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Wednesday 9 May 2007

Journal des débats (Hansard)

Mercredi 9 mai 2007

**Standing committee on
general government**

Endangered Species Act, 2007

**Comité permanent des
affaires gouvernementales**

**Loi de 2007 sur les espèces
en voie de disparition**

Chair: Kevin Daniel Flynn
Clerk: Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 9 May 2007

Mercredi 9 mai 2007

The committee met at 1550 in room 151.

ENDANGERED SPECIES ACT, 2007

**LOI DE 2007 SUR LES ESPÈCES EN VOIE
DE DISPARITION**

Consideration of Bill 184, An Act to protect species at risk and to make related changes to other Acts / Projet de loi 184, Loi visant à protéger les espèces en péril et à apporter des modifications connexes à d'autres lois.

The Chair (Mr. Kevin Daniel Flynn): Okay, ladies and gentlemen, we're in orders of the day so we can commence. We're dealing with Bill 184, An Act to protect species at risk and to make related changes to other Acts, beginning with a standard question: Are there any comments, questions or amendments to any section of the bill, and, if so, to which section?

Beginning with section 1, this is a government amendment. Mr. Orazietti.

Mr. Norm Miller (Parry Sound–Muskoka): Mr. Chair, if I may add some comments at this point, I'd just like to get on the record that we sure could have used a lot more time in this process to have more time to prepare amendments and to consult further with the people interested in this bill.

I just want to get on the record that listening to people until 6 p.m. on Monday and having to have an amendment in on Tuesday at noon is a little ridiculous on a bill this complicated. Certainly we've done our best to provide as many amendments as possible. But giving a little more time, especially with the legal nature of drafting up amendments, would make a lot more sense. So I would like to record that protest and have it duly noted, please.

The Chair: Thank you, Mr. Miller. Any other comments?

Mr. Gilles Bisson (Timmins–James Bay): Just to echo that, I want to put on the record again that all of us here support the direction that this legislation is taking and, quite frankly, is really necessary to be done. The problem is, we have a whack of amendments here that we have very little time to look at, either government or opposition members, in order to make sure that we accomplish what we want at the end. The amendments are here. I'm sure that all of us have written amendments based on our best guess of what the amendment should

be worded like, but you've got two hours to go through this thing, and I'm not convinced that we got it right.

Just for the record, rushing legislation is a bad thing.

The Chair: Thank you, Mr. Bisson.

Mr. David Orazietti (Sault Ste. Marie): The comments are noted. This, as everyone knows, is not out of the ordinary in terms of a time frame for amendments to be submitted and procedures like this to move forward.

My understanding is that at 5 o'clock all amendments are deemed to have been moved. Is that the case, Chair?

The Chair: Yes, it is.

Mr. Orazietti: So we'll get started with the first section.

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

"3. To promote stewardship activities to assist in the protection and recovery of species that are at risk."

The Chair: Any comments, questions?

Mr. Jerry J. Ouellette (Oshawa): "To promote stewardship activities": Will there be any funding allocated with that? Should that not include a funding aspect to make sure the funds are available?

Mr. Orazietti: Chair, \$18 million has been identified in the stewardship program. This adds an additional purpose to the bill in promoting stewardship activities.

We're supporting this amendment and call for a vote on it.

The Chair: Any further comments? Seeing none, all those in favour? Those opposed? That motion is carried.

Shall section 1, as amended, carry? All those in favour? Those opposed? That's carried.

Moving on to section 2, there is a government amendment on page 2.

Mr. Orazietti: I move that the definition of "habitat" in section 2 of the bill be struck out and the following substituted:

"'habitat' means,

"(a) with respect to a species of animal, plant or other organism for which a regulation made under clause 54(1)(a) is in force, the area prescribed by that regulation as the habitat of the species, or

"(b) with respect to any other species of animal, plant or other organism, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding,

“and includes places in the area described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences; (‘habitat’).”

The Chair: Any comments, Mr. Orazietti?

Mr. Ouellette: Chair, I have a comment.

The Chair: Hold it a minute. Are you finished, Mr. Orazietti?

Mr. Orazietti: I am finished, Chair.

The importance here is to ensure that both direct and indirect reliance on habitat is protected.

Mr. Ouellette: Should not the “dens” reflect active dens? Because there’s a great number of species out there that relocate dens on an annual basis and there are some that use the same den on an annual basis. What you want to make sure is that the ones that have been abandoned that are no longer being used can be—the reason for that is, for example, mange in the coyote can be passed on from year to year as the same den is used, so it would kill off an entire area or an entire section of animals. If it reflected “active dens” it would specifically show that the ones that are being currently used are the ones being protected.

Mr. Orazietti: My comment to that is, if the area is not being used, then it’s not an area considered protected or part of that habitat. I think the assumption is fairly clear there.

Mr. Bisson: Just a quick question.

The Chair: Hang on just a second. Mr. Ouellette, are you finished?

Mr. Ouellette: That’s fine.

The Chair: Mr. Bisson?

Mr. Bisson: Just as a follow-up, I understand your point that if it’s no longer an active area, it won’t be protected. But what happens in the case that you have dens in an area that is protected? Will the MNR have the ability to deal with the issue that Mr. Ouellette raises? I think it’s a very valid one. If you’re going to have the potential of passing on disease year over year because you don’t destroy dens from previous years for whatever biological reasons, I don’t know. It just seems like a—

Mr. Orazietti: I would think that in the recovery plan and getting information on the ground at the site by individuals involved in that, those assessments are going to be made appropriately to address that.

Mr. Bisson: So, just to be clear, in the recovery plan you’ll be able to deal with this issue, you say?

Mr. Orazietti: Absolutely.

Mr. Bisson: Okay. We’ll take your word for it.

The Chair: Thank you. No further speakers? All those in favour of the amendment on page 2? Those opposed? That motion is carried.

Moving on to page 3 in your agenda, a PC motion. Mr. Miller or Mr. Ouellette?

Mr. Miller: I move that clause (b) of the definition of “habitat” in section 2 of the bill be struck out and the following substituted:

“(b) with respect to any other species of animal, plant, or other organism, a distinct area of specialized function

on which the species directly depends to carry out its life processes, such as critical areas used for reproduction, rearing, hibernation, migration, feeding and places that are used by members of the species as dens, nests, hibernacula or other residences, but not including an area on which the species does not directly depend, a generalized area or an area where the species formerly occurred or has the potential to be introduced.”

If I can explain why, in this bill I think the thing we heard from a lot of different groups is the worry that when a species is listed by the COSSARO committee, there is automatic protection. There is a time period of up to, I believe, about three years until the species-specific habitat protection regulations could be put into place, where the definition of “habitat” is very broad. The worry is that with that broad definition of “habitat,” until the species-specific regulations are created, especially for northern communities, for example, you might inadvertently cause some major socio-economic upheaval until the species-specific regulations are formed.

We heard from groups such as the Ontario Federation of Anglers and Hunters, the Ontario Forest Industries Association, the Ontario Bait Handlers, and the Ontario Waterpower Association that spoke to that, as well as many other groups. So by defining “habitat” a bit more, it takes away that possibility of which I was speaking and that so many groups talked to us about.

Mr. Ouellette: The issue of the active dens is dealt with in the “does not directly depend” clause so that it removes any possibilities there.

The Chair: Any further speakers? Mr. Orazietti.

Mr. Orazietti: The previous amendment specifically identified “depending directly and indirectly,” and this amendment contradicts that because it makes the definition narrower by only indicating “directly depends.” We can’t support that, and I think members of the government, on the previous amendment, supported the earlier one. So we will be voting against this amendment.

Mr. Miller: Just to be clear, there were many groups that came before us that want this defined. I’m supporting this legislation, but I’m worried about that situation where a species is automatically listed and then you, as government, for example, after a species has been automatically listed and before you make the species-specific legislation, could cause significant economic dislocation by your broad, broad definitions of species that could be all-encompassing, until you come up with the species-specific regulations on habitat that define an area more specifically.

Mr. Orazietti: I hear what the member is saying. The socio-economic impact—there are flexibility tools to assess those—

Mr. Miller: Later on in the process.

Mr. Orazietti: Absolutely. But the reality is, if you have a bird or a species that is at risk and we’re going to simply define the tree or the nest that it’s in and we’re not going to take into account any of the other surrounding areas on which it is relying for its existence, then the focus of the bill is going to be far too narrow and it’s not

going to achieve the intended purpose, which is to ensure that the species is able to survive and the things that it needs are available for it to survive. So it's absolutely essential to include both direct and indirect areas of habitat for its reliance and its survival.

1600

Mr. Miller: I disagree with you, and there were many groups that raised this point with us. I would like a recorded vote on this.

The Chair: Absolutely. Any further speakers? Hearing none, all those in favour of the PC amendment on page 3?

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

The Chair: That motion loses.

Moving on to page 4. It's a government motion.

Mr. Oraziotti: I move that section 2 of the bill be amended by adding the following subsection:

"Definition of 'habitat', cl. (b)

"(2) For greater certainty, clause (b) of the definition of 'habitat' in subsection (1) does not include an area where the species formerly occurred or has the potential to be reintroduced unless existing members of the species depend on that area to carry on their life processes."

The Chair: Any comments?

Mr. Oraziotti: The amendment is needed in conjunction with the new definition of "habitat" and the reorganization of this section based on the intent of the current wording in the bill. It provides that the habitat protection for species for which a regulation is not in force does not extend to places where the species formerly occurred or has the potential to be reintroduced.

Mr. Miller: This amendment addresses partly the point I was making in that you're defining "habitat" a little less broadly, so I would support that amendment.

The Chair: Any further speakers?

Mr. Bisson: I think it responds to some of the concerns that were raised with the previous amendments and seems to be in the right direction.

The Chair: Very good. All those in favour? Those opposed? That amendment is carried.

Shall section 2, as amended, carry? Those in favour? Those opposed? That is carried.

Moving on to section 3: NDP motion on page 5.

Mr. Bisson: I move that section 3 of the bill be amended by adding the following subsection:

"Term of office

"(2.1) A member of COSSARO shall be appointed for a term of three years and is eligible for reappointment."

A fairly straightforward amendment in that, in most public appointments when we put people on commissions or boards or whatever, there's a term of appointment. We

recognize that there's an issue of people gathering knowledge, so we don't want to limit their term. We could have brought an amendment here that says, "Three years, and you're done in six." We recognize that people will build knowledge and probably will serve on COSSARO for long periods of time. But I think you need an ability to review those appointments every now and then for both sides of the equation.

Mr. Oraziotti: I hear where the member is going with this. The problem is that it's inconsistent with the current management board guidelines. In a situation where we have someone—a scientist—who might only be able to serve a year or two years, they might be reluctant to take a three-year appointment. It also doesn't allow us to stagger appointments where you might have everyone leaving the board at one particular time and you would lose a lot of this knowledge all at once, so it's problematic in that sense. I hear where the member's going. I don't know that it's a major issue, but we're not going to be able to support the amendment as worded because of the fixed three-year time frame.

Mr. Bisson: I'm not going to waste a lot of time on it. Just to say that if a person is appointed and only wants to serve a year, nothing stops them from quitting, obviously. The second point is, nobody would quit all at the same time because people could be appointed for life. The only issue is that every three years there's a reappointment process. That's just a bit of a safeguard for both sides. If you have people on either side of the equation who are doing whatever, you have an ability for a committee to call before the public appointments committee people from COSSARO and have a chat with them. That's all that is. We recognize and agree with the government that these people who are appointed to this are going to have to build knowledge and they already bring knowledge with them. You don't want a wholesale change of people; that would be bad. This is just a way of making sure that we have an ability to review appointments.

The Chair: Any further speakers to this? Seeing none, all those in favour? Those opposed? That motion loses.

Moving on to the PC motion on page 6.

Mr. Miller: I move that section 3 of the bill be amended by adding the following subsection:

"Advocacy

"(6) A member of COSSARO shall not engage in advocacy activities on matters of public policy related to the functions of COSSARO."

This amendment is an effort to ensure that COSSARO is comprised of experts who only focus on the listing of species and not on an alternate agenda. This request was made by groups such as the Greater Toronto Home Builders' Association. Certainly, it's my position that COSSARO should make decisions based only on the best available science, and I believe that this amendment ensures that.

The Chair: Any speakers from the government side?

Mr. Oraziotti: The member has raised a good point. I think the concern is that members on COSSARO are not specifically involved in the public policy aspects of this.

The other thing I want to say is that the next amendment that we have here will more specifically achieve what the member has identified. We will identify that through the Lobbyists Registration Act and the specific role. We don't want to say that the individual cannot be involved in any other issue of advocacy that is non-related to this. The next amendment will more clearly outline that, so we'll be unable to support this particular one.

Mr. Miller: I'll look forward to seeing that amendment. As you say, my complaint right at the outset is that I'm seeing the amendments for the first time, so I'll look forward to seeing that amendment.

Mr. Bisson: Very quickly: I think Mr. Miller is right. I had a chance to go through those amendments yesterday, but they're not fresh in your mind, so I understand that. For the record, I have a problem with your amendment, to be blunt. I understand where you're trying to go, but I believe that we should take care in making sure that the people we appoint are people who are going to do the job. That's why we brought the previous amendment in regard to giving an ability for the public appointments committee to do a review, because if you do have somebody who's not acting in a way that's consistent with what the intention of the act is or whatever, you should have an ability to bring them back.

I will not be supporting that amendment because I think it is people's right to advocate. That's what we all do.

The Chair: Any further speakers? Seeing none, all those in favour of the amendment? Those opposed? That motion loses.

Moving on to the government motion on page 7.

Mr. Oraziotti: I move that section 3 of the bill be amended by adding the following subsection:

"Lobbying

"(6) A member of COSSARO shall not, with respect to any matter related to this act,

"(a) act as a consultant lobbyist within the meaning of subsection 4(10) of the Lobbyists Registration Act, 1998; or

"(b) act as an in-house lobbyist within the meaning of subsection 5(7) or 6(5) of the Lobbyists Registration Act, 1998."

I think it's fairly straightforward. It just clarifies their role. If an individual is hiring a consultant or someone to act on their behalf, they need to be independent. It can't be that person who's giving them the direct information that would contradict, perhaps, what someone who is independent may suggest.

Mr. Bisson: I'm probably going to be in a minority on this one. First of all, my question: COSSARO is not full-time position, paid salary, right? Can somebody make a living being a COSSARO member?

Mr. Oraziotti: I am not sure on that, but I don't believe so.

Mr. Bisson: I wouldn't think so.

Mr. Oraziotti: I'm getting senior staff here from the ministry indicating that that is not the case.

Mr. Bisson: What happens if a person appointed to COSSARO happens to work for an environmental firm or works in industry as a biologist? Let's say you're working for such-and-such consulting company, that you're a biologist for—OFIA, for example. That would probably be a good example: a person who is a biologist at OFIA or Anglers and Hunters or Greenpeace or the Wildland League. Does that mean to say that those persons employed could not be members of COSSARO? Is that what we're saying here? Because I think a lot of the expertise we're looking for is inside those organizations.

Mr. Oraziotti: Anyone who's registered as a lobbyist.

Mr. Bisson: No, but the second part: "act as an in-house lobbyist within the meaning of subsection 5(7)." I'm just concerned about the following: You have all kinds of organizations out there that have a lot of expertise—Wildland League, Tembec, etc.; I don't care who it is—and they have biologists and experts on staff who I think may be the people we're going to be drawing on to be members of COSSARO. Maybe I'm misunderstanding (b), but does that preclude one of those people working for one of those companies from being employed on COSSARO? If that's the case, I don't want to vote for this. I understand what you're trying to get at, but I just want reassurance about what we're doing here.

1610

The Chair: Just for the sake of clarity, would you like to try answering it again, Mr. Oraziotti, or would you like to staff to come forward?

Mr. Oraziotti: It might be helpful if staff makes a comment on this. The intent is to ensure that there's independence from COSSARO.

Mr. Bisson: I hear you and I agree with you, but I just want to make sure that we don't throw the baby out with the bathwater.

The Chair: If we're all on the same page, let's get it clear. Would somebody like to come forward from staff?

Mr. Oraziotti: Alison MacKenzie is here with MNR—she's legal counsel—as well as Debbie Ramsay, who's the manager of species at risk.

The Chair: If you'd identify yourself for Hansard—I think you heard the question. It was very specific.

Ms. Alison MacKenzie: Yes, I did, thank you. My name is Alison MacKenzie. I'm legal counsel with the Ministry of Natural Resources's legal services branch.

What this motion says is that a person who is a member of COSSARO cannot, while they are appointed to COSSARO, act as a lobbyist with respect to matters related to this act and act as a lobbyist within the meaning of the Lobbyists Registration Act, which is lobbying the government. So they can't lobby the government with respect to matters related to this act, but it doesn't bar them from their other employment.

Mr. Bisson: Let me make it really simple. If, let's say, I'm a biologist with Anglers and Hunters and I'm a member of COSSARO, I'm often in contact with government officials. If I'm with Earthroots and I'm a member of COSSARO, I'm often in contact with government offi-

cials in my duties as the biologist or the expert. Does that mean that I can no longer do that?

Ms. MacKenzie: You cannot lobby the government with respect to matters related to this act. You can still do other things in relation to your employment.

Mr. Bisson: Let me keep it simple. Let me make it even more simple. I just want to make sure—the problem when we rush this stuff is that we could get it wrong. If I'm the biologist and my normal course of duties with Earthroots is to come and speak to MNR officials, parliamentary assistants and members of the assembly about issues having to do with the preservation of wildlife, would I be barred from doing that?

Ms. MacKenzie: You would be barred from a portion of it if it was related to matters related to this act, yes.

Mr. Bisson: Okay. I will vote against it because I think that those people have to be—those are the people we're going to draw on.

Mr. Oraziotti: If someone makes that choice, then they're in a conflict of interest, so we can't have—

Mr. Bisson: But you may end up having to quit your job to be a member of COSSARO, under the definition. I understand what the government's trying to do. You're trying to deal with a real concern that was raised by members who came to you. I'm not giving you guys heck here, but the experts we want are those very same people who are in these organizations.

Mr. Oraziotti: I understand. There needs to be independence for this body.

The Chair: Just so I'm clear, Ms. MacKenzie, as the Chair: If a person is appointed to COSSARO, they would not be able to lobby the government in relation to the species-at-risk legislation. But anything else, they would have the same rights as any other—

Ms. MacKenzie: Yes, and any other types of issues as well, other types of public policy issues.

Mr. Bisson: But the problem is that if you're the biologist for whoever, you can't do your job.

The Chair: I see what you're saying.

Mr. Miller: I hope that it achieves what it's supposed to achieve. As Mr. Bisson said, the rushed nature of this means that there is that possibility that we won't have it right, but I see the intent of this. Certainly, we did hear from many different groups that wanted community knowledge on COSSARO, but I think they stated that they didn't want bias to be showing on COSSARO. So I will support this amendment.

The Chair: Any further speakers? Seeing none, all those in favour of the amendment on page 7? Those opposed? That motion is carried.

Shall section 3, as amended, carry? Those in favour? Those opposed? It is carried.

Moving on to section 4 on page 8 of your agenda, government motion.

Mr. Oraziotti: I move that section 4 of the bill be amended by adding the following subsection:

“List of species to be assessed

“(1.1) COSSARO shall ensure that the list referred to in paragraph 2 of subsection (1) includes every Ontario species that,

“(a) has been classified by the Committee on the Status of Endangered Wildlife in Canada as extirpated, endangered, threatened or of special concern under the Species at Risk Act (Canada); and

“(b) has not yet been assessed by COSSARO.”

The intent of this is to ensure that there is a link between the federal act and the provincial act, so that any species that would be identified by the federal act would have priority in terms of identification or being dealt with through COSSARO. It's fairly straightforward.

The Chair: Any further speakers on that? All those in favour? Those opposed? That motion is carried.

Shall section 4, as amended, carry? Those in favour? Those opposed? Section 4 is carried.

Moving on to section 5: There are no amendments before us. Shall section 5 carry? Those in favour? Those opposed? That is carried.

Moving on to page 9, section 6, an NDP amendment.

Mr. Bisson: It's a fairly straightforward amendment.

I move that section 6 of the bill be amended by adding the following subsection:

“Tabling of report

“(3) The minister shall table the annual report in the Legislative Assembly.”

All we're attempting to do here is that currently, under the legislation, COSSARO has to give the report to the minister on an annual basis. This is just to make sure that it doesn't stop on the minister's desk, that there's some transparency, that the report is tabled in the Legislature for all to see. It can't just be sitting in a minister's office.

Mr. Oraziotti: It's fairly straightforward at this point that under section 50 the reports need to be made public, as it stands now, so this seems to be a bit of an extra process. The intent is also to develop a website for endangered species so that the information will also be made available in this regard and will be much easier to access. Currently this information is required to be made public as well, so we won't be supporting the—

Mr. Bisson: Where is it in section 50?

The Chair: Mr. Bisson, you had a question?

Mr. Bisson: Where in section 50, please? I might have missed that. Maybe you're right.

The Chair: If you'd like to come forward, Ms. MacKenzie.

Mr. Miller: Is that section 50?

The Chair: Perhaps while we're all searching for our section 50s, Ms. MacKenzie can assist us again. Can you point us specifically to where we should be looking?

Ms. MacKenzie: Yes, I can. It's in the bill as introduced in first reading. It's on page 35. It's section 50, numbered paragraph 3. You see that that section says, “The minister shall ensure that the following information is made available to the public,” and paragraph 3 says, “All reports submitted to the minister by COSSARO under section 6.”

Mr. Bisson: That's fine. I withdraw the amendment.

Mr. Miller: I think that's good. However, I see no harm in Mr. Bisson's amendment that it be also reported to the Legislative Assembly, so I would support Mr. Bisson's amendment.

Mr. Bisson: Again, I'm not trying to play silly bugger; it's just to clarify and make the act consistent. That's all it is. If the government wants to vote for it, fine. If not, we know where you're at.

The Chair: At this point, there is no motion. Is it going to stay withdrawn, Mr. Bisson?

Mr. Bisson: No, it's not withdrawn. Let's see what happens.

The Chair: Okay, the motion is still on the floor, moved by Mr. Bisson on page 9. Any further speakers? Seeing none, all those in favour? Those opposed? That motion loses.

Mr. Bisson: The only reason I left it on was just to watch you vote against it.

The Chair: Mr. Miller, we have a PC amendment on page 10.

Mr. Miller: I move that section 6 of the bill be amended by adding the following subsection:

"Peer review

"(3) COSSARO shall not report a classification of a species to the minister unless the classification has been subject to peer review by a person who is not a member of COSSARO."

We had a lot of groups that came before the committee that were concerned about bias and concerned about the science that decides on a listing being accurate. That was northern municipalities, and it was industry. I think that's a valid consideration. The intent of this is just to add a step where there's peer review. I can see absolutely no harm. It seems to be a fairly standard practice that there be a peer review. This would ensure that the listings are the best science, and it would also remove any bias, if there is any, in the COSSARO committee's listing process.

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Mr. Oraziotti: I think we agree on the process of a peer review. My understanding is that it's the timing. Your reference here that COSSARO not report a classification of species to the minister that's not been subject to a peer review: Under the proposed terms for COSSARO, outside peer review must be required before it comes forward for consideration. We have the timing of the peer review prior to that. It's different than this and we won't be able to support this, but the importance of peer review is incorporated in the terms of reference for COSSARO today.

Mr. Miller: For my clarification then, you're saying there is peer review before listing occurs?

Mr. Oraziotti: Right. Before COSSARO considers the species.

Mr. Bisson: I've got a bit of a philosophical problem with the amendment. I hear what the member is trying to do, but either we appoint good people to COSSARO and we trust them or we don't. The reason that I wanted to bring a motion to have a renewable three-year term

renewable was that, if you do have a problem, you have a mechanism. The only mechanism we'll have now under the legislation is for the minister—I guess the minister could and would have the right—to remove somebody from COSSARO if they weren't doing their job, right? I would imagine; that's the way I read the legislation. I understand what the member's trying to do, because there's nervousness out there that people may go awry and do harmful things one way or another, but we don't do this in any other appointed body. I'm having a philosophical problem with this.

Mr. Miller: The parliamentary assistant has said that there will be peer review occurring.

Mr. Bisson: No, but there's a difference. Let me just make it clear. The way I see a difference is that I understand that we have to get peer review in order to check our data and make sure that we're interpreting stuff the right way. Scientists know to do that; that's how they're trained. I would assume that's going to happen. But to say that every recommendation coming back from COSSARO has to be peer-reviewed—we don't do that in forest management plans. Forest management plans aren't peer-reviewed, are they? I don't know anywhere else that—

Mr. Oraziotti: That's why this is not following COSSARO's recommendations; this is prior to, before the evaluation is done.

Mr. Bisson: Did I read it wrong?

Mr. Oraziotti: No, that's the difference in terms of what I'm saying is taking place with the terms of reference for COSSARO now as compared to the amendment. Our timing is different in terms of when the peer review takes place. That's why we're saying we can't support the amendment, but I recognize the point that the member is making, which is that there is validity in the peer review process.

Mr. Bisson: Just for the record again—I don't want to be a silly bugger on this, but I expect that we're going to appoint competent people to COSSARO and they're going to do their job. We don't do this with anybody else. We don't do it on forest management plans; we don't do it on parks management plans; we don't do it anywhere else.

Mr. Miller: I know Mr. Bisson heard that some of the northern mayors are very concerned about having their industry or the forestry industry shut down. This is an extra safety step in the process to make sure that a species is actually endangered or threatened before it is listed.

Mr. Bisson: We have other amendments later to deal with that. That's why we're proposing other amendments to deal with land swaps in the event there's loss of forestry and to be consistent with forest management plans in order to deal with that. I might be wrong on this, I'm prepared to admit, and I'll stand aside. But we don't do it with anybody else, and I just have a bit of a problem with that—

The Chair: Okay. There's a motion on the floor moved by Mr. Miller. Those in favour? Those opposed? That motion loses.

Shall section 6 carry? Those in favour? Those opposed? It's carried.

Section 7: PC motion on page 11.

Mr. Miller: I move that section 7 of the bill be struck out and the following substituted:

“Species at risk in Ontario list

“7. The minister may make regulations listing species as extirpated, endangered, threatened or special concern species.”

We heard from countless groups, including a former Minister of Natural Resources, that felt that the minister should have a role to play in the finalized list of species. This offers some flexibility in the listing process that I think gives, certainly the northern communities and a lot of the groups that made the extraordinary effort to come down here to speak to this committee for the 10 minutes they were given, some comfort that those accountable, being the Minister of Natural Resources, have some flexibility in the initial listing. I recognize that further along in the process there is flexibility built in where the minister can recognize socio-economic effects. But my concern is still the automatic protection in listing and the period before the species-specific habitat regulations kick in, so that's the idea behind this.

The Chair: Mr. Oraziotti, any comments?

Mr. Oraziotti: I certainly understand where the amendment is coming from, but this is a fairly fundamental aspect of the bill, and if we were to support this, it would contradict what we, as members in the Legislature, agreed to on second reading, which is that these species will be listed on a scientific basis. It's not going to be left to ministerial discretion.

Various presenters made comments that it is an improvement on the federal process, where there is an option as to whether or not you list it even if you have scientific information that indicates that the species is in fact endangered.

It puts us on par, as well, with provinces like Nova Scotia that have an automatic listing.

This is a fundamental aspect of the bill that we don't want politicized. The process following a listing is one that will employ the flexibility tools, where there will be the ability to determine how best to address recovery and habitat protection and so on going forward. If we're going to make positive steps in this province to protect species at risk, we really need to ensure that we depoliticize the process of listing a species, that the scientific body make the determination, and then we move forward in the political environment with the public and with stakeholders as to how best to develop the recovery plan and how best to achieve the goal that I think we all want to see achieved here.

Mr. Ouellette: Unfortunately, the government has just stated that the minister currently doesn't have the ability to do his job.

The minister is given ultimate responsibility for looking after these things by the elected individuals within the province of Ontario.

As we all know, 50% of all lawyers lose in court. This particular aspect has been taken to court in a number of jurisdictions, whereby authority given to the minister by the elected officials of a jurisdiction is trying to be removed at this very point. In those courts, the lawyers lost and the minister had to take on the full responsibility of the action.

What I find is taking place here is that the ministry is no longer going to be responsible, but an unelected official body will then have control in dictating what takes place. Currently, the reason that it's moving forward must be because the current minister does not have the ability.

I would support this and would ask the members to review this, because what you're doing is you're taking away the minister's responsibility and onus to look after the wildlife in the province of Ontario and passing it on to an unelected official body.

You may not be supportive of my views or my position. However, remember that in the event that a new government comes in—and as I've said many times, ministers change, Premiers change, governments change, but the bureaucracy stays forever—an unelected official body can come and go and those individuals can be stacked in one's favour and not look to the best overall interests of the elected individuals in the province, and I would ask all members to support this on that basis.

Mr. Bisson: There are two different constituencies on this particular issue. There are those who would like to have the listing be based purely on the scientific—and I understand what the government is doing, and I think in a perfect world that's great. But there is an issue of accountability.

The reason that I put the amendment in earlier to review the appointments is because we need some way of making sure that people are accountable. What happens if we don't list species that are at risk that should be listed, or vice versa, if we do something that's going to impact on somebody's ability to make a living? It might be right, it might be wrong, but there are a lot of people in northern Ontario and other places who feel that their community's viability could be put at risk. That's something that's not going to go away.

I understand those on the environmental side who will say, “Well, you know, Bisson, you're not completely with us on this,” but there are two constituencies here. I think to basically say that at the end of the day there shouldn't be any accountability is wrong. We need to find a mechanism to make COSSARO accountable for its actions, and barring anything being in there to do so, I think you have to support this.

1630

Mr. Miller: At second reading of the bill—I like your comment, to Mr. Bisson, saying, “in a perfect world,” because in a perfect world, I support listing by science. If it's black and white and a species at risk, it should be listed. However, we also heard from lots of northern towns and industries that are very concerned about their livelihood.

The way I would see this working in reality is, most of the time—the great majority of the time—COSSARO will appropriately list a species based on science and the minister won't do anything, because they're right. But there may be circumstances in which the minister would want some flexibility, even if it means delaying it until you get the species-specific regulations in place, so that you don't devastate the economy of some northern town that is already being devastated by lots of other things.

Mr. Bisson: To the parliamentary assistant: What ability does the minister have if people are going beyond what they should be doing or not going far enough? What ability does the minister have to deal with it? Where is the accountability? Where in the legislation or future amendments are we dealing with accountability?

I believe people are going to go there and try to do the right thing, but we're all human beings and sometimes we do it right and sometimes we get it wrong. Certainly in this Legislature we've seen lots of examples of that—right?—on both sides of the aisle. Where here—is there something that I'm not seeing?

Mr. Oraziotti: The points that have been raised by both the NDP and the Conservatives today with respect to the concern over the economy and northern communities and northern mayors making presentations—I was here for their presentations as well. As a northerner, I know very well, first hand, the challenges that they face. We're confident that moving forward with this legislation will allow us to balance those priorities: the importance of ensuring that we're protecting endangered species in Ontario as well as, given the flexibility tools that are in this legislation, the ability to address the socio-economic impacts and issues that we face in northern Ontario.

The current legislation is less flexible than this. I think we'd all agree that there is very little flexibility, if any at all, in the current legislation.

So let's talk about how we can work with northern communities. Let's talk about how we can work with industry, with stakeholders and with other political representatives in the north, as your comments reflect, and achieve something that is very positive for all Ontarians.

The issue that is at hand before us is whether or not we're going to, based on science, allow the political discretion to determine whether or not the species is going to be listed. We need to get past that. We need to say that once science has determined that the species is endangered, we're going to recognize that that's in fact the case and we're going to develop the appropriate recovery plan, in partnership with the community, to ensure that we're able to meet that challenge. We need to ensure that these species are listed.

The Chair: Mr. Ouellette, then Mr. Bisson.

Mr. Ouellette: Certainly the current legislation, the implementation plans, if they're enacted and put in place properly, can account for any flexibility required.

One of the concerns I have, as expressed here in a number of statements by all parties, is that specifically the inference is that currently we're going to move forward on scientifically based decisions. How are the

decisions made now? How are those animals listed now, if they're not based on science?

Mr. Oraziotti: The point of this amendment, in my understanding, is that you're making the assertion that the minister have political discretion as to whether or not the species be listed. We believe that the scientific evidence—that should stand the test of all political parties and Ontarians—should be the test to be what determines whether or not a species is in fact listed.

Mr. Ouellette: But the inference is that the current listings are not based on science and that we're going to move to a science-based decision. No, that's not the case at all. All those cases that have come forward in the past have all been based on science decisions brought forward by the expertise found within the Ministry of Natural Resources currently. Now we're moving responsibility from the ministry and once again breaking down what once was the pride of the north. When you went to northern Ontario and somebody said, "Where do you work?" if you worked at the ministry—it didn't matter if it was a hospital or school—people knew you worked in the MNR. It's not the case now, and this is taking away that strength and ability directly within the ministry now, because they have that expertise, they have those scientists who are making those decisions. I just want to make it clear that it's there now, and it has the ability to move forward and even be better in the future if so desired.

The Chair: Mr. Bisson, further comments?

Mr. Bisson: Again, there are lots of amendments to go through. I don't want to stay on this for the next 30 minutes, just to say that I recognize that the people who are going to be appointed to COSSARO are going to try to do a good job—number one. But no human always gets it right. Maybe we don't have to go as far as saying the minister has to have the final say, because I understand what the issue here is. The issue is that we don't want a situation where you've got an unfriendly minister who says no to everything. That wouldn't be good either, because then you would never protect any species at risk. So I understand where the government is going.

I guess my quandary is, what do you do to make sure that at the end of the day there's some accountability? If you do have somebody or a group that gets it wrong, what mechanism do you have to make sure that there is a way of having a second look at it, either that we have not properly protected or that we have put somebody else and their economic viability—is there something in the legislation to allow that to happen?

Mr. Oraziotti: Chair, if I can ask—

Mr. Bisson: I want to be clear for the record: I understand why this is here. This is the thrust of the legislation, and I'm not opposed to the concept of having scientists make the decision to move forward. If you go completely the other way, you're never going to protect anything. I understand what we're getting at, but where is the accountability? Can somebody just come to us and talk to us?

The Chair: Who would you like to call forward, Mr. Oraziotti?

Mr. Oraziotti: If Debbie Ramsay, the manager of the species at risk program, could come forward, she could perhaps add some additional comments to this.

The Chair: Welcome, Ms. Ramsay. If you'd identify yourself—

Ms. Debbie Ramsay: Yes, my name is Debbie Ramsay.

The Chair: Thank you. Did you hear Mr. Bisson's question and understand it?

Ms. Ramsay: Yes, I believe the question is: What happens if COSSARO gets their assessment wrong? There is a number of areas in the bill where that can be addressed. One of them is section 8, which allows the minister to ask COSSARO to reconsider an assessment. The other thing is that if there is additional information related to science that indicates COSSARO should reconsider it at any point in the process, either immediately after it is assessed and listed or in the future if more information is available, the minister could refer it back to COSSARO.

Mr. Bisson: That opens up a whole other box.

Mr. Miller: Lead us through the process.

The Chair: Let's just have one question at a time.

Mr. Bisson: So what you're telling me is that at the end of the day, if COSSARO makes a decision to protect a habitat, the minister may get it wrong as well for political reasons and say, "I want to review this," and just delay it forever.

Ms. Ramsay: No, the minister can ask COSSARO to reconsider it and specify some time frame for that reconsideration.

Mr. Bisson: Does the legislation specifically put a time frame around the reconsideration?

Ms. Ramsay: No, the legislation does not, but the minister can ask COSSARO to reconsider it in a period of time.

Mr. Bisson: Then this is a moot point, because the minister at the end has the final say.

Ms. Ramsay: No, the minister does not have the final say, because once COSSARO assesses it, it is placed on the Species at Risk in Ontario list, and then from that, the protection provisions of the act would apply, including species and habitat protection. If the minister asked COSSARO to reconsider it, it still continues through that process, and if the classification changes, then the list is modified accordingly, for example, to say that it is not endangered or threatened.

Mr. Miller: So while the reconsideration is going on, it's still on the list. That's what you're saying.

Ms. Ramsay: That's correct.

Mr. Miller: I support the bill, but my concern with the process is that if you get it wrong in the stage from where it's listed until the specific regulations are made, basically all habitat is protected. It's at that stage that I worry that the effects might be negative for the livelihoods of people, particularly in rural and northern areas.

Mr. Bisson: Can I just ask one last question? Let's say there was the issue that Mr. Miller raises. It's going to take out of circulation X number of hectares of land

that impacts a forest sustainability licence. That puts a threat on a community. Is there any mechanism to deal with that?

Ms. Ramsay: There is a number of ways that could be dealt with, and one of them is in the flexibility tools that exist in latter portions of the legislation. For example, if there is an activity that's proposed that impacts a species or its habitat and it's considered to be a provincial social and economic interest, then the minister could issue a permit, but there's a process they would need to go through.

Mr. Bisson: That's after the list—

Mr. Miller: That's further down the line. It's the time from listing until that happens that I'm most concerned about.

1640

Ms. Ramsay: That's correct.

Mr. Miller: It could be three years. So you have some community that all of a sudden is basically bound, and the government can't do anything either, unless I'm missing something on this.

Ms. Ramsay: There's an interrelationship with the forest management planning process as well. In the majority of cases, the species at risk are more of a site-specific nature, at least the ones that will be coming up in the future. We're not dealing with future caribou, because we know that that one is going to be dealt with only through a specific regulation. When it's a species that has very localized or site-specific requirements, what I understand is built into the forest management planning process is a contingency area. So if they need to modify their activities, they have that contingency area which is there as a bit of a buffer for these types of situations where they need to modify their operations.

The Chair: Any further questions?

Mr. Bisson: I'm just uneasy about this whole thing, because what I'm hearing is two things: I'm hearing that there is a lot of wiggle room for the minister in some cases and not in others. What have we done here?

The Chair: Okay. Are there no further questions for Ms. Ramsay at this time?

Mr. Miller: A recorded vote, please.

The Chair: Any further speakers? Seeing none, a recorded vote.

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

The Chair: That amendment is lost.

Shall section 7 carry? Those in favour? Those opposed? That is carried.

Shall section 8 carry? Those in favour? Opposed? That is carried.

Moving on to section 9, page 12, there is a government amendment.

Mr. Orazietti: I move that clause 9(1)(b) of the bill be amended by striking out “possess, collect” at the beginning of the portion before subclause (i) and substituting “possess, transport, collect.”

It was identified by the enforcement branch that anyone who may be involved in this activity may be using some other means or some other person to transport it—for example, a courier or something like that—and may not be directly involved themselves. It’s more technical than anything, but it identifies a gap in the enforcement aspect of this bill.

The Chair: Any questions? Any comments? Seeing none, all those in favour? Those opposed? That motion is carried.

Moving on to the second government motion on section 9, on page 13.

Mr. Orazietti: I move that subsection 9(1) of the bill be amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

“(c) sell, lease, trade or offer to sell, lease or trade anything that the person represents to be a thing described in subclause (b)(i), (ii) or (iii).”

This deals with individuals who may participate in illegal trade by purporting to sell something that is endangered and thereby affecting the demand for endangered species. Again, it’s identified by the enforcement branch as an area we need to close a gap on. So you can’t sell anything that is actually endangered or that you are passing off as being endangered.

The Chair: Are there any questions or comments on that? Seeing none, all those in favour? Those opposed? That amendment is carried.

A PC motion on page 14.

Mr. Miller: I move that section 9 of the bill be amended by adding the following subsection:

“Possession, etc., of species originating outside Ontario

“(1.2) Clause (1)(b) does not apply to a member of a species that originated outside Ontario if it was lawfully killed, captured or taken in the jurisdiction from which it originated.”

Once again, I want to talk about the time frame. We had someone come before the committee on Monday afternoon, and then we had all of a few hours to get an amendment together. This came from North American Fur Auctions, which pointed out that they deal in furs coming from outside the province, and the way the bill currently stands—they gave the example that last year they traded over 21,000 grey fox, and if the bill passes they won’t be able to trade grey fox originating out of the country in places where they are not endangered. This is recognizing that so the bill doesn’t negatively affect the fur auction business in the province or even cause it to have to move outside the province to conduct business.

The Chair: Any further speakers? Mr. Bisson.

Mr. Bisson: I think what’s fairly self-evident is that we don’t have any jurisdiction to tell Manitoba or Florida what they can do when it comes to trapping, etc. This is just to make sure that what we do in Ontario is our business—I’m not saying that right. What we do in Ontario is under this act, but this act doesn’t have jurisdiction outside Ontario.

Mr. Orazietti: You’re quite right; we all heard the same presentation. My understanding is that this is going to be dealt with in regulation. We’re not going to be taking out individual examples and dealing with them in the legislation in this fashion. We want consistent regulations for all groups. This is going to be addressed by regulation, so that will be achieved in the bill.

Mr. Ouellette: Then why has the regulation for bear parts not gone through? This has been in place for years, and it’s still an ongoing problem that they have. It doesn’t occur. If it’s not addressed in the legislation, it’s going to dramatically affect these organizations. Passing it off to regulation will not assist the fur industry. By the time this passes and everything else comes into play, they still won’t have taken care of a five-year-old problem. Quite frankly, we started the process. We had COs there, but it wasn’t finalized because it was supposed to be done in regulation at that time. I don’t see that it’s going to be complied with in this fashion at all.

The Chair: Mr. Orazietti, then Mr. Bisson and then Mr. Miller.

Mr. Orazietti: I hear your concern, and it is not the intent of the legislation to impact other jurisdictions where these species, which may not be endangered, are actually taken. I’m going to ask legal counsel to come forward and comment on that with respect to the regulation applying to the fur industry.

The Chair: Unfortunately, I think you need to identify yourself again, even though we all know who you are.

Ms. MacKenzie: I’m Alison MacKenzie, legal counsel at the Ministry of Natural Resources.

This is a legitimate issue. There are a number of groups that are concerned about being given exemptions, and there is the power to make exemption regulations in the legislation. The ministry intends to deal with it through regulations. I don’t really know what more I can say, other than that. It is there; it can be dealt with in regulations.

The Chair: Let’s maintain the order we had before. Mr. Orazietti, are you finished?

Mr. Orazietti: I’m confident that this is going to be addressed through regulation. I’m told that that’s the intent. If the members feel strongly about that, we can deal with it right now and include it in the legislation. The government side is prepared to do that.

The Chair: Mr. Bisson, any questions for—

Mr. Bisson: Is he saying he’ll vote for it?

Interjection: Yes.

Mr. Bisson: That’s fine. That’s good.

The Chair: Thank you very much. There is a PC motion before us on page 14.

Mr. Miller: Recorded vote.

Ayes

Bisson, Brownell, Miller, Orazietti, Ouellette, Racco, Rinaldi.

The Chair: That motion carries.

Shall section 9, as amended, carry? Those in favour? Those opposed? Section 9 is carried.

Shall section 10 carry? Those opposed? That's carried.

Moving on to section 11, page 15, an NDP amendment.

Mr. Bisson: I move that section 11 of the bill be amended by adding the following subsection:

“Forest management planning

“(1.1) The persons who prepare a strategy under subsection (1) shall have regard to any forest management plans approved under the Crown Forest Sustainability Act, 1994 and to the forest management planning manual under that act.”

Simply put, a lot of the work to protect species and habitat is being done in forest management plans. For example, as a forest management plan is developed, in order to be able to harvest particular areas of the licence you have to take into consideration moose habitat, beaver habitat, habitat for caribou, whatever it might be. All we're trying to do here is to say that whatever COSSARO does as far as its recovery strategy, you take into account what's being done in the forest management plan. The two have to work together so that you don't have COSSARO and the forest management plan sort of working opposite to each other.

1650

The Chair: Comments?

Mr. Orazietti: My concern is around the forest management plans that are currently in place being able to accommodate newly assessed species. Certainly, COSSARO can consider any other relevant information and would take that into consideration during the process. I think that's an expectation, but I don't want them to be bound by those plans, because a newly assessed or listed species may not be incorporated into that particular plan in a way that would ensure the appropriate recovery. So we can't support this particular amendment.

Mr. Bisson: I don't know how you don't link the forest industry into this. They're the ones that are on the ground doing the work. They're harvesting. They could have a negative impact on the species. All I'm saying is that you have to make sure that if there's a listing of a species and we develop a recovery plan, we have to take into account, through the forest management plan, the COSSARO stuff and vice versa. I don't see how that's a negative, because what you could end up with is the two working cross-purposes to each other.

Mr. Miller: I would support Mr. Bisson's amendment. We have one that's similar to it coming up a couple of amendments down the road. As I mentioned before in looking at this bill, just a couple of weeks ago I

met with a biologist in my riding who works in the forestry industry. He was meeting with me to get me to support the bill. He pointed out all the good work being done under the Crown Forest Sustainability Act and the forest management plans and the guides that they have, and how, in fact, for most crown land in northern Ontario, species at risk are taken into consideration through that process. So it seems to me to make sense to have regard for the forest management plans that have had a lot of money, time and effort put into them. You start a 10-year plan. You spend four years doing that plan, and there have also been some very good results from those forest management plans, specifically improvements in species at risk in the areas where those plans are in effect.

Mr. Bisson: There's another sub-issue here, and it was raised earlier by the legislative counsel for the ministry. Within the sustainable forestry development act and forest management plans, if we have to take out of circulation tracts of land, there's a mechanism in order to allow a trade: “You can't cut here because it's now protected, but we can go over here and give you an offset to cut somewhere else that's not at risk.” And this links the two together to make sure that that can happen. So it addresses, in my view, to a significant degree the serious concern raised by citizens from northern Ontario, mayors and others, that everybody says, “Fine, let's protect the species, but if you're going to take out of circulation a tract of land to protect that species, there has to be a mechanism that the allowable cut of the company is offset somewhere else.” I agree that sometimes that may be difficult to do, but certainly, in this current market you can do it, because there are more sawmills closed in northern Ontario than you can shake a stick at.

The Chair: Mr. Orazietti, any comments?

Mr. Orazietti: Other than to say that that goes on now; we know that. Those types of compensation, with trades in terms of—

Mr. Bisson: It happens in the act currently.

Mr. Orazietti: Absolutely.

Mr. Bisson: That's why I want to link them together. Do you follow where I'm going?

The Chair: Let Mr. Orazietti finish.

Mr. Orazietti: Chair, perhaps at this point, if I can have two minutes to have a discussion, that might be helpful.

The Chair: Okay. We're recessed for two minutes then.

The committee recessed from 1655 to 1657.

The Chair: We're back in order.

Mr. Orazietti: Far greater legal minds than mine are giving me information here, so let me do my best to elaborate on this. The fundamental purpose of COSSARO, in terms of the scientific evaluation that's going on to assess whether or not the species is endangered, is not one where the forestry management plans are going to have scientific information that can be used for that determination.

The point at which the forestry management plans would be taken into consideration is in terms of: Once

the species has been listed, what's the recovery strategy? What discretion, at that point, does the minister have in terms of working with stakeholders, with the industry? At that point, you take a look at the information in that forestry management plan to determine how best to balance both the socio-economic needs of the industry and the species. So linking the two at this point is not the appropriate time.

Mr. Bisson: Well, tell that to most communities in northern Ontario. There's a real fear—and it may be right; it may be wrong—that it could take out of circulation on allowable cut. If that happens in many communities across northern Ontario, it puts the economic viability of those mills in jeopardy. I think this is an opportunity for the government to send a signal to northern communities that we're interested in making sure the communities survive. It doesn't put at risk the species; just makes sure that we do that in a way that—

The Chair: Mr. Ouellette.

Mr. Ouellette: The statement is “shall have regard to.” It doesn't say “will.” It's a minor—it identifies the Crown Forest Sustainability Act. It “shall have regard to”; it doesn't necessarily mean it will.

The Chair: Thank you. A final speaker to this?

Mr. Oraziotti: I hear the members opposite, and they need to take into consideration the forestry management plans, and at the appropriate time, not during the scientific evaluation of whether or not the species is in fact endangered. No one on this side is suggesting that forestry management plans don't play a very, very important role in this act and in the process. But they need to play that role when the minister—and the recovery plan is developed and the appropriate steps are put forward. So we can't support it.

The Chair: Thank you. Any further speakers?

Mr. Bisson: A recorded vote.

Ayes

Bisson, Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

The Chair: That motion loses.

It's 5 o'clock, and I'm reading the instructions from the House:

“That, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 184, An Act to protect species at risk and to make related changes to other Acts, when Bill 184 is next called as a government order the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on general government; and

“That the standing committee on general government shall be authorized to meet, in addition to its regularly

scheduled meeting times, on May 2, 2007, from 10 a.m. to 12 noon and May 7, 2007, from 10 a.m. to 12 noon for the purpose of conducting public hearings on the bill; and

“That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 p.m. on May 8, 2007. No later than 5 p.m. on May 9, 2007, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

“That the committee shall report the bill to the House not later than May 10, 2007. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

“That, upon receiving the report of the standing committee on general government, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

“That on the day the order for third reading for the bill is called, the time available for debate up to 5:50 p.m. or 9:20 p.m., as the case may be, shall be apportioned equally among the recognized parties; and

“That when the time allotted for debate has expired, the Speaker shall interrupt the proceedings and put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

“That there shall be no deferral of any vote allowed pursuant to standing order 28(h); and

“That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to 10 minutes.”

Moving on, then, to the amendment you would have before you on page 16 of your agenda, it's a government motion. Those in favour? Those opposed? That motion is carried.

Moving on to page 17, a PC motion—

Mr. Miller: Excuse me, Chair. Just for clarification, can we get an explanation of any of these motions that we are passing?

The Chair: I don't believe so. I'll check with the clerk if we can.

Mr. Bisson: Let's do this wholesale. This is kind of stupid. They're all going to pass. We can't say nothing. There's no debate.

Mr. Miller: Yes, I agree.

The Chair: Let me see what latitude I have. I have no latitude. I get that at home a lot too.

So if we move on to page 17, a PC motion: Those in favour? Those opposed? That motion loses.

Moving on to page 18, a government motion: Those in favour? Those opposed? That motion is carried.

Moving on to page 19, a government motion: Those in favour? Those opposed? That motion is carried.

An NDP motion on page 20: Those in favour? Those opposed? That motion loses.

Page 21, a government motion: Those in favour? Those opposed? That motion is carried.

Shall section 11, as amended, carry? Those in favour? Those opposed? That is carried.

Moving on to section 12, a government motion on page 22: Shall that motion carry? Opposed? That is carried.

Shall section 12, as amended, carry? Opposed? That is carried.

On sections 13 and 14 there are no amendments. Shall sections 13 and 14 carry? They are both carried.

Moving on to section 15, a government motion on page 23: Shall that motion carry? Those opposed? That is carried.

Shall section 15, as amended, carry? Those in favour? Those opposed? It's carried.

Section 16, page 24, a government motion: Shall it carry? Those opposed? That's carried.

Page 25, a government motion: Those in favour? Those opposed? That is carried.

Shall section 16, as amended, carry? Those opposed? That's carried.

Section 17, a PC motion on page 26: Those in favour? Those opposed? That motion loses.

A government motion on page 27: Those in favour? Those opposed? That motion is carried.

Moving on to page 28, a government motion: Those in favour? Those opposed? That motion is carried.

A PC motion on page 29: Those in favour? Those opposed? That motion loses.

A government motion on page 30: Those in favour? Those opposed? That motion is carried.

Shall section 17, as amended, carry? Those in favour? Those opposed? That motion is carried.

Moving on to section 18, page 31, there's a government amendment. Those in favour? Those opposed? That motion is carried.

Page 32, a government amendment: Those in favour? Those opposed? That's carried.

A government amendment on page 33: Those in favour? Those opposed? That is carried.

A government motion on page 34: Those in favour? Those opposed? That motion is carried.

A government motion on page 35: Those in favour? Those opposed? That motion is carried.

A government amendment on page 36: Those in favour? Those opposed? That motion is carried.

A government amendment on page 37: Those in favour? Those opposed? That motion is carried.

A government amendment on page 38: Those in favour? Those opposed? That motion is carried.

Shall section 18, as amended, carry? Those in favour? Those opposed? Section 18, as amended, is carried.

Moving on to section 19, on page 39 there's a government amendment. Those in favour? Those opposed? That motion is carried.

Shall section 19, as amended, carry? Those opposed? That is carried.

Moving on to section 20, on page 40 there's a government amendment. Those in favour? Those opposed? That is carried.

Shall section 20, as amended, carry? Those in favour? Those opposed? That's carried.

Sections 21 and 22: There are no amendments. Shall sections 21 and 22 carry? Those in favour? Those opposed? Sections 21 and 22 are carried.

Section 23: There's a government amendment on page 41. Those in favour? Those opposed? That is carried.

Shall section 23, as amended, carry? Those in favour? Those opposed? That is carried.

Moving on to sections 24 and 25, there are no amendments. Shall sections 24 and 25 carry? Those in favour? Those opposed? They are carried.

Section 26: There's a government amendment on page 42. Those in favour? Those opposed? That is carried.

Shall section 22, as amended, carry? Those in favour? Those opposed?

Interjection.

The Chair: Oh, did I say 22? Sorry. Shall section 26, as amended, carry? Carried. Thank you. At least I know everybody's paying attention.

Shall section 27 carry? Carried.

Section 28: There's a government amendment on page 43. Those in favour? Those opposed? That is carried.

Shall section 28, as amended, carry? Those opposed? That's carried.

Sections 29 to 32: There are no amendments. Shall sections 29 to 32 carry? Those in favour? Those opposed? Sections 29 to 32 are carried.

Moving on to section 33: There's a government amendment on page 44. Those in favour? Those opposed? That is carried.

Shall section 33, as amended, then carry? Those in favour? Those opposed? That is carried.

Sections 34 to 43: There are no amendments before us. Shall those sections carry? Those opposed? They are carried.

Moving on to section 43.1 on page 45: There's a government amendment. Those in favour? Those opposed? That is carried.

Shall section 43.1 carry? Those opposed? That is carried.

Sections 44 and 45: no amendments. Shall sections 44 and 45 carry? Those in favour? Those opposed? They are carried.

For section 46, there's a PC amendment on page 46.

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Mr. Miller: Can I have a recorded vote at this stage of the game?

The Chair: I believe you can, yes. It has to be deferred until the end, but we will have a recorded vote.

Moving on to page 47, those in favour? Those opposed? That is carried.

For section 47, there's a PC amendment on page 48.

Mr. Miller: I'd like to get a recorded vote on that.

The Chair: We'll have a recorded vote on that section, as well.

Page 49 is a PC motion.

Mr. Miller: Recorded vote.

The Chair: We'll have a recorded vote.

Pages 50 and 51.

Mr. Miller: Recorded votes.

The Chair: We'll have recorded votes.

We'll move on to sections 48 and 49. Those in favour? Those opposed? They are carried.

Moving on to section 50: There's a government amendment on page 52. Shall it carry? Those in favour? Those opposed? That is carried.

Shall section 50, as amended, carry? Those in favour? Those opposed? That's carried.

There are no amendments for sections 51, 52 and 53. Shall sections 51, 52 and 53 carry? Those in favour? Those opposed? They are carried.

Moving on to section 54: There's a government amendment on page 55. Shall it carry? Those opposed? That's carried.

There's a government amendment on page 53. Shall it carry? Those opposed? That's carried.

Mr. Vic Dhillon (Brampton West–Mississauga): What about 54?

The Chair: Page 54 is coming next. They needed to be dealt with out of order.

Page 54 is a government amendment. Those in favour? Those opposed? That's carried.

Mr. Oraziatti: Chair, there are no more opposition motions. I don't know if you want to—

The Chair: I'd love to, but I think we'd better just keep going as we're going, and we'll get to it.

Page 56 is a government amendment. Those in favour? Those opposed? That's carried.

Page 57 is another government amendment. Those in favour? Those opposed? That is carried.

Shall section 54, as amended, carry? Those in favour? It's carried.

For section 55, there's a government amendment on page 58. Those in favour? Those opposed? That is carried.

Page 59 is a government amendment. Those in favour? Those opposed? That's carried.

Shall section 55, as amended, carry? Those opposed? That's carried.

For section 56, there's a government amendment on page 60. Those in favour? Those opposed? That is carried.

Shall section 56, as amended, carry? Those opposed? That's carried.

For section 56.1, there's a government amendment on page 61. Shall it carry? Those in favour? Those opposed? That is carried.

Shall section 56.1 carry? Those in favour? Those opposed? Carried.

Shall section 57 carry? Carried.

Shall section 58 carry? Opposed? That's carried.

For section 59, there's a government motion on page 62. Shall it carry? Those opposed? That's carried.

Shall section 59, as amended, carry? Those in favour? Those opposed? That's carried.

Shall section 60 carry? Those in favour? Those opposed? That is carried.

For section 61, there's a government amendment on page 63. Those in favour? Those opposed? That is carried.

Shall section 61, as amended, carry? Those in favour? Those opposed? That is carried.

Section 62 is the short title. Shall section 62 carry?

Mr. Ouellette: Recorded vote.

The Chair: We'll deal with that later.

We've got some schedules to deal with now.

Shall schedule 1 carry? Those in favour? Those opposed? That is carried.

Shall schedule 2 carry? Those in favour? Those opposed? That is also carried.

Shall schedule 3 carry? Those in favour? Those opposed? That's carried.

Shall schedule 4 carry? Those in favour? Those opposed? That's carried.

Shall schedule 5 carry? Those in favour? Those opposed? That is also carried.

Shall the preamble carry? Those in favour? Those opposed? That's carried.

Let's go back and do the recorded votes that were requested. My notes have them starting on section 46.

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): Page 50.

Mr. Oraziatti: Yes, section 46.

The Chair: Section 46, page 46: a PC amendment. A recorded vote has been called for.

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziatti, Racco, Rinaldi.

The Chair: That motion is lost.

Shall section 46, as amended, carry? Those opposed? That is carried.

Recorded votes were called for on all the amendments on section 47, beginning with the PC motion on page 48.

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziatti, Racco, Rinaldi.

The Chair: That motion is lost.

Moving on to the PC amendment on page 49.

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

The Chair: That motion is lost.
Page 50, another amendment.

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

The Chair: That loses.
Page 51.

Ayes

Miller, Ouellette.

Nays

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

The Chair: That also loses.
Shall section 47 carry? Those in favour? Those opposed? That is carried.

Section 62: Mr. Ouellette asked for a recorded vote on the short title.

Interjection.

The Chair: Okay. Mr. Ouellette has asked for a recorded vote as to whether section 62 shall carry.

Ayes

Brownell, Dhillon, Miller, Oraziotti, Ouellette, Racco, Rinaldi.

The Chair: Carried.

That's it for the recorded votes. Moving on to the title, shall the title of the bill carry?

Mr. Ouellette: A recorded vote.

The Chair: You want a recorded vote on the title of the bill.

Ayes

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

Nays

Ouellette.

The Chair: That is carried.
Shall Bill 184, as amended, carry?

Mr. Ouellette: A recorded vote.

The Chair: A recorded vote is called for.

Ayes

Brownell, Dhillon, Oraziotti, Racco, Rinaldi.

Nays

Ouellette.

The Chair: Bill 184 is carried.

Shall I report the bill, as amended, to the House? Those in favour? Those opposed? That motion is carried.

Thank you very much for your attention.

The committee adjourned at 1719.

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