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**Official Report
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Monday 31 March 2008

**Journal
des débats
(Hansard)**

Lundi 31 mars 2008

**Standing committee on
general government**

Subcommittee report

**Comité permanent des
affaires gouvernementales**

Rapport du sous-comité

Chair: Linda Jeffrey
Clerk: Trevor Day

Présidente : Linda Jeffrey
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 31 March 2008

Lundi 31 mars 2008

The committee met at 1541 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Linda Jeffrey): I call the meeting of the standing committee on general government to order. We have before us the report of the subcommittee on committee business. Mr. Miller, would you like to read that into the record?

Mr. Paul Miller: Thank you, Madam Chair. I would like to move the advisory committee to the main committee report.

Your subcommittee met on Tuesday, March 25, 2008, to consider the method of proceeding on Bill 6, An Act to amend the Employment Standards Act, 2000 to provide for an employee wage security program, and recommends the following:

(1) That the committee meet in Toronto on April 14 and 16, 2008, for the purpose of holding public hearings.

(2) That the committee clerk, with the authorization of the Chair, post information regarding public hearings on Bill 6 in the Ontario edition of the *Globe and Mail* for one day and that an advertisement also be placed on the Ontario parliamentary channel and the Legislative Assembly website.

(3) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 5 p.m. on Tuesday, April 8, 2008.

(4) That, in the event all witnesses cannot be scheduled, the committee clerk provide the members of the subcommittee with a list of requests to appear by 6 p.m. on Tuesday, April 8, 2008.

(5) That the members of subcommittee prioritize and return the list of requests to appear by 4 p.m. on Wednesday, April 9, 2008.

(6) That groups and individuals be offered 15 minutes for their presentation. This time is to include questions from the committee.

(7) That the deadline for written submissions be 5 p.m. on Wednesday, April 16, 2008.

(8) That the research officer prepare a response to Mr. Miller's (Hamilton East–Stoney Creek) research request by Monday, April 14, 2008.

Madam Chair, I'll be happy to field any questions, if necessary, on this.

The Chair (Mrs. Linda Jeffrey): Thank you, Mr. Miller. Any debate on this issue?

Mrs. Carol Mitchell: As I stated at the subcommittee meeting, in the past how private members' business has been dealt with—protocol is that it be dealt with through the leaders' offices and then the process be established. I just restate my concern that the private members' business has come forward in this manner. I did address that with you, Mr. Miller, at the time. In the past that has been how private members' business has come forward.

The Chair (Mrs. Linda Jeffrey): Mr. Miller.

Mr. Paul Miller: Yes thanks, Madam Chair. Thank you for your question. It's my understanding—I did do some homework on this, and unless I'm being misled, my answer from the powers-that-be was that it's not necessary for the House leaders to deal with this. The subcommittee can recommend to the main committee, without having their involvement, with the busy schedule of the House leaders, on subcommittee recommendations. That is my understanding; obviously, it conflicts with your understanding.

Mrs. Carol Mitchell: Just to be clear, Mr. Miller, as we stated at the subcommittee, that was your comment at that time too.

Mr. Paul Miller: Yes, and I—

Mrs. Carol Mitchell: That's correct, and my comment at that time was that it is the protocol that has been followed.

Mr. Paul Miller: With all due respect to the member—

The Chair (Mrs. Linda Jeffrey): Can you guys go through the Chair, possibly?

Mr. Paul Miller: Sorry, through the Chair; I apologize. We're talking directly here.

The Chair (Mrs. Linda Jeffrey): Mr. Miller.

Mr. Paul Miller: With all due respect to the member, and no disrespect, I think that's a minute problem. I think it's misdirecting the whole purpose of what we're here for. Frankly, I think it's a very small issue that, obviously, we don't agree on, and I think we can move on to bigger and better things.

Mr. Peter Kormos: It's an interesting scenario when a committee has before it but private members' public business, because, of course, another convention that is increasingly notable in its contravention, rather than in terms of it being complied with, is the convention that government business takes priority over private members' public business. Over the course of the last several years, we've seen several instances where the committee

has exercised its power to order its own business. Again, that's fair enough. That was a hard and fast convention in the past, and it's been weakened somewhat simply by practice.

Committees have their own process and control over their own process, and I think that's an incredibly important thing. I hear the member when she explains her understanding of how things work or are to work, but it's only because this committee's in the peculiar circumstance of having no other business. In fact, what a government will do from time to time, if the committee is risking having to entertain private members' public business, is refer bills to that committee. Again, it's just some of the gamesmanship, if you will, that's played here at Queen's Park. We've seen that happen, too—in other words, the government, when it refers a bill to committee, doesn't follow the directory at the back of the standing orders indicating which bills go to which committee. So governments can and have done that. They've effectively blocked private members' public business.

With respect to the argument put forward, it's not been the convention that House leaders or leaders' offices deal with committee business. The committee is entitled and authorized to order its own business. What does happen from time to time, especially at the end of a session, is, of course, the notorious horse-trading over respective bills. In other words, it's agreed between House leaders that X number of Liberal or government members' bills will be advanced, X number of official opposition bills will be advanced or X number of NDP or third party bills will be advanced. That's simply what House leaders do engage in and have engaged in for a good chunk of time.

Again, and Mr. Miller knows this full well, if the government doesn't agree with the subcommittee report, it'll vote against it. That's fine, too. That's within the government's power to do. It is, however, unfortunate because it means that the committee is relinquishing some of its very interesting power. It is, I say, a double-edged sword. The committee is idle. The committee has time on its hands. The committee doesn't have, as I understand it, an agenda of government business, and if it did, it acquired it only very recently, but I don't expect that to be the case. That's why the convention was that government business blocks private members' public business: because you don't want private members' public business to take priority over government business, and there's a rationale for that, and I understand that.

So I just want to put this in the context of my 20 years here. I was young, very good-looking, very slim and had colour in my hair 20 years ago.

Mrs. Joyce Savoline: I saw you in the Sun newspaper.

Mr. Peter Kormos: I've got the photo up on my wall.

I just want to put this in that context—and I do find it a regrettable thing. Again, the government members will be doing what they're expected to do, and that's what they're to do, but I'm really loath to see a committee relinquish its innate authority.

You, as Chair, for instance, have the power and the responsibility to call subcommittee meetings, and you use your discretion on that. You have to exercise your discretion in a judicious way, in a responsible way and in a non-partisan way—similarly, the committee's control of its own process. I know that, for one, in terms of my position with respect to, let's say, days of committee hearings and how the committee advertises it, I've been inclined to argue on behalf of, again, committees controlling that part of the process. In other words, let's not sit down as House leaders and tell the committee that they're going to sit for three days or two days; let the committee make that decision—and the perfect example is because you want to see how much interest there is in a bill. There may be a whole lot of interest, there may be none.

Again, at the end of the day, the government controls the committee process because it has a majority on the committee. That's the nature of the beast, short of a minority government.

Thank you very kindly. I appreciate that chance to, perhaps, illuminate on this.

The Chair (Mrs. Linda Jeffrey): Further discussion?

Mr. Paul Miller: I'd just like to bring this point forward to the committee: The government, in its infinite wisdom, decided to pass this on to committee level, passing on the second reading. My understanding is that this government would also be wise enough to allow the public to have their say with hearings and move on with this. To stop it at this point is really a shot in the arm for the democratic process, in my humble opinion. I think that we should at least allow the people to have their day in court, so to speak. There are a lot of interested parties in this, ranging from unions to non-unions to people who don't have situations that can be protected. So I'm hoping that this committee would at least allow the people to get to the level of having their say.

The Chair (Mrs. Linda Jeffrey): Mrs. Savoline.

Mrs. Joyce Savoline: I need to clarify a couple of things. It's my very first committee meeting, and I need to understand some things.

I understand what member Mitchell is saying about there having been a protocol. But what I need to understand is, is it legitimate for this committee to consider this business, or are we waiving some rules?

The Chair (Mrs. Linda Jeffrey): As I understand it, a committee is in charge of its own business.

Mrs. Joyce Savoline: So if there is a will on this committee's part to consider this private member's bill, we could actually vote in favour of doing it; and given that we have no other business at this point in time to consider, it would behoove us to move the business of the public interest forward.

The Chair (Mrs. Linda Jeffrey): If that's a question, the committee can make that choice.

Mrs. Joyce Savoline: Thank you.

The Chair (Mrs. Linda Jeffrey): Any other discussion?

Mrs. Carol Mitchell: Just to add—and I strongly want to reinforce this. You know what my comments are, but how we vote today does not reflect the private member's bill moving forward and how it would be voted on. I am encouraged by the democratic process as we see it coming forward, in all venues. But at this time, when the protocols have been established—we are aware of them, and we understand the jurisdictions of the committees. But we also understand that it is incumbent upon the House leaders to ensure a steady movement of legislation going forward.

So I thank you. That will be my final comment on this.

The Chair (Mrs. Linda Jeffrey): Mr. Miller.

Mr. Paul Miller: I'm not sure I understand where the member was going with the protocol. I believe we established that the protocol is not being damaged by this process, and we're all within our legal rights. I don't want to sound sarcastic, but I don't want to masquerade this very important bill with the thought of protocol, when we're not breaking any protocol. We're doing the democratic thing, and I hope this government is going to move ahead with the democratic process and allow people to at least have their hearings. It would be a travesty if they didn't vote in favour of moving ahead

with this after they passed it on second reading. I'm confused.

The Chair (Mrs. Linda Jeffrey): Any further discussion? Seeing none, Mr. Miller has moved—

Mr. Peter Kormos: Recorded vote.

Mr. Paul Miller: Recorded vote, please.

The Chair (Mrs. Linda Jeffrey): I can see you're being coached. I was going to get there.

Mr. Miller has moved the report of the subcommittee on committee business. A recorded vote has been requested.

Ayes

Miller, Savoline.

Nays

Brownell, Kular, Mitchell, Oraziotti.

The Chair (Mrs. Linda Jeffrey): The motion is lost. If we have no more business of the committee, I thank you. This meeting is adjourned.

The committee adjourned at 1554.

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Mr. Trevor Day

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