormos: Just a question: What was the uncertainty? It seems logical, but what was the uncertainty that the new section 47 addresses?

1040

Mr. Zimmer: Mr. Gregory, can you help us?

Mr. Gregory: There was an uncertainty of what happened to sort of chain acts and regulations, and amendments to regulations. You'd think it would go without saying, but there are some overcautious people who are—I suppose both lawyers and civil servants are inclined to be cautious. When you duplicate the caution, you think, well, we're not sure about that amendment. One of the things that the Good Government Act did in the agriculture schedule was revoke a whole lot of regulations where the acts had previously been repealed and there wasn't any authority to get at them. So we're in here just trying to solve that kind of problem so we don't have to go back to the Legislature when something has been forgotten.

Mr. Kormos: That's precisely why, because I questioned the Clerk's table in that legislation. My query to the Clerk's table was, "How in order is legislation that revokes regulations that don't have their root any more?" I suppose you're addressing that ambiguity. God bless.

Mr. Gregory: That's exactly right. We're taking that decision off the table. If the act has gone, then either the regulations have gone or, if there are still some that seem to have some life in them, then there's authority to kill them by the cabinet that made them—

Mr. Kormos: Had it ever been an issue other than amongst the sometimes bizarre, arcane and irrelevant discussions that take place here?

Mr. Gregory: I'm not aware that there had been lawsuits that turned on this decision.

Mr. Kormos: Yes. Okay.

Mr. Zimmer:—you might not like the answer.

Mr. Kormos: And we got the answer.

The Chair: Any further debate on section 47?

Mr. Kormos: Chair, if I may, please—to have 48 and 49 dealt with.

The Chair: Any debate on sections 47 to 49?

Shall sections 47 to 49 carry? Carried.

Section 50: government motion 104.

Mr. Zimmer: I move that the French version of subsection 50(3) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out "(Pouvoirs de modification)" and substituting "(Modifications autorisées)."

The Chair: Any debate? Seeing none, shall government amendment 104 carry? Carried.

Any further debate on section 50? Seeing none, shall section 50, as amended, carry? Carried.

Sections 51 and 52: Any debate? Seeing none, shall sections 51 and 52 carry? Carried.

Section 53: government motion 105.

Mr. Zimmer: I move that the French version of clause 53(1)(b) of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

"(b) soit telle qu'elle est modifiée comme l'autorise la partie V (Modifications autorisées)."

The Chair: Any debate? Seeing none, shall government motion 105 carry? Carried.

Government motion 106.

Mr. Zimmer: I thank the members opposite for their lack of comment on my—

Mr. Kormos: Excuse me, Chair. There are people here far more fluent in French taking far more delight in this than I am.

The Chair: Government motion 106.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): I move that the French version of subsection 53(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out, "rééditée, prise de nouveau ou modifiée en vertu de" and substituting—

The Chair: Mr. McMeekin, the audio didn't get the first part. Can you start from the beginning? It's more practice.

Mr. Kormos: On a point of order, Mr. Chair: We know that it's imperative that the motion, notwithstanding that it's printed, be read into the record. Doesn't it have to be read accurately?

The Chair: As accurately as possible, I suppose.

Mr. McMeekin: Now you know why I was a grade 10 dropout.

I move that the French version of subsection 53(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out "rééditée, prise de nouveau ou modifiée en vertu de" and substituting "rééditée ou prise de nouveau ou modifiée comme l'autorise".

So help me God.

The Chair: Any debate? Mr. Kormos.

Mr. Kormos: As a kid who from time to time was in a Catholic church, that sounded very much like Latin as compared to French. But I support the motion.

The Chair: Any further debate? Seeing none, shall amendment 106 carry? Carried.

Any further debate on section 53, as amended? Shall section 53, as amended, carry? Carried.

Sections 54 to 68: Any debate? Mr. Kormos?

Mr. Kormos: No, no. Please do 54 through 56, if you don't mind.

The Chair: Sections 54 through 56: Any debate? Seeing none, shall sections 54 to 56 carry? Carried.

Mr. Kormos: Section 57, please.

The Chair: Section 57. Mr. Kormos.

Mr. Kormos: I appreciate that you've borrowed this language. It's a fascinating concept; it really is. Help us with this: "The law is always speaking, and the present tense shall be applied to circumstances as they arise." I think it's just a delightful turn of phrase. Just in the interests of learning something in the course of doing this stuff, tell us about it.

Mr. Gregory: We had some interesting discussions among government lawyers on this one as well, as you can imagine.

There are two parts of it that overlap: “The law is always speaking,” and “the present tense” applies. That “the present tense” applies is perhaps the easier to understand. If it says, “This is an offence, and if you do this three years from now it is still an offence,” that’s a bit, “The law is always speaking.” You don’t have to say, “And it will be an offence forever, until the Legislature amends this law.” If you say, “This is this,” it means, “Whenever you read it, this is.” And really, that’s a similar effect to, “The law is always speaking.” The law says, “This is an offence.” The law says, “‘A’ has the right to do ‘B.’ It will be true in five years; it will be true in 10 years. It will be true until the Legislature amends that law.” So the law is always speaking to the circumstances.

It has been interpreted as well, however—and this is one of the reasons we used both expressions when we were preparing this legislation—to say “and the law means what these words mean now.” This is one of the reasons, of course, that the Legislature has to go back from time to time and look at laws as words change meaning. So if you say, “No person shall drive a vehicle on a private road”—I make that up as an example—and that law is passed in 1980, what if somebody comes along with some kind of all-terrain vehicle or with a Segway, one of these two-wheel jobbies that they stand up on? Well, that didn’t exist in 1980, so is that a vehicle within the meaning of that prohibition? The Legislature couldn’t possibly have been thinking of those. On the other hand, it’s a vehicle, and the law is always speaking and applies to vehicles as vehicles come along, as it were. So the law would cover that. If you want to exclude it by saying, “Oh, that’s not what we meant by ‘vehicle,’” then you’re going to have to go back and change that.

That’s a bit of a cumbersome explanation, but to say the law applies as the circumstances arise to which it may apply, without having to reinvent it and without having to say every time, “This continues in force. This will apply.”

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Mr. Kormos: But is the concept “the law is always speaking” a principle that is merely being codified? It’s an overriding principle of legislative interpretation.

Mr. Gregory: It’s true, but there are a number of provisions in the Interpretation Act that are there because some court some day had some doubt about it. Some of them have been around for a very long time. We’ve dropped a couple of provisions, like “month” means “calendar month,” because it’s been 150 years since a court said it meant a lunar month, and we thought it was fairly safe. But there are times when you want to say that just to remove all doubt, so it was fairly economical and we thought we’d better do something—

Ms. Leitman: If I may add, “the law is always speaking” is, as you say, quite a fun turn of phrase. It predates legislation in Ontario by a considerable number of centuries, but it is also in the existing Interpretation Act. So it’s not new to say—the existing Interpretation

Act, section 4, says, “The law shall be considered as always speaking....” We’ve modernized it a tiny bit.

Mr. Kormos: Gosh, you take a long-standing legal convention and principle with such historic qualities and then you modernize it and secularize it.

Ms. Leitman: A tiny bit. I would hardly call “the law is always speaking” secular.

Mr. Kormos: Yes, but I was being hypercritical.

Ms. Leitman: Good. Go ahead.

Mr. Kormos: Good. Thank you very much.

The Chair: Any other debate? Shall section—

Mr. Kormos: If I may, maybe we can deal with sections 57 through to 64, inclusive, if you wish.

The Chair: Any debate on sections 57 to 64? Shall sections 57 to 64 carry? Carried.

Section 65: Any debate?

Mr. Kormos: “No act ... binds Her Majesty ... unless it expressly states an intention to do so.” Now we’re not talking about the Queen herself, in body. She’s not going to be driving down the 401 in her Ford Taurus doing 120 in a 100-kilometre-an-hour zone, so what’s the impact of this?

Mr. Gregory: This is a provision that essentially says that statutes do not bind the crown—meaning the government, the executive—unless they say so. They very frequently do. This act “binds the crown” is a fairly standard expression. One also has to read this in conjunction with the section at the beginning of the interpretation part that says that this act applies unless there’s a necessary implication to the contrary.

There are a number of places where in fact the crown is bound by necessary implication. Certainly, the books on it—Professor Hogg’s book, now Hogg and Monahan, on crown liability—make it very clear there are a lot of other places where the crown is bound besides where it says specifically. Nevertheless, if a statute or regulation does not say “the crown is bound,” and there is not some other circumstance to say it has to be bound or the thing makes no sense, then the crown is not bound. This is, I think, fairly standard. There are two provinces that have a different provision. Everybody else has this provision.

Mr. Kormos: I want to make sure—so the crown is not bound unless it explicitly states, but the application of the interpretative rules in terms of the objective intent of the statute may bind the crown?

Mr. Gregory: That’s right. There are cases, for example, where the crown has entered into a contract, where statute allows for a contract and the crown enters into it and the crown is bound and the crown can’t get out of it by saying, “Oh, the statute didn’t talk about us.”

Mr. Zimmer: Actually, in your example of the Queen driving down the highway in a high-speed Taurus—a number of years ago, I recollect, there was a case where Princess Anne was speeding in her Jaguar and the police wanted to charge her and this issue about whether she could be charged came up. How they worked their way around it was, Princess Anne voluntarily submitted to the charge and pleaded guilty and paid her fine.

Mr. Kormos: First we should abolish the Senate and then we can deal with these other matters in due course. I'm going to suggest that you deal with 66 at the same time. Again, this is just a very interesting section. I appreciate it's not new, but it cries out for some sort of explanation.

Mr. Zimmer: You're on section what?

Mr. Kormos: Section 66.

The Chair: Sections 65 and 66. Any further debate?

Mr. Kormos: No, no. I'm proposing we deal with 65 and 66 together and have one vote.

The Chair: That's fine. Any further debate on those two?

Mr. Kormos: Section 66 is just a question about—read 66; it's fascinating. Again, some of these things just so thoroughly underscore how relevant the monarchy is in terms of head of state and our political-governmental-legislative structure.

Mr. Gregory: This provision is a very old one. This provision goes back to the days when a lot of people, including a lot of public officials, held commissions from the crown, and when the crown died, that is, when the king died—or queen, possibly—then you wondered, “Well, now what? What happens?” The point of legislation, and the point of legislation probably since the previous Elizabethan time, was, things go on; in other words, the provision where the civil service keeps its jobs, perhaps, if you want to look at it constructively, but in any event, things go on. The new monarch doesn't have to spend his or her first weeks in office re-signing commissions and appointments and orders that were signed by the previous one. The succession of the monarch does not change the apparatus of the state by the very fact of its occurring. That's perhaps the easiest way of putting it.

Mr. Zimmer: Alvin Curling is particularly interested in this section.

Mr. Kormos: Well, no. In the case of Alvin Curling, Paul Martin didn't die; he just got defeated.

Mr. Gregory: The new people advising the monarch may, of course, advise the monarch to change the orders, but pending the change, the old orders continue in force.

Mr. Kormos: The question is, is this just a carry on of this section? Is it critical at this point in our legislative governmental history? If this section weren't here, does anybody anticipate any judicial body accepting an argument that would suggest to the contrary?

Ms. Leitman: I would anticipate that arguments would be made. I would hope that no judge would accept them. That said, if you look at the beginning of every bill that you look at, it always begins with “Her Majesty, by and with” da, da, da. And you're right; it's entrenched in our system of legislating and governing. Do we need these arguments? No. It's there to make it clear.

Mr. Gregory: It's probably a constitutional convention by now, but since we have the section already, it doesn't seem to be—

Ms. Leitman: To remove it might raise eyebrows and encourage arguments.

The Chair: Any further debate?

Mr. Kormos: Why would we want to discourage arguments and debates about trivial matters? I hear you. It's fascinating. Thank you.

The Chair: Shall sections 65 and 66 carry? Carried.

Section 67: Any debate?

Mr. Kormos: Section 68 as well, please.

The Chair: Shall sections 67 and 68 carry? Carried.

Section 69: government motion 107.

Mr. Zimmer: I move that section 69 of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by adding the following subsection:

“Same

“(2) A proclamation that specifies different commencement dates for different provisions may be amended or revoked with respect to a particular provision before the commencement date specified for that provision, but not on or after that date.”

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The Chair: Any debate? Seeing none, shall amendment 107 carry? Carried.

Any further debate on section 69? Shall 69, as amended, carry? Carried.

Section 70: amendment number 108.

Mr. Zimmer: I move that section 70 of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

“Appointments

“70. (1) A provision authorizing the Lieutenant Governor in Council, the Lieutenant Governor or a minister of the crown to appoint a person to an office authorizes an appointment for a fixed term or an appointment during pleasure, and if the appointment is during pleasure, it may be revoked at any time, without cause and without giving notice.

“Remuneration and expenses

“(2) A provision described in subsection (1) authorizes the Lieutenant Governor in Council to determine the remuneration and expenses of the person who is appointed.”

The Chair: Any debate?

Mr. Kormos: This seems to add subsection (2) to what's already in the bill. Am I to take it that it merely suggests that a provision providing for appointment also gives the power to determine, basically, salary?

Mr. Zimmer: Mr. Gregory?

Mr. Gregory: The intention is that the provision authorizing the appointment authorizes fixing of a remuneration. This provision would not give any particular ministry the right to spend any money it didn't already have. It would still have to go to the House for its appropriations in the usual way to get the money. If there was a provision saying, “The Lieutenant Governor may appoint members of an agency,” for example, then without a provision in the statute going on to say, “and they may be paid,” they may be paid. It doesn't require that they be

paid either, of course—they may well be appointed as volunteers—but it would give the statutory power to pay them.

At present, there are a large number of statutes creating agencies that go on to say, “and they may be paid,” and there are a number of others that are simply silent, and in many of those cases, they may be being paid. So it ends in uncertainty as to whether there is a power to pay. So I say it doesn’t get you the money, because that’s done through public accounts and appropriations, but it gives you the statutory power to pay if that’s the nature of the appointment.

Mr. Kormos: Of course, Chair, this truly is the Alvin Curling section, as compared to the reference to Her Majesty the Queen.

The Chair: Any further debate on government motion number 108? Seeing none, shall that carry? Carried.

Any further debate on section 70? Shall section 70, as amended, carry? Carried.

There are no amendments between sections 71 and 91.

Mr. Kormos: Do section 75, please.

The Chair: Sections 71 to 75: Any debate? Seeing none, shall sections 71 to 75 carry? Carried.

Section 76: Any debate?

Mr. Kormos: I should indicate, 76 to 78, please.

The Chair: Sections 76 to 78: Any debate? Seeing none, shall sections 76 to 78 carry? Carried.

Section 79: Mr. Kormos.

Mr. Kormos: One moment, please.

Sections 79 through 91, inclusive, if it’s the wish of my colleagues.

The Chair: Sections 79 to 91: Any debate? Seeing none, shall sections 79 to 91 carry? Carried.

Government motion 109.

Mr. Zimmer: I move that subsection 92(1) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “have effect” and substituting “be unconsolidated and unrepealed.”

The Chair: Any debate? Seeing none, shall government motion 109 carry? Carried.

Government motion 110.

Mr. Zimmer: I move that subsection 92(2) of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by striking out “have effect” and substituting “be unconsolidated and unrepealed.”

The Chair: Any debate? Seeing none, shall government amendment 110 carry? That’s carried.

Government amendment 111.

Mr. Zimmer: I move that the table to section 92 of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

“Table of Unconsolidated and Unrepealed Acts / Table des lois non abrogées et non codifiées.”

There are nine pages.

Mr. Kormos: On a point of order, Chair: I, for the life of me, don’t know how you read the schedule onto the record. Then, having said that, I don’t know how you comply with the rule that requires a motion—and this is

part of a motion—to be presented without reading it onto the record. I, for one, without creating a precedent, would love to give unanimous consent, but of course if it can’t be done, you can’t give unanimous consent. Otherwise, Mr. Zimmer—we know what the rule is—is going to have to read every single bit of this fine print in both official languages, and that’s a lot of reading.

Mr. Zimmer: I second your motion for unanimous consent.

Mr. Kormos: No, not a motion. We’ve got to live with the rules. Let’s find out what the rules are. I’d love for us to be able to give unanimous consent to this one, one time only, because there may be times when I’ll sit here with pleasure insisting that you read every one of these. I mean, it just doesn’t make sense; you can’t read out a schedule with columns and formats.

The Chair: Considering that it’s a lengthy table and it’s not a motion and obviously it will be lengthy—

Mr. Zimmer: While the clerk is reflecting on this, could we have a two- or three-minute adjournment?

The Chair: We’ll take a three-minute recess.

The committee recessed from 1109 to 1118.

The Chair: The committee is called back to order.

I’ve been advised that all motions have to be read into the record.

Mr. McMeekin: Including tables, Mr. Chair? We’ve never—

Mr. Kormos: Don’t challenge the Chair.

Mr. McMeekin: I’m not challenging the Chair. I just have a question, which I know is—

Mr. Kormos: On a point of order, Mr. Chair: Although somewhat anticipatory and not quite in order, it’s my understanding that moving a motion is not a collaborative or team effort, that the person who begins moving a motion has to move the motion in its entirety.

The Chair: That is correct. Each motion is one mover.

Mr. Kormos: Let’s go. Time is fleeting.

The Chair: Mr. Zimmer.

Mr. Zimmer: Well, I am going to ask my colleagues to share reading the table.

Mr. Kormos: On a point of order, Mr. Chair: He’s not going to ask his colleagues to share, because moving a motion is not a team or collaborative effort. It’s a solo flight.

The Chair: The motion will be moved by one member.

Mr. Zimmer: You dog. I want that on the record.

I move unanimous consent that I can share the reading of the table.

The Chair: That’s not within the purview of unanimous consent. That can’t be done.

Mr. Zimmer: Okay. Well, I may be dumb and I may be a lot of other things, but I’ve got a memory.

I move that the table to section 92 of the Legislation Act, 2005, as set out in schedule F to the bill, be struck out and the following substituted:

**“TABLE OF UNCONSOLIDATED AND UNREPEALED ACTS/
TABLE DES LOIS NON ABROGÉES ET NON CODIFIÉES**

COLUMN/COLONNE 1	COLUMN/COLONNE 2	COLUMN/COLONNE 3	COLUMN/COLONNE 4
NAME OF ACT <i>TITRE DE LA LOI</i>	CITATION	PART REMAINING UNCONSOLIDATED AND UNREPEALED <i>PARTIE TOUJOURS NON ABROGÉE ET NON CODIFIÉE</i>	AMENDMENTS <i>MODIFICATIONS</i>
Academy of Medicine, Toronto Act, 1946	1946, c. 1	Total/ <i>La totalité</i>	
An Act concerning Monopolies, and Dispensation with penal laws, etc.	R.S.O. 1897, c. 323	See/ <i>voir</i> R.S.O. 1980, Appendix A	
An Act for the settlement of questions between the Governments of Canada and Ontario respecting Indian Lands	1891, c. 3	Total/ <i>La totalité</i>	
An Act relating to the Avenues and Approaches to Queen’s Park, Toronto	1913, c. 75	Total/ <i>La totalité</i>	
An Act relating to the Municipality of Shuniah, and the tax imposed on lands in the District of Algoma	1875-76, c. 37	s. 1, 4, 6-9, 11-14 (in so far as not inconsistent with 1936, c. 83; <i>sauf incompatibilité avec 1936, chap. 83</i>)	
An Act respecting a certain Agreement between the University of Toronto and the City of Toronto	1907, c. 54	Total/ <i>La totalité</i>	
An Act respecting Certain Rights and Liberties of the People	R.S.O. 1897, c. 322	See/ <i>voir</i> R.S.O. 1980, Appendix A	
An Act respecting Champerty	R.S.O. 1897, c. 327	See/ <i>voir</i> R.S.O. 1980, Appendix A	
An Act respecting Law Fees and Trust Funds	1869, c. 9	s. 3	
An Act respecting Municipalities in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay	1885, c. 41	s. 3	

An Act respecting Real Property	R.S.O. 1897, c. 330	See/ <i>voir</i> R.S.O. 1980, Appendix A	
An Act respecting Rectories	R.S.O. 1897, c. 306	s. 2-4	
An Act respecting the Boundary between the Provinces of Ontario and Manitoba	1899, c. 2	See/ <i>voir</i> R.S.O. 1980, Appendix A	
An Act respecting the District of Rainy River	1885, c. 20	s. 12	
An Act respecting the Imperial Statutes relating to property and civil rights incorporated into the Statute Law of Ontario	1902, c. 13	Total/ <i>La totalité</i>	
An Act respecting the Municipality of Shuniah	1877, c. 31	s. 1-8 (in so far as not inconsistent with 1936, c. 83; <i>sauf incompatibilité avec 1936, chap. 83</i>)	
An Act respecting The Ontario and Minnesota Power Company	1911, c. 7	Total/ <i>La totalité</i>	
An Act respecting the Operation of Statutes of Ontario	1874, c. 4	s. 2	
An Act respecting the settlement by arbitration, of accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said two provinces	1891, c. 2	Total/ <i>La totalité</i>	
An Act respecting the site of the new Legislative and Departmental Buildings	1894, c. 12	Total/ <i>La totalité</i>	
An Act respecting Tithes	R.S.O. 1897, c. 305	Total/ <i>La totalité</i>	
An Act to amend the Act respecting the settlement by Arbitration of Accounts between the Dominion of Canada and the Provinces of Ontario and Quebec and between the said two Provinces	1901, c. 5	Total/ <i>La totalité</i>	

An Act to apply the Municipal Law to certain Townships in the District of Nipissing	1877, c. 30	Total/ <i>La totalité</i>	
An Act to confirm the title of the Government of Canada to certain lands and Indian Lands	1915, c. 12	Total/ <i>La totalité</i>	
An Act to create The Provisional Judicial District of Fort Frances	1908, c. 36	s. 2, 16-25	1909, c. 26, s. 11
An Act to create the Provisional Judicial District of Sudbury	1907, c. 25	s. 2, 10, 22-24	1909, c. 26, s. 10
An Act to express the Consent of the Legislative Assembly of the Province of Ontario to an Extension of the Limits of the Province	1912, c. 3	Total/ <i>La totalité</i>	
An Act to incorporate the Town of Kapuskasing	1921, c. 36	Total/ <i>La totalité</i>	
An Act to incorporate the University Residence Trustees	1905, c. 35	Total/ <i>La totalité</i>	
An Act to make provision for payment of Law Fees in territorial and judicial districts by means of stamps and to amend the Act respecting Law Fees and Trust Funds	1871-72, c. 20	s. 3	
An Act to organize the Municipality of Shuniah and to amend the Acts for establishing Municipal Institutions in unorganized districts	1873, c. 50	s. 1-3 (in so far as not inconsistent with 1936, c. 83; <i>sauf incompatibilité avec 1936, chap. 83</i>)	
An Act to provide for Development of Water Power at Dog Lake	1908, c. 24	Total/ <i>La totalité</i>	
An Act validating a certain agreement between the University of Toronto and the Corporation of the City of Toronto	1889, c. 53	Total/ <i>La totalité</i>	
Anglican Church of Canada Act, 1979	1979, c. 46	Total/ <i>La totalité</i>	

Apprenticeship and Tradesmen's Qualification Act	R.S.O. 1970, c. 24	s. 19 (1)	
Architects Act	R.S.O. 1960, c. 20	s. 4, 6	
Architects Act, 1984	1984, c. 12	s. 27 (4)	
Assessment Amendment Act, 1954	1954, c. 3	s. 13	
Boards of Trade General Arbitration Act	R.S.O. 1914, c. 66	Total/ <i>La totalité</i>	
Cemeteries Act, 1989	1989, c. 50	s. 88	
Central Trust Company Act, 1983	1983, c. 64	Total/ <i>La totalité</i>	
Chartered Accountants Act, 1956	1956, c. 7	Total/ <i>La totalité</i>	1998, c./chap. 2, s./art. 10; 2000, c./chap. 26, Sch./Ann. A, s./art. 3; 2000, c./chap. 42, Sch./Ann., s./art. 7-11
Chartered Shorthand Reporters Act	R.S.O. 1937, c. 234	Total/ <i>La totalité</i>	
City of Hamilton Act, 1970	1970, c. 78	Total/ <i>La totalité</i>	
City of Kingston Act, 1970	1970, c. 76	Total/ <i>La totalité</i>	
Conveyancing and Law of Property Amendment Act, 1956	1956, c. 10	s. 3	
County of Middlesex Act, 1979	1979, c. 1	Total/ <i>La totalité</i>	
Crown Administration of Estates Act	R.S.O. 1970, c. 99	s. 5 (2)	
Crown Trust Company Act, 1983	1983, c. 7	Total/ <i>La totalité</i>	
Debentures Guarantee Act, 1919	1919, c. 4	Total/ <i>La totalité</i>	
Don Valley Improvement Act, 1933	1933, c. 12	Total/ <i>La totalité</i>	
Education Amendment Act, 1986 (No. 1)	1986, c. 21	s. 4	
English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act, 1986	1986, c. 23	Total/ <i>La totalité</i>	

Environmental Protection Act, 1971	1971, c. 86	s. 27 (2, 3, 5)	
Essex County French-language Secondary School Act, 1977	1977, c. 5	Total/ <i>La totalité</i>	1986, c. 21, s. 4
Family Law Reform Act, 1978	1978, c. 2	s. 70 (4, 5)	
Federal District Commission Act	R.S.O. 1950, c. 133	Total/ <i>La totalité</i>	
Greater Winnipeg Water District Act (Ontario), 1916	1916, c. 17	Total/ <i>La totalité</i>	
Health Department Amendment Act, 1925	1925, c. 68	s. 2	
Income Tax Agreement Act, 1962-63	1962-63, c. 62	Total/ <i>La totalité</i>	
Income Tax Amendment Act, 1962-63	1962-63, c. 61	s. 8, 9	
Indian Lands Act, 1924	1924, c. 15	Total/ <i>La totalité</i>	
Jack Miner Migratory Bird Foundation Act, 1936	1936, c. 36	Total/ <i>La totalité</i>	
Jurors Act	R.S.O. 1937, c. 108	s. 90	
Lakehead University Act, 1965	1965, c. 54	Total/ <i>La totalité</i>	
Lake of the Woods Control Board Act, 1922	1922, c. 21	Total/ <i>La totalité</i>	1958, c. 48
Lake Superior Board of Education Act, 1976	1976, c. 59	Total/ <i>La totalité</i>	
Land Titles Amendment Act, 1954	1954, c. 43	s. 2	
Lieutenant-Governor's Act	R.S.O. 1914, c. 12	s. 4	
Manitoulin, Barrie and Cockburn Islands Land Act, 1990	1990, c. 27	Total/ <i>La totalité</i>	
Marriage Act, 1950	1950, c. 42	s. 51	
Married Women's Property Act	R.S.O. 1914, c. 149	s. 4 (4, 5), 6, 8, 11-15	
Master and Fellows of Massey College Act, 1960-61	1960-61, c. 53	Total/ <i>La totalité</i>	1974, c. 13

Mortmain and Charitable Uses Repeal Act, 1982	1982, c. 12	Total/ <i>La totalité</i>	
Mortgages Act	R.S.O. 1914, c. 112	s. 15	
Mortgages Amendment Act, 1964	1964, c. 64	s. 8	
Municipal Amendment Act, 1944	1944, c. 39	s. 37 (1)	
Municipality of Metropolitan Toronto Amendment Act (No. 2), 1977	1977, c. 68	s. 2	
Niagara Development Act, 1951	1951, c. 55	Total/ <i>La totalité</i>	
Niagara Development Agreement Act, 1951	1951, c. 56	Total/ <i>La totalité</i>	
North Georgian Bay Recreational Reserve Act, 1962-63	1962-63, c. 68	Total/ <i>La totalité</i>	
The North Pickering Development Corporation Act, 1974	1974, c. 124	Total/ <i>La totalité</i>	1989, c. 71, s. 4
Ontario-Manitoba Boundary Line Act, 1953	1953, c. 76	Total/ <i>La totalité</i>	1955, c. 56
Ontario Niagara Development Act	1916, c. 20	Total/ <i>La totalité</i>	
Ontario Niagara Development Act, 1917	1917, c. 21	Total/ <i>La totalité</i>	
Ontario School Trustees' Council Act	R.S.O. 1980, c. 355	Total/ <i>La totalité</i>	
Ontario Transportation Development Corporation Act	R.S.O. 1980, c. 358	Total/ <i>La totalité</i>	
Osgoode Hall Law School Scholarships Act, 1968-69	1968-69, c. 90	Total/ <i>La totalité</i>	1972, c. 70; 1973, c. 140
Ottawa River Water Powers Act, 1943	1943, c. 21	Total/ <i>La totalité</i>	
Petroleum Products Price Freeze Act, 1975	1975, c. 66	Total/ <i>La totalité</i>	
Planning Amendment Act, 1960	1960, c. 83	s. 5	
Planning Amendment Act, 1971	1971, c. 2	s. 3 (2)	

Planning Amendment Act, 1979	1979, c. 59	s. 2, 3	
Power Commission Amendment Act, 1949	1949, c. 73	the part of subsection 4 (1) relating to subsection 17 (8)/ <i>la partie du paragraphe 4 (1) relative au paragraphe 17 (8), s. 6 (2)</i>	
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Religious Institutions Amendment Act, 1957	1957, c. 108	s. 2	

Religious Organizations' Lands Act, 1979	1979, c. 45	s. 29	
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Royal Conservatory of Music of Toronto Act, 1954	1954, c. 85	Total/ <i>La totalité</i>	
Ryerson University Act, 1977 (formerly Ryerson Polytechnical Institute Act, 1977)	1977, c. 47	Total/ <i>La totalité</i>	1989, c. 13; 1993, c./chap. 1, s./art. 1-20; 2002, c./chap. 8, Sch./Ann. P, s./art. 5
Sandwich, Windsor and Amherstburg Railway Act, 1930	1930, c. 17	Total/ <i>La totalité</i>	1932, c. 56; 1933, c. 59, s. 32 (2); 1939, c. 43, s. 1-7; 1968, c. 120; 1970, c. 68, s. 1, 2, 5-7
Sandwich, Windsor and Amherstburg Railway Act, 1939	1939, c. 43	s. 8, 9	1957, c. 109
Sandwich, Windsor and Amherstburg Railway Act, 1949	1949, c. 91	Total/ <i>La totalité</i>	1960, c. 105
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Statute of Uses	R.S.O. 1897, c. 331	See/ <i>voir</i> R.S.O. 1980, Appendix A	
Statutes Revision Act, 1989/ <i>Loi de 1989 sur la refonte des lois</i>	1989, c./ <i>chap.</i> 81	Total/ <i>La totalité</i>	
Steep Rock Iron Ore Development Act, 1949	1949, c. 97	Total/ <i>La totalité</i>	
St. Lawrence Development Act, 1952 (No. 2)	1952, c. 3	Total/ <i>La totalité</i>	
Succession Duty Act Supplementary Provisions Act, 1980	1980, c. 28	Total/ <i>La totalité</i>	
Succession Duty Amendment Act, 1961-62	1961-62, c. 133	s. 5	
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Succession Law Reform Act, 1977	1977, c. 40	s. 43 (2), 52, 62 (2), 87 (2), 89 (3)	
Teachers' Pension Act, 1989	1989, c. 92	Sch. 1, 2	
Toronto District Heating Corporation Act, 1980	1980, c. 73	Total/ <i>La totalité</i>	1998, c./ <i>chap.</i> 15, Sch./ <i>Ann.</i> C, s./ <i>art.</i> 14
Toronto Power and Railway Purchase Act, 1921	1921, c. 23	Total/ <i>La totalité</i>	

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University Act, 1922	1922, c. 101	Total/ <i>La totalité</i>	
University Avenue Extension Act, 1928	1928, c. 17	Total/ <i>La totalité</i>	1929, c. 23, s. 19; 1948, c. 95
University of Guelph Act, 1964	1964, c. 120	Total/ <i>La totalité</i>	1965, c. 136; 1971, c. 56, s. 21
University of Ottawa Act, 1965	1965, c. 137	Total/ <i>La totalité</i>	
University of Toronto Act, 1971	1971, c. 56	Total/ <i>La totalité</i>	1978, c. 88
Upper Canada College Act	R.S.O. 1937, c. 373	Total/ <i>La totalité</i>	1958, c. 120
Urban Transportation Development Corporation Ltd. Act	R.S.O. 1980, c. 518	Total/ <i>La totalité</i>	
Wilfrid Laurier University Act, 1973	1973, c. 87	Total/ <i>La totalité</i>	
York University Act, 1965	1965, c. 143	Total/ <i>La totalité</i>	

The Chair: Thank you, Mr. Zimmer.

Any further debate? Mr. Kormos.

Mr. Kormos: For instance, in the bill, numerous versions of the Ontario Loan Act were included, but they appear to have been excluded from the amendment. Is there a fast, down-and-dirty, if I may—

Mr. Gregory: The fact is that in the interim, the Ministry of Finance did an analysis of them and decided they didn't need to keep them. The ones that are in the schedule are the ones that are kept. Anything not in the schedule of the over 1,000 unconsolidated and unrepealed are repealed. Essentially, the Ministry of Finance went through its schedules—it didn't get through them because there was a lot of technical analysis before the bill was printed for first reading—between now and then, and we were able to repeal a whole lot more because they were comfortable that we didn't need all those Ontario Loan Acts.

Mr. Kormos: Because that was a very long table.

Mr. Gregory: It was a very long table, but it was longer before.

Mr. Kormos: There's another one coming up under section 93, but I don't think there are any amendments to that one.

The Chair: Any further debate? Shall government amendment 111 carry? Carried.

Any further debate on section 92? Shall section 92, as amended, carry? Carried.

Section 93: Any debate? Seeing none, shall section—

Mr. Kormos: One moment. There's a very lengthy table. I don't purport to move any amendments to it, or intend to, or even attempt to.

The Chair: Any further debate on section 93? Seeing none, shall section 93 carry? Carried.

Government amendment 112.

Mr. McMeekin: I would move, seconded by Mr. Zimmer, that section 94 of the Legislation Act, 2005, as set out in schedule F to the bill, be amended by adding the following subsection:

“Same

“(2) For greater certainty, a regulation under subsection (1) may address any uncertainty or transitional matter that arises before the day the regulation is filed.”

The Chair: Any debate? Seeing none, shall amendment 112 carry? Carried.

Mr. McMeekin: Moved by myself, seconded by Mr. Zimmer, that section—

The Chair: Mr. McMeekin, any further debate on section 94? Shall section 94, as amended, carry? That's carried.

Sections 95 to 102: Any debate? Seeing none, shall 95 to 102 carry? Carried.

Government amendment 113: Will government amendment 113 be moved?

Mr. Zimmer: Just hold on a second here. Chair, I'll withdraw government motion 113.1.

Interjection: We're on motion 113.

Mr. Zimmer: I'm withdrawing motion 113.

The Chair: Thank you, Mr. Zimmer. Page 113.1 is not a motion.

Is there any debate on section 103? Shall section 103 carry? That's lost.

Sections 104 and 105: Any debate? Shall sections 104 and 105 carry? Carried.

Government motion 114.

Mr. Zimmer: I move that section 9 of the Executive Council Act, as set out in subsection 106(3) of schedule F to the bill, be struck out and the following substituted:

"Effect of orders in council

"9. (1) Where a provision of an act or regulation is affected by an order in council made under this act, the provision shall be read in a manner that accords with the order in council.

"Regulations

"(2) The Lieutenant Governor in Council may, without making other substantive changes, make a regulation amending a reference to a minister or ministry in an act or regulation to align the act or regulation with an order in council made under this act."

The Chair: Any debate on motion 114? Seeing none, shall government amendment 114 carry? Carried.

Any further debate on—

Mr. Kormos: On a point of order, Mr. Chair: I seek unanimous consent for a two-minute recess, please.

The Chair: All agreed?

Mr. Zimmer: No.

The Chair: No?

Mr. Kormos: You don't want to have a two-minute discussion when it's 12 o'clock? Jesus.

The Chair: It's 12 o'clock. This committee is adjourned.

The committee adjourned at 1201.

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