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Standing Committee on the Interior

Protect Ontario by Unleashing
our Economy Act, 2025

1st Session
44th Parliament

Wednesday 28 May 2025

Comité permanent des affaires intérieures

Loi de 2025 pour protéger
l'Ontario en libérant
son économie

1^{re} session
44^e législature

Mercredi 28 mai 2025

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I think the first time this was moved was almost a week ago, and just over the last week—I'm going to guess that the reason why my colleague the member from Kiiwetinoong is moving this motion yet again is that we've been hearing

over the last few days that concern for this bill is widespread, and widespread amongst communities in northern Ontario. So I think the picture of how much concern there is about the bill has changed. In fact, the amount of concern expressed has increased over the last week.

So I think it would be a very good thing to pause here and go and listen to more stakeholders. It helps stakeholder relations. It helps to make sure that, especially in northern Ontario, people feel that they've been heard by their government. I think there's a part of northern Ontario culture that feels like Toronto's far away. There's even a little bit of that in Kingston; I feel like Toronto's far away. But I think if you're in the riding of Kiiwetinoong, there's every reason to believe that Toronto's far away and that your voice might not be heard.

0910

If we just look at the different schedules in the bill, many of them are relevant to northern Ontario. So, for example, schedule 1 affects the Electricity Act. We generate electricity in northern Ontario from, for example, the hydroelectric projects. If we're going to be doing procurements to build out electricity infrastructure in northern Ontario, I think schedule 1 is very relevant because schedule 1 concerns the restrictions on procurement based on the geographic or national, regional origin of providers of goods and services, or agents that participate in procurements of the government of Ontario.

Schedule 2 amends the Endangered Species Act, and if we're going to be doing economic development in the north, the Endangered Species Act is something that matters a lot. The Endangered Species Act is mentioned explicitly in the motion. So, I think it's of great concern to northern Ontario, as it is for the rest of Ontario. I think people in northern Ontario are concerned about the expansion of ministerial discretion that is in schedule 2, but it appears throughout Bill 5, something which I think goes too far in Bill 5.

Schedule 3 exempts the Eagle's Nest mine from comprehensive environmental assessment. As we heard from witnesses earlier this week, Eagle's Nest mine is located in northern Ontario. It's far away. It's so far away that it's even a big deal to cross the Attawapiskat River to get to it. That's another place that's very far from Toronto. If we held hearings in Thunder Bay, the people in the area would have a better chance to be heard and thereby feel like they're being heard and thereby be more trustworthy of the legislative process that we're going through here in Toronto.

Schedule 4 maybe is a little bit less applicable to northern Ontario in particular. It's applicable to businesses all over Ontario because it covers the fees that businesses pay to register and do other things.

Schedule 5, however, amends the Mining Act, and, again, it grants the minister special powers. Now in this case, it is to protect the supply chain of strategic materials from certain bad actors or certain foreign actors. I think one good thing in that schedule is it puts forward a new process to coordinate the approvals and permitting that's needed for mines. I think that's a good thing. And maybe we want

to hear from communities in northern Ontario in support of this one window or "one project, one process" that's set up in schedule 5 of the Mining Act. But we may also want to hear from groups that are concerned that Bill 5 doesn't assure Indigenous communities that they'll be properly consulted when mines are established.

Schedule 6 with regard to the Ontario Energy Board Act and the procurement in the gas sector—there's nothing particularly northern Ontario about that, except that there may be people who are interested there.

Schedule 7 modifies the Ontario Heritage Act. We heard from witnesses over the last week or so—and I think this is why my colleague from Kiiwetinoong is moving this motion which is trying to get us to take the time—to pause and listen to more stakeholders, particularly in northern Ontario.

Schedule 7 also allows for what I would call sweeping exemptions through Lieutenant Governor in Council regulations. I think Indigenous communities who are worried about their past being affected by development may want to express their concerns about what schedule 7 does.

Again, I just feel, from listening to the witnesses that were able to make it to Toronto, that we should be hearing from more communities in different places in northern Ontario. I think the witnesses who have come have indicated that there is a lot to talk about when it comes to things like the Ontario Heritage Act and giving ministers more powers to make exemptions.

Schedule 8, of course, is about Toronto, because it's about removing the Environmental Bill of Rights' protections for the Ontario Place development.

Schedule 9 is perhaps the most concerning of the schedules in Bill 5 that we're going to be considering today as we get to clause-by-clause consideration of the bill. A lot of the witnesses have expressed concerns about the establishment of special economic zones and trusted proponents, and projects that can, on the discretion of the minister, receive exemptions from not just certain acts and regulations but from almost every act and regulation. I think all of us have gotten a lot of letters and emails from people across Ontario. There's a lot of concern about the broad, discretionary, unchecked powers that are being granted to ministers.

I should also mention that municipal bylaws can also have exemptions granted to certain trusted proponents and projects. There are municipalities in northern Ontario—and I know that it's not always easy for officials from those municipalities, community groups in those municipalities, to come down to Toronto, that's why the northern Ontario municipalities tend to meet in northern Ontario because it's easier to meet closer to home and less expensive to travel.

Finally, schedule 10 is important because in schedule 10, the Endangered Species Act is replaced with a weaker framework, which the government has called the Species Conservation Act. One of the ways that it's weaker is it relies a lot on voluntary codes of practice. We've heard from witnesses saying that voluntary codes have not really worked very well in the past—

The Acting Chair (Mr. Lorne Coe): I'm going to bring you back to the amendment. There will be time later in our deliberations for you to make—

Mr. Ted Hsu: Oh, yes. I will take that time.

But these are all the reasons why—

The Acting Chair (Mr. Lorne Coe): I have given some allowance to you, but I need to bring you back to the amendment. If you have anything further to say on the amendment, I'd be happy to hear it. Otherwise, I'm going to hear some of the other committee members.

0920

Mr. Ted Hsu: Okay. Almost all of these schedules are going to be addressed if we take the time to go to northern Ontario.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your comments, MPP Hsu.

Further debate on the amendment? MPP West.

MPP Jamie West: I want to urge my colleagues from the Conservative government because I don't know the roles that they play for the government—I know, for example, the minister is not here, the House leader is not here—to reach out to the leadership team for the Conservative Party to see if this amendment makes sense.

Recent news seems to indicate that the Premier and Minister Rickford, as well as—sorry, the two ministers; I'm not supposed to say their names. They would like to make some changes to strengthen this bill, make this bill better than it is. And I think that's our role—all of us as colleagues—around this bill. The idea, basically, is that we would table this for today—not to drag it out for too long, but in order to allow time for the Conservative government to get the bill right, to make those changes that they want.

There was an interview, actually, last night—it was published this morning on CityNews, for example. I'm just quoting part of it:

“Premier Doug Ford's government is set to capitulate to some First Nation demands on a controversial mining bill, though it will not kill the proposed law outright, the Canadian Press has learned.

“Indigenous affairs minister”—I don't think I can say his name, so I won't; we all know who it is—“and mining minister”—energy and mining minister, actually—“say the province will amend Bill 5 to explicitly include duty to consult provisions throughout the bill.”

And then it goes on to talk about other things, about more detail on this. So it seems to indicate to me that as early as this morning—and perhaps last night, when the interview happened—there was an opportunity to strengthen this bill.

Not to use the cliché of the owl and the eagle, but—the government's role, with the owl in the chamber across from them, is to make wise decisions, and the opposition's role, with the eagle across from us, is to look for ways to improve them.

We've heard, through Monday and last Thursday's deputations, from people from different communities and across the province that they would like more time to provide input. We heard from multiple First Nations and treaty rights holders that they didn't know this bill was

coming. They weren't consulted. We heard from Chris Moonias, for example, who said he no idea about the bill. He said, “If you want to talk about First Nations and things that will affect First Nations, come to where I am and talk to me.”

We haven't had a lot of time to consider this bill. We had deputations during our constituency week last week, for a day, starting at 10 a.m. and ending at 6. And then we had deputations on Monday for this bill. Also, they were interrupted because of question period, because of our standing orders. As well, our amendments had to be in basically an hour after we rose. So that doesn't give a lot of time to really strengthen the bill and apply the leverage.

I believe, from this interview and from what I'm hearing, that the Premier and the Minister of Indigenous Affairs and the Minister of Energy and Mines would like to strengthen this bill, would like to make this bill more what they intended. Sometimes what you're thinking about doesn't come out on the page.

The other thing—and I won't drag this out, but I think it's relevant because of my history in the mining industry. I had a couple of different hats, but one of them was with health and safety. I worked at a smelter. A smelter is really dark because it's all enclosed so you capture the gas. We had a lot of complaints about visibility and lighting—and this was the early days of LED lighting. There were going to be these new light bulbs that would be brighter but use less electricity, and they were kind of expensive at the time.

I worked with the general foreman in the area, Rick Melanson, about getting some lighting. It felt like a win-win-win. We had the electricians, who were going to come on overtime—that made them very happy—to put up these lights. We were going to have new lighting put up for the workers so they could do their jobs safer, fewer injuries, allow for housekeeping—because when you have light, it's easier to see where you need to clean things.

Literally, we went home on the weekend thinking that Monday morning we would come back as if we were in a John Woo film in a slow-motion walk with the pigeons flying behind us and people clapping and cheering, and when we got to work, people were really mad at us, because we didn't really listen to what they needed with the lighting. This is an area where you're working with hot metal, basically lava. We put lighting in areas where it was shining in their eyes, so they couldn't see the hazards that were around. We put lighting in areas where the equipment couldn't travel underneath it, so when the forklifts and the skid steers drove by they smashed the lighting down and we had live electrical wires hanging from the ceiling.

Our intent was really good. Our goal was to do exactly what was going to help these people the best, but, because we didn't fully listen to them, we got it wrong in the outcome. We spent a lot of money on doing it and we had to spend a lot of money to fix it. But the outcome wasn't good. I share that because this is a bill not just about mining but in part about getting critical minerals out of the

ground faster, and I think it's a good narrative about how your intent doesn't always match the outcome.

Again, just to conclude, Chair, I urge my colleagues to reach out to the House leader or whoever would be able to provide the right information to them about the opportunity to just detain. My colleagues and I—I don't know if I can speak for the third party—I believe we'd make ourselves available to any opportunity to work on this so that we get it right.

I know the Premier and ministers don't want to kill this bill, but I do believe they want to get it right, and I want to commit to you as the official opposition that, on this side, we want to get it right too. We want mining to be successful. We want these projects to be successful, but the path we're on right now, I really am concerned that it will not be the goal that we had.

The Acting Chair (Mr. Lorne Coe): MPP Mamakwa, please, on the motion.

Mr. Sol Mamakwa: Meegwetch, Chair. I put forward this motion because you cannot do reconciliation work, you cannot do the duty to consult at the eleventh hour. I say that because of what my colleague Jamie West spoke about regarding some of the last-minute changes that they're doing to the bill.

I know that there was the community of Nibinamik First Nation; their legal counsel, Mr. Davis, spoke about this bill. He made some comments about this government's amendment, reaffirming the duty to consult First Nations. His words were, "Frankly, that's redundant and insufficient." Also Mr. Davis spoke about the lack of clear procedures in Bill 5 for consultation and project approvals in special economic zones. He said, "This bill creates a regime that is basically a void."

Not only that, he continued on why the "notwithstanding" clause cannot shield the province from future legal challenges. His message was, "There is no get-out-of-jail-free card."

Mr. Davis, on the government doling out cash for Indigenous communities as the same time as it rolls out this Bill 5, said, "I think this was a huge political misread."

Further on, Davis says the only way to build in the remote north is by playing the long game and building partnerships. He says, "They're trying to save the deck furniture."

Those are just some of the comments that are coming from First Nations.

0930

I bring this motion forward as well. There was a media release from Anishinabek Nation, representing 49 First Nations in Ontario. This is the title: "Anishinabek Nation Will Be Idle No More if Bill 5 Passes in Current Form." That is very clear.

"Idle no more" are three words not to be taken lightly. "Idle no more" are words of warning to the government. I believe that's the reason why I'm bringing this motion forward, and we don't need to go that way. You guys, or the government, are on a path of no reconciliation. You are already on a path of no duty to consult.

Even today, we know that last-minute duty to consult does not work. Even introducing this bill, it was very clear that there was no free, prior and informed consent. Tabling this bill, tabling this legislation, means that there was no duty to consult at all. And I believe that this is totally the wrong way. I'm not sure who is providing this advice to the Premier of Ontario. I'm not sure who is providing this bad advice to the mining minister. This is so wrong.

This is a warning. Again, seriously consider this motion. Again, I cannot make myself any clearer. Meegwetch, Chair.

The Acting Chair (Mr. Lorne Coe): Is there any further debate on the motion? MPP West, on the motion.

MPP Jamie West: I just want to share—this was shared with the media, from the Premier's office:

"Motion 30.2 (PC)

"I move that section 6.1 be added to schedule 9 to the bill:

"Regulations—existing Aboriginal or treaty rights

"6.1 Regulations under this act shall be made in a manner consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982, including the duty to consult."

I'm sharing this with some context. There are a few of my colleagues here who were on procedure and House affairs with me—sorry, they updated the name last time. Part of our role was to look at recommendations about what would we do with the Sir John A. Macdonald statue. We travelled to Kingston, my colleague's riding, and we met with First Nations people there to find out what they did because Kingston has a lot of John A. Macdonald history. As an assembly, when we had our meeting, without meaning to, we offended one of the elders. With good intent in our hearts, we had offended one of the elders and she refused to speak with us and just spoke with us quickly at the beginning about how we had not done things the way that she would have expected and that she wasn't going to be engaging with us that day. On behalf of myself and maybe on behalf of our committee, I assured her that what we did wasn't out of arrogance, it was out of ignorance. We didn't know any better. We weren't trying to offend anybody. It's just that there's a certain way we do things in the Legislative Assembly of Ontario. That way, we had offended this elder; we lost our opportunity to get her valuable advice.

I share this because all of us as colleagues, when I first got elected—probably many of us, when we first got elected—you believe you're on the right team and the other team are always wrong. And over time, sitting in the Legislative Assembly, you understand that no one gets elected to make the place worse. Even when you disagree, in your heart, you are trying to understand that person has strong opinions and different points of view, and we need to listen to that point of view.

In the context of meeting with an elder, the community reminds me that when you have a statement like this, from your perspective, you feel like, "Well, this will address the concerns that I heard. I heard multiple First Nations and treaty right holders come here with concerns. I'm going to

make this point here about how”—I don’t want to say the wrong section, so let me just—“how the treaty rights of section 35 of the Constitution Act, 1982, will be followed 100%. Well, that will fix it, that will be a check box”—and I do not believe it’s going to fix it.

I know this is sent out because the Premier wants to get this right. He doesn’t want to negatively affect mining. He doesn’t want these projects to be delayed. He believes that this will make things right. But it’s already a requirement for our regulations to be in this manner. With section 35 of the Constitution Act, we already have to do this.

The thing is, we haven’t done a good job of it. We have seen the anger of people coming to speak to us about this bill and not knowing about this bill, and the bill not having been done in consultation. The government has been repeatedly taken to court over its failure to honour this duty and lost.

I have asked my colleagues from the third party to reach out for some guidance to find out if this makes sense that we have this opportunity to briefly pause, to get things right, to allow the Premier the opportunity to be successful. We want the Premier and the government to be successful on this act.

I just want to recognize that I think what he’s trying to do isn’t going to accomplish what he wants to do, and that I want all of our mining companies to be successful and industry to be successful. I am very concerned that if we move forward without the pause to get it right, we will, in fact, slow projects down drastically and have a negative effect in our province. There will be infighting in our province at a time when we need to be together as Canadians, standing together and working together against the threat of Donald Trump and the US tariffs and the chaos that’s happening south of the border.

Instead of doing that, this bill is going to divide us and cause chaos here. We will be divided, fighting in Ontario, at a time when we need to be strong and proud as Canadians.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP West.

Just before I go to MPP Hsu and then back to MPP Mamakwa, I want to ask for your assistance in staying on the motion. I have made some allowance, but we’re starting to stray off of it. If it continues, I’m going to stop it. Okay? And that’s going to apply as we move through the subsequent amendments. We have a motion in front of us. I want to hear discussion on the motion, and we’re straying away from it. Everyone got it? Okay. MPP Hsu.

Mr. Ted Hsu: What I want to say is, if we pass this motion and adjourn and schedule additional hearing dates, I want to support the member from Sudbury’s point that it’s a sign of respect, it’s a sign of listening, and it’s really aligned with, I think, what the government is trying to do in Bill 5, and that is earn trust and help mining companies and northern communities and First Nations communities be more successful.

0940

The Acting Chair (Mr. Lorne Coe): Thank you very much for those comments.

MPP Mamakwa, on the motion.

Mr. Sol Mamakwa: Meegwetch. Just to provide some rationale on why I put this motion forward: My colleague, again, spoke about one of the motions that will be coming forth, but when we talk about existing Aboriginal and treaty rights, I just wanted to comment a little bit about that, because regulations are already required to be made in a manner consistent with section 35 of the Constitution Act.

But the question has always been how the government understands and operationalizes the duty to consult. We know, Chair and members of the committee, that this government has been repeatedly taken to court over its failure to honour this duty. That’s why I bring this motion forward: to make sure that the voices of the rights holders, the voices of people that live on these lands, on these homelands, are heard. Meegwetch.

The Acting Chair (Mr. Lorne Coe): All right. Thank you. Is there any further debate? Are the members ready to vote?

MPP West? And I’d like to hear something new. We’re starting to repeat ourselves.

MPP Jamie West: Yes. The only thing I wanted to say, Chair, is that we would be open as well to my colleagues if they had other ideas for how we could allow this to be successful.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP West.

Is there any further debate? I don’t see any hands. Are the members ready to vote?

MPP Jamie West: Recorded vote, please.

Ayes

Hsu, Mamakwa, West.

Nays

Allsopp, Cuzzetto, Dowie, Gallagher Murphy, Vickers.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, please note that the motion is accordingly lost. Thank you very much.

Members of the committee, before we begin considering the specific sections of the bill and accompanying schedules, I will allow members to make comments to the bill as a whole. MPP Hsu already started that process, but I’ll continue that. Afterwards, debate will be limited, specific to the amendment, section or schedule under consideration.

Committee members, pursuant to standing order 83, are there any comments or questions on the bill as whole? MPP West, please, when you’re ready. We’re commenting on the bill as a whole.

MPP Jamie West: I’m not going to go through schedule by schedule on the bill, but I do want to say that the bill, I think, was first announced in Sudbury, which is a mining town, and I had a meeting as well with the Minister of Energy and Mines prior to the bill being

released. We talked a lot about schedule 5 of the bill. I actually didn't know there were going to be other schedules. I didn't know it was an omnibus bill; I thought it was one simple bill to talk about how to ensure we get critical minerals out of the ground as quickly as possible under the threat of Donald Trump's tariffs.

I believe that, when the bill was announced in Sudbury, because of the statements from supporters, they also believed that this was going to be a very simple bill. I have said many times, the bill is over 200 pages long and about six pages are about this concierge service, this one-stop portal to help with paperwork for the bill.

The reality, though, is that we probably could have worked through that. I think if that were the core of the bill, we would have supported it. We would have heard from committee and made a couple tweaks, and I think we'd be on our way a lot quicker. The reality is that more than 200 pages of this bill have not a lot to do with that. That's raised a lot of concerns in terms of labour rights, environmentalists and, I think most vocally, First Nations.

I want to remind everybody that over the last two days we've had of people coming to Queen's Park to talk to us about this bill, and aside from that schedule, there hasn't been a lot of people saying they love the bill. In fact, people who traditionally would come to speak about a bill supporting business and industry—the Ontario Mining Association, Vale, the chamber of commerce for Sudbury, the chamber of commerce for Timmins, Côté gold mine, and I think I'm forgetting some—in general would only speak about schedule 5. Any other questions we had, they would say, “I don't want to speak on behalf of First Nations. I think that this system of helping us be successful makes sense,” but they really didn't want to dip their toe into anything else.

The people of Dresden, I believe the mayor for Dresden was here—I don't want to miss say his title—they had a lot of concerns about how close the landfill is to their small town. I picture North Bay, God bless them; they're an hour and a half from Sudbury. North Bay gets all of the Hallmark Christmas movies. I haven't been there, but I picture this small town of Dresden as the Hallmark Christmas movie town, with a landfill a kilometre outside of their downtown. We're hoping that the son of the landfill owner and the son of the mayor secretly fall in love and save the day before the end of this movie, but it doesn't look like it's going that way.

I believe there is a core of this bill that is salvageable and important, but there is a ton of opposition. I've been here for seven years; outside of Bill 28, I've never seen a bill with this strong opposition and this much interest from the public and the press.

I will wrap up, Chair, but I believe that we're not seeing this bill from the same side. I forget the Latin phrase, but the Latin phrase that's inside the chamber basically translates to, “See the other side.” We need to see that there are some flaws with this bill that I don't think can be amended in order to improve, which is why we tabled the motion to pause for a moment to get it right. But I think that I'm trying to help the government be successful.

The final thing I'll say, Chair, is when they asked about amendments, and when our team was writing amendments, I asked, “Could we amend the bill so that it has schedule 5, and for the rest of the bill, we just write, ‘I'm sorry that I took advantage of the economic crisis in southern Ontario to override many rights of the people of Ontario. We won't do it again’?” But I was told that was out of order. But I have to tell you, the only salvageable part of this bill that is not going to cause chaos in a time when we need to be united is schedule 5 of this bill.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP West.

I have MPP Mamakwa, followed by MPP Hsu. When you're ready, sir.

Mr. Sol Mamakwa: Meegwetch, Chair.

“It's very difficult to explain the finer points of bureaucracy behind an environmental assessment in Anishiniimowin and Oji-Cree.” Those are the words of Davis on the challenges faced by small First Nations like Nibinamik when engaging with the province. When we talk about the lack of consultation before designating special economic zones, their words are, “They're already behind the eight ball.”

I know that legal counsel Davis commented why Nibinamik isn't buying the government's promise of economic benefits. He said the community wants time to think through the consequences in a good way. Those are not bad words. Those are not bad comments.

I just checked the folder of written submissions that we received as a committee. We received 486 written submissions on suggestions that we have had on changing this bill.

0950

I think it's important that, again, we move this forward in a good way. Whoever is listening, especially in government, I think it's important to listen to the people who live on these homelands, who live on these treaty territories. It's important that we listen to them. You cannot legislatively bulldoze your way to our homelands. If that is done, there are repercussions. And we do not want to go there.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Mamakwa.

I have MPP Hsu, please, when you're ready—on the bill as a whole.

Mr. Ted Hsu: Let me start with the title of the bill, which is Protect Ontario by Unleashing our Economy Act. I think the big problem with the bill is that it doesn't protect Ontario. The problem is that many parts of the bill hand out too much unchecked and discretionary power to ministers. It also indemnifies government officials from legal actions in various parts of the bill. What that does is it reinforces the unchecked nature of these discretionary powers.

There is in the bill one part that I very much support, and that is proposing a new section of the Mining Act. This bill calls for cutting the time to review and approve mines through coordination of different ministries and mining service standards. As my colleague from Sudbury has

emphasized, that is something that has a lot of support. We heard that from many of the witnesses who came here.

One of the problems with the bill overall—and this is in the title of the bill again, protect Ontario—is it's pitched as a way to protect us from the tariffs from Donald Trump south of the border. But the effects of those tariffs are happening now. They've already started to happen. We're in danger of a recession here in Ontario. But the bill has measures that are not going to affect anything in the next month or two, or in the next year. I think that to prevent a recession—a recession is defined as two quarters of decreasing GDP—nothing in the bill is going to do very much in the next couple of quarters.

And so, one of the problems overall with this bill is that development projects, even those that might only take a couple of years, won't deal with the much more immediate damage from tariffs. This idea of protecting Ontario, which is the overall idea of the bill—and I believe we're probably going to be voting on the short title of the bill. That idea, I think, is not something the bill actually addresses.

Let me get back to the main problem with the bill. It assumes that ministers will, now and in the future, act like benevolent dictators and do a better job than a rules-based system. In many places in the bill, it's possible to grant exemptions to different acts and different regulations. But I think we've learned over many centuries that it's a mistake to rely on benevolent dictators. That's why strong countries have good laws, and these kinds of societies and countries have won out over and over again, over the course of history, and the general thrust of this bill moves away from the rule of law and it relies much more on the discretionary power of the minister.

When you have a lack of accountability, even well-intentioned governments, if they throw away the rules—governments don't have a way of ensuring that in the future that government or the next government will remain benevolent or remain accountable, so that's one problem. This bill has no sunset clauses. Without guardrails that are provided by rules, power, over time, can easily be abused. Generally speaking, I don't know of sunset clauses in this bill.

The other problem is when you have discretionary power, you can use your discretion. One person asked me what's one of the differences between serving in the provincial Legislature and serving in the federal Legislature, which I once did. One of the things about the provincial Legislature, and it's very natural because of the nature of the provincial jurisdiction, is that there's a lot more lobbying that goes on here. And Bill 5, taken as a whole, I would say, just encourages even more lobbying, and it means that things are going to be less predictable because it's going to be dependent on potentially the personal whim of a minister or of a government, so you get more unpredictability, you get more instability, and that's something that's not good for business. If this bill is about protecting Ontario's economy, it's not good for business to have the uncertainty and the instability like we see south of the border where the President is trying to use

executive power to do all sorts of things in a very unpredictable way. That's bad for business. That's bad for economic growth. If we did that here, it would be bad for Ontario.

The next thing, when you have discretionary power and you're indemnified, is that you're not held accountable. When you have a system like that, it's difficult to correct mistakes. In a society governed by the rule of law and judicial processes and tribunals and democratic institutions, there are mechanisms for correcting errors and abuses. In Bill 5, what we're doing is we're giving a lot more discretion to ministers and there's less of a chance to correct mistakes.

In our system, when you have a rules-based system, the rules get better and better. They get honed by real cases that come before tribunals and courts. These rules get better and better, and that's something else that you lose when we move away from the rules-based system.

Finally, when we move away from a rules-based system like Bill 5 does, it encourages corruption and favouritism. We know from human history that societies that are more susceptible to corruption and favouritism eventually fail. I can see the United States eventually failing in some ways because of what they have now, and I don't want Ontario to fail. I think that's a fundamental reason for opposing this bill.

It's not just about legal corruption. Cronyism—there's a term called “crony capitalism,” and the reason why it exists is that we know that cronyism, where there's too much discretion applied because of pressure from lobbyists or whatever, leads to economic distortions. We're supposed to be in a situation where capital is allocated efficiently and towards its best use, but cronyism avoids that and it throws away the benefits of a well-regulated market economy. Crony capitalism is not the way Ontario should be going.

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Chair, overall, that is the reason why I think this bill should be opposed—except, to echo my colleague from Sudbury, that one part of schedule 5 that gets ministries to coordinate and to set service standards for approvals and permits and licences and so on. That part is certainly salvageable, but several of the other schedules are not salvageable.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Hsu.

I have MPP Mamakwa, please, on the bill as a whole.

Mr. Sol Mamakwa: Meegwetch, Chair. I believe it's important to acknowledge the people who live on the lands—how it pertains to and how it impacts the people who live on these lands. Me as a First Nations person, as an Anisininew, you have to understand: Our relationship to the land is central to who we are as Anishinaabeg, Anishininewuk. We have to understand that we were placed in our homelands with the responsibility to protect and care for them.

We are, first and foremost, children of the land. The land is our first teacher. From a young age, we learn through play, exploration and observation. The laws of nature give

us lessons, offering guidance but also discipline. From these teachings, we learn respect, and with that respect comes the duty to protect the lands for future generations. Those were some of the comments that we see from one of the submissions from Sandy Lake.

Our homelands belong to us alone. We are the only people who live there and have ever lived there. Our language is the first language spoken there. These lands and waters are our home, where we belong. Our nations lie beyond the reach of Ontario infrastructure: no highways, no all-season roads, no railway lines and, until recently, no power lines.

They continue on to say, “We are the voice of our lands and waters.” This is a sacred responsibility embedded in our laws. We speak for our birds, the animals, the fish, the environment—for ᐅᑕᐅᐱᑦ, “all our relations.”

Sandy Lake continues to say, “Our laws allow the use of lands to sustain life,” but always in a way that protects our future generations. In the past, your environment protection laws were the closest thing to that in Ontario law. Now, you propose to repeal them. While you may change your laws, you will still be accountable to us. Our laws remain in force and will be upheld. No development will proceed without going through that process.

Minister Lecce mentioned threats to Ontario. Sandy Lake First Nation says we will support you, but not at the expense of our lands and our families.

We are governed by the original instructions of the Creator, who charged us with the stewardship over our lands and waters. We have the sacred responsibility to protect these gifts for children yet unborn. Our governance is ongoing, and our protocols remain in effect.

Again, those are some of the comments that we are hearing.

I thank you for allowing me some time to speak on this bill overall. Chi-meegwetch.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Mamakwa.

I have MPP West. And I would like to hear some new commentary.

MPP Jamie West: Yes, Chair. This is less than 30 seconds. We have a busy day ahead of us; we’re rising for question period in 10 minutes or so and back at 1 o’clock.

I want to urge my colleagues in the Conservative government—you have a majority, so whatever you want will happen. You have a right to pass these or not pass these, and you have the right to make motions on this bill that may allow us to get this bill correct—maybe similar to the ones we had this morning, or made in the past, or something different.

I want to open the invitation that we are always open to a motion when we return that would allow us to get this bill right for the Premier on behalf of the minister.

The Acting Chair (Mr. Lorne Coe): Thank you very much, MPP West.

MPP Hsu, some new commentary, please.

Mr. Ted Hsu: This is a general comment about one thing that’s missing from the bill that could have been put in that would allay many of the fears regarding unchecked

and discretionary powers, and that is a mechanism for consulting opposition parties. Sometimes you have an emergency. It could be, for example, a war; the government is saying we need this bill to protect Ontario because we have an emergency with the United States.

What often happens during a war is you have these wartime cabinets where you compose a cabinet and include elected members in the cabinet who come from other parties. So if you have to make tough decisions that are unpopular because you have an emergency or you’re in a war situation, you have that political legitimacy because you’re doing it in a cabinet where different opposition parties have agreed to this measure that may be unpopular.

If this bill had some kind of provision in it to form—you could call it a multi-party task force or some kind of multi-party group, and get some legitimacy for some of these arbitrary decisions like exemptions from acts or regulations because we need to change our economy or build something quickly, such a measure could have allayed a lot of the concerns about corruption or crony capitalism. So that’s my point, that this is something that could have been in the bill and would have been very relevant to the situation that the government says we’re in. It would demonstrate that this kind of task force or multi-party group could legitimize, for example, if a minister had to exempt a project or a proponent from some act, because a lot of the witnesses have been calling this bill a bill that sets up lawless zones.

Sometimes in wartime, you have to bend the rules and you have to do things quicker than you otherwise want to do. You may have to make unpopular decisions and favour one group over another for the overall good in an emergency. But if you had a multi-party group that would confirm the government’s decisions, that would demonstrate that crucial decisions are being made in the broad public interest rather than being driven by partisan agendas. I think something like that would improve Bill 5 a lot.

It’s unfortunate that we didn’t try to build trust in the public. The government didn’t try to build legitimacy by structuring the bill in that way. It sounds like the government might be introducing more amendments during the day, just from some of the news reports. I don’t know if that’s true or not, but if people in the Premier’s office are listening, some kind of amendment like that before we’re done at the end of the day, I think, would—they would be helping themselves. The government would be helping themselves by bringing forth that kind of amendment. Again, there’s a model for that, and that’s the wartime cabinet, where decisions are made by representatives of all the political parties.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Hsu.

Any further debate? We have two minutes before we have to adjourn for question period.

Mr. Sol Mamakwa: I’m just going to go back to the letter from Sandy Lake First Nation, signed by Chief Delores Kakegamic—

The Acting Chair (Mr. Lorne Coe): On the bill as a whole.

Mr. Sol Mamakwa: On the bill.

The Acting Chair (Mr. Lorne Coe): As a whole.

Mr. Sol Mamakwa: As a whole.

The Acting Chair (Mr. Lorne Coe): All right.

Mr. Sol Mamakwa: This is what it said: “Respect for our laws is not a courtesy, and it’s not optional. It’s a solemn obligation. We urge Ontario to act with humility and curiosity, to seek understanding and to work toward a respectful relationship. If you are going to change your law, consider ways to ensure that your decisions respect and align with ours. Because whatever is included in Bill 5 or any future legislation, our laws will be enforced. The path forward is through meaningful face-to-face engagement in our homelands.”

The closing is, “Thank you for the opportunity to present to the committee. We urge you to take these words seriously, as guidance for a different and better path forward.” That’s regarding Bill 5 as a whole. Meegwetich.

The Acting Chair (Mr. Lorne Coe): Thank you very much, MPP Mamakwa.

Further debate on the bill as a whole? MPP Hsu.

Mr. Ted Hsu: I just want to say two sentences, for the record. Je voudrais parler en français—deux phrases : le vrai problème, c’est que le projet de loi 5 accorde un pouvoir discrétionnaire beaucoup trop large aux ministres, sans réel encadrement. Il protège en plus les agents de l’État contre d’éventuelles poursuites judiciaires, ce qui renforce encore cette absence de contrôle.

The Acting Chair (Mr. Lorne Coe): Thank you very much.

I’m going to recess the committee until 1 o’clock today. Thank you very much, committee members.

The committee recessed from 1013 to 1302.

The Acting Chair (Mr. Lorne Coe): The Standing Committee on the Interior is back in session.

We ended up talking about general comments about the bill. We haven’t quite finished that, but if there are additional comments that need to be made on that, we can do that. What I don’t want to hear is what I heard earlier this morning covered again. I know we have a new neighbour from the Liberal Party here. Jonathan, you weren’t here. Welcome.

Where we are in the part of the Bill 5 clause-by-clause is general debate on the bill. If there’s any additional new information you want to provide that hasn’t already been provided, then I’ll take that. But if you start straying into the area that was covered earlier this morning, I’m probably going to interrupt you. All right, does everyone understand?

We are now on the general debate of the bill. Any comments? New comments, MPP West, please.

MPP Jamie West: Sorry, Chair, it’s not a comment on the general bill, just on the new documents that are on our desk. Are they in addition to what’s going on?

The Acting Chair (Mr. Lorne Coe): Madam Clerk.

The Clerk of the Committee (Ms. Tanzima Khan): Yes, there were a couple of additional amendments that

were filed while we were in the recess. They are numbered, so we will get to them in that same order as they would appear. As an example, I think you have a 20.0.1, so that one would just appear after amendment number 20 and before amendment number 20.1. The Chair will also indicate when we are at those amendments.

MPP Jamie West: And these were all filed before the deadline?

The Clerk of the Committee (Ms. Tanzima Khan): Because this was a committee-set deadline, it was a soft deadline. We can still accept amendments.

MPP Jamie West: I see, okay. And then just a point of information for the committee: I shared with the Minister of Energy and Mines the motion that we made this morning and let him know that we were open to any further motions if he wanted to have time to address the things that he wanted to fix in the bill.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP West. I don’t see any more hands, Madam Clerk. Yes, MPP Tsao.

Mr. Jonathan Tsao: I apologize if any of this was covered earlier, but I did have some comments generally to discuss about the bill that I’d like to highlight. If I do get into areas that have been discussed, please do feel free to let me know.

I did just want to highlight again and register for this committee concerns that I raised last week, during the constituency week, and on Thursday and at the meeting after that—grave concerns that I’ve heard from my constituents, grave concerns that I’ve heard from members of my caucus, grave concerns that I’ve heard from the official opposition.

This bill is not good. We have very serious concerns regarding this bill. Caucus members within the government itself have raised legitimate concerns. In fact, they’ve raised the point that they may not even be supporting this bill due to the impact Bill 5 has on their own community and the interests that they represent. We’ve had multiple opportunities where members of the Legislature have called on the government to retract the bill, get rid of it. You need to start fresh.

There are good things in this bill that we do agree with. We want economic development. We want things to be able to move at a good pace. We don’t want to punish companies. But we need to be smart about it.

We’ve had groups, throughout the entire hearing, raising legitimate concerns. These are concerns from experts, conservationists, the Toronto Zoo—people who are experts in this field, who we need to listen to. We’ve seen what happens when we don’t listen to experts. We’ve seen what happens when we politicize these types of issues. We’ve seen the consequences that happen—not necessarily just political, but real consequences on the people of this province, the people we are meant to protect, the people we are meant to represent. So I just do not see how, in good faith, any member of this Legislature could support this bill as is.

The special economic zones—that’s just one example. I’ve highlighted my concerns on the special economic

zones multiple times at this committee with members of the government and in the House. We've had debates over and over and over on this issue, but still we're not seeing this message get through.

Sure, the government wants to say that the reason we need special economic zones is to protect us, to protect our economy, to protect Ontarians, but at what cost? Who else are they protecting? Who else's interests are they serving?

Special economic zones, they say, are being modelled around the world. "We have special economic zones everywhere—India, China, everywhere. Why don't we have special economic zones? Everyone should have a special economic zone."

Chair, as our leader in the House has said, to us, this entire province is a special economic zone.

Political powers shouldn't be able to dictate that some people win and some people lose. That's what's happening right now. We're choosing some people who may win and some people who may lose.

This government has been down this road before. This government has played this game before. And we've seen the consequences. They've seen the consequences. They've had to reverse entire pieces of legislation before. Why are we doing this again, Chair? Does anyone in this room remember the greenbelt? Does anyone in this room remember how that happened? I was working at Habitat for Humanity at that time.

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We support more housing. We want more affordable housing, but not at any cost. And once that onion began to be peeled back, deeper and deeper and deeper, we can see what was really happening.

But I don't want to be too partisan and say that this was always the intent of the government—that everything the government does is bad, that every bill they put forward is bad because I do not believe that. I believe we're all here to do good for the people of Ontario.

Let me do you a favour and tell you something: Processes that are put in place—experts that represent us in the Ontario public service, experts in science, experts in conservation are experts for a reason. There is a reason why we have guardrails when it comes to politics. There's a reason why there is a professional public service that is above politics. They're not elected. They're not even appointed, half of them. We're talking a professional civil service that acts as a guardrail to not just protect us, not just to protect Ontarians, but the reality is, it also protects the government.

If you only listen, if you only use that process as it should be, if you only respect those guardrails put into place, then you'll keep yourself out of trouble. Then we won't have to do this all over again. You won't have to sit here and listen to me drone on about this.

The Acting Chair (Mr. Lorne Coe): You only have six more minutes.

Mr. Jonathan Tsao: You really have to consider what you're doing here. You really have to understand that it's one of those situations where it's, "Let me help me help

you. Help me help you." Don't go down this path again—simply do not do it.

We sat through those deputations all day, and it was a lot of work. These people came from far away, at great cost to themselves—whether it's time, whether it's having to miss work. We've had people come in—grand chiefs from Indigenous communities had to take two airplanes to get here, and then they're sat there and were told, "You've got five minutes. Good luck." What is this? This is absolutely incredulous.

And we sit here, pretending that we listen, pretending that we care about what experts have to say, and then we begin this process. We begin this process of amendments, where you will put forward a piece of paper, we'll debate it, we'll tell you why you're wrong, we'll tell you why you're not acting in the best interests of the people of Ontario, we'll tell you what the experts said again, and you won't listen—probably; hopefully not. But this is what it is.

So with the special economic zones—again, if you're trying to protect us in this province, if you're saying you need to protect our critical minerals from countries like China, then why are we trying to emulate the work of China that has these special economic zones, as one of your members highlighted? Why are we engaging in a race to the bottom? Because that's what this is, right?

We want the good parts of this bill. We want to have a process where business is able to thrive, where business is able to access government in a proper way, where business is able to speak with professionals in this government, and then professionals can be able to provide advice, in turn, to you as the government. And based upon that, you can then make a wholesome decision based upon facts.

If we engage in this race to the bottom—why do they call it a race to the bottom? They call it a race to the bottom because it's not a race to the top. We're spiralling down—down, down, down—as fast as we can. So the government speaks about haste, about speed, always as a virtue. My friends, speed is not always the virtue. When it comes to such serious matters as conservation, about the environmental future of our province, about respecting the Indigenous communities of this land, of their land, speed, my friends, speed is not what we should be focused on.

Often, when I'm listening to in these debates about needing to go fast, about needing to protect our economies so we need to move as fast as possible, it makes me wonder about what exactly we're doing here. Is recklessness always the answer? Is acting so fast that we ignore every word of caution the answer? Is running as quick as we can that we fall on our faces the answer?

There is a reason why people across this province are up in arms about this bill, and it's for a good reason: This bill is fundamentally flawed. This bill does not listen to experts. This bill ignores inherent rights of Indigenous people of this province. This bill has the potential to curse generations for years to come with a lack of environmental stewardship. Now I use the word "potential." What do I mean by potential?

MPP Paul Vickers: It could be a good thing.

Mr. Jonathan Tsao: You're right: It could be a good thing. I absolutely agree with my honourable colleague: It could be a good thing. But here's the problem, folks: I've got to trust you first.

I look at Bill 5 and I gave it a nickname. I call it the just trust us bill—"give us unlimited powers in these special economic zones, but just trust us. Wait until you see the regulations how great they are. We won't do this to you. We would never do anything bad to you. We will never put our friends above the interests of this province. We would never do that." But you have, and that's the problem. I'm not willing to trust you. The people of this province are not willing to trust you. Our Indigenous leaders who were here are not willing to just trust you. And that's not how government works.

Look, we all just went through an election. You knocked on doors. When you knock on the door, did you say to your neighbour, "Hey, give me your vote with unlimited powers. Let me break every law that's on the books, potentially, but just trust that I won't do it. Give me the power just in case, but trust me that I won't do it." You didn't say that because you know that if you do that, your neighbour is not going to vote for you. Your neighbour is going to say, "No, thank you." They're going to close the door and then they're going to vote Liberal.

So the fact that you're putting forward a bill where you're just asking the people of Ontario to trust you is a bit of a mockery, to be quite frank. It's a mockery to not just us as legislators. It's not just a mockery to experts. It's not just a mockery to the people of Ontario. It's not just a mockery to the Indigenous people of Ontario. It's a mockery to this entire province.

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Now, over the course of this committee—this is my first committee, by the way. The first time I was on a committee—

The Acting Chair (Mr. Lorne Coe): Excuse me. Keep your comments directed to the bill.

Mr. Jonathan Tsao: Yes, sir.

First committee was talking about Bill 5—first committee ever, and it was about Bill 5—and I was excited. I get to be here as an MPP representing my community and I get to speak to experts, experts from across this province. I got to speak to experts, I get to speak to everyday Ontarians who have concerns—industry experts, conservation experts, mining experts, forestry experts; leaders—leaders from Indigenous communities, leaders from northern communities, leaders from southwestern Ontario and leaders from across this entire province. To have that opportunity as the member from Don Valley North to be able to do that on this bill, Bill 5, to be able to consult with people on this bill, I thought was an amazing opportunity.

We heard great deputations, and we heard deputation after deputation after deputation after deputation after deputation speak about the fundamental flaws here. Did anyone other than this side of the room actually hear what they had to say? Did anyone other than this side of the room over here care about what they had to say? It doesn't seem like it. After we had that conversation, after we heard from all of

those experts, look at the amendments—look at the amendments that we have put forward, that we are putting forward today. Look at the amendments that the official opposition is putting forward today: substantial amendments that fundamentally change the nature of this bill—why? Because we listened to experts.

Now, this gives the members of this committee an opportunity. As we go clause by clause through this bill, through Bill 5, we look at every single clause and you'll read the amendments, many great amendments—big amendments, small amendments, all kinds of amendments—being put forward. You'll see that the amendments being put forward here by this side of the room—and again, I have no problem saying that the NDP is putting forward good amendments. We're putting forward good amendments. I'm not here in a partisan mode at all. I'm here, again, to warn you.

When you see these amendments, you have an opportunity as members of the government, as members of the party in power—you have an opportunity to actually give real thought to these amendments, to actually give heed to the advice being put forward by the experts and people and communities that were directly affected that will be, may be, can be directly affected by this bill and you can vote for those amendments—you, members across from us.

Through you, Chair, I say, they have the chance to vote for this, to change this bill. If you don't want to vote for the amendments, you can go back to the caucus and tell the ministers—tell Minister Rickford, tell Minister Lecce, tell the Premier that this bill has got to go, this is no good, that we've heard the voice of experts, we've heard the voices of Ontarians, we've heard the voices of Indigenous leaders—you've heard the voices of conservation leaders, you've heard the voices of sector experts, you've heard the voices of people that care deeply about everyone, everything that will be severely impacted by this bill. You've heard it loud and clear: that you want the ministers to take it away, to take back the bill. Start over again. Get back to the beginning. Get back to the drawing table. Bring in the people, the experts, the leaders of this province, who will be directly affected by this bill. Bring them to the table.

We all want the same thing here. We all want Ontario to thrive.

The Acting Chair (Mr. Lorne Coe): Your time has been completed.

Mr. Jonathan Tsao: Thank you, Chair.

The Acting Chair (Mr. Lorne Coe): Are there any other members who would like to make comments to the bill as a whole? MPP Mamakwa, please—again, comments on the bill.

Mr. Sol Mamakwa: Meegwetch. Thank you, Chair. I know it's always important to be able to speak on any bills—in this case, specifically on Bill 5. As a whole, this bill—to provide eleventh-hour provisions before passing this bill into law is not good enough.

We, as a committee, only received the recent added amendments at 11:52 a.m. this morning—that's only about 90 minutes ago—which explicitly acknowledge Aborigin-

al and treaty rights in section 35 of the Constitution Act and the duty to consult.

Instead of making rushed, last-minute changes, the government should begin again with Bill 5, starting with proper consultation with First Nations. And they should bring this committee up north—or what we spoke about—to hear from the rights holders that will be affected.

As a whole, this bill—again, we see the two amendments that simply say that regulations, under schedule 7, the Ontario Heritage Act, and schedule 9, the Special Economic Zones Act, will affirm section 35 of the Constitution of Canada, including the duty to consult. We know—we understand—regulations are already required to follow the Constitution. The problem, Chair, has always been how the government understands and operationalizes this duty.

Also, we know—

The Acting Chair (Mr. Lorne Coe): MPP Mamakwa, I'm going to have to interrupt you. We can discuss amendments after the comments you can provide on the bill—not the amendments yet. That's the same discussion we had at the very beginning of the committee meeting this morning.

Mr. Sol Mamakwa: Understood. Thank you.

The Acting Chair (Mr. Lorne Coe): I caution committee members to focus on the bill, not the amendments.

Mr. Sol Mamakwa: Thank you, Chair.

I want to say that Bill 5 itself blocks people from suing the government for misfeasance, bad faith or a breach of trust or fiduciary obligation.

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Chair, this bill is all about the government placing itself above and beyond the law. Our First Nations are the rights holders supposed to be reassured by this government's graces—some of the concessions that we see here. I think the way we're going now—again, I'm trying to stay on track on the bill itself as a whole.

The Acting Chair (Mr. Lorne Coe): Please.

Mr. Sol Mamakwa: Yes. My last sentence will be: The changes that are happening are meaningless, unserious and worse than useless. Meegwetch.

The Acting Chair (Mr. Lorne Coe): Thank you very much, MPP Mamakwa.

Are there any other members who wish to make comments to the bill as a whole? Again, my caution: the bill as a whole, not amendments. We're going to get to the amendments. Please, if you have any comments, narrow them down to the bill as a whole. Thank you.

Just in time. MPP Hsu, when you're ready—to the bill as a whole.

Mr. Ted Hsu: Yes. I'm not going to take too much time here, but I want to address this issue of protecting Ontario. A lot of that has to do with protecting Ontario's economy.

I think there are some things in the bill that are not addressed. I think it addresses things like a landfill, a mine, but one of the things that we need to do to protect Ontario is to protect from the effects of tariffs. There are many, for example, manufacturers that are affected or potentially affected by tariffs. I think the bill could have done some

things when it comes to procurement. So if, for example, we have a manufacturer in Ontario that's losing orders to the United States, hopefully that would be temporary because our federal government and provincial governments are fighting the government in the United States.

I just want to give a couple of examples of the sort of protections that are not in this bill that could have been. One example from my riding: There's a company in my riding that makes small boats, the kind that you can build and then deliver by carrying them on a trailer on a highway. It actually builds for serious customers. It builds for the United States Navy, for example. I know that the Premier has talked about getting more boats for the OPP that patrol our border—we need to interdict drugs and things like that from crossing the border. One thing that the government could do, for example, is procure these boats now to keep these skilled workers in a very specialized manufacturing company, protecting it, in the spirit of this bill, from the effects of the tariffs and making sure that their skilled workers are kept busy, making sure that the company survives.

Another example where we can protect manufacturers by procuring things is—there are these video remand booths. In fact, the Solicitor General has already purchased a few of these. These are booths that are made of steel, but there's a company that specializes in making these soundproof booths. These are delivered to detention centres, and it allows an inmate to appear in court on video from one of these video remand booths inside a detention centre. It removes the necessity of transporting this prisoner with all the dangers, costs and staff required in order to attend court. The ministry has already purchased a few.

There are many more detention centres than these video remand booths that have been sold. So since the government seems to like them, now would be a good time to purchase more of these booths because this particular company, called SnapCab, is very vulnerable to tariffs. It is one of those companies that needs to be protected.

I'm sure if we went across the province, we could see lots of ways that we could protect companies by procuring the products that they manufacture. I think that aspect of protecting Ontario's economy is missing from this bill.

The Acting Chair (Mr. Lorne Coe): Any further comments on the bill as a whole? I don't see any.

Members of the committee, as you will notice, Bill 5 is comprised of a preamble, three sections and 10 schedules.

In order to deal with the bill in an orderly fashion, I suggest that we postpone consideration of the preamble and first three sections of the bill in order to dispose of the schedules first. This allows the committee to consider the contents of the schedules before dealing with the preamble and sections on the commencement and short title of the bill. We would return to the preamble and three sections after completing consideration of the schedules.

Is there unanimous consent to stand down the preamble and three sections of the bill and deal with the schedules first? Agreed? Madam Clerk, note that it's agreed. Thank you.

We're starting with schedule 1, section 1. There are no amendments.

Before we get to voting, is there any debate on schedule 1, section 1? I see none, Madam Clerk.

All those in favour? Schedule 1, section 1: Shall it carry? It carries unanimously.

We're now going to move to schedule 1, section 2. We have government amendment 1 within section 2. I have MPP Cuzzetto, please, to introduce the amendment.

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Mr. Rudy Cuzzetto: I move that section 2 of schedule 1 to the bill be amended by striking out subsection 25.32(6.1) of the Electricity Act, 1998 and substituting the following:

“Directive may specify requirements, restrictions re origin

“(6.1) Without limiting the generality of subsection (5), a directive issued under that subsection may specify requirements or restrictions relating to the country, region or territory of origin, as determined in the directive, of,

“(a) any good or service used in connection with the matter listed in subsection (2) to which the directive relates; or

“(b) any person or entity that is, or that beneficially owns or controls, a potential participant in the request for proposal, other form of procurement solicitation or other initiative or activity to which the directive relates.”

The Acting Chair (Mr. Lorne Coe): Is there any debate on the proposed amendment? Yes, MPP Hsu.

Mr. Ted Hsu: If I understand this amendment correctly—and my colleagues across the way will correct me if I'm wrong—what this amendment does is it adds a reference to beneficial ownership or control of a possible participant in procurement by the IESO. I think that is a good thing because you often have things that you think of as Canadian and one of them is, for example, the Four Seasons Hotel. That corporation was certainly Canadian when it was founded and Canadian for a long time, and people think of it as Canadian, but it's currently controlled—I'm glad this amendment uses the word “controls”—through another corporation by an American person, Bill Gates, from the country we're currently having a trade war with. And there's another minority owner shareholder from Saudi Arabia. So adding this notion of checking or allowing restrictions based on beneficial ownership I think is a very good thing.

I also want to mention that when it comes to large infrastructure projects that we need to build our economy here in Ontario, generally speaking, there's not enough capital in Canada to do a lot of the projects. We heard one of the witnesses earlier in the week talk about the fact that the capital requirements for opening a mine, for example, might overwhelm the capital available from Canadian domestic investors. In fact, it's not even a good idea to force domestic investors to invest more in Canadian infrastructure projects. You can do it, but only to a point. The reason is that domestic investors—the management of funds, the Canada pension fund or whatever, Ontario teachers—they have a fiduciary responsibility, and if you force them to invest too much in domestic infrastructure

projects, they give up that geographic diversity, and that increases risk without necessarily increasing the return. And risk-adjusted returns—that's the holy grail that you're trying to maximize. In effect, you have a fiduciary responsibility to maximize that to the people who are counting on you for retirement.

I think we're going to come back to this over and over again. There's a reason why many of the mining companies are associated with foreign capital—Glencore and Vale. They have to be. You have to go around the world to get the capital. So I just wanted to point out that the fact that we have international investors in infrastructure, that's just always going to be a fact, but I think it's very good that this amendment here includes now consideration of beneficial ownership.

The Acting Chair (Mr. Lorne Coe): Further debate on government amendment 1, section 2? MPP West, please, when you're ready, sir.

MPP Jamie West: I'll be brief on this amendment. We're supportive of the amendment. My only concern is that—and this will probably have to go to regulations to have some positive thought about this—for the longest time, the US, for example, was a valued trading partner, and things have gotten a little chaotic in the last little while. So how do we determine which of these different government agencies or countries around the world fit into this or don't fit into this? That's all I wanted to say.

The Acting Chair (Mr. Lorne Coe): Further debate? Madam Clerk, I know of none.

Are the members ready to vote? Shall the amendment carry? All those in favour? All those opposed? The amendment carries.

We're now on section 2. We have an amendment from the government, MPP Dowie.

Mr. Andrew Dowie: I move that section 2 of schedule 1 to the bill be amended by striking out subsection 25.32(12) of the Electricity Act, 1998 and substituting the following:

“Prescribed restrictions

“(12) The IESO shall not enter into a procurement contract respecting a matter listed in subsection (2) in the circumstances prescribed by the regulations, which may, without limitation, include circumstances relating to the country, region or territory of origin, as determined in the regulations, of,

“(a) any good or service used in connection with the matter listed in subsection (2) to which the regulation relates; or

“(b) any person or entity that is, or that beneficially owns or controls, a potential party to a procurement contract respecting the matter listed in subsection (2) to which the regulation relates.”

The Acting Chair (Mr. Lorne Coe): Debate, please? MPP Hsu, please, when you're ready.

Mr. Ted Hsu: As everybody knows, the Independent Electricity System Operator is responsible for running our electricity system. The way things work, when it comes to the minister, is the minister issues orders, directives to the IESO. When it comes to building out our electricity

system, from procuring, for example, the generation and the storage and the transmission of electricity, it's the IESO that's going to handle a lot of that.

Again, I think it's a good thing that we have this. I believe, if I'm not mistaken, the purpose of this amendment is to introduce beneficial ownership or control as one of the things that can be considered by the regulations for limiting or restricting participation in a procurement process. So I'm glad to see that this is in this section as well.

The Acting Chair (Mr. Lorne Coe): Further debate? Yes, MPP Hsu, go ahead.

Mr. Ted Hsu: Could I just have a recorded vote, if we go to a vote?

The Acting Chair (Mr. Lorne Coe): Recorded vote? That's fine—noted.

Further debate on this amendment? I see none.

Are the members ready to vote? Shall the amendment carry?

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Hsu, Mamakwa, Racinsky, Vickers, West.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, the amendment, as read, has carried.

We will now move, committee members, to government amendment, section 2, amendment number 3. Who is moving that? MPP Dowie, please.

Mr. Andrew Dowie: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection to section 25.32 of the Electricity Act, 1998:

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“Determination of country, region or territory of origin

“(16) For the purposes of subsections (6.1) and (12),

“(a) country, region or territory of origin of a person or entity may be determined by reference to any relevant factor including, as applicable,

“(i) where a person is ordinarily resident,

“(ii) where a head office or other office is located,

“(iii) jurisdiction of incorporation,

“(iv) the number or proportion of employees of the person or entity that are located in a country, region or territory,

“(v) the jurisdiction of the laws to which the person or entity is subject, or

“(vi) where the person or entity's business activities, as they relate to the matter listed in subsection (2), are carried on; and

“(b) a directive or regulation may set out, for its own purposes, how beneficial ownership or control is to be determined.”

The Acting Chair (Mr. Lorne Coe): Debate? MPP Hsu.

Mr. Ted Hsu: So this addition to section 2 of schedule 1, I think it also has another number of good things. One thing that I like is clarity over what it means to consider country, region or territory of origin, because, as you

know, multinational corporations can be really spread out over many countries, they can be subject to many jurisdictions, the rules and domestic politics of a lot of different countries. So I think it's a good thing to clarify this, to consider where the head office is, because a lot of times companies may do things depending on where their head office is, and we don't have enough of them in Canada, in fact.

The jurisdiction of corporation is important because the company, in order to maintain its incorporation, has to obey certain rules. For example, in the past it's been habitual for a lot of companies to be incorporated in Delaware, for various reasons. So if a company is going to be influenced by Delaware law, we need to be aware of that in case that becomes an issue. Again, multinationals can be all over the world and they can be subject to the laws of many different countries, some of whom may not be friendly or we may consider them as potential threats to the security of supply chains for crucial infrastructure in Canada.

The part (b) of this, where it says, “a directive or regulation may set out, for its own purposes, how beneficial ownership or control is ... determined”: I have an issue with the word “may,” because beneficial ownership is not—I think you can't let it go and hope that it's done correctly. In fact, Canada has had a reputation of being a place where beneficial ownership has been very hard to trace. It's been very hard to trace who is the ultimate person who controls things or gets the profits, the beneficial ownership or control. That's been very hard to determine in Canada.

It's only recently that the federal government in Canada has set up something called the Canada beneficial ownership registry, where federally incorporated companies have to register so that it's possible to trace, like, “Who owns this?” And then often there are shell companies that are set up, and then there's another shell company that owns that shell company and there's a whole chain. It's not a trivial thing, to set it up. Corporations in the past were required to keep a record of control and beneficial ownership, but they weren't made public. They weren't put in some public registry. It's only in the last few years that that's been done for federal corporations. Even then—I went to just check it out yesterday, and you cannot search this registry by putting in the name of a person to see what corporations they own; you can only put in the corporation name.

So we need to, I think, set out—determining beneficial ownership or control is going to be a necessarily imperfect process because we don't have a good system for keeping track of everything. There is a registry now for federal corporations, but as far as I know, there isn't one for companies that are incorporated under the laws of the province of Ontario. So beneficial ownership is still somewhat opaque, and figuring out who owns the profits, who controls things, is going to be imperfect. That's why I would just want to make sure that the government is not letting this go and hoping it's done correctly. And I would prefer that the word “may” be changed to the word “must.”

In other words, you've got to figure out what you mean by "beneficial ownership," because the information you're going to get is going to be imperfect.

One particular example of that might be that maybe there's a company where, in the end, you aren't able to figure out who ultimately owns or controls things. It might be necessary in these regulations to say, for example, if we cannot trace the final owner—the final controller of some company that's involved in procurement of electricity or electricity infrastructure—that maybe this company, being very well hidden, must be deemed to be a potentially hostile foreign-based company. So that's the sort of thing that I'm getting at.

In fact, I'm done, but I do want to—if I can do that now—propose a subamendment to change the word "may" to "must." I'm prepared to move such a subamendment, if that's necessary.

The Acting Chair (Mr. Lorne Coe): Let me confer with my Clerk for a moment and I'll get back to you.

We would need legislative counsel to draft it, so we'd need to recess in order to do that.

Mr. Ted Hsu: Okay. Hopefully it wouldn't take too long, right? It's just changing one word.

The Acting Chair (Mr. Lorne Coe): We're going to recess for 10 minutes in order for that to be done.

The committee recessed from 1357 to 1413.

The Acting Chair (Mr. Lorne Coe): We are back in session.

MPP Hsu, you wanted to speak to your amendment to the amendment?

Mr. Ted Hsu: Thank you very much, Chair. Yes, this is an amendment to the amendment.

I move that motion 3 to the bill be amended by:

(a) Striking out "subsections (6.1) and (12)" in the portion before clause (a) of subsection 25.32 subsection 16 of the Electricity Act, 1998 and substituting "clauses (6.1)(b) and (12)(b)"; and

(b) Striking out "may" in clause 25.32(16)(b) of the Electricity Act, 1998 and substituting "must."

The Acting Chair (Mr. Lorne Coe): Do you want to take a moment to speak to the rationale, please?

Mr. Ted Hsu: I think I spoke about it earlier: that the determination of beneficial ownership is very murky.

The Acting Chair (Mr. Lorne Coe): Very well. Thank you very much.

The Clerk is just reminding me that we will vote on this amendment first.

Further debate on the amendment to the amendment? MPP Dowie.

Mr. Andrew Dowie: I want to thank the member opposite for the amendment. However, we're certainly not recommending adjusting the wording. It's part and parcel of why we chose the words that we chose. What we wanted to accomplish with this motion was to clarify and strengthen the substantive provisions and the associated regulation-making authority related to country-of-origin restrictions. We wanted to put the government in the position of being able to implement the restrictions, requirements or evaluation criteria for Ontario's energy

sector procurements and programs. So it's part of the goal of the government with this restriction to have that discretion with government.

It would more closely align with the original policy intent of the bill that would restrict regulated energy entities from entering into procurement contracts based on the country of origin associated with the supplier's business activities; equity; share ownership or control; jurisdiction of incorporation—i.e., the location of the head office, for example, or the number of employees located in Ontario. So the government side is most comfortable with the original wording.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP Hsu, please, when you're ready.

Mr. Ted Hsu: I'd like to respond to my colleague from Windsor–Tecumseh, if I've got the riding right. I think the insisting that the government have something more than no regulation about how to determine beneficial ownership or control—in particular, the example that I brought out is: What if you can't figure out the beneficial owner or the person who controls it? Maybe you have to deem the beneficial owner somebody that you don't trust.

I think my amendment does not conflict with the goals of the government, as outlined by the member from Windsor–Tecumseh. So I would say that the government could vote for my amendment without compromising their policy goals.

The Acting Chair (Mr. Lorne Coe): Further debate on the amendment to the amendment? MPP West, please, on the amendment to the amendment.

MPP Jamie West: It may be more of a point of order. I'm wondering if, in clause (b), striking out "may" and substituting "must"—legislative counsel, is it "must" or "shall"?

Ms. Tamara Kuzyk: "Shall" can be used. "Must" can be used as well. "Shall" is certainly more common, but "must" is not unacceptable if it fits the context. I think it's fine in this context.

MPP Jamie West: Thank you. I appreciate the opportunity.

The Acting Chair (Mr. Lorne Coe): Further debate? Further debate?

Now we're going to deal, first of all, with the amendment to the amendment, so that everyone's clear on what we're voting for or not.

Mr. Ted Hsu: Can I have a recorded vote, please?

Ayes

Hsu, Mamakwa, West.

Nays

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, the amendment to the amendment is lost.

Moving on to the original amendment, is there any further debate on the original amendment? Any further debate? I see none, Madam Clerk.

Mr. Ted Hsu: Recorded vote.

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Hsu, Mamakwa, Racinsky, Vickers, West.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, note that the amendment has carried.

Committee members, I need your attention here. Shall schedule 1, section 2, as amended, carry? All those in favour? All those opposed? Madam Clerk, schedule 1, section 2, as amended, has carried.

Committee members, we will now move to schedule 1, section 3, government amendment to section 3, amendment 4. Who's going to move the amendment?

MPP Racinsky, thank you. When you're ready.

Mr. Joseph Racinsky: I move that section 3 of schedule 1 to the bill be amended by striking out subsection 25.32.1(1) of the Electricity Act, 1998 and substituting the following:

“Other procurements

“25.32.1(1) The IESO shall not procure a good or service respecting a matter that is not listed in subsection 25.32(2) if the good or service meets the conditions prescribed by the regulations respecting,

“(a) its country, region or territory of origin, as determined in the regulations; or

“(b) the country, region or territory of origin of the person or entity that is, or that beneficially owns or controls, a supplier of the good or service, as determined in the regulations.

“Same

“(1.1) For the purposes of clause (1)(b),

“(a) country, region or territory of origin of a person or entity may be determined by reference to any relevant factor including, as applicable,

“(i) where a person is ordinarily resident,

“(ii) where a head office or other office is located,

“(iii) jurisdiction of incorporation,

“(iv) the number or proportion of employees of the person or entity that are located in a country, region or territory,

“(v) the jurisdiction of the laws to which the person or entity is subject, or

“(vi) where the person or entity's business activities, as they relate to the provision of the good or service, are carried on; and

“(b) a regulation may set out, for its own purposes, how beneficial ownership or control is to be determined.”

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The Acting Chair (Mr. Lorne Coe): Further debate on the amendment? MPP Hsu, when you're ready, sir.

Mr. Ted Hsu: I just have a quick question—in this clause, “for its own purposes.” I was wondering if legislative counsel could explain why that needs to be—

The Acting Chair (Mr. Lorne Coe): To the question, please. Thank you.

Ms. Tamara Kuzyk: Because “beneficial ownership and control” is a term used in the act, it's clarifying that the instrument is not defining it for the purposes of the act; i.e., it would apply for all purposes. It would be contextual in relation to the instrument itself.

Mr. Ted Hsu: Thank you very much.

The Acting Chair (Mr. Lorne Coe): Further debate? Yes, MPP Hsu.

Mr. Ted Hsu: I just want to quickly repeat some things I said about the previous amendment. I do think it is good that we are clarifying what it means—country, region or territory of origin of a person or entity—because there are all these ways that they can be influenced by potentially hostile or not friendly interests. So I think it's very good to have this amendment.

For the reasons I outlined previously, namely that beneficial ownership or control in Canada can be potentially difficult to resolve completely and necessarily will probably involve some uncertainty, I think we should insist that it not be left dangling and that the government of Ontario and the ministers think carefully about how beneficial ownership or control is to be determined.

I understand that the Clerk and legal counsel have prepared a similar amendment to an amendment, and I would like to move that. So I think we might see something on the screen. I want to also thank the Clerk and legal counsel for going through and preparing these amendments in the proper form.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, do you want to continue?

Mr. Ted Hsu: I'm going to move an amendment to an amendment.

I move that motion 4 to the bill be amended by striking out “may” in clause 25.32.1(1.1)(b) of the Electricity Act, 1998 and substituting “must”.

The Acting Chair (Mr. Lorne Coe): Debate? Yes, MPP West, on the amendment to the amendment.

MPP Jamie West: If the member for Kingston and the Islands can just clarify why he wants the amendment.

The Acting Chair (Mr. Lorne Coe): MPP Hsu.

Mr. Ted Hsu: As I said, I am aware of the history in Canada of the difficulty of clearly and easily determining beneficial ownership or control of companies. That's why a couple of years ago—only a couple of years ago, unfortunately—the federal government set up something called—let me make sure I get it right—the Canada beneficial ownership registry, where you can type in the name of a corporation and find out what's been posted there in terms of beneficial ownership or control.

As I understand it, corporations which are incorporated under Ontario law don't have that requirement yet. And, of course, sometimes you have foreign ownership and it gets murky, because you have to go into countries that may not have similar regimes of tracing beneficial ownership.

I think that, beneficial ownership—figuring it out is necessarily opaque, potentially opaque. We're trying to figure out if certain beneficial owners or certain people

who ultimately control corporations might be hostile or not friendly to Canada, to Ontario. If we can't find out the final owner, as I said before, we may need to deem that some entity is not friendly. That's why I think we need to change it to "must." I just don't think it should be left dangling in this case, or in any of these cases.

The Acting Chair (Mr. Lorne Coe): Thank you very much.

Further debate? Further debate? Are members ready to vote on the amendment to the amendment?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Hsu, West.

Nays

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

The Acting Chair (Mr. Lorne Coe): The amendment to the amendment is lost.

Back to the original amendment, which is found in schedule 1, section 3, item 4 in our packages. On the original amendment, is there any further debate? MPP West, please.

MPP Jamie West: Just for the record, I want to make sure that people know that the NDP specifically supports amendments on the ownership of energy infrastructure by hostile and foreign actors, which is why we have been voting in favour of these as they move forward. I appreciate my colleagues' attempts to strengthen them even more. I just wanted to have that on the record.

The Acting Chair (Mr. Lorne Coe): Further debate on the amendment? Further debate? Are the members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Hsu, Racinsky, Vickers, West.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, the amendment is carried.

Members of the committee, shall schedule 1, section 3, as amended, carry? All those in favour? Opposed? Madam Clerk, note that schedule 1, section 3, as amended, has carried.

Committee members, we are moving to schedule 1, section 4, amendment number 5. This is a government amendment. Who is speaking on it, please? MPP Vickers, when you are ready, sir.

MPP Paul Vickers: I move that section 4 of schedule 1 to the bill be amended by striking out subsections 53.6.1(1) and (2) of the Electricity Act, 1998 and substituting the following:

"Procurement restrictions

"53.6.1(1) Ontario Power Generation Inc. shall not procure a good or service that meets the conditions prescribed by the regulations respecting,

"(a) its country, region or territory of origin, as determined in the regulations; or

"(b) the country, region or territory of origin of the person or entity that is, or that beneficially owns or controls, a supplier of the good or service, as determined in the regulations.

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"Same, subsidiaries

"(2) Any subsidiary of Ontario Power Generation Inc. that is prescribed by the regulations shall not procure a good or service that meets the conditions prescribed by the regulations respecting,

"(a) its country, region or territory of origin, as determined in the regulations; or

"(b) the country, region or territory of origin of the person or entity that is, or that beneficially owns or controls, a supplier of the good or service, as determined in the regulations.

"Origin

"(2.1) For the purposes of subsections (1) and (2),

"(a) country, region or territory of origin of a person or entity may be determined by reference to any relevant factor including, as applicable,

"(i) where a person is originally resident,

"(ii) where a head office or other office is located,

"(iii) jurisdiction of incorporation,

"(iv) the number or proportion of employees of the person or entity that are located in a country, region or territory,

"(v) the jurisdiction of the laws to which the person or entity is subject, or

"(vi) where the person or entity's business activities, as they relate to the provision of the good or service, are carried on; and"—

The Acting Chair (Mr. Lorne Coe): Excuse me. I need you to go back to the section of the amendment that deals with the origin. The section where it says, "Where a person is ordinarily a resident," you didn't read that. We need that read into the record, please.

MPP Paul Vickers: Sorry: "(i) where a person is ordinarily resident,

"(ii) where a head office or other office is located,

"(iii) jurisdiction of incorporation,

"(iv) the number or proportion of employees of the person or entity that are located in a country, region or territory,

"(v) the jurisdiction of the laws to which the person or entity is subject, or

"(vi) where the person or entity's business activities, as they relate to the provision of the good or service, are carried on; and

"(b) a regulation may set out, for its own purposes, how beneficial ownership or control is to be determined."

The Acting Chair (Mr. Lorne Coe): Debate? Yes, MPP Hsu, please.

Mr. Ted Hsu: Again, this is another good amendment which talks about the generation of power, as opposed to the IESO, which is about managing the whole system of generation and transmission. This talks about Ontario Power Generation and its subsidiaries.

I just want to point out another reason why this is a good amendment: The private sector counterpart of Ontario Power Generation, namely Bruce Power, because it's not subject to this bill, because it's in the private sector, it is also trying on its own to, if I can create this word, "Canadianize" its supply chain, not only for security but also because it is committed to maximizing the benefit to the Canadian economy of its nuclear power generation and the immense supply chain behind it.

Again, this is a good amendment. However, and I assume legal counsel is ready, I would like to make an amendment to this amendment under the very last sentence, "Origin," part (b). I would like to change the word "may" to "must"—again, for the same reasons.

The Acting Chair (Mr. Lorne Coe): When you're ready, sir.

Mr. Ted Hsu: I move that motion 5 to the bill be amended by,

(a) striking out "subsections (1) and (2)" in the portion before clause (a) of subsection 53.6.1(2.1) of the Electricity Act, 1998 and substituting "clauses (1)(b) and (2)(b)"; and

(b) striking out "may" in clause 53.6.1(2.1)(b) of the Electricity Act, 1998 and substituting "must".

The Acting Chair (Mr. Lorne Coe): Debate on the amendment to the amendment? Any debate? Are the members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Hsu, West.

Nays

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

The Acting Chair (Mr. Lorne Coe): The amendment to the amendment is lost.

On the amendment: Is there further debate on amendment 5? MPP West, please, when you're ready, sir.

MPP Jamie West: Similar to last time, I just want to have on the record that the NDP specifically supports limits on the ownership of energy infrastructure by hostile foreign actors.

The Acting Chair (Mr. Lorne Coe): On the amendment, are members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Hsu, Racinsky, Vickers, West.

The Acting Chair (Mr. Lorne Coe): Amendment 5 is carried.

Committee members, shall schedule 1, section 4, as amended, carry? Are the members ready to vote? All those in favour? Opposed? Madam Clerk, the amendment is carried.

We're moving now to schedule 1, section 5. Shall schedule 1, section 5 carry? All those in favour? Opposed? Madam Clerk, schedule 1, section 5 is carried.

Shall schedule 1, as amended, carry?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Hsu, Racinsky, Vickers, West.

The Acting Chair (Mr. Lorne Coe): Carried. Thank you, committee members.

We are now moving to schedule 2, subsection 1(2), and amendment 6. I have MPP Gallagher Murphy, please, on amendment 6.

M^{me} Dawn Gallagher Murphy: I move that subsection 1(2) of schedule 2 to the bill be struck out and the following substituted:

"(2) Paragraphs 2 and 3 of section 1 of the act are repealed and the following substituted:

"2. To provide for the protection and conservation of species at risk while taking into account social and economic considerations including the need for sustainable economic growth in Ontario."

The Acting Chair (Mr. Lorne Coe): Debate, please, on the proposed amendment 6. MPP Hsu, please, when you're ready, sir.

Mr. Ted Hsu: Looking at this amendment and looking at the bill, I believe what this amendment does is that it adds the words "at risk" after the word "species." So it provides for the protection of conservation of species at risk, instead of to provide for the protection and conservation of species.

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So what it means is that we're changing the bill so that we're not protecting and conserving any species, and in particular we're not protecting and conserving species to prevent them from becoming species at risk. In almost all situations in life and the universe, an ounce of prevention is worth a pound of cure.

I'm not sure why we would need to add the words "at risk" to the bill because it's not a bad thing to protect and conserve species. In fact, species depend on each other—it's all part of the web of life. So if you're going to try to act to protect and conserve species, I don't think we need to add the words "at risk," and I don't think the government intended to weaken the principle of what they're trying to do with this line in the bill. Perhaps somebody on the government side would like to say that I'm wrong—

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Hsu.

I have MPP Dowie, then MPP Gallagher Murphy. Go ahead, please.

Mr. Andrew Dowie: Thank you to the member for Kingston and the Islands. We're actually aligning the wording with the Endangered Species Act, 2007, which was passed under the previous government. The wording in the act is "species at risk" in that legislation, and we are mirroring that here.

The Acting Chair (Mr. Lorne Coe): Thank you for that clarification.

MPP Gallagher, please, when you're ready.

Mme Dawn Gallagher Murphy: Similar to the same—this amendment maintains the wording used in the current Endangered Species Act. It's from 2007. I do believe—who was in government at that time—and it clarifies the intent of this legislation.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, please, when you're ready.

Mr. Ted Hsu: If I could just have one more question, which one of my honourable colleagues from the government side might like to answer—with this, it's just a simple drafting mistake that left out a couple of words? Did the intent change, or was it just a drafting omission?

The Acting Chair (Mr. Lorne Coe): Thank you for the question. MPP Dowie, in your capacity as the parliamentary assistant to the Minister of the Environment, Conservation and Parks, please.

Mr. Andrew Dowie: To the member for Kingston and the Islands: The intent was always to match the source material. We are just aligning it so, in an ideal world, it would've been part of the original wording.

The Acting Chair (Mr. Lorne Coe): Further debate? Are members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

Nays

Hsu.

The Acting Chair (Mr. Lorne Coe): The amendment is carried.

Committee members, shall schedule 2, section 1, as amended, carry? All those in favour? Opposed? Schedule 2, section 1, as amended, has carried.

Committee members, we're moving now to schedule 2, section 2. Our first amendment is subsection 2(3)—6.1 for your reference. I have MPP Hsu, please.

Mr. Ted Hsu: Amendment 6.1: What it does is it strikes out section 2, subsection (3). What happens in that subsection is that there is a substitution made for the definition of "habitat" in the Endangered Species Act. For example, in this proposed changed, which is in Bill 5, that the habitat for an animal species—one of the differences in the bill is that it divides up living things into animals, vascular plants and everybody else.

For animals, it defines the habitat as "a dwelling-place ... den, nest or other similar place, that is occupied or habitually occupied by one or more members of a species for the purposes of breeding, rearing, staging, wintering or hibernating."

If you compare that with the current act—just to understand what the difference is—there are a couple of things that happen. One is that, in the current Endangered Species Act, it uses the term "directly" or "indirectly." And in section 2, subsection (3)(c) of Bill 5, it only uses the word "directly." So that's one difference.

An example of an indirect process is—suppose you're an animal and you eat insects. Where do the insects come from? That is an example of something that is indirect.

One word that is in the current Endangered Species Act—and I'm looking at, again, section 2, subsection (1), where habitat is defined—is the word "migration" as "an area on which the species depends, directly or indirectly, to carry on its life processes, including ... migration." So "migration" is removed, and this is something that comes into play for species like caribou, who migrate very long distances. Taking out the word "migration"—unfortunately, I think it's a big deal to caribou, and that's just one example of how the definition of "habitat" has changed.

Just as another example, if you tried to reintroduce buffalo to the plains, you wouldn't be able to do that because they can't migrate. They used to run across the prairies, but you can't do that anymore. So buffalo, as it used to exist, doesn't exist anymore.

The other word that is removed is the word "feeding." How that fits in is that "habitat" means, "with respect to any ... species of animal, plant or other organism, an area on which the species depends, directly or indirectly, to carry on its life processes, including ... feeding." That has been removed, and members may have heard in debate in the House and even in committee that this is like telling somebody in their home that they can't go to the kitchen. Feeding is something you do a lot. I don't know why that word has been removed by this subsection of schedule 2 of Bill 5.

I also am not sure why—maybe a government member would like to explain why it's animals, vascular plants and then other species—why it's separated into three separate pieces, because in the current Endangered Species Act it simply separates things into animals, plants or other organisms under which there is some Lieutenant Governor in Council rule, and then any other animal, plant or other organism. So it doesn't try to separate between animals, vascular plants and everybody else.

Here's another thing that happens if you try to be too clever about habitat in amending this bill: What happens with parasites? Parasites are pretty important in the ecosystem. Many, many species live and have evolved in the presence of parasites, and they're really important to the cycle of life.

For example, you might have a parasite that lives in deer or caribou. They might get eaten by wolves, and then the parasite might go into the droppings of the wolves. Then they develop another phase of their life and they

crawl up on the grass, and then they get eaten by the deer and the caribou. There are parasites who do that, and they are all part of the web of life and they're all essential.

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What does the habitat of a parasite look like? Because you could imagine saying, "Well, the parasite lives in the caribou, and the caribou migrate all across the boreal part of Canada." So it's tricky when you try to be too clever with the definition of "habitat" by, in this case, in the case of Bill 5, restricting it to a dwelling place or an area immediately around a dwelling place, as in subsection 2(3)(a)(ii). Parasites can be animals. Parasites can be non-vascular plants as well, or vascular plants, for that matter. You can imagine a parasite that has roots. What's the root zone? It's hard to define these things.

So that is why we are proposing this amendment to strike out the new definition of "habitat" that's being proposed by Bill 5. It makes it easier to ignore what plants or animals or other organisms need for their life processes because it can be hard to restrict that to a particular area, such as the critical root zone surrounding a vascular plant.

The Acting Chair (Mr. Lorne Coe): Further debate on amendment 6.1? I have MPP West, please, when you're ready.

MPP Jamie West: I want to thank my colleague—or his team—for submitting the amendment and for explaining it as well. I'm supporting this amendment. It's something that I think makes a lot of sense. There are times in northern Ontario—I know my colleague would remind me that I'm not as far north as he is—where you feel like maybe the environmental assessment process is a southern Ontario thing, where they cut down all the trees and now want to save them, things like that. You end up with broad swaths of people not understanding the importance of it.

But in this section, it's about ensuring we keep that broader definition that includes an area on which the species depends, directly or indirectly, to carry on its life. We heard from First Nations chiefs and representatives from treaty rights holders talk about their way of life: the importance of fishing; my colleague talked about caribou; the importance of hunting.

I won't stray far, but just to make the connection, Chair, I had the opportunity before being elected to go to Nunavut and see the disconnect between the local government, which would have a school system similar to ours, not understanding that many of the children would leave because it was hunting season, and the importance of providing meat for their family and for their grandparents; and that, culturally, when your grandparents, if they're unable to hunt, come to you as a young male and ask if you can do the hunt and provide the meat for them, well, school isn't as important. So we need to understand the cultural importance of people who live off the land.

For example, some of my southern colleagues don't understand how hunting is a way of life for many of my friends and people in the north. Very often, when they're talking about handgun violence in Toronto and they say "guns," I remind them that in northern Ontario, a rifle is a gun, and that pretty much everybody has one and there's a

whole system where your family—as much as you need the paperwork and stuff, you earn the right to carry a rifle because, traditionally, your grandfather and your dad taught you and allowed you to have that right. More and more younger women are getting involved with hunting, but when I was growing up, it was mostly guys.

That to say, I think it's really important to recognize that if we're protecting caribou—and I don't know if caribou are a species at risk, but let's say the fish that was mentioned before. If this is traditional food that's important culturally to First Nations people, that they have been hunting since time immemorial—as they said time and time again—if all we're saying is we're protecting that habitat, specifically where they live, but we're not going to ensure that they have the ability, for the animals, to carry on their way of life, to search for food, to migrate, to move—different fish, as we all know, will migrate for spawning.

If we're not looking at protecting all of that, then the end result is we may protect that species for their short lifetime, but we may be interfering with their ability to breed, which means that we'll be affecting people in that area, which I believe would be counter to our duty for consultation and the nation-to-nation agreement that we're all bound to constitutionally, at the federal level.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP Hsu.

Mr. Ted Hsu: Just a quick example of what happens if you remove "feeding" from the definition of "habitat": There are endangered species which depend on eating insects, and we know that it's well documented—not only in North America, but in Europe and elsewhere—that the numbers of insects have declined dramatically. So this is an issue for the survival of certain species that eat insects.

Where the insects come from is not necessarily where the fish or other endangered species spend all their time. So it is important to think about where the food comes from for endangered species. Sort of a concrete example that I want to give is insects, which we know are in decline, and we know there are endangered species who eat these insects. So that's another example that I wanted to add to support this amendment.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP Dowie, please, when you're ready.

Mr. Andrew Dowie: As the member for Kingston and the Islands was curious to the rationale for the current wording, I'm happy to share it. Really, these changes were prepared because the current definition of "habitat" creates uncertainty, includes broad areas beyond core species protections and results in tremendous confusion when making decisions about what actions are to be carried out when protections are required.

This new "habitat" definition includes very clear terms and parameters. It focuses on preserving the core elements of a species' health and its habitat, including breeding, rearing, staging, wintering and hibernation areas, and it provides greater clarity to those proponents who are seeking permissions when taking the required protection steps.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP Mamakwa, please, on the amendment 6.1, subsection 2(3), please. Thank you.

Mr. Sol Mamakwa: Thank you for your reminder, Chair.

The Acting Chair (Mr. Lorne Coe): It's been a full day already.

Mr. Sol Mamakwa: But, anyway, I just wanted to make a comment about this section. When we talk about habitat, I think one of the things we've heard clearly when we talk about the ways of life—I don't know how long Ontario's been here. I don't know exactly how long Canada's been here—just to remind the people that they're here.

We've been on these lands since time immemorial. We've been the caretakers of these lands. One of the things that we continue to do and will continue to do is represent, speak for the people that do not have a voice. When we talk about the habitat, the animals that live in there, it's very important. I just want to reiterate that. Meegwetch.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP Hsu, on your amendment.

Mr. Ted Hsu: Yes. I just want to talk about this critical root zone for vascular plants. "Vascular plants" just means plants with roots. I don't know if this clarifies things, because it depends on the species, and it's not clear whether the species of plant needs more than a critical rezone to thrive.

1500

I don't agree completely with my colleague from Windsor-Tecumseh that this change in the definition of "habitat" is solely for the purpose of clarifying things.

The Acting Chair (Mr. Lorne Coe): Further debate? I note that there isn't. Are members ready to vote?

Mr. Ted Hsu: Recorded vote, please

Ayes

Hsu, Mamakwa, West.

Nays

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

The Acting Chair (Mr. Lorne Coe): The amendment is lost.

We'll move to government amendment 7, subsection 2(10). I have MPP Gallagher Murphy, please.

Mme Dawn Gallagher Murphy: I move that the French version of subsection 2(10) of schedule 2 to the bill be amended by striking out "d'un arrêté pris en vertu de l'article 27, 27.1 ou 28" in paragraph 4 of subsection 2(3) of the Endangered Species Act, 2007 and substituting "d'un ordre donné en vertu de l'article 27 ou d'un arrêté pris en vertu de l'article 27.1 ou 28".

The Acting Chair (Mr. Lorne Coe): On the amendment, as read—and I hope everyone had their system on to the translation so they understand what the amendment was in English as well, for those who are not bilingual.

Debate? We have MPP Hsu, please, thank you—who is bilingual. There we go.

Mr. Ted Hsu: Thank you. I'd just like to ask our legislative counsel: I think that in a lot of legislation, the English word "order" needs to be translated differently if it's a minister giving an order or if it's the park ranger issuing an order. So is this one of these cases where in lots of legislation—federal and provincial—that the French just needs to be modified so that we use two different words for two different powers that are being—whether it's a minister or an enforcement officer, you just have to distinguish between the two by using "ordre" for the enforcement officer and "arrêté" pour le ministre? C'est ça?

Ms. Tamara Kuzyk: That's correct. That's exactly the rationale. The distinction was missed in the French in the introductory version, so it's being tweaked now to distinguish them appropriately.

Mr. Ted Hsu: Okay. I don't think there's an issue with that. I've seen this issue before with needing to get the right word in the French version, so it sounds like—thank you to legislative counsel for clarifying that this is one of those routine things that we often get wrong.

The Acting Chair (Mr. Lorne Coe): Further debate? I have MPP West, please, when you're ready, sir.

MPP Jamie West: Just because my French isn't that strong—I once literally translated "milkman" to "l'homme de lait," which I think means "man made out of milk"—I just want to confirm either from my colleague or legislative counsel that we're just clearing up what should have been here in the first place and not making any specific changes to the act.

The Acting Chair (Mr. Lorne Coe): I'll take you to the legislative counsel, please.

Ms. Tamara Kuzyk: No substantive change is being made by the motion.

MPP Jamie West: Thank you.

The Acting Chair (Mr. Lorne Coe): Further debate on amendment 7? Are we ready to vote? Shall amendment number 7, subsection 2(10), carry? All those in favour?

Mr. Rudy Cuzzetto: Did we have a recorded vote?

The Clerk of the Committee (Ms. Tanzima Khan): Do you want one?

Mr. Rudy Cuzzetto: Yes; why not?

The Acting Chair (Mr. Lorne Coe): You either do or you don't—okay. I'm going to call the question.

Are the members ready to vote? Yes. Shall the amendment, as read, carry?

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, the amendment, as read, has carried.

We have Liberal amendment 7.1, subsection 2(10). MPP Hsu, please, when you're ready, sir.

Mr. Ted Hsu: I move that subsection 2(10) of schedule 2 to the bill be struck out.

The Acting Chair (Mr. Lorne Coe): Debate on the amendment? Do you want to speak to your rationale, to begin?

Mr. Ted Hsu: Thank you, Chair. Sorry; I should have—*Interjection.*

Mr. Ted Hsu: No, no, no, we're not withdrawing this.

This amendment is there because it refers to "habitat," and because it refers to "habitat," it doesn't make sense to continue an old definition. It doesn't make sense to continue an old definition if the previous amendment had passed and there had been no new definition.

I guess I would ask the legal counsel and the Clerk whether—since two amendments ago, that amendment was voted down, and now the bill contains the new definition of "habitat"—this amendment 7.1 is out of order, because it's not relevant anymore. I don't think I have the right words.

Ms. Tamara Kuzyk: Motion 7.1 obviously is connected to motion 6.1, but the defeat of motion 6.1 does not mean that 7.1 couldn't proceed.

It could be withdrawn, if it's no longer wanted, but it could still technically proceed unimpeded by the defeat of motion 6.1. It's not de facto out of order, but if it's not wanted, it could be withdrawn.

Mr. Ted Hsu: All right. Because this amendment is about a section which talks about continuing certain provisions that were granted before the transition date and therefore subject to the current definition of "habitat," I will withdraw the amendment, because if we're going to change the definition of "habitat," I certainly support continuing to use the old definition of "habitat" for authorization, agreements, permits or whatever orders that have already been made using the current definition of "habitat."

The Acting Chair (Mr. Lorne Coe): That amendment is withdrawn going forward.

Shall schedule 2, section 2 as amended carry? Are you ready to vote? All those in favour? All those opposed? Madam Clerk, the amendment is carried.

1510

There are no proposed amendments or notices to sections 3 to 7 of schedule 2 to the bill. I therefore propose that we bundle these sections. Is there agreement to bundle those sections? Okay. Shall sections 3 to 7 of schedule 2 carry? All those in favour? All those opposed? That amendment is carried.

Committee members, there is a notice from the Liberals on section 8 of schedule 2 as a whole. MPP Hsu, please begin the debate—again, on section 8 of schedule 2, members of the committee. When you're ready, sir.

Mr. Ted Hsu: So the idea here is that this schedule in the bill is weakening the protection of endangered species. One of the things that happens in the bill is that the government is not required to list species which are classified by COSSARO. They're not required to list species as they are reported to the government by COSSARO.

I think it's important to make sure that we do that. The idea is to take the politics out of deciding which species

are extirpated, endangered or threatened, and to let independent non-partisan experts make that determination, following the rules and laws and regulations that are set forth by duly elected government.

That is the rationale for voting against section 8, which calls for the repeal of section 7 of the Endangered Species Act.

Since nobody else is speaking, I'll just read a little bit here: "For greater certainty, a regulation made under subsection (1) is not required to list all of the species classified by COSSARO." So that is what's problematic.

The Acting Chair (Mr. Lorne Coe): Debate? I have MPP West, when you are ready.

MPP Jamie West: I apologize. I couldn't remember the acronym COSSARO stood for—Committee on the Status of Species at Risk in Ontario. I think that this is supportable.

I'm concerned. I know that the government of the day feels confident that they will do a good job in determining what is there, but I'm always thinking about what happens in the future. There was a time when the Liberal government had a majority, and then the year I was elected, they were knocked down to not having party status. That means that another government comes into place, and over time, all of us rent our chairs and we move along at some point.

I'm concerned that we could be politicizing something. Even though it makes great sense to our colleagues in the government Conservative Party right now, it may not be such a great idea in the future when a party that is not part of your caucus is forming government and they're making these decisions based on, maybe, something that is more political and not science-based.

The reality is, with very little exception aside from what we've had for our own careers, we're not experts in things like this. I have found the best way to be successful is to listen to people who are the experts, and I feel like COSSARO being independent and having a science-based process is the best way for us to be successful and ensure that the province is successful. I would rather not make a mistake, unintentionally, by pretending, if our party was government, that we knew better than a science-based, independent organization like COSSARO. So I intend to support this amendment.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP Hsu, please.

Mr. Ted Hsu: If I could just point out three words in the section that is replacing section 7 of the Endangered Species Act—if I look at section 7, subsection (2), it begins with the words "For greater certainty, a regulation made under subsection (1) is not required to list all of the species...." It sounds like this bill is trying to amend the Endangered Species Act because this government is intending to not list some species, the ones they decide to choose to not list as extirpated, endangered or threatened. That, to me, sounds like the intent of the words "for greater certainty"—because they are prepared to not list some species. Otherwise, you could just keep subsection 7(1), that the LGIC may make a regulation.

I think there's a danger here, because Bill 5 goes out of its way to clarify that some species won't be listed.

The Acting Chair (Mr. Lorne Coe): Further debate? Are members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

The Acting Chair (Mr. Lorne Coe): Shall schedule 2, section 8 carry?

Ayes

Cuzzetto, Dowie, Gallagher Murphy, Racinsky, Vickers.

Nays

Hsu, West.

The Acting Chair (Mr. Lorne Coe): Schedule 2, section 8 is carried.

There are no proposed amendments to sections 9 to 16 of schedule 2 to the bill. Committee members, I therefore propose that we bundle the sections. Is there agreement, please, to bundle the sections? Madam Clerk, I see that there is agreement.

I'm going to pass the question: Shall sections 9 to 16 of schedule 2 carry? Is there any debate? Madam Clerk, I note that there isn't any debate.

Are the members ready to vote? All those in favour? All those opposed? Madam Clerk, I note that it's carried.

Committee members, I'm now on schedule 2, section 17. I'm on a government amendment: subsection 17(1), amendment 8. Who is bringing forward the amendment? MPP Dowie, please, when you're ready, sir.

Mr. Andrew Dowie: I move that subsection 17(1) of schedule 2 to the bill be amended by adding, "no later than 30 days after the transition date" at the end of paragraph 3 of subsection 20.3(1) of the Endangered Species Act, 2007.

The Acting Chair (Mr. Lorne Coe): Is there any debate on the proposed amendment? I have MPP Hsu, please, sir, when you're ready.

Mr. Ted Hsu: I'm just wondering if we could clarify the rationale for the 30 days?

The Acting Chair (Mr. Lorne Coe): MPP Dowie, please, when you're ready.

1520

Mr. Andrew Dowie: I want to thank the member for Kingston and the Islands. Really, this is administrative in nature. We want to provide clarity in the legislation so that anyone who is making a payment as a condition of a past permit must make that payment within 30 days, and it allows for the ultimate wind-down of the agency. So we want to make sure that all the outstanding charges associated with a previous regulatory exemption must still be paid after the amendments might presumably take effect.

The Acting Chair (Mr. Lorne Coe): Back to MPP Hsu, please.

Mr. Ted Hsu: That's good. That's the question I had.

The Acting Chair (Mr. Lorne Coe): You're fine? MPP West, please.

MPP Jamie West: I thought I understood it in the answer. It actually confused me. Could you just go through it again, MPP Dowie?

Mr. Andrew Dowie: The status quo is we have a regime where you could make your permissions, provide your contribution, and we don't want to leave any of that uncertain. If you've agreed to make a contribution, the government should still collect a contribution, post presumed passage of the legislation, finishing what has already been starting before moving to a new framework.

The Acting Chair (Mr. Lorne Coe): Any further debate on government amendment number 8, found in subsection 17(1)? Any further debate? I note none, Madam Clerk.

Are the members ready to vote? Amendment number 8, all those in favour? Opposed? Madam Clerk, note that the amendment is carried.

We're moving now, please, committee members, to subsection 17(3), amendment number 9, a government amendment. Who is speaking to this, please? MPP Dowie, when you're ready.

Mr. Andrew Dowie: I move that subsection 17(3) of schedule 2 to the bill be amended by striking out subsection 20.3(9) of the Endangered Species Act, 2007 and substituting the following:

"No option to pay charge as condition of exemption

"(9) Despite anything in this act or the regulations, if a condition of an exemption set out in a regulation made under clause 55(1)(c) relates to the payment of a species conservation charge, the exemption does not apply to a person who has not paid the charge within 30 days after the transition date."

The Acting Chair (Mr. Lorne Coe): Debate, please, on the proposed amendment 9, subsection 17(3)? MPP Hsu when you're ready, sir.

Mr. Ted Hsu: If the member from the government caucus could just clarify. It sounds like exemptions are expiring at the same time as the charge is required to be paid. So if somebody doesn't pay the charge, they don't get to continue the exemption, if I understand correctly— if the government would like to clarify that?

The Acting Chair (Mr. Lorne Coe): MPP Dowie, please, to the question.

Mr. Andrew Dowie: This is just like the rationale for the previous motion. We want to clarify that a person who is required to pay a species conservation charge in respect of an activity exempt by the regulations is still required to do so after the amendments to the Endangered Species Act, 2007, would come into force.

The Acting Chair (Mr. Lorne Coe): Further debate?

Are the members prepared to vote? Shall amendment 9, found in subsection 17(3), carry? All those opposed? Madam Clerk, please note that amendment 9, found in subsection 17(3), has carried.

Committee members, shall schedule 2, section 17, as amended, carry? All those in favour? Opposed? Madam Clerk, please note that schedule 2, section 17, as amended, has carried.

Committee members, schedule 2, section 18: There are no proposed amendments or notices to sections 18 to 28 of

schedule 2. I therefore propose that we bundle these sections. Is there agreement, please, to bundle sections 18 to 28 of schedule 2? I'm going to put the question. Shall sections 18 to 28 of schedule 2 carry? Is there any debate? I see none. All those in favour? All those opposed? Madam Clerk, that is carried.

Committee members, we're now on schedule 2 of section 29. We have government amendment 10, found in subsection 29(1). Who's proposing that amendment? MPP Dowie, please, sir, when you're ready.

Mr. Andrew Dowie: I move that subsection 29(1) of schedule 2 to the bill be struck out and the following substituted:

“29(1) Subsection 28(1) of the act is repealed and the following substituted:

“‘Habitat protection order

“(1) The minister may make an order described in subsection (2) if the minister has reasonable grounds to believe that a person is engaging in or is about to engage in an activity that is destroying or seriously damaging or is about to destroy or seriously damage any of the following:

“‘1. The habitat for a species and any of the following criteria are satisfied:

“‘i. The species is listed on the species at risk in Ontario list as an extirpated species and no regulation is in force that prescribes the species for the purpose of clause 10(1)(b).

“‘ii. The species is not listed on the species at risk in Ontario list as an extirpated, endangered or threatened species and the minister has received a report from COSSARO classifying or reclassifying the species as an extirpated, endangered or threatened species.

“‘iii. The species is listed on the species at risk in Ontario list as an endangered or threatened species, a regulation under clause 55(1)(c) provides that one or more of the prohibitions in subsection 10(1) do not apply with respect to the species and, as a result of the regulation, section 10 will not prevent the person from engaging in the activity.

“‘2. An area that does not meet the definition of “habitat” in subsection 2(1) but is an area on which a member of a species listed on the species at risk in Ontario list directly depends in order to carry on its life processes.

“‘3. An area that would otherwise be habitat for a member of a species listed on the species at risk in Ontario list but for a regulation made under clause 55(1)(b) that limits the definition of “habitat” in respect of the species.”

The Acting Chair (Mr. Lorne Coe): Debate, please? MPP Hsu, when you're ready, sir.

Mr. Ted Hsu: It looks like what's happening in this amendment is that the government is responding—because it doesn't have an option—to criticisms of its much narrower definition of “habitat.” It's supplementing the definition of “habitat” to include other areas where species which are listed on the species at risk in Ontario list directly depend on in order to carry out their life processes.

I think the big criticism of this amendment is in the word “may.” This is subsection (1), I guess, where the amendment says, “The minister may make an order described in subsection (2).” So the minister still has an option to not supplement the new definition of “habitat” in order to protect species at risk.

Furthermore, if we look at—I don't know what to call this, but I'll just read it out—because it's hard—there are too many 1s, 2s and 3s. Where it says, “An area that does not meet the definition of “habitat” in subsection 2(1) but is an area on which a member of a species listed on the species at risk in Ontario list directly depends in order to carry on its life processes,” the government has ignored the current Endangered Species Act, which uses the terminology “directly” or “indirectly.” Earlier, I gave the example of insects. We know there are endangered species that eat insects. We know that insect numbers are down, so that is a problem.

I would like to make an amendment again to this amendment. I'm glad to see legislative counsel is nodding; she can probably guess what I'm going to do. I'll just ask if the legislative counsel could write an amendment to an amendment, which has the effect of changing the word “may” to the word “must.”

The Acting Chair (Mr. Lorne Coe): Committee members, we're going to need to recess while legislative counsel makes the amendment. We'll recess for five minutes.

The committee recessed from 1531 to 1539.

The Acting Chair (Mr. Lorne Coe): The committee is back in session. MPP Hsu, please, on your amendment to the amendment. Let us have a look at it.

Mr. Ted Hsu: I move that motion 10 to the bill be amended by striking out “the minister may” at the beginning of subsection 28(1) of the Endangered Species Act, 2007 and substituting “the minister shall”.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, do you want to elaborate on your rationale for the amendment, please? Do you need a minute?

Mr. Ted Hsu: You know what? Let me pitch something to the government members about why this might be good for the government. It makes your life easier. Sometimes, when you're minister or MPP, it helps if you can say, “Sorry, my hands are tied. I can't do what you're asking. My hands are tied.” Because one of the themes of Bill 5—and I don't think this is really needed to accomplish the government's policy goals, some of which I share—that's a problem is that it gives ministers unchecked discretionary power. It's more, in my opinion, than what's needed to achieve the policy goals of the government. Because I think we should be good at politics. We should be good at figuring out how to do things.

What it exposes the government to is more lobbying, because the minister can make more decisions, like deciding, in this case, for this amendment, whether to apply extra criteria more than the new limited definition of “habitat” when it comes to protecting species at risk. If the minister has that power, then of course you're going to lobby if you have an interest, if you can benefit from a

decision one way or the other. I think we already have a lot of lobbying at the provincial level of government, and we don't need to have more when we don't need to have more—and you never know. With a future government, there is always the possibility of corruption because of these discretionary powers, which are pretty unchecked.

Getting back to my original point, sometimes you know you need to resist lobbying or somebody really keeps bugging you, wants you to do something, and sometimes you need to say, “I don't have the power to do that,” because you just have to say no to the person. And an amendment like this, where the minister is obliged to do something, which makes sense—like, if somebody is going to be damaging or destroying habitats or is about to do it, you just say, “Sorry, the legislation says I have to make an order to prevent that. My hands are tied.” I think it would make the lives of ministers easier when you don't have discretionary power that you don't need to protect Ontario.

The Acting Chair (Mr. Lorne Coe): Do we have further debate on the amendment to the amendment? Yes, MPP Dowie, when you're ready, please.

Mr. Andrew Dowie: I certainly understand the good place the member opposite is coming from. On the side of the government, we did want discretionary power to intervene in situations, because sometimes the standard protections of a revised act would need to be exceeded, but often, if it involves a workplace with many people affected, we want to have some sort of a plan to get back to a good place. The core protections of the actions here will apply, regardless of any decision of the minister. There is still a whole ministry that is out there enforcing under legislation, and those are enforced without any intervention by this minister, so it's not a matter of no protections. It's a matter of going above and beyond.

The Acting Chair (Mr. Lorne Coe): Further debate? MPP West, please.

MPP Jamie West: Chair, am I able to call for a recess? I'm trying to understand what's going on here. I've asked for help from our team, and I'm getting conflicted answers. I just want to know if we have time for a recess so I can speak with them in person.

The Acting Chair (Mr. Lorne Coe): The Clerk is going to have a look.

Further debate? MPP Hsu?

Mr. Ted Hsu: If I could just respond to something mentioned by the minister—oh, the member from Windsor—Tecumseh. By the way, someday you'll be a minister, probably.

I think when you say that there are things going on in the background, and “Don't worry if the minister doesn't make an order. There are still safeguards because the ministry is doing things in the background,” that rubs me the wrong way because we're supposed to have elected ministers where—you know, “The buck stops with me.” We're supposed to have accountable government. And to say that it's okay for the minister to not do something because it's being taken care of in the background, some of the lower levels of the ministry or something like that,

it strikes me that it goes against the principle of accountable government.

So I don't think the member's argument is a good one. If the minister has discretionary power, people will come and lobby, and I think that we don't need more lobbying to decide policy at the provincial level.

The Acting Chair (Mr. Lorne Coe): Further debate on the amendment to the amendment? MPP West, please.

MPP Jamie West: As my colleague from the Liberal Party was talking about, the wording, changing “may” to “shall,” my limited knowledge in using things—I know that arbitrations and other cases like that and health and safety orders have actually been won or lost based on that wording. That makes a massive difference. It's a small word for us, but legally, it's a massive difference.

I just wanted to point out on his last comments that part of this bill blocks people from suing the government for misfeasance, bad faith or breach of trust or fiduciary obligation. So you have a system where the minister—and let's pretend it's not the minister that you like; it could be a minister who comes in after you're no longer even sitting here as a member—the minister chooses to do something and has been shielded from any sort of liability or accountability. I think maybe the member wants to clarify, but is this sort of what you're worried about?

Mr. Ted Hsu: Yes, that is the sort of thing that I am worried about. And thank you for reminding me about the fact that throughout Bill 5 is sprinkled indemnification for current and past ministers and other people making certain decisions. I think it's even more important that our government, our ministers, be accountable. So that's another reason I think that weakens the argument of my honourable colleague from Windsor—Tecumseh, who—and I'm sorry if I'm putting the wrong words in your mouth—says that there are things going on in the background which take care of things, even if the minister is not making an order.

The Acting Chair (Mr. Lorne Coe): Further debate on the amendment to the amendment? I don't see any, Madam Clerk. I'm going to call the question. Are the members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

The Acting Chair (Mr. Lorne Coe): Recorded vote.

MPP Jamie West: Chair, is this an opportunity to take a recess?

The Acting Chair (Mr. Lorne Coe): Yes.

MPP Jamie West: Can I ask for a 20-minute recess, just so I can confer?

The Acting Chair (Mr. Lorne Coe): Granted. The committee will be recessed for 20 minutes.

The committee recessed from 1551 to 1611.

The Acting Chair (Mr. Lorne Coe): All right, committee members. We're back in session.

We'll deal with the amendment to the amendment first of all, okay? Committee members, are you ready to vote?

Mr. Ted Hsu: Recorded vote, please.

The Acting Chair (Mr. Lorne Coe): On the amendment to the amendment: Shall the amendment carry?

MPP Jamie West: This amendment has to do primarily with species at risk. We've had several presenters talk about the importance of preserving species at risk and protecting our environment, and we've had the opportunity, but I don't think enough opportunity, to speak about how important this is.

When people come in, they get to speak for about seven minutes, and each of us as parties get two rounds of 6.5 minutes to share questions between, generally, three presenters—one time, one person couldn't make it, so there were only two presenters. It's not a lot of time to dig into this.

My colleague had mentioned how many written deputations have come in—I don't know if you have it off the top of your head. Some 400?

Mr. Tyler Allsopp: It's 486.

MPP Jamie West: Thank you; so 486 written comments have come in. I know there are some in support—or I believe there are some in support—but the reality is, with the timing of this, you don't have time to read 486 deputations.

And I believe, when we're talking about protecting the environment—it's near and dear to my heart. I represent Sudbury, but I'm born and raised in Sudbury, and Sudbury is best-known, at least when I was growing up, for where they practised the moon landing. They did that because the environment was wiped out and the species there were wiped out as well, because when you have no habitat, when you have no trees or grass, when you have no insects, you lose a lot of your habitat. You fast-forward to today, we've done a lot of work to re-green that city, but if you were to take an aerial view, you would see most of the work we've done is near highways and roads. We've prettified it, but we haven't addressed everything.

And I know how difficult it is to get species back. I go every year to Rainbow Routes when we dump lake trout back into Junction Creek, which, when I was growing up, looked like it was the consistency of cream, and it was yellow and green. It looked like cartoon pollution.

We are not speaking enough about what happens to species when we wipe them out and we are pretending it has no consequence, and I'm concerned, Chair. The reason we do this is because we don't live there. Because in this motion where the minister “may” make an order, it reminds me of the reason that my community looked like scorched earth. When I was a kid growing up, I thought that all rock turned to black the way a pop can would turn to rust if it was exposed to the surface. Because rock that was under the soil would be all different colours, but once you brush the soil away, within a month or two, it turned black. It wasn't until I was older that I realized that was from pollution and acid rain that actually would scar rock.

When we look at this and it says, “the minister may make an order” if he “has reasonable grounds to believe” etc., it reminds me that the reason that this was allowed to happen to the community of Sudbury is because a minister back in the day—I don't know what party they were from and I don't think it matters—had decided that it was okay to pollute.

The company of the day didn't want to build a smelter, didn't want to capture the SO₂ like we do today—in fact, didn't even want to have the world's largest smokestack like they had built when I was born. Instead, they developed roasting fields. What that is, is you take a layer of logs—that helped get rid of the trees that were there.

You take a layer of logs and you make a cake: layer of logs, layer of feed, layer of logs, layer of feed. You light that on fire and you let it burn for a couple of weeks. That helps get rid of some of the SO₂ that's tied into those minerals.

That wafts all around. In fact, if you look at the Copper Cliff school, which is a school right beside the smelter—there were orders in the old days that, if there was a lot of SO₂ blowing towards the school, you should wet a towel and put it under the doors and the windows. And if it was really, really bad, you could send the kids home for the day. That didn't change much.

The superstack was brought up in 1971, and when I was a kid, we would still have SO₂, which was allowable. I remember clearly my grandmother spitting, because it makes a large phlegm in your mouth and you have to spit it out because you can't swallow it. It sort of sticks to the inside of your mouth. And I remember it was common for anyone's grandparents to just spit on the sidewalk to clear their throat.

The reason that was allowed to happen was because the minister of the day decided that, even though SO₂ has an IDLH—immediate damage to life or health—of 100 parts per million, the two large mining companies with the two smelters in my area could have doubled that to 200 parts per million. Over time, the pollution, the SO₂, cutting down and burning all of our trees so you didn't have roots to hold the soil in place, exposed our city to a moon-like condition.

And that was allowed because—I can guarantee you—that minister didn't live in northern Ontario. That minister didn't have to look at that place. That minister didn't have to live there. That minister's kids didn't grow up there. That minister's grandparents didn't have gardens in the backyard that were growing food out of the soil that was contaminated. That minister's family didn't have to hunt from animals that were drinking from polluted rivers and lakes or that were eating food that was contaminated from pollution.

We're in that situation again today, where because the ESA is complicated and probably out of date, from what I've heard from people, we're throwing the baby out with the bathwater and we are trusting—I don't mean this as an insult, but it's going to be insulting—a government that's under criminal investigation to do the right thing.

The people of Ontario don't trust any of us—any of us. If you talk to people, all politicians are liars, all politicians are lazy. And they have every reason not to trust us, because we need to do things at a better standard. We need to stand up and amplify their voices. And countless people—not literally countless; I could count through them, but I don't want to kill that much time, but people have come here to talk to us about how important the environment is to them, how important these species are to them, and we need to listen to that, because they're warning us about the outcomes and the effects.

I know we hear a lot about NIMBYism, “not in my backyard,” but I think sometimes NIMBYism is fine: when it's not your backyard, and when the minister lives

miles and miles away, when perhaps the minister couldn't point to the area that's being affected on a map. "Why do the extra work? We're all really busy, it's not going to affect me."

1630

As politicians, we think in four-year cycles: "How will I get elected in four years?" In the business community, they think quarterly: "How will my profits be in the next quarter? Will I be able to turn around a quarter after that?" First Nations think in generations. You often hear about the seven generations, and the idea is that as First Nations—and not to put words, but this is what I've learned over time—you speak on behalf of all your relations, so everyone who came ahead of you on your family tree line and in your community, your extended family. Your decisions are not based on what's going to happen to you today in the short term, or even with you and your children, but what will happen for seven generations going forward.

Each of us around the table have things that are important to us culturally. Culturally, the way of life of hunting and living off the land is something that has been important to First Nations in Canada, particularly in northern Ontario, since before the maple tree existed. Let that sink in for a minute: The symbol of our country—some of my colleagues are wearing Canadian flag pins today. That symbol that we put on the pin on our lapel and that we fly on our flag—and we talk about the importance of "elbows up" and "Canada first" and "never 51." That symbol, the tree that had that symbol, didn't exist when First Nations people were first here on the land. Their way of life is critically important, and not just in a spiritual way, although they do speak on behalf of the animals, but in terms of sustaining themselves.

I mentioned earlier that I had the opportunity to spend some time in Nunavut before being elected, and we had all kinds of questions about their grocery store. I think it was called Northern. It was a big conglomerate kind of grocery store and hardware store, and we would take pictures of how expensive the food was: fruits and vegetables, lettuce. It was all very surprising to us. And then one of the residents there, an older woman—I don't know if she would be an elder—explained to us that she didn't care, because she didn't eat that food. We were above—I forget the right term, but above the part where you could actually farm land for food. Her diet consisted mainly of seal and other things they hunted off the land. So while it was surprising for me how much apples would be, the people who live there, culturally, didn't care about the price of apples.

And so, while we may not care if a species is at risk—a turtle, for example: Many people talked about the importance of a turtle and not being able to see these turtles. In the wider context, you may think, "What does it matter?" Sometimes online, you will see people talking about turtles and tree-huggers and that sort of thing and "saving the turtle" in a derogatory way. And I get it, because if you don't know, you just don't know.

But what I know culturally is that the turtle is sacred to First Nations—at least, where I live, the Atikameksheng Anishnawbek people. The turtle is a sacred animal in terms of the Seven Grandfather Teachings, but it's also sacred in terms of what the shell teaches to the families: that the shell pieces—I'll get this wrong, but basically the segment corresponds to the movements of the moon. The turtle, I believe, is also important in terms of water-bearing, which has a connection with the women of the Atikameksheng Anishnawbek, and I believe it could be a food source as well, although I don't want to say that without confirming.

But I want to say that sometimes culturally, what we may not think is important—because I don't use turtles, and where I live there's turtles all over the place, and sometimes we have to get out of the car and move them off the road when we're driving to camp. But you don't understand the importance psychologically, culturally and physically, for people to protect these animals.

We have given several opportunities to the government to reflect on this, to have more hearings in northern Ontario; so we can hear from people in those areas; so that we know we're making decisions that were not in our backyard, but were important to people who would have it in their backyard; and each of those opportunities, the Conservative government has voted against them.

This morning, we gave the opportunity to defer the amendments from today. We keep hearing from the Conservative ministers that they're trying to make this right. They were doing interviews even today about trying to spin this. I'm telling my friends from the Conservative Party: This is a big deal, not just to First Nations people. This is going to negatively affect mining. I say that as somebody who is the son and grandson of a miner and whose father-in-law worked at the smelter and I worked at the smelter.

The world has changed from where it was when I was hired. Time and time again, we have had chiefs and representatives from First Nations talk about the importance of their way of life, talk about the animals on their land and talk about fighting you in the courtroom, in the boardroom and on the land. Yesterday, one of the legal representatives said, "You have the authority. I won't be able to stop you, but I can slow you down." At a time when we need to be getting minerals out of the ground, creating a bill like this and overreach like this—that is going to have First Nations and, I would assume, environmental rights advocacy groups doing everything they can to slow you down in the courtroom, in the boardroom, doing everything they can to slow you down for investments.

I won't say what mining company it was, but there was a mining company that would bring people from Canada to mine overseas. It wasn't a safe place to mine, so they had an area walled off. The people local there—the Indigenous people there—didn't think it was fair that Canadians, and I guess Americans as well, were coming there to pull the resources out of the land without paying for them and destroying the environment and the animals

that live there. So they had to protect them with armed guards and by building walls.

The people got bored, though—because, you know, all work and no play. So the company decided that a good way to keep them entertained, especially the executives who were there, would be to build a golf course, because who doesn't love a round of golf? The people on this island, they didn't really play golf and understand golf, but they were very outraged when this mining company built a golf course on their burial ground in sacred hunting territories—not for resource extraction, just to kill some time on your day off.

I share that with you not to embarrass the company but to say that times have changed. I don't think that company would even consider that now or even think about it. It would be laughable. We've all done stuff we regret in the past just because we didn't know any better. But, today, we do know better. Today, we know how important these species at risk are. Frankly, we know how important COSSARO is when it has to do with recognizing a species, identifying them.

I've said a couple of times today, about the little bit that I've known and learned—I'm no expert on this. But there are people who are experts. They do this for a living; they do it all the time. They understand better than us, in the same way that the professional engineers who came to speak to us are experts when it comes to building stuff, and we trust them. His example was about building a bridge: that we trust them that the bridge will hold the weight of the material that's on top of it and not just take a guess at it. If you ever have the opportunity, by the way, to speak with an engineer and get them to explain stuff, it's fascinating how well-learned they are. But we need to follow organizations like COSSARO and their recommendations and not make things political.

I'm looking at my colleague's camera about the Favourable Lake mine. He has a photo on his screen, and there are these dead trees—bringing it back to Sudbury. There are these dead trees, and the ground is orange and black. As far as you can see, there are trees either falling over or upright that are bleached white and dead and completely dry. That is an image that I lived through as a kid, probably until I was 15 or 17. Regreening started before that but it takes a long time to plant a million trees.

1640

My friends and I would go in the mountains—because everything was rock, instead of hills, we just called everything mountains—and there would be these old tree stumps that were left over from the trees that were cut off, and we would play the Incredible Hulk because, even though they were more than twice our size, they were so dried out you could hold them above your head and throw them around. They were so dried out that if you kicked them hard enough, you'd smash them in two.

Fast-forward to today, talking about learning stuff about the environment and protecting animals, and we've regreened. I joke sometimes with Rainbow Routes who does a lot of this work that they wrecked all my sliding

hills. But the reality is that, because of that regreening, animals have returned—animals that never existed.

For those of you in southern Ontario, imagine growing up not knowing that blue jays were actually a bird in Canada because you had never seen one before as a kid in person. As a kid, I thought a blue jay was a made-up animal that looked like the logo on their shirt. I mean, it literally looks like the logo on their shirt, but I thought it was just a word that they came up with that had to do with a local factory in Toronto or something. I didn't realize it was an actual bird, because we didn't have blue jays in Sudbury when I was a kid; we had crows. But now we have blue jays again, and beavers, and turtles. Now we have fish that could swim in a creek.

The Junction Creek was across the entire city, under our mall downtown and comes out the other side. That was the creek I was telling my friends that was yellow and green growing up, and that if you went in it—because, as kids, you do go into those things—it would dry your skin, and your skin would look like crocodile skin—not dry but crinkled. It would damage you to that point. Animals didn't live in there or drink from—well, animals would drink from it because there's nothing else around, but animals didn't survive very long.

So when we look at this bill—and I know my colleagues and I know that the minister have been desperately trying to spin this as a positive way of moving things faster, but we all know it's not. We know that this is something that's going to lead to habitat loss. We know that “species at risk” is going to be just another name that we give to animals we never see again. And we know that—well, I know that many of my colleagues will sleep well at night because they don't live there. It's not in their backyard—

The Acting Chair (Mr. Lorne Coe): Excuse me, MPP West. Your time is concluded. Thank you very much.

Further debate? MPP Fife, welcome to the committee.

Ms. Catherine Fife: Thank you very much, Chair. I'd like—

The Acting Chair (Mr. Lorne Coe): On the amendment, please.

Ms. Catherine Fife: On the amendment, specifically around “habitat protection order,” actually: I do want to say, though, I wish I could say it was a pleasure, actually, to join this debate on this particular piece of legislation, Bill 5, which has been sold as an economic bill. However, it is clearly not; it is a dangerous power grab.

This particular motion that the government has moved forward around “habitat protection order” would be laughable if it wasn't so serious. I'm really pleased that the people of Waterloo region reached out to me as their MPP, and I'm really happy to see some folks from Waterloo here today. I'm going to be referencing some of their concerns specifically around habitat and what Bill 5 will do to our habitat in Ontario.

But you have to look at how we got here in some respect. Yesterday, I was before the Minister of Economic Development, Job Creation and Trade on Bill 2, and I talked about this moment in the history of our province,

which is unprecedented. We really should be moving together as lawmakers in this place to strengthen our economy. Bill 5 will do the exact opposite, Mr. Chair—because our environment is part of our strength, and our habitat in the province of Ontario is part of our strength. So when you undermine one of the key pillars of what makes Ontario wonderful, and a wonderful place to invest and grow and work in, then you are actually working against your own purpose.

I do want to say, I was watching, specifically on habitat protection, the hearings, and one of the presenters was Christopher Moonias. He had travelled 443 kilometres, from north of Thunder Bay, to come to Queen's Park to consult with the government because he was not consulted as a member of the First Nations community. He said, in his own language, and this is transcribed—he said, "My First Nation is on its 11,068th day of being under a boil-water advisory; this is the longest in Canada. That's over 30 years, going on 31 years." He said, "How can we give our free, prior and informed consent when we're living this way? How can we be equal partners when we're still living in poverty in Third World conditions?" He invited the government to come to his community and you can see this first-hand.

This bill, without a doubt, should have been travelled. This committee should be travelling this bill. It is such an aberration of our responsibility as lawmakers.

He went on to say in his delegation to this committee that he went at great personal expense to come this far. There was no effort whatsoever to include First Nations communities and to actually consult with them on Bill 5, and I raise the issue of the conditions that Mr. Moonias and his community lives in because the government has sold a bill of goods here by claiming that mining will be fast-tracked, mining will be streamlined, that there will be a mutual benefit here.

He goes on to say, "Despite all the mining promises we hear, we still continue to live the same way." He referenced Victor mines, downriver from where he lives, and he said it did not prosper for their community: "It didn't prosper the community that was nearby there, the nation that was nearby there," which was Attawapiskat. It didn't prosper. They're still under a boil-water advisory and there's still a lack of housing, and Bill 5 takes away a lot of those.

Attawapiskat for me has a special place in my heart because I first came to know the conditions of Attawapiskat almost 20 years ago, as a school board trustee, and I came to know the Koostachin family. Shannen Koostachin was a student living there. There's no high school on the Attawapiskat reserve. In fact, the elementary school was filled with mould. The windows didn't shut. It was hot in the summer; it was incredibly cold in the winter. And the community had been sold this community benefits dream, that if you work with us and if you agree to have mining in and around some of these areas, that there would be some community benefits. I hear the minister talk about this all the time, and yet for Shannen and her community, having been denied equal access to education, she had to

leave her home and go to Thunder Bay, which is a very traumatic event for youth, to have to travel away just to go to high school. She was killed in a car accident away from her home because there was no access to education in her community.

So the language that the minister uses—in a very, I would say, patriarchal tone—that somehow this bill, undermining our environment, our community—not consulting because, let's be clear, if you are truly honouring the duty-to-consult call as the treaties state, then you actually consult before the bill is designed, before it's written, not after the fact.

1650

So what we have here before us is a piece of legislation which is, pure and simple, a power grab by this government. And the government has used this opening, if you will, to not look inclusively as to how we can truly do nation-building projects—because this is the language that we use.

The Acting Chair (Mr. Lorne Coe): MPP Fife? I'm going to ask you to bring—

Ms. Catherine Fife: And the habitat—

The Acting Chair (Mr. Lorne Coe): Excuse me, please.

Ms. Catherine Fife: Yes.

The Acting Chair (Mr. Lorne Coe): Can you bring it back to the amendment? I have tried to provide as much latitude as I possibly can, but I would like you to please speak to the amendment. Thank you.

Ms. Catherine Fife: I'm speaking about the habitat, the environment of Ontario.

The Acting Chair (Mr. Lorne Coe): You're speaking more broadly. You're not speaking on the amendment.

Ms. Catherine Fife: So this particular motion addresses the species at risk in Ontario list. This legislation, though, redefines habitat more narrowly, significantly reducing the areas subject to legal protection. That's a very significant departure from how we have operated as a province: replacing binding obligations with voluntary stewardship initiatives and vague regulatory guidance; dissolving independent advisory committees and oversight bodies; concentrating decision-making authority within the ministry, which is a blatant power grab.

If this legislation is passed, obviously, the most immediate winners, who may not have the same consideration for habitat as scientists do, will be developers, extractive industries and infrastructure consortia. The government itself, of course, also stands to gain politically in the short term, but we all lose in the long term as a province. The major losers will be the species themselves—speaking about habitat protection—many of which will no longer receive timely or adequate protection.

It needs to be said that Indigenous communities whose stewardship, knowledge and treaty responsibilities are invoked but not respected will lose influence in the conservation of their ancestral lands. This is directly related to habitat. The public at large also loses, particularly future generations, who will inherit a diminished and fragmented natural heritage and a government framework that has

traded ecological foresight for administrative convenience.

Ultimately, the legislation signals a shift from conservation law as a tool for public good to a permissive structure that accommodates development with minimal friction, regardless of the long-term cost to biodiversity and environmental resilience.

I guess we shouldn't be that surprised by the government stepping back from any kind of environmental protection. We've actually seen this behaviour for quite some time. It now is a very familiar Ford government playbook: Frame a major deregulatory move as administrative efficiency, downplay or omit its real impacts and ensure that the primary beneficiaries are loyal donors and industry insiders.

Under this government, environmental protection has routinely been cast as an obstacle to economic growth, while key policies have been shaped to serve narrow interests, often behind closed doors. The consultation on this bill is a joke, Mr. Chair. It follows a pattern of this government. I mean, you cancelled 770 renewable energy contracts in your first term. You gutted the powers of conservation authorities. You attempted to expand aggregate mining access in environmentally sensitive areas, under the guise of modernization. So we're familiar with the way that you operate. But this bill takes these measures and amplifies it and accelerates it at great cost to the province.

I think it is important to note that at no point in this election did the government ever mention that they were going to carve up Ontario's greenbelt for development, which we found out through public outrage—an immediate and overwhelming public outrage. So it's like you've learned nothing, even though you're under criminal investigation by the RCMP.

So now here we are. There's no public mandate to repeal the Endangered Species Act, nor was such a move ever raised during the campaign, debates or platforms. I can't remember anyone on the government side saying that you were going to undermine habitat protection. This is governance by stealth, not consent. Enacting policies after elections that were never part of the public conversation, but which profoundly reshape Ontario's environmental future in favour of a small and wealthy and well-connected group, is—in my 13 years here at Queen's Park, I have never seen a piece of legislation which undermines the oath that we take. We all take an oath as MPPs. We're supposed to serve the province of Ontario; we're not meant to get elected and then undermine the province of Ontario, Chair.

The proposal right here around “habitat protection order” is part of, obviously, a larger piece around Ontario's Endangered Species Act, and even replacing it with this so-called Species Conservation Act is not simply administrative reform, it is a textbook case of cronyism and quiet deregulation. That is what's happening here.

What's very impressive, I think, is that the people of Ontario see it for what it is. Just like the greenbelt scandal before it, this legislation is designed to remove scientific

oversight, weaken habitat protections and give cabinet discretion over what species deserve legal safeguards, all while claiming nothing significant is changing. The fact that the minister, even this morning in question period, said, “There's nothing to see here; just trust us,” is something that defies all logic. Truly, it does.

And none of these changes were mentioned, as I said, in any kind of public discourse, and this is because they're deeply unpopular. So we, as the opposition, and our colleagues have made a pledge to the people who we're elected to serve to protect biodiversity. How any government member can be supportive of this legislation in its current form defies all logic.

Make no mistake: This new law will make it easier for politically connected folks to influence the minister and ministry. You've already shut out Indigenous and First Nations voices. You have tried to put some things in the preamble, which is actually not part of the legislation. The losers are going to be Ontario's endangered species, Indigenous stewards, local communities and future generations who inherit the cost of ecological destruction passed off as economic progress. This is not conservation reform; it is conservation theatre, and it deserves the same public scrutiny and resistance that reversed the greenbelt sell-off.

Interjections.

Ms. Catherine Fife: And I don't find it very funny, actually—to my colleagues across the way—because this is a complete betrayal of our responsibility as lawmakers and, one could even say, as human beings. This motion needs to be defeated, this bill needs to be rescinded in its entirety and you need to go back to the drawing board, otherwise you will just end up in court.

With that, Chair, my comments for this particular motion are concluded.

The Acting Chair (Mr. Lorne Coe): Thank you very much, MPP Fife.

I have MPP Hsu, please, on the amendment.

Mr. Ted Hsu: I want to talk about two things, and I want to thank my colleagues from the NDP for their remarks. I want to talk about habitat and I want to talk about what really bugs me about this amendment, which is that it's a half measure that can be used as a political shield.

This amendment is about habitat, and the reason why habitat is so important is the following: Sometimes people will say, “Oh, cats kill birds” or “Guidewires for towers will kill animals,” and they talk about how horrible that is. But the fact that habitat has disappeared—so forested land, for example, has been developed—the fact that that's gone means that, forever, there will be generations and generations of, let's say, birds and all the other animals that might live in a woodland that never hatch, that are never born, that never exist because their habitat is gone. That's why habitat is much more relevant than saying, “Oh, cats kill wild animals” and things like that. So I just want to put that point forward.

1700

The second thing I want to say, which I mentioned, is that what bothers me is that this amendment is a half

measure that can be used as a political seal that can give political cover to the government. I first learned about this when I sat in opposition to the Conservative government of Prime Minister Stephen Harper in Ottawa. There were often things that the government would do. They had these shields and they had these swords. The swords were policies that they put forward because those were the things they wanted to get done, so they would attack with the swords. But they needed to protect themselves, because they were vulnerable on other things, such as protecting the environment, and so they would put forward these half measures which we would call shields. They were famous for doing this on climate change. These were half measures—or less than half measures—which allowed them to say, “Look, we’re doing something,” but they never really amounted to anything consequential in terms of any policy goal, like protecting the environment or fighting climate change in any way. But you could talk about what your policy was and say, “Look, we’re doing this,” and never really get anything accomplished.

So what we’re doing here in this amendment is making it possible to properly consider what’s needed for the life processes of species at risk other than the limited new definition of “habitat” that’s in Bill 5. We’re making it possible for a minister to do what’s necessary to protect habitat in the current definition used in the current Endangered Species Act. We’ve left in the word “may,” so nothing necessarily has to be done, but the government can talk about it all at once.

So species at risk really don’t get any protection. The thing about species is that they can’t attend fundraisers to try to influence the government, and so—

Mr. John Fraser: Some species can.

Mr. Ted Hsu: One species can attend a fundraiser.

I spoke in the Legislature about, just as a funny example, whether maybe I should get an aquarium and put some redside dace in it so that I could take them to a fundraiser. They could jump out and get the ear of the Premier at one of these fundraisers by leaping out of the water, which they’re very good at, because that’s what they do. They eat insects.

Anyway, a little bit facetious, but it just gets across the point that there are certain things that don’t have the agency that humans do and yet are very important and should be preserved. So it’s half measures like this amendment that annoy me a lot, because it allows the government to claim that they’re doing something when they’re really not.

The Acting Chair (Mr. Andrew Dowie): Next, the member from Ottawa South.

Mr. John Fraser: I want to concur with my colleague from Kingston and the Islands: Conservation and preservation of endangered species is actually not something that I think is a partisan issue or an issue that we don’t all agree on.

This measure, you only have to look to one word, and that word is “may.” “The minister may make an order.” If someone said something like this to you—“Oh, you’re in trouble. I may help you”—not much of an obligation.

As my colleague just said, we take the agency that these things that we’re trying to protect, whether it be an animal, an insect, a plant, an ecosystem—they can’t do that on their own. Governments have done this, not just to take on the agency of these things that can’t take agency but take agency on behalf of the people who care and understand the importance of ensuring that we respect all life, we respect the sustainability that we need to have in this province to make sure that we can continue to have a clean and safe environment.

And then the government wants to pretend that they’re doing something, and the way that we know that is they don’t say “must” or even “shall.” They used probably the weakest word in drafting legislation, “may”: The minister “may,” not the minister “shall,” not the minister “must.” It’s kind of up to him whether he affords this protection or not. It’s up to him whether he even looks at it—or her.

This reminds me, and I spoke about this earlier this morning—so a little bit of latitude, because it relates directly to what I’m trying to say here: The government made amendments to this bill with respect to First Nations—or that’s what they said—about the duty to consult. Now, they didn’t use the word “may,” but just as in the case of the way that this amendment was written, it’s really hard to believe that these are serious amendments when the first one is part of a preamble, which we all know has literally almost no force in legislation; it’s kind of the weakest part of it. Then they roll out another amendment at the eleventh hour and try to say, “Well, we’re doing something about it,” when in actual fact they had already broken that trust.

So you know what? It would be easier to take the government seriously on this amendment if they just changed one word, one single word, “may,” and put “must” or “shall.” It’s not an arbitrary—it shouldn’t be at the minister’s discretion to even consider it. The minister “shall” or the minister “must” would indicate that this amendment was seriously addressing what this committee heard from deputants, both here in the committee hearings and what people wrote in and what they heard in debate, which is, “You need to do this.” Well, you’re not really doing it. You’re writing down the words, and then you’re putting one word in there, “may,” that makes it—I don’t want to say—yes, it’s all for naught. It’s just words. There is no obligation in there whatsoever, and that’s what people were looking for: an obligation to ensure that we protect species at risk, that we protect habitats, that we take care of those things, protect those things that are important to all of us, wherever we live.

So I agree with my colleague and my colleagues before me on this amendment.

The Acting Chair (Mr. Lorne Coe): Further debate? Further debate? Are the members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

Mr. Sol Mamakwa: I wanted to ask for a recess—

The Acting Chair (Mr. Lorne Coe): MPP Mamakwa, I just called the question.

Mr. Sol Mamakwa: Yes. Recess—

The Acting Chair (Mr. Lorne Coe): You’re asking for a recess?

Mr. Sol Mamakwa: Before the vote, yes.

The Acting Chair (Mr. Lorne Coe): How long is your recess?

Mr. Sol Mamakwa: Twenty minutes.

The Acting Chair (Mr. Lorne Coe): The committee will be in recess for 20 minutes.

The committee recessed from 1710 to 1733.

The Acting Chair (Mr. Lorne Coe): Committee members, we're back in session. We're just about to vote on government amendment number 10, found in subsection 29(1). Are members ready to vote?

Mr. Ted Hsu: Recorded vote, please.

Ayes

Allsopp, Cuzzetto, Dowie, Gallagher Murphy, Vickers.

Nays

Hsu.

The Acting Chair (Mr. Lorne Coe): Madam Clerk, the amendment is carried.

Shall schedule 2, section 29, as amended, carry? All those in favour? All those opposed? Madam Clerk, that is carried.

On schedule 2, section 30, there are no proposed amendments or notices to sections 30 to 42 of schedule 2 to the bill. I therefore propose that we bundle these sections. Is there agreement to bundle sections 30 to 42 of schedule 2? Agreed.

I'm going to call the question. Shall sections 30 to 42 of schedule 2 carry? All those in favour? All those opposed? Madam Clerk, that's carried.

Committee members, we'll now move to schedule 2, subsection 43, government amendment number 11, subsection 43(2). Who's moving the amendment? MPP Gallagher Murphy, when you're ready, please.

M^{me} Dawn Gallagher Murphy: I move that subsection 43(2) of schedule 2 to the bill be amended by striking out "(a) to (d)" and substituting "(a) to (e)".

The Acting Chair (Mr. Lorne Coe): Debate? MPP Hsu, please, sir, when you're ready.

Mr. Ted Hsu: I just, first of all, wanted to clarify what this is doing. As I understand it, this amendment amends a piece of Bill 5 which refers to clause 55 in the current Endangered Species Act. It repeals an additional piece, which is 55(1)(e). I'll just ask if the government members could confirm my understanding that this is about deleting a section which begins, "governing the fund, its establishment and all matters relating to its management and administration including prescribing other sources of money that constitute the fund for the purposes of paragraph 6 of subsection 20.2(1) and respecting the payment of money out of the fund."

My understanding is that, because the fund is being wound down, that is why this extra piece is being deleted—if I could just start with that.

The Acting Chair (Mr. Lorne Coe): I have MPP Dowie, please, to the question.

Mr. Andrew Dowie: Simply put, this is an administrative amendment. It's needed to fix a clerical error in the draft.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, do you have your explanation?

Mr. Ted Hsu: Yes. Thank you very much for that. I thank my colleague from Windsor–Tecumseh for that clarification.

The Acting Chair (Mr. Lorne Coe): Further debate on the amendment? MPP Mamakwa, on the amendment.

Mr. Sol Mamakwa: So this amendment is a house-keeping government motion issue. Is there a typo of sorts? Is that the issue?

The Acting Chair (Mr. Lorne Coe): To answer the question, MPP Dowie, please.

Mr. Andrew Dowie: Through you to the member opposite: Effectively, there were five items in the legislation. One has been deleted from a past decision here, and so we're going to four items under that section instead of the five that were originally there.

Mr. Sol Mamakwa: Okay. Meegwetch. Thank you.

The Acting Chair (Mr. Lorne Coe): Further debate on the amendment? MPP West, on the amendment, please.

MPP Jamie West: Just so I understand it: Either way, you're striking out sections that no longer exist? Or you're striking out certain sections—are there any clauses after (e) that exist?

The Acting Chair (Mr. Lorne Coe): MPP Dowie, please.

Mr. Andrew Dowie: Through you to the member opposite: What happened—the regulation-making authority related to species conservation charges were among the items listed here. Because that's been removed, there's no need to include it in this section.

MPP Jamie West: Ah.

The Acting Chair (Mr. Lorne Coe): I have MPP Hsu, please, followed by MPP Fife.

Mr. Ted Hsu: I wanted to make sure—my colleague from Sudbury, to answer his question: Yes, there are. There's (f), (g), (h), (i) and (j) that are not deleted by subsection 43(2). There are other measures that are not deleted.

The Acting Chair (Mr. Lorne Coe): MPP Dowie.

Mr. Andrew Dowie: Chair, I guess we'll take a review of this if you'll bear with me for a moment.

MPP Jamie West: We may have to recess.

Mr. Andrew Dowie: This was an unintended drafting error, and so—

1740

M^{me} Dawn Gallagher Murphy: If I may, we do have ministry counsel on the line that can explain this, if necessary.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, do you want ministry counsel on the line?

Mr. Ted Hsu: Yes, I would appreciate that.

The Acting Chair (Mr. Lorne Coe): All right.

Mr. George Leonard: Good evening, everyone. I don't know if you can see me because your video is not working, but I can hear you clearly.

So one of the members who spoke is absolutely correct. What this motion is doing is removing a regulation-making power related back to the species conservation fund. The species conservation fund is being wound down, so the addition of clause (e) is to remove the related regulation-making power. Hopefully, that's helpful.

The Acting Chair (Mr. Lorne Coe): Are you finished, sir, with your explanation? Did you have more to add?

Mr. George Leonard: I'm finished, unless there are any further questions.

The Acting Chair (Mr. Lorne Coe): All right; thank you.

MPP Fife, please.

Ms. Catherine Fife: Just to be clear: So the conservation regulation fund is being wound down because we're not protecting endangered species anymore? Is that what's going on? Was the fund already destined to be wound down, or is it triggered by Bill 5?

Mr. George Leonard: There was an ability where a proponent for a project could, in exchange for doing other measures, pay some money into the species conservation fund in exchange for doing those measures. The ability to do that is being wound down in Bill 5, so a proponent will no longer—in exchange for doing measures under a permit or a regulation—be able to pay money. So because that fund is being wound down, provisions related to that fund are also being removed from the legislation.

Ms. Catherine Fife: Can you please give us an example? For instance, if a mining company was creating some degradation of the natural environment, would this be one of those funds where the proponent could donate money to help the community deal with the fallout from the degradation of the environment?

Mr. George Leonard: I don't believe that we have any of the ministry staff in the room. Perhaps one of the government members could answer that. But I can tell you that in the exemptions that currently exist under the act, in respect of only a handful of species, a proponent who is undertaking actions and is required to take steps under that exemption can elect, in some cases, to instead pay money into the fund. The ability to do that is being removed under this bill.

Ms. Catherine Fife: Okay, so the government has moved an amendment to remove consideration of a fund like that because that fund no longer exists. Is that correct?

Mr. George Leonard: Just to be clear: Other amendments are removing the ability to pay money into that fund. This amendment is simply removing the ability to regulate that fund.

Ms. Catherine Fife: Okay—because you can't regulate a fund that doesn't exist.

Mr. George Leonard: Exactly.

Ms. Catherine Fife: Yes. We got that. Thank you so much.

The Acting Chair (Mr. Lorne Coe): Additional questions? All right. Thank you, sir. Thank you for being on the line today. We appreciate your contribution.

Further debate? MPP Hsu, please.

Mr. Ted Hsu: So now I appreciate that there was a typographical error or something, where it was intended that (a), (b), (c), (d) and (e) were to be struck out. But I'm wondering if the government really meant to strike out four of these five and not all five, because when I look at (d), striking out (d) means the Lieutenant Governor in Council may not make regulations governing the preparation of recovery strategies and management plans.

Modern industrial society has been here in Ontario for a while, and we've put a lot of burdens on the environment over the years. We have great cities and prosperity, but it has been a burden on the environment. For example, in southern Ontario, we've lost almost three quarters of our wetlands. Because there has been this accumulated burden on the economy, I think we don't want to ignore recovery strategies and management plans for the recovery of species at risk, and managing them so that they don't get worse or fall to become extirpated species.

So I'm wondering: Maybe the government did intend to strike four of these points, but maybe they really intended to strike out (a), (b), (c) and (e), and not to strike out (d). I guess my question to the government is, did you really mean to strike out (d)? If the government responds, "Yes, we did intend to strike out (d)," then I would like to amend this amendment: Instead of "substituting (a) to (e)," I would say "substituting (a), (b), (c), (e)," intentionally leaving out (d), because I think (d) is a pretty important measure, given that for many, many decades and generations we've been adding to burdens on species and the natural environment, and we do want to have the ability to make regulations governing the preparation of recovery strategies and management plans.

First, I'll let the government members answer my question. Maybe they just did that accidentally. But if the answer comes back that they really did want to strike out (d), I would like to move my amendment, or at least ask our wonderful legislative counsel to compose the appropriate amendment to do that.

The Acting Chair (Mr. Lorne Coe): All right. To the government amendment, MPP Dowie.

Mr. Andrew Dowie: It is item (e) that speaks to the fund, and that is effectively the item that will no longer have an effect. So (a) through (d) remain in place in that framework, and then the text that's submitted is a substitution. So really, it's just to address the reference to the fund, so that the reference to the fund would no longer exist with this amendment.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, go ahead.

Mr. Ted Hsu: Did you want to go first? I'm going to try and move an amendment.

Ms. Catherine Fife: Yes.

The Acting Chair (Mr. Lorne Coe): Let me chair the meeting, all right? Thank you very much.

Mr. Ted Hsu: Sorry; that was not very respectful. I apologize.

The Acting Chair (Mr. Lorne Coe): Carry on.

Mr. Ted Hsu: In that case, I would like to request that the legislative counsel compose an amendment to an amendment, which substitutes “(a), (b), (c), (e)” instead of “(a) to (e)” in the amendment.

The Acting Chair (Mr. Lorne Coe): We’re going to recess, but we need to be back at 6, okay?

Ms. Catherine Fife: Can I speak to the—

The Acting Chair (Mr. Lorne Coe): Yes, you can.

Ms. Catherine Fife: This is interesting, that we’ve just learned—and this is how poorly crafted this legislation is, though. I mean, first of all, that the government has so many amendments to their own bill and their own legislation is pretty indicative of how sloppy and messy and irresponsible this piece of legislation is. But we just heard from counsel that a prospective member of industry would traditionally in the past be able to deposit or contribute to a fund to compensate the community for said pollution. Now we’ve learned that the fund no longer needs to be regulated because the government is getting rid of the fund. So not only are you creating carte blanche and letting any industry sort of move into this space, these economic zones, without even having to pay attention to the law, now you’re actually even removing any compensation that the community may receive for future degradation of the environment. This is just one small example, and we’re only on amendment number 12, I think—sorry, 11.

MPP Jamie West: You wish we were on 12.

Ms. Catherine Fife: I know, I know.

This is a perfect example of why this bill needs to be removed. It needs to be rescinded in its entirety. The fact that the government has had to amend their own legislation to this degree shows you that the process was flawed, the legislation is flawed, your arguments are flawed. This amendment is even flawed, based on MPP Hsu’s evaluation that we’re going to have to go back to the drawing board on your own amendments. I mean, for the love of humanity, I’ve never seen such a sloppy process in all my years here. So as government members, you should find your backbone, move a motion, pull this bill and let’s go back to the drawing board. Come on. Find your backbone.

The Acting Chair (Mr. Lorne Coe): I have MPP Dowie, please, on amendment 11.

Mr. Andrew Dowie: I appreciate receiving the comments. I’ve been here almost three years. I’ve heard the derision of the affectionately named pay-to-slay program. Now the government is removing it, and it sounds like the opposition prefers that it remain. So this is quite odd. I’m surprised, but if the opposition would like to keep that program in place—I’m shocked, given all that I’ve heard over the last three years in this Legislature.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Dowie.

Interjection.

The Acting Chair (Mr. Lorne Coe): We’re not going to have cross-debate. If you’re going to speak on the amendment, speak on the amendment.

We are now going to recess so that we can put together the amendment to the amendment, and we’ll recess until 7 o’clock.

Go ahead.

Ms. Catherine Fife: This is not pay-to-slay. The entire act is pay-to-slay, actually, because people in the community who have contributed to your party are actually going to benefit immensely. This is a perfect example that, because you did not do consultation, you did not reach out to experts, because you did not honour your commitment as MPPs to the job that we’re supposed to be doing in this province—now that we have to amend your own government amendments to make sure that further damage is not happening to our communities.

And quite honestly, Chair, the fact that the government members can’t even speak to the comprehensive part of this amendment is incredibly concerning. At least somebody on the government side should be able to answer our question as to why the government has had to amend their own legislation. That is how flawed Bill 5 is.

We have so many examples of communities over the years who have been abused by the complete ignoring of their rights on their lands, and that is why you had Mr. Moonias come down all the way from 1,400 kilometres to be heard by this government: so that we don’t spend hours amending a government piece of legislation that is riddled with inconsistencies and mistakes. It is downright embarrassing that this piece of legislation is before us in its current form with this many amendments to it. It’s quite something.

MPP Hsu is going to move an amendment to try to fix your own amendment.

Mr. John Fraser: Trying to help you.

Ms. Catherine Fife: Let us help you and try to get the bill done in such a manner that, at least, it causes as little damage as possible. Because if you’re not going to pull it, then he’s at least trying to put forward an amendment to your amendment to try to fix it—honestly. That’s it.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Fife.

MPP Hsu, you want to put forward your amendment to the amendment?

Mr. Ted Hsu: Yes, please.

The Acting Chair (Mr. Lorne Coe): The Clerk has just advised me that we need to recess until 7 p.m., so we’ll see you all back at 7 o’clock. Thank you so much.

The committee recessed from 1753 to 1900.

The Acting Chair (Mr. Lorne Coe): MPP Rae.

Mr. Matthew Rae: I have a motion. I move that the Standing Committee on the Interior meet for clause-by-clause consideration of Bill 5, An Act to enact the Special Economic Zones Act, 2025, to amend the Endangered Species Act, 2007 and to replace it with the Species Conservation Act, 2025, and to amend various Acts and revoke various regulations in relation to development and

procurement, on Thursday May 29, 2025 from 12:01 a.m. to 9 a.m.

The Acting Chair (Mr. Lorne Coe): The Clerk is distributing copies of the motion.

Debate on the motion? MPP West, please.

MPP Jamie West: Point of order before the debate: Were we already in the middle of debating an amendment? We hadn't voted. Is this in order?

The Acting Chair (Mr. Lorne Coe): Go ahead, Madam Clerk. The Clerk's going to explain.

The Clerk of the Committee (Ms. Tanzima Khan): So when the Chair gavelled in, he hadn't actually said that we're getting back to clause-by-clause. The motion was moved before we got back to that point, so we're—

MPP Jamie West: I see. Okay.

The Acting Chair (Mr. Lorne Coe): Debate on the motion? MPP Hsu, please. Go ahead—on the motion.

Mr. Ted Hsu: Yes, on MPP Rae's motion. Are you going to be here?

Mr. Matthew Rae: I will be here.

Mr. Ted Hsu: Oh, great. Okay.

I appreciate the motion. I appreciate the government wants to get through this bill and bring in the fresh MPPs—lots of parties are doing that. So I understand perfectly the reason for this to extend. Normally, we would have gone until 12 a.m., and now we're going to go from 12:01 to 9 a.m. tomorrow.

Around that time, it might be a good time to have a bathroom break. So I'd like to make an amendment to this amendment that we go from 12:05 a.m. to 9 a.m., and that will give us five minutes to have a bio break. I think that's the human thing to do and a rather modest amendment to MPP Rae's amendment. I hope that the government will see fit to support it.

Interjection.

Mr. Ted Hsu: This is just five minutes.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, you want to move an amendment to the motion, right?

Mr. Ted Hsu: Sorry. My apologies. My mind is stuck in the language that we've been using all night. I would like to move an amendment to the motion, not an amendment to the amendment.

The Acting Chair (Mr. Lorne Coe): Right. Because we're on the motion. I just wanted to be sure.

Mr. Ted Hsu: Yes, that's right. Sorry.

The Acting Chair (Mr. Lorne Coe): All right. And your amendment to the motion, just so we record it correctly, can you restate it again?

Mr. Ted Hsu: I move that the motion from MPP Rae be amended to replace "12:01 a.m." with "12:05 a.m."

The Acting Chair (Mr. Lorne Coe): Thank you for that. Do we need to get that typed up? All right. We're just typing it in.

Mr. Ted Hsu: I think MPP Vickers—potentially off the record, but I'll just answer him more clearly—said, "Why do we need a break? We just had a break." It's because it's in five hours' time and I think some people may need a bio break in five hours' time—especially me, because I can see several Conservative MPPs coming in

and they can substitute. Maybe they don't need a bio break because they can substitute for each other, but we're making a stand here.

Interjections.

The Acting Chair (Mr. Lorne Coe): All right. I need everyone's attention here. If you're sitting at the table, you need to check in with the Clerk, all right? Thank you.

Mr. Rob Cerjanec: I think we can—

The Acting Chair (Mr. Lorne Coe): No, you don't sit at the table unless you're here subbing for someone else.

The Clerk of the Committee (Ms. Tanzima Khan): He can sit there.

The Acting Chair (Mr. Lorne Coe): All right, that's fine.

Debate on the amendment to the motion? I have MPP West, please.

MPP Jamie West: I think this makes sense. It may not actually go far enough. I'm telling you, I just received House documents on the latest Working for Workers bill from this party that loves workers but fails to understand the Employment Standards Act. It fails to understand that in the Employment Standards Act workers are required to have a 15-minute break every four hours, and after a five-hour work period, they are entitled to a 30-minute rest period. For our own workers here, all of us in the committee, Leg staff, we override this in the middle of a bill where you're pretending that you're not going to abuse the powers you have.

This is a bill that is constantly filled with ready-fire-aim legislative shenanigans. I'm being serious about this. This is a bill that is broken, and literally, up until we sat down, more amendments were coming in from the Conservative Party trying to fix a bill that was already broken. And then, when they realized that they're not going to get it by midnight—well, they've got to get it done, so we're going to sit even later. I'll be here all the way with you. The people of Sudbury elected me to stand up for them and to represent them, amplify and elevate their voices. They're texting me, and they appreciate what I'm doing. People from the mining industry are saying that I'm right. People who are working shift work and started an hour ago, who are going to be going through until tomorrow at 6 a.m.—there's not one of them that's going to feel sorry for us being in these chairs compared to the work they're doing.

But do not sit across from me and tell me that you care about workers when you pass motions like this, when you drive things forward, when you pretend that our Legislature staff—God bless them for how hard they work, and I know they're a service to the country and our province. When you ignore the fact that they have families at home, with your Working for Workers bill that is all about the right to disconnect, this is a slap in the face. This is an example of the arrogance of the government and the reason why people have concerns about what you would do with unchecked power because when you don't get what you want, you rewrite the rules until you get what you want.

There's not a member here who thinks this is a good idea, but when we see the votes, we're going to see the

members who were whipped to vote in favour of this. We haven't seen the member who represents the area for the Dresden landfill once in this room. I think he had a tweet or a Facebook live post where he was against it, and "Oh, I would have voted if I could, but it wouldn't matter anyways." But he didn't come down. He didn't send a message. He didn't sub in. We probably won't see him tonight. He skipped out on the vote for a landfill in his riding that will be one kilometre from the downtown; a landfill he opposed as a city councillor; the landfill that, as promised by the Conservative government and the Premier, would go through an environmental assessment, but suddenly and coincidentally there's an owner who's donated over \$300,000 to the Conservative Party who's going to have the right to open the landfill.

The Conservative government has to make sure they deliver on that promise, so "If we can't get it done by midnight, we'll move it to 9 a.m., and when we can't by 9 a.m. we will keep going to question period tomorrow, and if we can't get it by question period, we will keep going. We're going to drive this through because we do not care about the people of Ontario. As Conservatives, what we care about is our donors, and certainly not workers."

I heard my colleagues from the Conservative Party chuckle when MPP Hsu talked about the need for a bathroom break, a five-minute—or four minutes, I guess—bathroom break, and all they chuckled, ha ha ha. Maybe you haven't had a real job where you need a break; you need to go to the washroom. I know that you're thinking, "Well, it doesn't affect us as MPPs; we'll cycle through," but it does affect the staff in the room: the people who control our microphones, the people who are Hansard, legislative services. It does affect them. They have lives and families. This isn't a joke. People are snickering and laughing. It is not a joke.

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This is a broken, bad bill. I've never seen a bill with this many amendments from the government side tabled last minute, this many amendments promised in interviews that didn't make it to the table. And now we have this motion: "Let's just keep sitting and sitting and sitting until we get what we want. But trust us in the bill; we're not going to overuse our powers. We're going to overuse our power today to pass the bill, but in the system, we won't. We will cross our fingers, and don't worry about us." This is embarrassing. I'm ashamed on your behalf.

You have a broken bill. Every single person who came here told you about the issues in the bill. Even people who would normally talk about a bill like this in a positive way, they would come in, those that would speak positively about it, they would speak about schedule 5, the concierge service for mining to help the paperwork go smoother. And when asked about other sections—I don't want to put words in their mouth, but what I heard was, "Hey, don't drag me down with the ship. Look, I like this part. I am not going to be responsible for the rest of this train wreck."

Schedule 5 could use some tweaking, but that's a good part of the bill. I think it would help people. Do you want to do something that would help this bill or the next bill?

Maybe we get the concierge, white glove service for First Nations, to help them be successful, because we heard chiefs tell us time and time again that any time they're working in consultation for things that are important to this government it is taking them away from the suicides that are happening in their community. It's taking them away from the health care crisis that's happening in their community. It's taking them away from the fact that people don't have housing in their community. There's no single moment to spend to speak with Indigenous people unless there's an opportunity for the Conservative government to extract resources and wealth from where they live.

Do you know the bargain that this deal is? If First Nations people, treaty rights holders, if they give up the rights to the mineral resources on their land, we're going to give them a dirt road. Think of the prosperity when you get a dirt road. We heard from one of the Moonias family talk about the prosperity his community got when Victor mine came—communities with over 40 years of a boil-water advisory. I forget their first name, but I remember one of the Moonias people who had spoke in here talked about how he got a janitor's job out of this. And I'm not putting down being a janitor; my mom had a cleaning company. I was a janitor for a couple of years. It's a good way to make a living, and it's honest work. But if you come to a community and say, "Look, we know for sure there's millions of dollars where you live, and perhaps billions," and sometimes—I think MPP Fedeli talked about there being trillions during the election campaign. "And in exchange, you in that community will get a dirt road, and maybe you can get a job as a janitor." Well, someone is not getting the long end of that stick.

So I'm insulted by this move. You have the right to do it, and I know they're going to pass it and drive it through, but I am telling you, on this side of the House, as New Democrats, we're going to stand with the people of Ontario, who have major issues with this bill. This is not a political thing. This is not a—we're from the other party so we're going to say no every time you say yes. There's a bunch of things in the beginning that we passed along with you, inconsequential, but I've got to tell you, this bill is broken, and we heard it every single day.

And we made opportunities—several opportunities: "Let's travel the bill to northern Ontario, where it might affect people in northern Ontario," and that was voted down on Thursday. "Well, why don't we travel to northern Ontario, to Thunder Bay, so that people who live farther north than Thunder Bay could come and talk to us about the effect it would have?" We asked that on Monday. The Conservative government voted it down on Monday.

This morning, when watching on the news, both Minister Rickford and Minister Lecce tap-danced and back-flipped their way around interview questions and how there is going to be consultation, even though there was no consultation prior to the bill. "But trust us this time because we would never bend the rules like this motion is doing. We'll never use that to our advantage. We care. We're going to help out." We saw that in the media. Table the motion. Why don't we table this for today so that the

ministers can get forward to the things they're telling people in the press that they're going to do? That was a reasonable thing, and that was voted down.

And then, on the record, I said, "Look, we are open to helping you be successful on this if there is time that you need to get this right." And there appears to be, because these amendments are all over the place. The amendment we were debating before we broke for supertime was an amendment where you couldn't even list (a), (b), (c), (d) and (e). You forgot (e). Maybe you need a little time to go through what you're doing.

And I don't mean a little time like, "Let's keep going past midnight"; I mean a little time to sit down and have some sober thought about the fact that you have a bill where the minister, when he met with me before it was tabled, said, "Not to worry; this isn't going to interfere with the right to consult with First Nations and treaty rights holders." When he tabled it in Sudbury, he said, "Not to worry; this doesn't interfere with our duty to consult with First Nations and treaty rights holders." During his debate, he said, "Not to worry; this will not interfere with our duty to consult." But nothing in the bill said that. In fact, the bill wasn't even shared with treaty rights holders before it was presented. They called my office to get a copy of it.

You don't know what you're doing. Gilles Bisson used to say all the time, "Ready, fire, aim." That makes sense. There are a lot of new members. They make mistakes. Things happen, right? We have all been in the position where you stood up and the Speaker tells you to withdraw, and you say, "Why?", because you don't know. You just have to withdraw, right?

But most of us have been here for seven years. I know you have smart people on your team who help to draft bills and write bills. There must have been somebody with the courage to put their hand up and say, "Shouldn't we consult? We have a duty to consult. Shouldn't we do that part?" There's not one person? Chair, I think about when they had the glow-in-the-dark licence plates. There must have been someone who took a photo and saw that the licence plates were so reflective that they couldn't see anything, and didn't have the courage to say, "Maybe we should fix this."

I'm telling you: You need to fix this. If you think just driving it through is fixing it; if you think it helps your cause and that the media is going to stop going to Minister Rickford and Minister Lecce, asking them difficult questions about how ham-fisted this bill is—if you think they are the skilled orators that they believe they are, you are not reading the room.

This is a motion basically to say, "We're doing whatever we want on a bill where we promised that once passed and it gives us unchecked power, we will not do whatever we want. But we're going to do whatever we want today." There is not a person in this province who believes you. There are some people who may clap and will come and say it's a good idea, but I'm pretty sure that any journalist worth their salt is going to find the paper trail, the money

trail between donations in this party and the benefits that their corporations are going to make.

The other part of this, and I keep saying this: I had shared this with the Ontario Mining Association and with mining companies that I'm not going to name, because they have relationships with the government and I don't want them to feel like their confidence in me was betrayed. But I've said to them, "You need to tell them what you're telling me, that this bill is going to harm the development of your mine."

I don't think you get it. I come from a mining family. I lived in a mining town. My great-grandparents mined in Scotland. My grandfather was a miner. My dad was a miner. My stepfather worked at the smelter. I worked at the other smelter before getting elected. I lived in a small town where we all know each other: management, hourly, protective services; we all know each other. The world of mining is incredibly small. People move around back and forth. I was surprised when I went to the groundbreaking at Côté gold, for example, how many people I knew from the clean-air project at Vale. It's a small world. It's a trillion-dollar enterprise, but it's a small world and everyone knows each other.

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The thing with mining is, they're straightforward. The best you're going to get is, someone's going to say, "You want it between the eyes or do you want it in the stomach?" They're very straightforward in what they're talking about. And when they say to me, "This bill is going to hurt us. This bill is going to set back progress by 20 years because of the damage you're doing to First Nations and treaty rights holders," I tell them, "You have to tell my Conservative friends what you're telling me because they think I'm saying this because I'm a New Democrat."

I'm a champion of mining. It's how I pay for my house—well, it's how the bank pays for my house, but at some point, it will be mine. But I wouldn't be able to make the purchase of my house when my wife and I got married if it wasn't for a job in mining. I know how important mining is to communities in the north. I'm living proof of that.

But this bill is garbage. It's a garbage bill. There is a schedule or two that can be salvaged out of it, but the majority of this bill—about 200 pages of this bill—has nothing to do with ensuring mining happens more quickly or resource extraction or getting critical minerals. It has to do with the government rewarding themselves with a get-out-of-jail-free card.

Somebody, at one point, probably while they're being interviewed by the RCMP, thought, "Man, if we had an economic zone here that allowed us to bypass things, I wouldn't have to do this interview right now, and they wouldn't be going through my personal emails and my personal cellphone. I wouldn't be looking at criminal charges."

And then they decided, in the midst of the chaos and the crisis, when people are worried about the future—

The Acting Chair (Mr. Lorne Coe): Excuse me, MPP West. Your time has elapsed. Thank you very much.

MPP Jamie West: Was that 20 minutes?

The Acting Chair (Mr. Lorne Coe): We're timing it. The Clerk is timing it.

MPP Jamie West: Twenty minutes?

The Acting Chair (Mr. Lorne Coe): Yes.

MPP Jamie West: Okay.

The Acting Chair (Mr. Lorne Coe): Thank you very much. Everyone is getting the same time.

MPP Hsu, to your amendment to the motion: Please make sure your remarks are to the amendment to the motion.

Mr. Ted Hsu: I guarantee you that these remarks will be to the amendment.

Having listened to my colleague MPP West from Sudbury, I realize that it would be a significant burden on the Clerk, legislative counsel and other staff who have been here for a long, long time. It's very important to make sure we treat them properly, and so I would like to withdraw my amendment and make a new amendment to change the times from 12:01 a.m. to 9 a.m. to 8 a.m. to 8 p.m. because I think that gives the staff—the Clerks and the Clerks' staff—some time to get some sleep, which is only humane. So I would like to withdraw my amendment and make a new amendment with those times. And I have a feeling that maybe it can be prepared very quickly.

The Acting Chair (Mr. Lorne Coe): MPP Hsu, could you read your amendment?

Mr. Ted Hsu: I move that the motion be amended by replacing "12:01 a.m. to 9 a.m." with "8 a.m. to 8 p.m."

The Acting Chair (Mr. Lorne Coe): Debate on the amendment as read? MPP Fraser.

Mr. John Fraser: Thank you very much, Chair—

The Acting Chair (Mr. Lorne Coe): Can you get your microphone up?

Mr. John Fraser: I'm sorry. I'm fading here—but not yet, guys.

Ms. Doly Begum: You're just getting started.

Mr. John Fraser: I'm just getting started.

I'd like to thank my colleague for bringing it forward. MPP West made a really good point: It's not just about us; it's about the people who serve us here. The people who help us here every day—Hansard, the Clerks—have families. They have lives.

The reality is that this is a flawed piece of legislation. I don't know the last time I saw a piece of legislation come forward that the government had 23 amendments to, which is only two less than our amendments and twice as much as the NDP amendments, right? Almost—not quite. The point is, we all know this is a lousy piece of legislation. That's why we have all of these amendments.

What we're trying to do right now is trying to gerrymander or stick this thing together so that we can get something done so it fits somebody else's timeline. The reality is, the powers that are conferred by this bill are essentially to say, "In this place, laws don't apply. These laws don't apply, and we can pick that place, we can pick who we want to pick in that place, and we can pick when we want to do it."

Someone might make the argument, "I think Ontario is a special economic zone." So why should some place be more special than another? Really, when you think about it, why does one place get picked over another, and who makes that choice?

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Lorne Coe): MPP Rae, hold on. MPP Fraser, I want to bring you back to debating the amendment—

Mr. John Fraser: I'm going right back to the amendment because—I appreciate the guidance—

The Acting Chair (Mr. Lorne Coe): —because I'm going to keep interrupting you. I think you want to use your time to discuss the amendment.

Mr. John Fraser: I do. I appreciate the Chair's patience, but I am leading to the thing that I want to say.

The powers that are conferred on us are to treat the people who are helping us here in a humane, normal, regular workplace kind of way: "Hey, folks. You can go home and get 8 hours' sleep and maybe see you kids." It's not their problem that we have a problem here, all of us. The government knows it. That's why you've got 23 amendments.

We're not making a lot of progress right now. I think the point that the member is trying to make as well with this motion—and I am staying to it; thank you very much, Chair. I know you're being watchful, and I appreciate that—is, it's not just the humane thing to do, it's actually the smart thing to do. It's the smart thing to do because we need to take the time that's necessary to do whatever it is we need to do to make sure that this thing—because we know it's going to pass. We know that. You've got the majority. It's going to pass because you guys are going to do what you're going to do and what you have to do.

There are things here in this bill that would perhaps be good for us to be able to debate at a time when we can debate these amendments in a more thoughtful way. I think apart from being humane to staff, trying to debate these things in the wee hours of the morning is not going to be good for anybody.

I would like to understand—and maybe someone from the other side can explain it to me—the need for the urgency for this bill to be done tomorrow or Friday or Monday when there are 23 corrections by the government. And some of those 23 corrections aren't really corrections. We need to be able to debate them at a time—that's what this motion's all about—when we can think about them, when we actually look, as my colleague did in one of the past moments on endangered species, and pick out the words the minister "may." You've got to catch those things. The rest of it looks really good, and there are all sorts of amendments in here that are like that. It's like, "Oh, we're addressing this."

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We have to have the time—time during the day—where we can make these decisions and talk about these things and catch these things—

The Acting Chair (Mr. Lorne Coe): All right. MPP, hold it. Hold it. Back to the amendment, please.

Mr. John Fraser: Okay, I'm working on it. Sometimes it's just really hard for me to turn the corner and come back. But I'm going to keep trying to do that in my 20 minutes—

The Acting Chair (Mr. Lorne Coe): But there are stop signs along the way. Back to the amendment, please.

Mr. John Fraser: Yes and, Chair, you're doing that very effectively.

So, getting back to the amendment, which was amended from the amendment that was before, but I digress—what I would like, and I'll finish up here so I won't test your patience any more. I don't know if my colleague has anything to say. You never know. But what I would like to hear from somebody on the other side is, why can we not take the time to get this right? Why can't we do this during, maybe, daylight hours and a bit later, but not in the wee hours of the morning? Why does it have to be done by tomorrow morning? Why does it have to be done by Friday? Why does it have to be done by Monday? Should we do it on the weekend? I would just like to hear that.

Because the motion that's being amended, do you know what it's like? It's like the place was on fire. It was like, "We've got to stay from 12 o'clock to 9 o'clock, because if we don't get this done by 9 o'clock, everything is going to fall down." I don't understand it—23 amendments. Just two short of us. That's incredible. You're almost amending the bill as much as we're amending the bill. Who wrote the darn thing? I know who wrote this motion—I'm getting back to it.

I will leave it at that. I just would implore my colleagues on the other side to be humane, to support this motion and, if you have an opportunity, just explain to all of us over here: What's the deadline that makes you want to make the people who are helping us here hang out when they should be home in bed?

The Acting Chair (Mr. Lorne Coe): I have MPP Begum, please, when you're ready.

Ms. Doly Begum: Good evening, everyone. Chair, I know you must be tired as well from the long debates we're having on this. I appreciate everyone's attention. I appreciate the depth to which we're debating this amendment as well, because I think it goes to the importance of this bill and why we need to make sure that we get it right.

I appreciate MPP Hsu's amendment to the motion, because it allows for the staff and the MPPs to make sure that we do our job right. Let me explain this: When we're looking at this bill, we are replacing, essentially, two very critical pieces of legislation from the province—

Interjection.

Ms. Doly Begum: No, I mean the actual bill that we're debating. The actual bill that we're debating will actually remove the ESA and will actually take away conservation that we have to something else. It will implement special economic zones that will also have a serious impact—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Lorne Coe): Hold on. We have a point of order. I have MPP Rae, please.

Mr. Matthew Rae: I would encourage my colleague to talk about the amendment to the time motion.

The Acting Chair (Mr. Lorne Coe): All right. Thank you very much. Again, as I indicated, the commentary that I want to hear is on the amendment to the motion. I've provided a lot of latitude today to all the speakers.

Ms. Doly Begum: Of course, Chair.

The Acting Chair (Mr. Lorne Coe): I know you just joined us, but I've said the same thing to all the speakers: What I want to hear are your comments on the amendment to the motion. If you start to stray into discussions of the broader bill, then I'm going to stop you.

That's going to be the same for everyone who wants to speak. For those who have been with me from this morning, that's what I've been doing. All right? So, please, to the amendment to the motion—thank you very much.

Ms. Doly Begum: Of course, Chair. I think MPP Rae just proved my point that I was trying to get across: that you need to be aware and attentive to what you're actually doing in this clause-by-clause section because if you're not then you're going to miss a point. The point that I was trying to make, which is that this bill has a serious impact that it will make on the people of this province, means that we need to be aware of exactly what we're doing. The staff also need to come back and be able to do their job, and the MPPs on both sides need to do their job in making sure that we do it right. That means having us go back to the drawing board—and you're not agreeing to go back to the drawing board; it's okay. Let's go, so that we can come back at 8 a.m. tomorrow morning, which is what MPP Hsu's motion is, making sure that we come back maybe after being able to have a few hours of sleep for the staff and for the MPPs, so that we can come back and actually get back to what we're doing.

Just this evening we saw that we are missing letters; we are missing words, and we weren't actually doing the job right, which means that if we're actually going to do a job that our constituents elected us for—the people of Scarborough Southwest elected me to do my job correctly, to make sure that I am doing justice.

Interjection.

Ms. Doly Begum: So have I.

MPP Paul Vickers: Let's get on with it then.

Ms. Doly Begum: Yes, so making sure that we are here to do that job because the people—and for the last seven years, when I talk to my constituents, my constituents want me to make sure that when we pass a bill, we go through it with as much clarity as possible.

Sometimes I feel like some of our colleagues, it's almost like you can't be honest with yourselves—let's just be honest about this bill. This is not a mining bill. This is not a mining bill, and the fact that you've moved on all of that right now is why maybe you also need those few hours of rest to come back at 8 a.m.—Chair, going back to the motion—so that you can come back with a little bit of rested eyes and rested heart to understand that this bill actually impacts the habitats of not just species but also humans. When we're talking about these economic zones, when we're talking about the ESA, we are actually talking about the people of Dresden, the 3,000 people whose homes will be destroyed, so many habitats for species,

endangered species. These are real, real threats to our province that are made in this bill.

So when we are debating this, it's very important that we take it as seriously as our constituents, as the people who trusted us to be here, to make decisions on their behalf. And your government—you have a majority government. You'll vote it down; you'll vote however you want to. But my job is to remind you of that responsibility that you have. You know, it's all temporary. The Liberals had their majority. They had their government. You have your power. Things will change, but the power you're going to give through this bill will have a lasting impact.

When you look at an omnibus bill, an omnibus bill of 229 pages, which needs a lot of edits, which needs a lot of changes—these are all the motions that we're doing. These are all the changes. And we have just finished until page 5, if I'm not mistaken—page 13, I think, sorry. When the government comes back with their own homework needing a lot of different drafts, maybe, my friends, you need to go back to the drawing board.

Maybe you need to reconsider what you're doing.

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And you know, I haven't met one single person, Chair—and I don't know; maybe you haven't either and I don't know if my colleagues have—anybody who actually said, “You know what? Bill 5, what a darn thing. What a fantastic piece of legislation. Oh, my God, we're going to save Ontario by doing this thing.”

My colleague pointed out that there's one schedule we do want to support—maybe some tweaks, and we'll actually make it work, and we'll be able to help people. We'll be able to strengthen Ontario. We'll be able to actually work together and do that. But the rest of it, honestly, to quote my colleague and a lot of my constituents, is garbage, pure garbage.

Mr. Matthew Rae: Point of order.

The Acting Chair (Mr. Lorne Coe): Yes, MPP Rae.

Mr. Matthew Rae: Is my NDP colleague saying the amendment is garbage? Because that's what we're talking about right now. I'd encourage my colleague to talk about the amendment.

The Acting Chair (Mr. Lorne Coe): Yes, I would caution you to temper your language, please.

Ms. Doly Begum: Of course, Chair. Maybe I should use the words “cow dung.” I think that might be appropriate for the bill, but I do appreciate the amendment, of course.

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Lorne Coe): MPP Rae, please.

Mr. Matthew Rae: Again, I remind the member to talk about the amendment we're debating, not the bill.

The Acting Chair (Mr. Lorne Coe): To the amendment, please.

Ms. Doly Begum: Of course, Chair. Thank you. I digress.

I think this motion is very important because I was here last week when we had some of the deputations happening. A lot of people made their way down from different parts of the province to depute and to talk about how

this bill will impact their livelihoods, and what it means to them and to their families.

We had many chiefs from across Ontario talk about what this bill means for them, and one of the things that they pointed out is how it hinders treaty rights; how Indigenous communities feel hurt by the fact that they have a treaty—an agreement signed with the crown of this country—and yet here we are changing that. We are hindering upon the rights of Indigenous people of this province. We're violating those rights.

That is the actual core of this bill. That is why these kinds of amendments are important: to make sure that we go back and we're able to do this right because when you sit quietly or blatantly remove protections that protect endangered species, that protect habitats, that protect communities, that protect this province—or, for example, when we have species that will actually disappear because of some of the changes they're making with this bill—you need to be able to do that right.

This amendment allows you just a few hours—it's not much; I would have actually asked for more—because what you really need is to go back and get your chalk and board, and make sure that you actually do it right. I wish I could tell you exactly what you're doing by the two different sections of it because when you remove the ESA with the ESCA, you're going to have huge impacts. Some of the changes that you are making—

The Acting Chair (Mr. Anthony Leardi): I will kindly remind the member that she has to speak to the substance of the motion, not to the substance of the bill.

Ms. Doly Begum: Of course, Chair.

The Acting Chair (Mr. Anthony Leardi): The substance of the motion before us is replacing time. That is the substance of the amendment before us. It is replacing a time. Speak to the time, please.

Ms. Doly Begum: I understand, Chair. I know you also appreciate the debate as well. I know that yesterday I listened to you very intently on prescription drugs, which then moved on to contraception. It's very important—

Mr. Matthew Rae: Point of order.

The Acting Chair (Mr. Anthony Leardi): I recognize Mr. Rae.

Mr. Matthew Rae: My NDP colleague is not talking to the amendment, to the motion on the floor. I would encourage them to talk about time, as you mentioned, Chair.

The Acting Chair (Mr. Anthony Leardi): I gently remind the member again to please speak to the time. Thank you.

Ms. Doly Begum: Of course.

Like I was saying, I think it's very important that we give ourselves some time, we give the staff some time to be able to go back and get some rest and come back and do this right. Because, again, like I said, this is a bill that's very important, so that we are aware of the impact that it makes to the lives of the people, to the species that are endangered in this province. We have a bill that is 229 pages and now we're looking at amendments that actually need more amendments—or need some edits. Actually,

Chair, before you came, we had multiple incidents where we had to go back and understand what some of those amendments were because there were some edits that were required to those amendments as well. So as you can appreciate, Chair, I know that you also—and every other member in this room and in the Legislature—have been given a big responsibility by their constituents to make sure that we do this right.

The Acting Chair (Mr. Anthony Leardi): I would remind the member that we're not in the Legislature right now. We are in a committee and the rules are different. Please speak to the time. There is an amendment before you; speak to the time.

Ms. Doly Begum: Yes, that's exactly what I'm trying to do.

This time that we have in this motion speaks to the bill. And the amendment, Chair, I'm sure you will agree, is to replace the time to 8 a.m., so that the staff and all of you and all of us can go back and then come back at 8 a.m. to make sure that we do the clause-by-clause part of our committee process very carefully and thoroughly. So as I speak to this motion—this amendment to this motion, actually—we need to make sure that we do this right.

That's why, in order to point that out—why we should do this right, why this is important—I kept going back and making sure that people understand the impact of this bill and what this bill means for Indigenous communities, many of whom have come here to depute and told us how we need to take the time to do this right; many of whom have come here—the chiefs have come here to the Legislature, to the committee hearings here—to make sure that we take the time to understand the impact it will have in their lives and how it tramples upon the rights of Indigenous communities that were signed by the crown.

This amendment to the motion allows for only a few hours so that the Clerks, the staff—and that includes all staff here—can go back home, maybe have a few hours of rest and come back so that they can do their jobs right, so that we can do our jobs right, and to make sure that we do that well when we come back tomorrow morning to make changes to legislation that is 229 pages long, with a huge chunk of clause-by-clause amendments. Those amendments clearly need a lot of work, because we have only—Chair, before you came, actually—we have only gone through two schedules. We didn't actually finish the second schedule; we were just on the second schedule of the entirety of the bill.

So you and all of us would be mendacious if we think that we're actually doing a good job by putting in the hours and then giving ourselves a pat on the back. Forget the people who came here and talked about—you know, forget the mayor, actually, I think from Chatham-Kent, if I'm not mistaken, who came in and brought the actual drawing board and talked about the 3,000 people whose whole—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Anthony Leardi): I recognize Mr. Rae on a point of order.

Mr. Matthew Rae: I don't hear a reference to time and the amendment to the motion. The motion is about time as well, Chair. I encourage my colleague to refer to the motion or the amendment to the motion.

The Acting Chair (Mr. Anthony Leardi): As a gentle reminder to the member—thank you.

Ms. Doly Begum: Of course.

Like I was saying, this motion is very important, which my colleague from the government's side brought so that we have enough time to go through it. But just like we need that time, we also need to be able to do it properly and carefully. So if we're going to talk about why we need to have this amendment and have this time, again, we need to talk about the impact of this bill. Like I was saying, this bill impacts Indigenous communities, tramples upon their rights, their livelihoods—3,000 people whose representative came here and talked about how it will destroy their homes, their communities and, again, the ESA, the species.

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So this amendment that we have to the motion, I hope you'll consider it, because you've got to have some level of respect for the constituents in your communities and for the people who are actually in Lambton-Kent-Middlesex—because that's one of your colleagues. This amendment to the motion is not really asking for much. Actually, this amendment to the motion might give you a chance to go back and give him a phone call, to call him up and say, "You know what, buddy? You were right on that Facebook Live." Maybe it will give some time for the House leader and the rest of the team to go back and sit down. This amendment to this motion—to give you that time to talk about it amongst yourselves and for you to get some rest, to come back and say, "You know what? Maybe, just maybe, we got it wrong." Just maybe.

Those Indigenous leaders that have come here with a lot of heart, standing up for their communities, they deserve to be heard. They deserve to be listened to.

So, again, this amendment to the motion to give yourselves some time will allow you to do the job right because it will allow you to make sure that you pass a bill that is worth the representation that you're supposed to give to your communities, that is worth the positions that we hold in this House.

We've had multiple legislations, Chair, in this Parliament, and actually in the last two Parliaments, where we've had to go back and actually—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: Again, I encourage my NDP colleague to talk about the amendment to the motion on time for this evening.

The Acting Chair (Mr. Anthony Leardi): I had a feeling she was going to get around to that.

You were going to get around to that.

Ms. Doly Begum: Thank you very much, Chair. I know that you care deeply about your constituents and want to make sure that we do the job right. And I think it's very important that when we talk about this amendment we understand that we have a duty to represent and therefore

make sure that, when we are looking at a bill, a mining—that actually, you’re calling it a mining bill, which does a lot more than that. It does a lot more to a lot of communities and we have heard from many community leaders, many community members that have come forward, I think, vehemently against it.

And if you’re going to go ahead and just move through clause-by-clause—which you haven’t been able to do, so then you need to have enough time. You need to be able to have enough time to go through it carefully, and you need to make sure that you’re rested enough to do it properly.

I know my time is almost up, as well, so I appreciate, Chair, your indulgence on this. I know that my colleagues on this side—regardless of what it takes, we will keep fighting for the people of this province, for the people that we represent, for the Indigenous community leaders that have come here—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: I would encourage my NDP colleague again to talk about the amendment to the motion on time.

Ms. Doly Begum: I was actually just concluding, but—

The Acting Chair (Mr. Anthony Leardi): We’ll just conclude please, member.

Ms. Doly Begum: I just want to say thank you very much. I really hope that I have been able to put a dent in the mindset of my colleagues—to think carefully and maybe go back and actually say, “You know what? This bill that is an omnibus bill actually has a lot of loopholes—a lot of holes in general—that need to be fixed and, therefore, we should actually scrap it completely and come up with a new bill.” But if you’re going to go clause by clause, you should give yourself that time, give yourself the rest and give the staff and the Clerk the rest that they need to make sure that we come back well aware to do it properly. And you need to do it properly, because you’re looking at a big pile of amendments that need clear considerations because they have a lot of loopholes that need to be fixed.

Thank you very much, Chair. I will give my time back.

The Acting Chair (Mr. Anthony Leardi): My understanding now is that Mr. Cerjanec would like to speak. Mr. Cerjanec, we have an amendment before us. I’m going to kindly ask you to concentrate on the amendment, please. There will be plenty of time later to discuss the substance of the bill itself. We’re talking just about the amendment right now.

Mr. Rob Cerjanec: Thank you, Chair. And members of the committee, thank you as well. I think this is the first time of me speaking at this committee.

I’m rising to speak about scheduling on when we should be debating this bill. Right now, it’s 7:56 p.m. that we’re talking about an amendment to have us go from 12:01 a.m. to 9 a.m., where I see that there have been reinforcements, I think, from all parties brought in here to talk about, right now, the amendment that we are.

My colleague MPP Hsu, I think, has moved a very good amendment to the motion moved by the government side to start from 8 a.m. to 8 p.m. tomorrow. I’m here today because I think this adjustment is reasonable. I think it’s pragmatic. I think it’s consistent with our duties to foster meaningful deliberation on the bill that’s in front of us, the respect for our democratic process and, really, for proper public transparency.

The motion that was moved—and this is why my colleague moved the amendment—is so that we don’t do this under the cover of night when maybe not everyone is watching. I think that is the—

MPP Paul Vickers: It’s not our fault. It’s not our fault.

Mr. Rob Cerjanec: Well, I think it is the government’s fault because they put forward a pretty bad bill, which is why we’re having this conversation right now, so I do think that’s what it is. I do think it is the government’s fault that we’re debating this amendment on time right now, because if the government had planned properly, if the government had consulted properly, there wouldn’t have to be an amendment talking about time to move it to tomorrow as opposed to doing it under the cover of darkness, which is maybe what the government wants to do—I don’t know. Why else move a motion from 12:01 a.m. to 9 a.m.? That’s what it sounds like to me and I’m sure that’s what it sounds like to Indigenous groups across the province. I think, really, that’s what it does sound like.

So, what’s better, a midnight start until 9 a.m. or everybody getting some rest, some sleep? Maybe the government might go all night. Maybe they might take naps in here. I don’t think it would look very good to our constituents watching to see one of us napping in this room overnight. That’s what the amendment here tries to do is to prevent that so that everybody has a well-rested night of sleep, so that the wonderful staff who are here, staff who I’m just getting to know—it pains me that we have to even move this amendment, that this motion was originally moved. It pains me that has happened. It really, really does.

I’m thinking of our Hansard folks, I’m thinking of our translation folks, I’m thinking of our Clerk’s staff, our legislative counsel staff, I’m thinking about our own staff as well. I mean, I know in politics—I used to be a staffer, and we signed up for really long hours and sometimes working into the night; absolutely, right? My colleague MPP Watt is a nurse; he has done night shifts, absolutely. But when you’re doing a night shift, well, you’re likely sleeping before you start your night shift so that your patients are going to be safe and well taken care of.

That’s why I think we’re debating this here today. No problem; I’m happy to have a debate about time because I wish that the government side would say, “Yes. You know what? This is a good amendment. This is a reasoned amendment,” so that everyone can get some sleep, so that maybe the government could even rethink what other—maybe they want to pull back an amendment that they moved because it’s being done so rushed. Because that’s what it appears like to me. That’s what it appears like the

intention of this motion is here: "Let's just go all night, all the way. Let's keep going, keep going, keep going."

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Come on. Is this really what we're trying to do? Are we really doing right by our communities? Are we really doing right by Indigenous communities? Are we really doing right by the people of this province by saying, "Let's go all night"? Come on. I think we're all better than this. That's my view. I think we are all better than this—

Interjection.

Mr. Rob Cerjanec: Maybe not, but here we are.

I'd say accept the amendment, from 8 a.m. to 8 p.m. tomorrow, so that everyone can get a fresh, well-rested night of sleep—

Interjection.

Mr. Rob Cerjanec: But we could keep going. I mean, I don't think so, though, given the 23 amendments that the government side has moved. I don't think that's going to be the case.

Maybe I sense a little frustration on the government side that we're talking about this right now, given the frequent interruptions. That's okay, because I came here to talk about time right now, and I came here to say that I don't think this committee should be meeting overnight. I think it should be meeting from 8 a.m. to 8 p.m. tomorrow, because I think it's a reasonable thing to do. I think it's the right thing to do.

Who benefits? The public, as I said, doesn't benefit. I don't know what time people go to sleep. Maybe my colleagues might be able to talk about that. Some people might go to sleep at 8 o'clock. Some people are probably asleep right now. It's 8:01 p.m. People are probably asleep right now, people who may have wanted to do this, but maybe they've got to get up for shift work in the morning. Because we're being broadcast, right now, live. I see myself on that TV right there. We're being broadcast live to the world. I'm not sure who's watching. I hope people are watching, and I hope people are paying attention to the move that the government side has tried to pull here, going from midnight—12:01 a.m. to 9 a.m.

What are we trying to do here? Again, I think all of us, regardless of party, we need to think very clearly and carefully, especially the government, when we're putting forward legislation, when we're putting forward bills. Because the reason we're talking about time is because of Bill 5 because it didn't have, really, the proper consultation done, which is why we've seen the government backpedal and now say, "Let's do a late-night session." I think it makes it confusing for the public.

It makes me sad, coming into the chamber and talking about, in my inaugural speech, how maybe what people see on here might be different than what happens in the back. And I've had good conversations with, I think, almost all of the government members sitting here right now. I think, if they were in opposition, they'd probably be saying the same thing. And I think, if we were in government—at least, I think if I was in government, I don't think that's the right thing to do: "Let's ram some-

thing through overnight. That's how we're going to get through it, under the cover of darkness." It's not right.

It's not right, just like the bill is not right, just like the bill needs a lot of fixing, as we see with the amendments. We hear from the government side, "Trust us." That's what the impression is with the bill. It's saying to the public, "Trust us that we'll fix it all overnight. We're just going to fix the whole thing overnight, no problem. We're going to fix it. That's how we are going to do it: overnight."

It's 8:04 p.m. right now, so let's say 8 o'clock. Okay, 8 o'clock tomorrow—that's 12 hours from now. So I'm suggesting, my colleague is suggesting that we do it in 12 hours from now, that we all come back here tomorrow morning at 8 a.m. I don't know if there's a reception or not tomorrow morning. Maybe miss the reception and just come here instead. I know that the wonderful catering services staff lay out coffee—I see there is some here right now—and some pastries. That will be here in the morning. That will be here at 8 a.m.

So why are we doing this? Why do we want to do this overnight? We could end this all right now and start tomorrow if the government side just said, "You know what? MPP Hsu has a good amendment. Let's adopt that amendment." The government side has the majority here. They could decide to do that right now. Or is this going to be the approach that we see in the future? "No, no amendments. That's it. Only the government amends. We don't even want to think about or talk about any other amendments from the other parties."

That's what it feels like to me because my colleague's amendment here is for us to meet tomorrow morning, not tonight under the cover of darkness. Is it worth the cost as we started a new legislative session? I implore my colleagues to ask themselves that. Is it worth the cost to ram this through overnight or reasonably talk about this in the morning at 8 a.m. and go to 8 p.m.? You know what, if we're not done by then, okay, well, then we can do it another day and another day because I don't really see what the rush is.

We're talking about meeting tomorrow. We could have met in the weeks after the election in the weeks before we sat. We could have done that. Or maybe there were consultations on this. It doesn't appear that it seems like there were. So why is it important that we do it at 8 a.m. tomorrow? Well, it respects our natural working hours. Again, my colleague MPP Watt—nurse, overnight shifts—absolutely, 100%. MPP Fraser was talking about having to pick up his mom at the hospital—she was a nurse as well—and sometimes it took a little bit longer. Okay, no problem. But for all of us, typically, our morning proceedings start at 9 a.m. So I mean, starting at 8 a.m. sounds pretty good to me. It doesn't seem like, right now, it sounds pretty good to the government side. I think it reflects a serious commitment, if we do it at 8 a.m., to governance and avoiding these kinds of extremes.

Look, I was here on Monday night because the government decided, "Okay, we've got to do night sittings." So yes, I was here, I think, until 11:30 at night on Monday

and, I think, the last speaker in that session. I think MPP Rae was there for that one. Last night, as well, I think I was the last speaker there. We finished around this time. It was around 8:30. And you know what? I've got no problem trying to be the last speaker here tonight again, because we really should be doing it in the morning. That's when we should be debating this bill.

Having 12 hours of time, I think that's a good amount of time tomorrow for fulsome discussion. I think it gives the government side some opportunities to maybe even rethink their amendments. I think it's good for decision-making. It ensures that we aren't constrained by the artificial limitations of where we are right now or the artificial light that we see around us—because sometimes the artificial light can do stuff to us. At one of the receptions earlier today, my colleague the Minister of the Environment spoke about the sun coming up. Or, actually, sorry, I should say that one of the special powers is that the sun is still up right now, or it's rising again. It would really be a shame, I think, that if we were meeting all the way overnight, and to see the sun come up in the morning. But I think it would be a shame because that meant we were doing this under the cover of darkness, hiding from the public: That is what we're doing right now by doing this at night.

Maybe with me talking about time, more members of the public are going to tune in—maybe, I don't know. Maybe more members of the media are going to come here and tune in. Maybe some of our colleagues are going to come back from home after they've taken a nap in their bed and come in—maybe, maybe not. Or maybe some folks are going to fall asleep in this room. That's why we're saying to do it at 8 a.m. tomorrow morning and not here overnight.

As I said, it ensures transparency; it makes it easier for media. Our friends in the media—I know the Premier sometimes talks about the media; sometimes it's interesting conversations—but I think it's important the media is watching what's going on, is seeing what's going on. I have some respect for the media. I think they should be able to have a good night's rest as they look at this tomorrow. I think the important people that believe strongly in the bill, that have deputed at committee on this bill—I think it's important that they see these committees in the light of day, not overnight.

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My friend MPP Vickers thinks, how many amendments can we pass in 20 minutes? I think, on this schedule, very few amendments are going to be passed, because I don't think the amendments have been reasoned. I don't think that is the issue here. Last minute, we've got 23, now, amendments, which is why we're thinking—from the government side. I think my friend MPP Fraser—what do we have? We have 25 Liberal amendments here—25 Liberal amendments, 13 NDP amendments. The government amendments are almost there. So if the government side wants to do this overnight—and that's why they moved this motion before, to say, “Oh, 12:01 a.m. to 9

a.m.” That's why it was moved. That's why we know it's going to take so long to deal with these amendments—

Interjections.

Mr. Rob Cerjanec: My colleagues on the other side are joking that we should be voting on the amendments now because the Liberals have 25 amendments. My colleague literally made this comment right here in this room—made the comment right here in this room, Chair, that, “Oh, maybe he should stop talking so we can just start voting on these amendments and ram the bill through,” because that is the approach that they're taking. That is the approach the government side is taking. I don't think that's right.

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: I would just remind my Liberal colleague that the amendment to the motion that is on the floor is about the time and that we're not talking about passing amendments in the larger bill. We will get to that point.

Mr. Rob Cerjanec: Thank you. I appreciate that.

I have a point of order, Chair, as well.

The Acting Chair (Mr. Anthony Leardi): Mr. Cerjanec, you're doing a great job staying on topic, which is the amendment before us.

Mr. Rob Cerjanec: I appreciate that. I think I would ask, then, the members of the government side that, if they would like to chirp—

The Acting Chair (Mr. Anthony Leardi): I was just about to deal with that.

Mr. Rob Cerjanec: Yes, that's my point of order.

The Acting Chair (Mr. Anthony Leardi): I think Mr. Cerjanec has made a fair point. I call the government members to please allow him to speak without interruption. Thank you.

Mr. Rob Cerjanec: Again, I think about—I forgot about our IT folks as well that make sure that everything runs here. I forgot about them. Sometimes it's easy because we only remember when something wrong happens with our computer.

We want the public to be able to see these proceedings and to be able to be awake for these proceedings and not fall asleep watching these proceedings. I really do think of the staff right now who are here and who are listening to me talking about time and who are listening to me caring about wanting folks to be able to go to bed and see their families and see their pets and maybe wind down with a show on Netflix instead of us being here all night.

Yes, I know that sometimes these meetings take a long time. I understand that. And I know, sometimes, it might be, “Okay, maybe we're just going to go to midnight.” I think that's why the government House leader, when—okay, there's night sittings and, typically, that goes until midnight.

But now we have a motion here for a committee to say, “Well, let's go past midnight.” I think it makes a lot of sense that sometimes, maybe because of planning, maybe because of other things, the government has decided, “Okay, we've got to do night sittings.” Okay. You know

what? I understand that from time to time. It was a returning government, but that's neither here nor there, I guess.

But here we are now, again. I feel like I've got the energy to be able to talk about this and to talk about some of these things. But, again, I really do think that 8 a.m. is a much better start. It's going to mean we have better decision-making, at the end of the day. I think we want the best decision on the bill, and doing it overnight I don't think is going to give us the ability to make the best decisions on this bill.

I look at the parliamentary calendar that we have. What day is it today? Today is Wednesday, so we've got Thursday, and then we come back next week as well on Monday, Tuesday, Wednesday, Thursday. So we don't need to rush and do it overnight. We can take the time, do it at 8 in the morning. I think that would be, again, a really good thing for the public. I think it would be a really good thing for all of us. I can speak for myself and, I think, some of my colleagues who are here. I can't speak for the government side on this.

I think maybe deep down, people do think it's probably better for us to do this stuff in the daytime. I think I'm a reasonable person, and I like to think that other folks are reasonable people as well, so we can take it. There's all these amendments. We can do it tomorrow. We can do it Monday. We can do it Tuesday. We can do it Wednesday. We can do it Thursday. We don't need to do it overnight. We really don't need to do it at night.

And, yes, I know this is what the rules allow if it passes, to go from 12:01 a.m. to 9 a.m. The rules allow it. Okay, well, just because the rules allow for something doesn't make it the right thing to do—I don't think so. The rules in a lot of different times in history allowed for a lot of different things. That doesn't mean it's the right thing.

We hear, talking in the Legislature and other things, about, "The other side needs to work with us," and we say the same thing. Well, I think this is a good opportunity for us to take a pause, take a reset and come back at 8 in the morning. I really do think it's really important for us to do that, and that's why I came here after debate to committee, to see what was going on. I saw we were talking about time. Who thought that we would be talking about time here? But we are.

Tomorrow, I have a committee, and we're doing a line-by-line review as well of Bill 2, the interprovincial trade bill. I look at my calendar, and I have in my calendar that it might go into the evening—no problem. It's the evening right now; 8 o'clock—9 o'clock is kind of reasonable, and maybe even 10 o'clock is kind of reasonable too. I think we were all, in some way, shape or form, planning for night sittings this week because the government announced it last week, so I think most of us—or at least some of us who have House duty—were planning on being here.

But were we planning on doing this with committee, to just go overnight? At the start of the week, I don't think the government was planning for this at all. Quite frankly,

I thought that they'd just be able to push it through because they've got the majority, and that's it.

But now, here we are with 25 amendments from the government side, which is why the time needs to be extended. This is an issue of the government's making—

The Acting Chair (Mr. Anthony Leardi): Thank you, Mr. Cerjanec. Your time is up.

I'm going to exercise my discretion as the Chair to direct a five-minute recess. Please be back in five minutes. We will not wait for you. MPP Watt will assume the floor. Five minutes, tops. Please be back quickly.

The committee recessed from 2017 to 2023.

The Acting Chair (Mr. Anthony Leardi): We're ready to reconvene.

I had previously indicated that MPP Watt would take the floor, but I think, in fairness, we would rotate to another party if anybody so chooses.

MPP Shaw, you have the floor.

Ms. Sandy Shaw: Thank you very much, Chair. I have had the pleasure of being returned to this Legislature three times by the members of Hamilton West—Ancaster—Dundas, by my constituents, and I would say that they have entrusted me with their confidence that I will exercise my duty as an MPP in the most effective and efficient way possible. That's why I am speaking in favour of this amendment to the motion: because without such an amendment, there's no one here in this room that can be, in any competent or confident way, exercising their duty as MPPs, as elected officials, and the duty that they owe to their constituents.

We are here in this committee room—I mean, what time is it now? It's 8:25, almost 8:30. We have before us a motion—actually, it's an amendment to a motion—that essentially says that we need to be giving ourselves the proper time to consider Bill 5 and the amendments to Bill 5. It needs to be said that this bill, which is 229 pages long, is now facing 37 amendments to the bill. Thirty-seven amendments is a lot.

I would also say, in my time here—my seven-plus years here—I have not once witnessed the government accept an amendment that was proposed by the official opposition or by the Liberal Party, the third party—not once. They have used their majority every single time to vote down amendments that were reasoned, amendments that we brought forward to make legislation better. And that's the role of committees: to consider the bill, to listen to the deputants, to receive written submissions and to take the time necessary to consider them and exercise our duty with full confidence and in a way that befits the incredible power that has been placed in us.

Every morning, there's a prayer that is read—almost every morning—and in it we are asked to understand that we need to act in our role and to understand the immense power that is being bestowed on us. I would say that this motion is fully in keeping with the idea that we need to govern wisely and well, and it's hard to imagine that, in the early hours of the morning, any of us will be governing wisely and well.

So I'd like to again emphasize that this is a bill that's 229 pages long, with 37 amendments. We had at least 33 deputants who took the time to come to committee. I know that there were hundreds that were not given the opportunity to speak to the committee. We have received over 500 written submissions. People took the time from their lives to try and engage with this government and to engage in what should be a transparent and open democratic process.

I know that one of the things that my constituents are so shocked by is how quickly this government can pass bills without taking what they consider a reasonable amount of time to give people the opportunity to weigh in and also to consider the bill. These are important bills. This bill is a significant bill that will drastically change things in this province and it's hard to understand why we need to ram this through and why we need to rush through between 12 a.m. to 9 a.m. to consider this bill. This amendment just makes common sense that we wait until 8 a.m. to continue this deliberation.

"Democracy Dies in Darkness"—that's a phrase which is actually now the official slogan of the Washington Post. What it talks about is the importance of a free and open press and upholding democratic values in a way that people have an opportunity to weigh in. I would say there's nothing darker than a government trying to conduct their business between 12 a.m. and 9 a.m. in the dark hours of the morning. It's quite obvious that no one will be watching. People may be watching what's transpiring now. I know that our local media is starting to pay attention to this. I know that Colin D'Mello has tweeted about what's going on. I know Global News is reporting on what's happening in committee, which is very unusual.

But the point being is that people are watching how this government is conducting themselves, and that this amendment simply is a way for—what is that expression—"Help us help you." Because this is not going to go unnoticed that you are taking a bill that is so controversial and with such sweeping powers being given to the government that you're also using your majority and your sweeping powers to ram it through under the cover of darkness. It couldn't be more evident that by wanting to do this, the government does not respect transparency, that they do not want to have their work scrutinized. I thought that these were the fundamentals of our democratic process here in the Legislature of Ontario.

2030

When information is hard for people to access, when in many ways it is inaccessible because it's happening at times when people are sleeping, when people are resting because they have to actually go to work in the morning, this is the kind of behaviour, this is the kind of conduct of a government that befits—I would say it probably could be taken straight out of the playbook of Donald Trump. We want to take the time, the proper time, at a decent hour, to go through the 37 amendments to a 229-page bill that the government is trying to ram through, despite, quite clearly, the public's objection to this.

This is a controversial bill, and considering amendments in the middle of the night will certainly add to the

controversy. I have never received, in such a short time, so many emails with people opposed to Bill 5 and wanting to know in what way they can engage with this government to make clear that what is happening here is an affront to their sense of decency and to their sense of democracy—not the least of which is that this is a bill that clearly violates the inherent rights of First Nations, of rights holders in this province. We know that people have taken the time to come here to tell us that, and so the very fact that we won't take the time to consider their input is nothing short of deplorable.

We had Chief Moonias come to this committee. He explained that he travelled from his First Nation community that is 430 kilometres north of Thunder Bay. That took a lot of time to get here, I can imagine. In fact, his community is on the Attawapiskat River, which is the same river system where the proposed Ring of Fire special economic zones will be held. This is a person that travelled and took the time; why do we not extend the same kind of respect to First Nation leaders that travelled to this Legislature to make clear their feelings on this bill?

Why would we do this in the middle of the night? It makes no sense; there's no reason for this to happen in the middle of the night. You just have to fill in the reason that the government is doing this in the middle of the night. Are they ashamed of this bill? I think they should be. They've made so many amendments to this sweeping, controversial bill that we had to take all this time to consider them. So, again, I ask: Why would any reasonable person think that this government wants to move these amendments in the darkness of night? You just have to think for yourself what would the reason be. There's no logical reason other than the government is trying to pull a fast one, to ram this through, to avoid the controversy that they've unleashed with this bill.

When we come to this House, we don't come here alone. As I've said, we were sent here by our constituents who have entrusted us with this incredible responsibility to conduct ourselves in a transparent and accountable and responsible way. And there's no one—no government member, no one—that can justify or explain how sitting throughout the night, in the middle of the night, is in any way a responsible way to conduct business. Why are you doing this?

The government clearly has a majority that they use every single time to turn down and deny amendments and motions that we have before us. You're going to get this legislation passed; it's quite clear. You've made that quite clear. This amendment to the motion moved by MPP Hsu just makes common sense. Try and explain why it doesn't. You will sound foolish when you say that we shouldn't be meeting at 8 a.m., like when most people do their work, when people can tune in and people can see what we're doing. You want to do this while people are in bed sleeping so that they wake up in the morning to a bill that is already being sent back to the Legislature. How in any way is this justifiable unless it is the heavy hand of a government, the tyranny of the majority?

I mean, it's quite obvious that, again, this is not just us. We are MPPs that will sit through the night. We will do what we have to do to exercise our duty and our responsibility to our constituents. You can count on all of us to be here as long as it takes, so don't get me wrong. I will sit through the night if that's what needs to happen. It looks like that's what we may have happen because I have a deep and abiding sense of the trust that was given to me by my constituents. It's hard for me to believe, given the fact that the government seems to be speaking against this motion, that they have a deep and abiding sense of the commitment in the trust that our constituents have placed in us.

We are here for no apparent reason other than the government's lust to pass this offensive bill, but we're not alone here. We have staff working through the night. Why? Is it because this government couldn't get their work done in a proper amount of time? And I think that is the case because the government's bill, the government's own amendments amount to—

Mr. Matthew Rae: Point of order.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: Again, referring to the amendment to the motion on the floor about time, I would encourage my MPP colleague to refer to the amendment to the motion not the other amendments which we hope to get to this evening.

The Acting Chair (Mr. Anthony Leardi): MPP Shaw, you were doing great. Continue please.

Ms. Sandy Shaw: The reason that we have this amendment to the motion before us is that the government has—among the NDP and the Liberals—the government themselves have put forward numerous amendments, so that is the reason why we are debating this amendment to the motion put forward by MPP Hsu.

Let's just put all of this in context. This amendment is how many words long? One, two, three, four, five, six, seven, eight, nine, 10, 11, 12—let's call it 15 words long, this amendment, but it means so much more than that because it is a reflection of how this government plans to conduct themselves, and how this government votes on this amendment to the motion will be very telling. It will be clear: Either you'll be whipped to do what you've been told to do, which always seems to be the case, or you will vote against this amendment. Why? Because you have no respect for this House and the democratic traditions that we should be trying to uphold.

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As I was saying, this isn't just an imposition on—in fact, it's not an imposition; we're lined up. We'll be here all night. It looks like my Liberal colleagues are all lined up too. In fact, MPP Cerjanec has already taken his jacket off. You loosened your tie a little, I see, too. You're here for the long haul. We're here for the long haul because we're going to stand up for democracy. I can't say the same for the government side.

This amendment to the motion represents a lot. If they use their majority to vote this down, what will that say to the people in the province of Ontario? As people are putting their children to bed and unable to tune in, as

people are finishing up the dinner dishes and setting their alarms to get up in the morning to go to work, it will say that you have no respect for their time and that you have no intention of conducting your business in normal business hours in a way that allows people that have busy lives but still want to know what this government is up to.

The over 500 written submissions, 33 deputants, the media that's currently watching—these eyes on this government deserve our respect and deserve to be extended the same kind of consideration and the same kind of time that they extended to us when they took the time to come to committee, to write submissions, to send thousands of emails, which I have been receiving constantly about this controversial and unpopular sweeping Bill 5.

So while the government has no compunction to respect a transparent and accountable way of conducting business—well, I'm not a betting woman, but given that I've never seen the government one single time in the seven-plus years I've been here accept a motion or amendment to make legislation better, I'm just going to say they're going to vote against it.

Mr. Matthew Rae: Point of order.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: The amendment on the floor is not to amend the legislation currently before this committee, it's to amend the motion I moved earlier this evening and the amendment to that from Mr. Hsu. I would encourage my colleague to refer to that amendment.

The Acting Chair (Mr. Anthony Leardi): MPP Shaw, I think you're still on topic. Please continue. You have 16 seconds left.

Ms. Sandy Shaw: So I will end my 16 seconds to say I am yet again disappointed but certainly not surprised by this government, who has never once shown any consideration—

The Acting Chair (Mr. Anthony Leardi): Thank you, MPP Shaw. Your time is up.

In fairness to the rotation, I believe MPP Watt was next.

Mr. Guy Bourgouin: Point of order.

The Acting Chair (Mr. Anthony Leardi): On a point of order, Monsieur Bourgouin.

M. Guy Bourgouin: Merci, monsieur le Président. Si possible, sur un point d'ordre, j'aimerais avoir la motion en français. Je veux avoir l'amendement à la motion, mais aussi les documents en français, s'il vous plaît.

Moi, je représente un comté qui est plus de 60 % francophone. Je vais parler à la motion ce soir puis je vais parler à l'amendement à la motion, et je veux avoir les documents nécessaires pour être capable d'exprimer les vrais termes que vous allez utiliser dans cette discussion-là. Je pense que c'est un droit constitutionnel auquel j'ai droit. J'ai le droit de m'exprimer dans ma langue, mais j'ai le droit d'avoir les documents en français aussi.

Monsieur le Président, je vous demanderais de nous fournir les documents dans les deux langues officielles, s'il vous plaît.

Le Président suppléant (M. Anthony Leardi): Donnez-moi un instant pour parler avec la Clerk.

Monsieur Bourgouin, nous allons prendre quelques minutes pour discuter avec les autorités la demande que vous avez faite. Nous avons la traduction simultanée et vous avez le droit de parler français pendant votre discours, mais vous avez demandé des documents en français. Je peux vous dire et je peux dire à tout le monde qu'après que nous avons discuté et voté, les documents seront traduits en français. Mais vous avez demandé des documents à l'instant pour discuter à l'instant l'amendement que nous avons devant nous. Donc, je m'excuse, mais donnez-moi quelques minutes pour consulter nos autorités, et nous allons reprendre la discussion en 10 minutes.

The committee recessed from 2046 to 2057.

Le Président suppléant (M. Anthony Leardi): Okay, we're going to reconvene. Pour répondre à la question posée par M. Bourgouin, le député Bourgouin, il n'y a pas de règle qui met une obligation d'avoir une traduction en français devant nous.

Tous les amendements sont mis dans la langue dans laquelle ils sont mis. Donc, monsieur Bourgouin, si vous posez un amendement, vous pouvez le faire en français et ça va apparaître en français.

Pour que tout le monde soit informé de l'amendement qui est devant nous, je vais lire l'amendement, et pour que tout le monde puisse le comprendre, la traduction va se faire immédiatement.

M. Guy Bourgouin: Si vous me le permettez, monsieur le Président, j'ai parlé de l'amendement mais aussi des documents. On a un document de près de, quoi, 80 pages, en anglais. Le document, a-t-il été traduit en français? S'il l'est, je veux avoir une copie. Parce que si je suis pour débattre en français, je veux utiliser les bons termes, parce qu'on sait que les mots veulent dire des choses. Quand on parle de l'amendement, comme c'est écrit ici, du gouvernement ou des choses—ce n'est pas un amendement, là; ce sont des documents qu'ils nous ont donnés. Fait que, je crois que j'ai le droit d'avoir ces documents-là en français—ou je me trompe?

Oui, l'amendement, vous me dites, est déposé dans la langue—fait que, j'ai le droit de faire un amendement en français. Je comprends ça. Mais là, on parle d'un document de 80 pages. Ça tombe-tu dans ces règlements-là aussi? Ou est-ce que c'est que j'ai le droit de les avoir dans la langue francophone pour être capable d'utiliser les termes qui sont suggérés du gouvernement, de l'opposition officielle et du parti libéral; que je puisse au moins les utiliser pour que mes concitoyens, qui sont plus que 60 %, aient les bonnes terminologies—parce qu'on sait qu'on va débattre ce projet de loi.

Je crois que j'ai droit au document de près de 80 pages, si pas plus, là—il y a 23 du gouvernement, il y a 25 du parti libéral et il y a les nôtres. C'est un document qui est assez épais. J'aimerais avoir la traduction de ce document-là dans ma langue natale, parce que je crois que c'est mon droit—à moins que les règlements ne s'appliquent pas, que ce sont les mêmes règlements que ceux dont on vient de traiter pour un amendement à la motion. C'est la question que j'avais posée aussi—pas juste l'amendement; j'avais demandé aussi pour les documents.

Le Président suppléant (M. Anthony Leardi): Merci beaucoup. Après avoir parlé avec les autorités, elles m'ont informé que les documents existent dans la langue dans laquelle ils ont été déposés. Après avoir parlé avec les autorités, ce que je comprends, c'est que si vous posez un document en français, ça va être accepté en français. Si on dépose un document en anglais, ça va être accepté en anglais.

C'est ça que je comprends en ce moment. Donc, c'était une très bonne question. Je comprends très bien ce que vous avez fait, mais en ce moment, c'est la situation dans laquelle nous nous trouvons.

M. Guy Bourgouin: Mais, avec permission, monsieur le Président—

Des voix.

Le Président suppléant (M. Anthony Leardi): Donc, tous les commentaires que je t'ai donnés, que j'ai donnés à tous les membres ici, s'appliquent à l'amendement. Après que nous avons discuté l'amendement, nous pouvons discuter des autres questions qui s'appliquent au projet de loi que nous discutons. Mais en ce moment exact, ici, nous discutons seulement cet amendement devant nous, qui a été écrit en anglais. Ça, c'est la situation dont nous sommes—

M. Guy Bourgouin: Avec votre permission, monsieur le Président—

Le Président suppléant (M. Anthony Leardi): Oui.

M. Guy Bourgouin: Si je comprends bien—je veux juste faire certain que je comprends très bien. OK, on ne peut pas toucher à l'amendement parce que c'est déposé dans la langue—que ce soit anglophone où en français, l'amendement reste comme c'est écrit avec les amendements. Mais, vous me dites qu'une fois qu'on a fini de traiter la motion et l'amendement de la motion, après ça, je vais pouvoir ramener le point pour le reste du document pour avoir les documents en français, si je comprends bien.

Le Président suppléant (M. Anthony Leardi): Si je vous comprends—je vais répéter. Pour la première partie, oui, nous allons discuter l'amendement qui a été posé en anglais. Ça reste en anglais. Après que nous avons voté sur l'amendement, nous pouvons discuter les autres documents, et je vais clarifier avec les autorités ce que nous allons faire avec les autres documents.

Finally, on this point, MPP Hsu will wrap it up.

M. Ted Hsu: Merci, monsieur le Président. Je voudrais proposer, peut-être, une solution possible pour ce problème. J'aimerais proposer un amendement de mon amendement—

The Acting Chair (Mr. Anthony Leardi): No, we can't do that right now, because we have an amendment on the floor which is under discussion. We have to finish this one right now.

M. Ted Hsu: Mais ce n'est pas possible de proposer un amendement de—

The Acting Chair (Mr. Anthony Leardi): We have to vote on this one now, before we pass on to—

M. Ted Hsu: Non, non. Je ne peux pas? Ce n'est pas possible parce que—j'attends le greffier.

The Acting Chair (Mr. Anthony Leardi): May I be informed as to who moved the amendment that is immediately before us right now?

Mr. Hsu, you may not move an amendment to your own amendment. That is not permitted.

Mr. Ted Hsu: Is it permitted for me to add French? Because I'm not really changing the substance of the amendment if I add the text in French, which I think is a fair thing.

The Acting Chair (Mr. Anthony Leardi): It was placed in English, and that is what we must do right now. So let us continue the discussion—

Mr. Ted Hsu: If I may?

Donc, monsieur le Président, je voudrais juste traduire l'amendement—

The Acting Chair (Mr. Anthony Leardi): It's already been done, Mr. Hsu. We have simultaneous translation.

Mr. Ted Hsu: Okay.

The Acting Chair (Mr. Anthony Leardi): We can continue on now.

I promised MPP Watt that he would have the floor. Mr. Watt, you have 20 minutes if you choose to do so. Please stick to the amendment which is before us, which is: "I move that the motion be amended by replacing '12:01 a.m. to 9 a.m.' with '8 a.m. to 8 p.m.'." That is the amendment that you must speak to. Please stay on topic.

MPP Tyler Watt: Perfect. Thank you, Chair.

I'm excited to be here to discuss this important amendment that was put forward by my colleague MPP Ted Hsu from Kingston and the Islands.

This amendment is about time. It's about discussing whether or not we should go all night or if we should move this to 8 a.m. tomorrow morning. The sitting hours from midnight to 9 a.m. doesn't seem like it makes much sense, and I think everyone here would agree with that.

I look across this room and I see all these cups of coffee and smiles on everyone's faces, and I just know that it makes sense for us to call it quits tonight and start this over again in the morning because let's call this what this is: Sitting overnight from midnight to 9 in the morning is not about productivity, it's not about democratic debate and it certainly isn't about better outcomes for Ontarians. It is, at best, performative, and at worst, it is reckless.

Before I was elected to represent the people of Nepean, I was a registered nurse—and yes, this does relate to this amendment, because I'm going to talk about the importance of time and the importance of sleep. We all know that when you stay up late and you don't get that proper rest, which should be more of a routine—a sleep cycle, if we can get that—that is when you are at your best. That is when your brain is functioning its best. That's when you can make the best decisions you can make.

That's why we're all here. That's why we were all elected here: It is to represent our constituents and make sure that we're using that brain to its fullest capacity. Working those long shifts as a nurse—I went back and forth between 12-hour day shifts, sometimes 16, and I would go into my 12-hour overnight shifts. That transition from too-long days to then suddenly going overnight was

tough, and I felt the effects of what it was like to not get a proper sleep in between that shift transition. You feel foggy, you're not necessarily able to feel like your full self and you're certainly not going to be at your optimal health. When we're debating something this important, I think it's crucial that we are all at our best because that is what our constituents deserve at the end of the day.

My experience as a nurse and that difficulty with time—I know a thing or two about what happens when people get enough sleep. That's why I'm here to really advocate for my colleague's amendment here to move this to 8 a.m. instead of going from midnight to 9 a.m. We all have a lot going on tomorrow. There's a ton of decisions and votes and questions and debates to be done, and none of us are going to be at our best if we have to sit from midnight to 9 a.m. But this amendment is important. That's why we're all sitting here tonight. That's why we're here fighting for this important amendment that's about time. It's about time.

I never thought that we'd be here talking about time. I'm just concerned, with the lack of sleep, that people's minds get foggy. When your body is running on empty—no sleep, just Tim Hortons Iced Capps or pizza or whatever food is coming here—it's not good for us. It's been a long week, right? These days are long.

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Time: It's a fascinating concept. Sleep is not a luxury; it's a biological necessity. The science is clear and it's irrefutable. When we don't get enough rest, our ability to think critically, to regulate our emotions and to make thoughtful decisions, all decline. That is how important time and sleep cycles are. This is not politics; this is physiology.

It makes me think about a study that was published in the Neuroscience News that was highlighting the significant effects of sleep deprivation on our decision-making process. This relates to this amendment because we are talking about time and when we are going to be discussing this bill. I think it is crucial that we do talk about time and sleep and how that is going to impact this bill and this amendment that is before me that was brought by my colleague from Kingston and the Islands.

Some key findings from this—and I think we all know this, we have all been sleep-deprived before; we're all probably sleep-deprived tonight, am I right—include things like impaired neural responses. You go one night without that good-quality sleep—I think it is recommended people should sleep seven to nine hours and it's recommended that it's consistent. You should be going to bed around the same time every single night. I'm not the greatest at that myself, I do tend to stay up late watching Netflix and whatnot, and you feel it in the morning. I know that feeling. We're all certainly going to be feeling this in the morning tomorrow, I'll tell you, which is probably why it is better and makes the most sense to move all of this until 8 a.m. tomorrow morning.

But that impaired neural response: It affects how we make decisions. It's such an honour that we're all here, that we were all lucky enough to be elected and come to

this House. We need to be at our best for our constituents and that's not going to be from midnight to 9 a.m. Let's be real. We're not doing shift work at the hospital right now; we're here in the chambers debating an important amendment about time and I think we owe it—let's do the common-sense decision. This government always talks about common sense; I can't believe that we're not on the same page with this. It's crystal clear what the right decision here is.

Anyway, some more from that study was altered risk perception. Sleep-deprived individuals may experience changes in risk assessment, potentially leading to riskier decisions. Decisions—and that's what we're doing right now: We're making a decision about this amendment. This is an important bill that this amendment is going towards. This is a bill I have received hundreds and hundreds of emails about, and I know that the people of Nepean want me here, fighting for this.

Another thing that comes from sleep deprivation is emotional regulation. Lack of sleep can disrupt emotional responses, making it harder to handle stress and regulate emotions effectively. What's going to happen in question period tomorrow, where things can get a little heated, when we are not fully rested and we're staying up until 9 a.m.? Are we all going to question period after staying here till 9 a.m., debating this important amendment about time? I don't know. We will show up, but I worry about those altered risk perceptions and emotional regulation.

There's a ton of impact that a lack of sleep has on decision-making. We need to be our best when it comes to what we're voting on, when we're discussing amendments like this amendment here. It makes sense: replace the 12:01 a.m. to 9 a.m. with 8 a.m. to 8 p.m. It makes total sense. I don't know what the problem is here. And if we don't have that adequate sleep, which is where this is potentially leading to, it's going to affect our decision-making skills, especially in professionals in high-stress roles, and I would argue that this is one of those. I worry about how that's going to impact us in not making the best decisions we can, especially when there is so much discussion and talk and media coverage about this bill—it's an important bill. This is an important amendment, and we need to take it seriously and we can take it seriously better when we're rested, not at 12 in the morning, not at 3 in the morning. But if it takes us staying here at 12, 1, 2, 3, 4, 5—6 a.m., 7 a.m., 8 a.m., 9 a.m., we'll do it.

And if we, elected officials, are tasked with passing laws that will affect 15 million Ontarians, it shouldn't be under the guise of the night, it should be when people are able to watch what we're doing live. I can't imagine there are too many people right now that are watching this. It's important that we're not ramming through legislation, especially controversial legislation, so there's no point in rushing this overnight.

If this bill has created such controversy, we owe it to Ontarians to take a pause, listen to what they have to say and make the necessary changes that need to be done. I mean, how many amendments do we have right now: 20, 25 from the Liberals alone? Obviously, there's a lot going

on with this bill where we should take a pause. And I guarantee you, nothing productive is going to happen from midnight until 9 a.m. when it comes to this bill. So I thank my colleague MPP Hsu for bringing this important amendment forward.

Let's be honest, no one is going to be doing their best work at 3 in the morning. I think your stress hormones peak, usually, at around 4 in the morning. I remember the times where I was pulling all-nighters trying to finish up an essay or cram before an exam, and you get to that point of almost delirium-like and you're not thinking straight. You're exhausted. You're trying to keep your head up, and you really feel those stress hormones around 4 a.m. So I'm just really urging this government to really consider this amendment because when 4 a.m. hits and those stress hormones are peaking and you're falling asleep, you're on your fourth Red Bull, it's going to be tough. And Ontarians, they deserve better, frankly. I don't want people having to tune in at 5 in the morning to see what's going on with such a controversial and important bill.

There's a reason doctors don't schedule surgeries at 4 a.m. unless it's an emergency, pilots don't fly without mandated rest, truck drivers who haul cargo down our highways are legally required to take breaks and limit their driving hours to protect the public, but, somehow, in this House, we don't think about fatigue enough. That's why I'm glad that I have a chance here to speak to it, bringing that nurse lens and health care experience to what we're doing here today. I know you're all positively thrilled about it, but take what I'm telling you seriously.

We think we can debate critical legislation—legislation that affects so many things in Bill 5—but we're here talking about this amendment and time. Let me be clear: I'm not afraid of long hours; in fact, I am trained and happy to go as long as possible. These midnight sittings that we've been having—yes, we're having super long days, but I'm thinking back to my 12-hour, 16-hour shifts at the hospital, where I'm on my feet making quick decisions as much as possible. But the thing was, before those shifts, I had proper rest. I knew I was going into a long shift where I was going to be having to make quick, critical decisions, and I made sure that I was rested, not having to stay here for no reason.

So when I was at the bedside working those 12-hour shifts, overnights, weekends, holidays—I know what it means to be pushed through exhaustion, and I'm urging the government to do what they can to avoid that. You have a majority; this bill is going to pass. Why rush it? Why does it need to go through tonight? Why does it need to go through at 1 or 4 in the morning? It doesn't make any sense to me. I've done CPR at 4 in the morning. I've sat with dying patients when their families couldn't make it. I've worked through flu seasons and the pandemic. This isn't about avoiding work, this is about ensuring that the work we do is responsible and grounded in good governance, and that doesn't occur at 2 in the morning.

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I ask everyone here, regardless of party, do you truly believe that debating legislation at 2 in the morning is in

the best interest of the people who sent us here? I think we can all agree that the answer is no. Would you ask your constituents to read a 200-page bill and give thoughtful input at 1 a.m. in the morning? Would you want your doctor or your pharmacist making high-stake decisions on zero sleep? Then why should we expect that of ourselves? Why should we expect that of the public servants that work here—the Clerks, the translators, the security guards, the cleaning staff, the cafeteria workers, our staffers—who all have to support us when we sit through the night. Why should we expect the media, who report on our democracy, to stay awake for this important debate before sunrise? We are not a government of one, we are not a Legislature of one; we are collective institution, and our processes should reflect the dignity of the offices we hold.

I've spent time with people who have suffered from chronic sleep deprivation—new parents, night workers, long-haul nurses—and you know what the research tells us about lack of sleep, which is what you would be doing if we have to debate this between 12:01 a.m. and 9 a.m. instead of doing the common sense of 8 a.m. to 8 p.m. replacement tomorrow? Sleep deprivation impairs judgment as much as alcohol. I know that was mentioned a ton in the budget. Yes, being awake for 18 to 20 hours straight can slow your reaction time and cloud your thinking in ways comparable to blood alcohol content of 0.05 or higher. Just think about that fact. In other words, many of us in this chamber would be considered legally impaired if we got behind the wheel after an overnight sitting, but we think we are sharp enough to pass legislation. It's not safe, it's not smart, it's not leadership.

There is no point in this having to happen between 12:01 a.m. and 9 a.m. when we could simply vote for and adopt this amendment put forward by my colleague to change it to 8 a.m. tomorrow. What's the rush? Eight hours, just eight hours—that's it. The people of Ontario want us to take this bill seriously. They want to make sure that this isn't being rushed through. Legislation doesn't need to be rammed through. It needs to be correct. We need to listen and take these things seriously, make sure that we are doing our best for the people of Ontario.

This motion, as amended, would allow us to sit between 8 a.m. and 8 p.m. for a full 12-hour workday, more than enough time for an extended debate, thoughtful amendments and meaningful dialogue. It makes participation more accessible to members who are here right now, who perhaps have families, caregiving responsibilities and health conditions that can make overnight work not only difficult but dangerous.

I think of the new parents who are here in the chamber during the day. I think of the staffers with young children. I think of MPPs who are managing their own issues or chronic illnesses or are dealing with personal things at home. These are not weaknesses; they are realities. A mature democracy doesn't punish people for being human. It designs systems that allow everyone to contribute their best—and that doesn't happen after midnight.

I know how tempting it is for governments, especially majority governments, to use procedural tools to ram

through legislation, but fast doesn't mean effective, and efficient doesn't mean ethical. In fact, many of the worst legislative failures, provincially and federally, have happened when governments move too fast and ignored the process. Because that's what this is really about—not speed, not stamina, but process. Legislation passes in the middle of the night with tired members, minimal to no media scrutiny and reduced public awareness is less democratic, period.

If a bill is worth debating, it's worth debating in the daylight. It's worth debating when Ontarians can watch, when the press can cover it, when the opposition has the energy and capacity to push for improvements, and not just survive the session. I want to work hard, and I want to push this government to do the right thing—

The Acting Chair (Mr. Anthony Leardi): One minute left.

MPP Tyler Watt: One minute? Thank you. I've enjoyed my time.

But it has to be done in the right way, in the light, with full capacity. I want the public to see all of it, not just the headlines after the fact but the actual process of how laws are made. That's what transparency looks like—something that the Premier likes to talk a lot about.

If we value democracy and our constituents, we will vote in favour of this amendment changing the time from 12:01 a.m. to 9 a.m. to 8 a.m. to 8 p.m. Twelve hours: That's plenty of time to debate this bill and do the right thing in this House.

The Acting Chair (Mr. Anthony Leardi): We've had two speakers from the NDP and two speakers from the Liberal Party. Is anybody else wishing to speak? In fairness, we'll rotate now to a PC member. Mr. Rae.

Mr. Matthew Rae: Good evening, colleagues. It's nice to be here doing important work. I know many people we have the pleasure of representing work evening shifts—my father is a farmer and obviously works through the night many times; spring planting has just concluded back home—and that's why our government proposed this motion to continue the important work this committee has been doing all day, Chair. Continuing on that aspect, that's why we recommend not supporting the amendment before us and continue to move forward with the substantive motion and then the bill ahead of us.

We've also spent well over two hours debating this particular amendment. I know the members of the opposition greeted our friends outside earlier today, talking about how they were here to raise their concerns and debate the amendments. We have spent two and a half hours, as I mentioned, debating this one amendment to this motion so that we could continue that debate throughout the evening and ensuring that we are here doing the work for the good people of the ridings we represent—for myself, Perth–Wellington.

I know we've already had a couple of recesses for individuals to take bathroom breaks, for a variety of questions you've had yourself, Chair, with the Clerk, and so we've had ample time to ensure that important aspect. So we would encourage our colleagues to not support this

amendment and continue the important work as the original motion concluded.

So I would like to move closure of debate on this amendment.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae has moved closure of debate. I'm prepared to consider Mr. Rae's request for disclosure. I've sought expert opinion advice here. Also, I have taken into account the conditions which the Chair must exercise in order to either grant or deny the request made by MPP Rae.

Taking into consideration all of the factors and after having a very brief discussion with the Clerk, I am not satisfied that the conditions have been met to grant the request made by MPP Rae.

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However, I do want to tell all MPPs who are present now that MPP Rae has made an excellent point, that we have had two and half hours of discussion on merely an amendment to a motion. It is not my intention as the Chair sitting here now to entertain repetitive or unnecessarily drawn-out discussion on a mere amendment. I think that all people who have spoken so far have done a very fair job in speaking directly to the amendment. But now, after two and half hours of discussion, it is probably time for us to be more focused and not to be repetitive.

But in fairness to other members who have arrived and have not had an opportunity to speak, the rule is clear that opportunities should be granted to members to speak, provided, of course, that they're not merely repeating what other people have said. At a certain point, we will exhaust the ability to further debate a mere amendment.

All of that is to say, Mr. Rae, that I cannot grant what you have requested right now, but it does not preclude you from requesting that in the future.

We will continue, then. Are there any other members who wish to speak to this amendment before us now? I see that MPP Stiles has arrived.

The amendment before us is, "I move that the motion be amended by replacing '12:01 a.m. to 9 a.m.' with '8 a.m. to 8 p.m.'" That was moved by MPP Hsu.

MPP Stiles, you have the floor.

Ms. Marit Stiles: As the leader of His Majesty's official opposition, I do feel it is incumbent on me to be here this evening, in the late hours, to speak in favour of the amendment to the motion that's before us. This would amend the motion by replacing "12:01 a.m. to 9 a.m." with "8 a.m. to 8 p.m."

Chair, I want to speak in favour of this, and I'd like to start by revisiting just for a moment where we are and why we are having this conversation. I want to explain to the people who are watching, perhaps, what's happening here tonight, why this matters and why we need to support this amendment.

All day, my colleagues have been debating amendments to this bill, a bill that allows the government to override laws in their own favour. The government is doing absolutely everything in their power—let's be completely clear—to rush this bill through the House, through this committee. First, they scheduled this committee to sit until

midnight, which is bad enough. Then they went all in and decided to sit from midnight to 9 a.m. And now, while the rest of us are in agreement that we should move this committee to daytime hours, the government is making sure that this committee takes place under the cover of darkness.

Take into consideration here for a moment as well that all week we have heard opposition from every corner of this province, from people all across Ontario. But we also know that many, many people have been denied the opportunity to make their voices heard. I want you to consider what the government is proposing here is that these conversations, these debates and these important amendments to this really important legislation that could have generational impact is going to happen in darkness, when working people, whom this government purports to care about, are trying to rest up for the next day of work. Maybe people are working a shift all hours. This is what people are going to be doing.

So, once again, we have an example of this government continuing to prevent the people of the province from actually participating in—even just listening to or witnessing—the debate around this legislation, and this is very important legislation. I'm not going to make the mistake of talking about the bill too much because I know the government. We're talking about this amendment, but I want to put it into that context.

What we're talking about here tonight and at this moment is whether this conversation, this debate should happen at 3 a.m., when the government knows perfectly well that most people are going to be in bed—I hope so—or a lot of people. I must say, there have been times where I'm awake at 3 a.m., worrying about things like this bill, what it means for my children and their children and their children's children and what this is going to mean for Ontario in the future.

But I look at it, and I think, you've got a lot of people across this province who wanted to be heard. I'm trying to remember now how many people it was—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: I would remind MPP Stiles that we are debating the amendment to the motion not the number of people who presented to this committee already in deputations.

The Acting Chair (Mr. Anthony Leardi): Please continue, MPP Stiles.

Ms. Marit Stiles: I would say that what I'm talking about is that there's people out there who are—as you know, we are broadcasting this because the people of Ontario have a right to witness what is happening here, to be aware of what is taking place, what their government and their opposition are debating and discussing. If you're going to do that at 3 in the morning, I don't think that's very fair to a lot of working people, who have to get up the next day to take their children to daycare, if they're lucky enough to get a daycare spot; to take their kids to school; to go to work—to work a full day, and they're going to be forced to stay up.

At the end of the day, I know others have argued that this is a health and safety issue, maybe, and that we, as MPPs, shouldn't even be here, but I would say: Look, I would stay here all night. Are you kidding me? Of course. It is the role that we have. But I really feel the issue here is that people who deserve and should have the right to see what is being debated here, who are interested and engaged, will not have that opportunity because it's going to be taking place in the middle of the night, under the cloak of darkness, which is how I would say this government has tried to move this legislation forward. They want to rush it through. They want to get it done. But they don't want to hear from the people of Ontario. And they don't even—because they are opposing this amendment to the motion—want us to have this in daytime, in daylight, when people will be watching.

I want to tell you, Chair, that today, there were dozens of people on the front lawn of the Legislative Building of Queen's Park who were waiting to see if their concerns about this bill would be heard by the government. They were also denied that opportunity.

The amendments that we have before us—

MPP Jamie West: They were waiting in the rain.

Ms. Marit Stiles: And they were waiting in the rain, right? They were waiting in the rain, and let's be clear: It hasn't been a particularly warm spring. I think we can all agree it was chilly out there and it was wet.

These are substantive amendments that are being presented. I would say that the government's are not, perhaps, the direction that we want to go in, but these are important conversations, these are important debates that are going to take place here on these amendments. The people of Ontario have indicated very, very clearly that they want to hear those debates. They want to know what's happening here.

I want to remind the government again: A lot of the people that have expressed an interest in this legislation, who have shared concerns about this legislation, are going to be very unhappy. We're hearing from people right now who are saying to us—they're flooding our email saying, "We want the government to amend this motion, or agree to amend this motion, so that when I get up in the morning, I can have a chance to see what's going on here. We want to be part of this conversation. We want to witness it. We can't stay up until 3 in the morning. We can't wake up at 4 in the morning. I've got kids. I've got to get to school. I have work to do." I think it's very disrespectful not to allow this to happen in the light of day.

Chair, I know some of my honourable colleagues here have made some other, very important arguments around why it would be important to delay this, to amend the motion, again, by replacing "12 a.m. to 9 a.m." with "8 a.m. to 8 p.m." I think that makes sense. I don't know why the government wouldn't agree that we should be having these important debates and conversations in the light of day. What do they have to hide that we wouldn't want to do this in the light of day, where the people of Ontario can tune in, can follow along and can hear what the government's position is on these very important amendments—

some of which they are putting forward, some of which the Liberal members are putting forward, some of which the New Democrats are putting forward—about really important legislation, again, that many, many thousands of Ontarians have expressed concerns about, legislation that I think many people are concerned tramples their democratic rights.

2140

Isn't that ironic, that you would have a government that wants to have these conversations, again, in the middle of the night, at 2 a.m., hoping maybe that nobody else will notice what's happening, when we are talking about legislation that arguably overrides people's democratic rights, overrides treaty obligations? I think that is why it's so very, very important that we consider these amendments in the light of day. I think waiting until 8 in the morning makes sense. It just makes sense.

I think government members here can agree that they want their constituents to be able to follow along and hear the important arguments that they're going to put forward, presumably, for this legislation. I think people want to see that. They're not interested in these kinds of Trump-style tactics, as we've called them. They would rather that the people that they've elected—quite recently, in fact, just a matter of months ago—they would want to ensure that the representatives that they've elected are ensuring that they could tune in, can watch and that they're not trying to hide these important debates from the public view.

I'll remind people that, again, we saw this government schedule this committee to sit until midnight. Frankly, that's bad enough for a lot of people. I see one of the members opposite is yawning. I appreciate that. I think we all will be yawning. But again, why should we expect our constituents to have to also stay up all night to watch these proceedings?

Really, frankly, I think it's disrespectful of our constituents, of the people of Ontario, who have, again, very clearly indicated their deep concerns about this legislation. Thousands of people—and as I said, I'm still getting more emails as I sit here from people, texts saying, "I don't understand. Why would they do this in the middle of the night?" These are important conversations that Ontarians have a right to, frankly, participate in. But if you won't let them participate any further, then at least let them tune in, let them listen to what their representatives are imposing. Let them hear your arguments for why the government is putting forward, I don't know, this amendment number 1 to section 2, schedule 1. What is your argument in favour of this amendment?

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

Mr. Matthew Rae: We are debating this amendment in front of us, the amendment to my motion that I moved originally. I would encourage all colleagues to stick to that amendment and not any future amendments we may get to this evening.

The Acting Chair (Mr. Anthony Leardi): Please continue.

Ms. Marit Stiles: I appreciate the careful consideration for how I'm focusing my comments. It is late. It gets easy to get distracted. I think that's the other problem here. I can imagine that people who are watching this right now are probably also having trouble following along.

It's getting pretty late in the evening. Imagine how they're going to feel at 3 a.m. I mean, really. To be fair too, we were elected to do a good job—not just any job, but a good job for the people of Ontario. Here we are. Are we going to be at our best at 3 in the morning? I've got to tell you, I have had two babies. You are not at your best at 3 in the morning. I wouldn't wish it on anyone, but that's life.

We're not going to be at our best at 3 in the morning, and we shouldn't expect the people of Ontario to have to tune in at 3 in the morning to follow along with this very important and consequential conversation that we're going to be having here this evening. I think, when I look at how this debate is evolving, I hope that the members opposite in the government are listening to those of us—there's quite a lot of us here tonight, I would just add. Members of the official opposition, members of the third party—many of us are here, many more than really are required to be here because we care a lot. We know we've been, as I said, inundated by emails from our constituents concerned not just about the substantive issues in this bill—although there are many, many concerns—but also about the fact that this government wants to have this conversation in the middle of the night under the cloak of darkness.

I would look around me and say the rest of us in this committee and many of us here are in agreement that we should move this committee to the daytime, to the light of day. I would hope that perhaps the members of government who are here today and have been listening carefully to our arguments understand now and maybe are having second thoughts about whether you want to conduct the business of your government under the cloak of darkness. Is that how you as members of this government want to be remembered?

I was thinking, too, that it is really a government that's in their, what, third term now—and congratulations on that—but you've got to be thinking about your legacy. What do you want to be remembered for? Do you want to be remembered as the government that had to conduct business in the middle of the night to keep the truth away from the people? Is that the legacy that you want to leave behind in your term as elected representatives of your constituents, as ministers, perhaps? Is that the legacy that you want to leave?

I've thinking a lot about that, Chair. I've been thinking a lot about not just what this legislation wants to do, but, again, the nature by which this government conducts itself, the fact that this government continues to not want to listen to those who differ from them. And again, it's a lot easier to try to get away with things like that by having these conversations at 2 in the morning or 3 in the morning or 4 in the morning or 5 in the morning or 6, even, in the morning. Now, 7 in the morning seems reasonable, but then consider that there are many, many young families out there racing

to get—and I know some of you have had small children—your kids dressed and out the door and over to the school in time, or daycare. Gosh, I spent so much time as a working parent, my partner and I, with two little kids, racing back and forth to daycare and school. Anyway, I digress.

But these are the things that people are going to be doing at 6 in the morning and 7 in the morning, and they're not going to be able to necessarily spend the time to watch what's happening here—these important proceedings which are going to impact their lives and the lives of those children and the lives of those children's children.

As I mentioned at the start when I started speaking today, I am a parent of two young adults. Every day that I spend in this job, I'm thinking about, how do I serve my constituents? How do I serve the people of Ontario as Leader of the Opposition here in this province? It's a great privilege. It's a great honour. I'm also thinking about what is the Ontario that I leave my children. One of the things that I think we see when we see amendments to motions like this is we see the continued degradation of our democratic rights. We see it in the way that this government has time-allocated so much of the legislation that's before us, a government that doesn't want to do the work and doesn't—again, I just want to point out—want to do the work in the light of day. They want to do it under the cloak of darkness.

I'm really concerned, Chair. I share many of the concerns that have been raised by my colleagues here previously. I won't revisit the issue.

I do want to thank my colleague for Mushkegowuk—James Bay, who raised the issue of wanting to have these amendments and motions translated into French, into his language and our other official language. I appreciate those arguments.

I think that, again, some of the concerns that have been raised about the health and safety piece of staying all night and debating all night are really important arguments, but I have chosen to focus many of my comments tonight on the ability of the people of Ontario to be able to bear witness to what this government is doing, and it's not inconsequential. It is very, very important.

2150

And I will add—and, again, this speaks directly to the amendment to the motion because the government wants to do this in the middle the night, and I would remind people again watching that what the government is proposing to do is to amend the motion that is before us to replace 12 a.m. to 9 a.m. with 8 a.m. to 8 p.m. What that would—or rather; I'm sorry. See, I'm already getting very confused because it's late. And some of us in mid-life too, we're not sleeping so well as it is. I can tell you—especially women. I won't go into that whole conversation. That's a conversation for another day.

Mr. Guy Bourgouin: I have a CPAP machine.

Laughter.

Mr. Guy Bourgouin: I'm not going to look beautiful tomorrow.

Ms. Marit Stiles: Well, you may not be beautiful tomorrow, Mr. Bourgoïn, but I intend to be.

Laughter.

Ms. Marit Stiles: But, again, we have been debating, and my colleagues really have been debating amendments to this bill all day—all day—a bill that allows the government to override the laws of this province in their favour and really to create no-law zones. And to remind people that regarding this amendment the idea here is to prevent us from having to have these all-night sittings here so that the people of Ontario have a chance to bear witness to what is taking place, to hear what the government has planned, to hear what the opposition is putting forward in terms of amendments and debates, and I would ask with the grace of respect that the government members, please conduct this business in the light of day, not under the cloak of darkness.

The Acting Chair (Mr. Anthony Leardi): Thank you, MPP Stiles. You've now had 20 minutes from MPP Stiles.

Is there anything from the members who would like to speak to the amendment before us? I see that Mr. Bourgoïn, député Bourgoïn, has requested to speak.

We're speaking to the amendment which is: "I move that the motion be amended by replacing '12:01 a.m. to 9 a.m.' with '8 a.m. to 8 p.m.'"

Mr. Bourgoïn, or député Bourgoïn, I ask you to please stick to the topic in front of us, and you'll have 20 minutes.

M. Guy Bourgoïn: Merci, monsieur le Président. J'étais pour dire « monsieur la chaise », mais j'étais pour dire—il est tard et je suis fatigué. Fait que, j'ai décidé d'utiliser le temps, Président.

Sur l'amendement : c'est ironique qu'on parle de travailler toute la nuit et qu'on a notre ministre du Travail qui est parmi nous. On va travailler toute la soirée et on manque de sommeil, et on impose aussi le manque de sommeil et des heures de plus à des travailleurs. Parce qu'on oublie que, les députés—puis, je pense que c'est mon collègue de Sudbury qui l'a très bien dit : les lois du travail sont là pour une raison.

J'ai négocié 25 ans, et j'ai mis des conditions de travail pour protéger les travailleurs. Puis là, aujourd'hui, on impose des conditions à des travailleurs pour travailler toute la nuit. Ils manquent de sommeil. Ils ont des jeunes familles; ils ont tout—puis on est un gouvernement qui dit qu'on est là pour le peuple, qu'on va représenter le monde de la province de l'Ontario adéquatement, puis on travaille toute la nuit? Vous avez une majorité. Vous n'avez pas besoin de faire ce qu'on fait là. Vous avez une majorité. Puis on parle—tu sais, on a eu deux jours de débats.

Monsieur le Président, moi, mon comté, c'est Mushkegowuk—Baie James. Les Premières Nations qui sont venues témoigner durant les dépositions, beaucoup d'entre elles venaient de mon comté. Ce qui fait que les enjeux dont on va traiter aujourd'hui avec les amendements, je pense que c'est important que—ça devrait être durant le jour. Parce que les personnes autochtones qui sont venues, les Premières Nations qui sont venues témoigner, je peux vous dire, elles sont très, très intéressées et elles suivent ça de près. Elles suivent ça de très

près. Puis le dommage que vous allez faire à votre relation avec les Premières Nations—vous ne réalisez pas le dommage que vous faites. Ça, ce n'est pas moi qui le dis. Ce sont les grands chefs qui me l'ont dit. Ce sont des chefs des communautés qui me l'ont dit. Je pense que le gouvernement ne comprend pas, le dommage que vous faites, et ça, c'est dommage.

Puis là, insulte par-dessus insulte, puisqu'on passe—il ne faut pas oublier, là, que votre projet de loi qui passe par-dessus les droits de traité des « rights holders ». Je pense qu'on fait ça durant la nuit pour que personne ne le voie, pour que personne ne l'entende. Comme on le dit en bon français, c'est une autre bonne claque sur la gueule, si je peux utiliser le terme. Puis c'est de même qu'ils vont le voir. Parce que, moi, si tu faisais la même chose avec mes droits francophones, j'aurais un problème avec.

C'est pour ça que j'ai amené l'amendement. Mais, là, il y a des règlements qui adressent ça. On va débattre plus tard, et ce sera un autre argument qu'on va avoir tantôt, mais pensons aux droits des traités qu'on a signés de bonne foi. Que les Premières Nations nous disent : « Non, ce que vous faites là, c'est une erreur. Monsieur le gouvernement, c'est une erreur que vous faites »—et par-dessus cette erreur-là, on va le débattre toute la nuit. On va le débattre jusqu'aux petites heures du matin pour que personne ne l'entende.

Puis ça, vous ne me ferez pas accroire que ça ne vous achale pas, parce qu'on a tous des consciences. Puis je sais que vous avez une conscience, de l'autre bord, parce que quand on n'est pas devant les caméras, quand on se parle puis on se dit les vraies choses, vous avez des consciences. Vous ne me ferez pas accroire que ça ne vous mange pas. Parce que, moi, je représente ce monde-là et ça me mange de voir comment vous traitez les Premières Nations, que vous ne respectez pas les traités, puis que vous faites ça sachant—sachant—que vous allez détruire des relations avec des Premières Nations. Pourtant, on débat toute la soirée. On débat toute la soirée puis on dit : « Oh, non, c'est un droit. »

S'il y a quelque chose que j'ai appris de mes parents, et que ma mère me disait souvent, c'est : « Guy, la nuit porte conseil. » Il me semble que c'était sage, ça. C'est un sage qui a inventé ce commentaire-là : « La nuit porte conseil. » Pourquoi? Parce que trop souvent on fait des choses qu'on devrait prendre le temps de dormir dessus—pour commencer à faire avancer des projets de loi de cette importance-là.

Monsieur le Président, je peux vous dire—c'est quoi, mon troisième terme? Je commence mon troisième terme. Je n'ai jamais eu de courriels pour un projet de loi comme j'ai là. Je vous le dis, j'ai passé le 5 000 et plus—pour un projet de loi controversé, puis on va le faire dans les petites heures du matin pour que personne ne l'entende. Voyons donc. Voyons donc.

Tu sais, l'épuisement professionnel—je suis content que le ministre est là—ça existe. On impose que le monde qui travaille, qui prend ce qu'on dit, qui écrit ou qui traduit—la traduction, surtout quand moi je parle français, ce n'est pas évident parce que j'utilise des termes franco-

phones, franco-ontariens, puis j'imagine comment le traducteur—ils doivent changer souvent pour essayer de me suivre, eux autres. Je sais qu'on se rencontre souvent dans les élevateurs puis on fait des farces avec ça.

Mais, ce n'est pas évident pour ce monde-là. L'épuisement professionnel existe. C'est une condition. Ça, ça ne veut pas dire que nous, les députés, on est protégé contre ça. On vient de passer une élection. On a travaillé fort. On est ici, puis on travaille des heures longues et on s'en impose d'autres. Quand on sait que vous êtes un gouvernement—vous vous pêtez les bretelles dans la Chambre constamment que vous êtes une troisième majorité—troisième majorité. C'est quoi, prendre le temps de faire un projet de loi?

Vous avez entendu tous ceux qui ont déposé ici. Qu'est-ce qu'ils ont dit? « Vous faites une erreur. Retirez le projet de loi 5. » Vous l'avez entendu? Parce que, nous autres, on l'a entendu. Vous étiez à l'écoute du même monde, surtout des chefs, des grands chefs, tu sais, de NAN. Leo Friday, que je connais très bien, qui était chef dans la communauté, mais qui est rendu Grand Chef de Mushkegowuk Council—il tapait sur la table. Il disait : « Ne faites pas—respectez nous chez nous. »

Je ne manquerai pas de respect pour vous. Je vais m'enligner encore pour les heures, là, mais c'est pour vous dire que je pense que le gouvernement fait une erreur. Faisons-le dans la clarté du temps, dans le jour. Débattions, ou retirez ce projet de loi-là et prenez le temps de le faire comme il faut. Parce que, qu'est-ce que ça va faire? Ça va nuire plus. Qu'est-ce que vous voulez accomplir? Vous allez faillir à ce que vous voulez accomplir, parce que vous allez faillir dans la cour. Ça va retarder le processus de la cour.

2200

Puis, pour mettre ça encore pire, là, on débat en pleine nuit—en pleine nuit—pour dire qu'on essaye de faire accroire à la population et aux Premières Nations et tous ceux qui sont affectés, que ça soit les lois du travail, que c'est la bonne chose—les environnementalistes. Je pense que c'est un enjeu qui est sérieux et que vous semblez faire l'oreille sourde.

Il y a une autre affaire que ma mère me disait souvent. Ma mère, c'est une femme très sage. Ce qu'elle me disait—elle dit : « À cause que tu peux, Guy, ça ne veut pas dire que tu devrais le faire. » Et je suis certain que vos parents vous ont dit la même chose, parce que—disons que je n'étais pas reposant quand j'étais jeune.

Mais à cause qu'on peut le faire, ça ne veut pas dire qu'on devrait le faire. Mais ça, s'il y a quelque chose que vous avez entendu sur ce projet-là qu'on débat maintenant et les amendements dont on parle, qu'on essaye de passer pendant la nuit, sous—couvre des yeux et des oreilles, on s'entend.

Je pense que le gouvernement fait une erreur—une sérieuse erreur. Vous allez payer le prix, parce que si les Premières Nations commencent à dire non, « idle no more »—on l'a entendu : « idle no more ». Je peux vous dire, je représente beaucoup de Premières Nations, et c'est un terme qu'ils n'utilisent pas à la légère, là. Pour eux

autres, là, ce n'est pas un mot qu'ils garrochent n'importe quand. On l'a entendu par deux—un grand chef et un chef.

Je dis au gouvernement : faites attention à ce que vous faites. Vous avez une majorité. Ça ne veut pas dire qu'on est obligé d'en abuser. On n'est pas obligé d'en abuser à cause qu'on est majoritaire. Au contraire, vous avez une obligation de gérer encore mieux parce qu'on a une majorité. Juste dire que « non, j'ai le gros bout du bâton, je vais faire ce que je veux, quand je veux »—ça, justement, c'est un exemple parfait de ce qu'on veut faire avec l'amendement, c'est de travailler toute la nuit pour que personne ne l'entende ou personne ne le voie ou personne ne le suive.

Monsieur le Président, moi, je vous dis que c'est une erreur, ce que le gouvernement fait. Puis je sais que le gouvernement—vous ne me ferrez pas accroire que vous ne ressentez pas que ce n'est pas correct, parce que vous avez une conscience.

Et quand vous avez entendu tous les témoignages qui ont été faits pendant les deux jours—et je ne comprends pas encore pourquoi on a voté contre des motions pour donner à plus de personnes l'opportunité de parler, que ça soit des travailleurs, que ça soit d'autres Premières Nations. Je peux vous dire, il y a d'autres Premières Nations qui voudraient parler beaucoup sur ce projet de loi-là, mais il y a les environnementalistes aussi. Il y a des minières, aussi. Il y a pleins de gens qui veulent parler sur cette motion-là, puis être capable de s'exprimer

Parce que les minières—moi, je me souviens; j'ai eu la chance d'être porte-parole pour les mines pour une courte période de temps. Mais s'il y a de quoi que les minières veulent—ils veulent des partenariats avec les Premières Nations et ils veulent un partenariat avec le ministère, les Premières Nations et les minières, ensemble—qu'on développe une collaboration, égaux à égaux, nation à nation, avec les minières. Pourquoi? Puisqu'ils savent que si on voit le contraire, comme on fait là, ce sont des injonctions et des injonctions et des injonctions qui étirent—quoi? Qui étirent le processus encore plus long.

Le but de votre projet de loi, c'est d'expédier le processus, mais ça fait le contraire. Vous allez faire le contraire.

Puis aussi, monsieur le Président, vous êtes un avocat. Je sais que vous comprenez le processus légal. Fait que, juste à cause que, comme j'ai dit, vous pouvez le faire—puis en prenant, comme on disait tout le temps, le gros bout du marteau. Bien, des fois, on n'accomplit pas ce qu'on veut avec un gros—ça fait un plus gros trou, quand on manque, à côté, par exemple. Là, le plus gros trou, vous allez le faire, et pas à peu près. Parce que, tout d'un coup, vous allez vous ramasser des injonctions et il n'y a rien qui va bouger.

Les Premières Nations vous l'ont dit, en passant. Elles vous l'ont dit. Le message est assez clair.

Faire l'oreille sourde quand on entend les enjeux que vous touchez? Tu sais, quand qu'on parle de « endangered species »—je ne sais pas; moi, j'ai la chance d'aller souvent dans le Grand Nord—

Mr. Matthew Rae: Point of order, Chair.

M. Guy Bourgouin: Oui, oui, puis je m'en vais par là—

The Acting Chair (Mr. Anthony Leardi): Mr. Rae.

M. Matthew Rae: Mon français n'est pas bon. Je suis désolé. But I would ask my colleague from the NDP to please come back to the amendment before us, on the motion. The translation team is doing a great job and, in my opinion, Chair, through you, I would argue that he was not on topic. Thank you.

Interjection.

Le Président suppléant (M. Anthony Leardi): C'est juste.

Député Bourgouin, pour retourner à l'amendement, s'il vous plaît.

M. Guy Bourgouin: Absolument, monsieur le Président.

Mon point, ce que j'essaye de dire, c'est que si vous aviez eu la chance d'aller juste dans le Nord—je ne dis pas ça pour essayer de dévier de la motion ou de l'amendement à la motion—vous auriez vu comment que les enjeux sont grands. Puis, qu'on parle de ça durant la soirée—mais si vous aviez eu la chance de voir comment qu'il y a d'eau, comment qu'il y a de potentiel à risque, parce que je peux vous dire, ce n'est pas qu'est-ce que—puis, si vous n'avez pas eu la chance, prenez la chance. Peut-être que vous allez comprendre certaines choses quand qu'on parle des Premières Nations, comment les territoires sont tellement fragiles, si je peux utiliser le terme. C'est un terroir très fragile.

Fait que, je vous demande—puis je sais que c'est difficile pour vous, puisque vous voulez juste—pourquoi? C'est un projet de loi qui est tellement controversé que vous voulez vous en débarrasser avant la fin de la fermeture. C'est pour ça que vous, le gouvernement, vous voulez passer à travers ça toute la soirée : pour en finir, qu'on tourne la page, qu'on trouve un autre sujet, pour que le monde oublie le projet de loi 5.

Au contraire, ça ne fera pas ça, monsieur le Président.

Parce que moi, j'ai eu des appels de grands chefs, de chefs qui m'ont demandé : « Guy, où c'est rendu? » Leo Friday, Grand Chief of Mushkegowuk Council, m'a appelé juste avant que je vienne m'asseoir ce soir pour savoir où est-ce qu'on en était rendu avec la motion, où est qu'on en était rendu avec ce projet de loi 5, là. Il n'est pas n'importe qui, là. Il est un grand chef qui est venu témoigner, qui frappait sur la table devant le comité. J'étais ici. J'avais donné mon vote, mais j'étais ici pour le témoignage du grand chef Leo Friday qui frappait sur la table pour dire comment sérieux—puis comment le gouvernement doit prendre le temps de les écouter, que vous faisiez une erreur. Puis là, on essaye de cacher ça dans la soirée.

Fait que, comment veux-tu qu'un grand chef, que ce soit le grand chef de NAN ou le « Chair » de Matawa Council, de tous les conseils, comme Mushkegowuk—ils vont prendre ça de quelle façon?

Le Président suppléant (M. Anthony Leardi): Député Bourgouin, à l'amendement, s'il vous plaît.

M. Guy Bourgouin: Bien, c'est là où je m'enlignais encore. Je m'en allais justement—puis on passe ça de nuit encore—

MPP Jamie West: It was easier when Marit was here.

Laughter.

M. Guy Bourgouin: Sérieusement, monsieur le Président, des fois on rit, mais ce n'est vraiment pas drôle. Je peux vous dire que pour mes concitoyens, surtout les Premières Nations que je représente, mais pas juste les Premières Nations, le monde est concerné pour tout ce que le projet de loi prend, puis qu'on essaye de manquer de respect—parce que c'est vu comme ça. Honnêtement, c'est vu par les Premières Nations comme un gros manque de respect de la part du gouvernement pour leurs droits, quand ça vient aux traités, quand ça vient aux « rights-holders ». Ils disent qu'ils le voient d'un mauvais oeil.

Il faut que le gouvernement réalise le danger—pas le danger, mais le—j'essaye d'utiliser le bon terme.

Mr. Matthew Rae: Point of order, Chair

M. Guy Bourgouin: Mais, non. I'm going right to this point here, okay? Si vous me permettez—

Le Président suppléant (M. Anthony Leardi): Je le permets.

M. Guy Bourgouin: Mais donnez-moi un petit peu de—parce que je cherche un mot, là. Si je pouvais avoir ça tout traduit en français, ça irait bien. Je pourrais utiliser les termes que je cherche.

Ceci dit, je pense que vous manquez l'opportunité.

Mais je vais revenir, à cause des heures de travail qu'on fait et qu'on impose à tous les—que ce soit les « Clerks », que ce soit le monde qui va prendre les notes ou qui va faire certain—et je peux vous dire, moi j'ai en fait beaucoup de « shift work ». J'en ai travaillé.

Vous ne croirez peut-être pas ça, monsieur le Président, mais j'étais un homme de métier. J'ai travaillé beaucoup de « shift » de nuit. Puis je sais comment, quand je négociais—c'est pour ça qu'on négociait des repos avec les employeurs quand le monde travaillait de nuit.

Je pense que c'est le député libéral qui a parlé, qui a dit, à cause qu'il était un infirmier, comment la nuit est importante et comment on doit avoir du sommeil.

Fait que, imagine-toi ici, que ce monde-là qui fait la traduction, qui fait tout l'écrit, qui est tout attaché avec Hansard, qui est tout attaché avec ce qu'on dit aujourd'hui, quand ils ont de la fatigue, comment il peut y avoir une erreur. Puis faire une erreur sur un mot peut faire toute la différence, comme tu le sais, quand on fait de la traduction ou quand on en parle. Fait que, c'est ça qui est dangereux. Ça n'a l'air, peut-être, de rien, mais c'est dangereux quand on joue avec ça.

C'est pour ça que la motion qu'on propose, je pense que c'est une motion—surtout que vous êtes un gouvernement majoritaire. Il n'y a aucune raison de forcer la main, d'user d'une main de fer pour faire passer un projet de loi quand vous êtes majoritaires. La motion qu'on débat ici, on va débattre encore pour quelques heures, ne passera même pas. Ça ne passera pas.

Mais on essaye de vous faire comprendre que ce n'est pas la bonne chose à faire, qu'on a le droit de se reposer,

que ce monde-là a le droit de se reposer. Ce sont des conditions de travail raisonnables. Ce qu'on impose n'est pas raisonnable. Ils ont le droit de se reposer. Ils ont tous des jeunes familles. Moi, mes enfants sont élevés. Je n'ai peut-être pas le même besoin de sommeil que j'avais quand ils étaient plus jeunes.

Comme je disais, moi, j'ai une condition de sommeil, mais il y en a d'autres, peut-être, qui ont des conditions de sommeil. Parce que si tu n'as pas la nuit dont tu as besoin, c'est là que l'épuisement professionnel peut entrer en jeu, et c'est pour ça que je dis que ce n'est pas unique aux travailleurs. Ça, c'est unique—puis honnêtement, à cause qu'on est des politiciens—

Le Président suppléant (M. Anthony Leardi): Trente secondes.

M. Guy Bourgouin: —et qu'on fait face à bien des choses, les heures de travail comme on impose, les heures de travail comme vous voulez faire, pour travailler toute la nuit, peuvent aggraver un épuisement professionnel.

Fait que, je pense qu'on a un devoir de faire sûr; on a un devoir de dire qu'on devrait passer la motion. Puis, la motion, je pense qu'elle est raisonnable. Travaillons dans le jour, puisqu'il y a beaucoup de monde qui veulent avoir—10 secondes?

OK, je vais essayer de t'étirer ça pour me rendre à mes 10 secondes. Je pense que je demande au gouvernement de voter en faveur de cette motion. C'est la bonne chose à faire. Je demande votre support sur cette motion-là.

Le Président suppléant (M. Anthony Leardi): Merci, député.

Ça fait longtemps que nous n'avons pas eu une pause. Nous voulons donner une pause aux employés. Je remercie tout le monde.

Thank you to everybody for your input. We're going to take a five-minute break, and then I will be vacating the chair and MPP Gallagher Murphy will be taking the chair. I wish you very good luck with your continuing deliberations. Thank you—five minutes.

The committee recessed from 2213 to 2222.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Okay. So we are going to continue now if there's any further debate on the amendment to the amendment. I recognize députée Gélinas.

M^{me} France Gélinas: Merci beaucoup, madame la Présidente.

We're basically talking about the motion that would move that rather than continuing to work on Bill 5 from midnight to 9 o'clock tomorrow morning, we would take a pause at midnight and start working on Bill 5 clause-by-clause amendments at 8 o'clock tomorrow morning until 8 o'clock tomorrow night.

But I want to put this in reverse a little bit just to put it in perspective. It was the members of the Conservative government who set the agenda for the entire procedure that is going through. For people who are not familiar or new to this House, we finished second reading, Bill 5 was sent to committee. When it was sent to committee, it was the Conservative government that decided that there were only going to be so many people who would be allowed to

speak. Usually, after people come—because this is part of the democracy; people come and they have an opportunity to be heard. Even people from northern Ontario who I represent have an opportunity to be heard and to let the government know and let all of us know, "Listen, this part of the bill could be made better; this part of the bill is causing us problems." So they come and do deputations here.

Usually, after they do deputations and during deputations, we have researchers. They are fantastic. They work for the Legislative Assembly. They listen to what everybody has to say and they give us a summary, and they organize the summary by the way that the bill is put out, so you will see for every—I forget what those are called. For every schedule of the bill, they would tell us who came, who had good things to say about it, who had suggestions for changes about it.

Also, for people who did not have a chance or don't want to come and do a deputation in here, they can send their comments in writing, and people did that. Close to 500 people, organizations, First Nations and agencies wrote to the committee because they wanted to be heard. We live in a democracy. This is the opportunity for people from all over Ontario to be heard on the bill. But you know what? The hearings ended, and then there was no time at all. The clause-by-clause started the next day.

Who in this room read the 500 written deputations that were sent to us? Those people took the time to write to us because this bill is very, very important.

I come from Nickel Belt. When you talk about Sudbury and Nickel Belt, the nickel mines are all in my riding, except for Copper Cliff—sure, Copper Cliff north and Copper Cliff south are in his riding.

But whether you talk about Creighton, where the SNOLAB is, a big neutrino laboratory where we do nickel and copper; or you talk about Coleman mine—nickel, copper, cobalt and all the platinum group come from the Coleman mine; or you talk about Garson mine—nickel, copper; or you talk about Totten, a brand new mine—they're all in my riding.

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (M^{me} Dawn Gallagher Murphy): I recognize MPP Rae.

Mr. Matthew Rae: I appreciate my NDP colleagues letting us know about where the nickel mines are, but I believe the amendment to the motion is about time. I would encourage my colleague to get back to that.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Madame Gélinas, I ask you to please keep to the amendment to the amendment.

M^{me} France Gélinas: I appreciate that.

The process is, after deputations, after people have a chance to write in, research will do a summary of all of that, but this government did not give us time to do this. There were hundreds of people who asked to come. They would come all the way from northern Ontario here. It takes two days of travel so that they can speak for 10 minutes. But the government did not give them a chance.

Why rush through all of this? Why rush through something as important as Bill 5? I cannot tell you how important mining is. This is the main industry in Nickel Belt. This is where most of the wealth from Nickel Belt comes from. They want time—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (M^{me} Dawn Gallagher Murphy): I recognize MPP Rae.

Mr. Matthew Rae: Again, the amendment to the amendment to the motion before us is relating to time for this committee to consider the amendments to Bill 5. I would encourage all colleagues to refer to the amendment to the amendment before us.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Madame Gélinas, please stick to the timing, the 8 a.m. to 8 p.m. amendment to the motion.

M^{me} France Gélinas: I wanted to put in context how time has been allocated by the government because there are many time allocations that—for every bill that goes through legislative process, there are important tasks that need to be done and there are times that are assigned to all of those tasks. This motion is about just one of those tasks.

But I wanted to show the habits—ce n'est pas le bon mot. Le mot va me venir; donnez-moi une couple de secondes. There's a history here about time, and that will basically make the arguments as to why we should vote for this. The pattern—c'est le mot que je cherchais—is many, many people wanted to do a deputation, but they limited the time that people could do deputations to Monday and Tuesday, and that was it, that was all. Many, many people wanted to send us information: 500 of them—489, I think it is—but very close to 500 of them wrote to us. Did you read it? Did you give yourself the time to read?

We live in a democracy. Those are people who want to be heard. Those are people who took the time to write to us. The researchers are working really, really hard—overtime, 24/7—to try to do a summary for us, but we're not even going to get this in time to do the clause-by-clause because the minute that the deputations ended, then the next time was the next day to do clause-by-clause. How are the lawyers who work for this assembly supposed to be able to put clause-by-clause amendments when you finish at 6 at night, and everything has to be ready for the next morning at 9? That means that you're making those workers work through the night in order to be able to meet deadlines.

2230

Do you see a pattern here, Madame la Présidente? They use time so that people cannot be heard. They use time so that the 500 written documents that have been sent to us so that we can learn more, in order to be able to make as good a bill that works for southern Ontario and northern Ontario—a bill that works for francophones and anglophones; a bill that works for new immigrants, as well as people that have been here forever—for First Nations, for everybody. This is what they are writing to us about, so that we make the bill better. But they did not allow time to do this. They said that the clause-by-clause will happen the

next day, and then they decided that the clause-by-clause amendment would end at midnight on Wednesday night. That's all they are doing. Do you see a pattern here?

Then, when they realize that by the way the rules work—if some of you don't, the time frame was that we had until midnight to do clause-by-clause. If we haven't finished clause-by-clause at midnight, then none of us gets to speak at all. I think it's the Clerk that goes from one amendment to the next, to the next, to the next, and all we do is vote without having an opportunity to speak to the motion, to do anything.

Clerk, am I right? Is that you who does that, or is it the Chair?

The Clerk pro tem (Mr. Christopher Tyrell): Sorry—in what context?

M^{me} France Gélinas: Remember, they said that we had until midnight to do clause-by-clause. If at midnight, we still had amendments to the clause-by-clause and we were not done, usually—I forgot if it's the Clerk or if it's the Chair who goes through the amendments—we just vote for them; we don't get to talk for them.

The Clerk pro tem (Mr. Christopher Tyrell): In the context of the motion that was passed by the committee on scheduling for Bill 5, that is not the case.

M^{me} France Gélinas: Oh, no? Okay. Well, I'm glad I asked.

La Présidente suppléante (M^{me} Dawn Gallagher Murphy): Madame Gélinas, je vous en prie. Please stick to the amendment to the motion, “8 a.m. to 8 p.m.”

M^{me} France Gélinas: Yes. This is what I was doing, madame la Présidente. Merci de me le rappeler.

I was showing a pattern of using time to stifle debate, using time so that people who want to be heard on this bill don't have an opportunity to be heard. People who are interested in this bill—I guarantee you, in Nickel Belt, when it comes to mining, many, many people are interested.

So what are they doing? They're saying that now, to go through clause by clause, we would do this from midnight until 9 o'clock. Really? Do you really think that this is a good time for something as important as Bill 5 to take place? For important discussion on a topic that is super important to Nickel Belt—there are more mines in Nickel Belt than in any one of your ridings. There are more people working in mines in my riding than all of your ridings—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Yes, I recognize MPP Rae.

Mr. Matthew Rae: Again, I would encourage all colleagues to refer to the amendment to the motion about, again, the time of amending it from 12:01 a.m. to 9 a.m., and changing it 8 a.m. to 8 p.m. for tomorrow.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Madame Gélinas, yes, please, if we can stick to the amendment to this motion, that would be appreciated.

M^{me} France Gélinas: Very good.

Donc, ce que je disais, c'est que de travailler de minuit—oh, I used to speak English, didn't I?

To work from midnight until 9 o'clock means that for a lot of people who are interested in that bill, they are asleep.

The motion asked to change this from 8 a.m. till 8 p.m., a normal workday. Most people would be able to—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Yes, MPP Rae, I recognize you.

Mr. Matthew Rae: That point has been made multiple times this evening by many members of this committee. I would encourage others to think of potentially something else to discuss on this amendment to the motion.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Madame Gélinas, I think for one final time here, can we stick to the amendment to the motion?

M^{me} France Gélinas: Oui, absolument.

Donc, la motion qui avait été présentée, c'était vraiment—on devait travailler jusqu'à minuit pour faire les amendements qui avaient été soumis pour le projet de loi 5. Là, ce qu'ils ont décidé, c'est que plutôt que de finir à minuit, on finirait à 9 h du matin le lendemain matin. Mais ce que l'amendement demande, c'est qu'on prenne une pause de minuit à 8 h, qu'on recommence le lendemain matin à 8 h, et qu'on se donne 12 heures pour faire tous les amendements—parce qu'il y a quand même un bon 80 pages d'amendements à faire—et on le fait pendant la journée, pendant qu'on est beaucoup plus lucide et beaucoup plus capable de prendre des bonnes décisions.

Ça donne également le temps—parce que vous vous souvenez, je vous ai expliqué, là, comment est-ce que ça fonctionnait. Ça commence avec les gens qui peuvent dire qu'ils sont intéressés à venir faire des témoignages; après ça, le temps qu'on donne aux personnes pour venir faire les témoignages; après ça, le temps que l'on donne pour préparer les amendements qui se font à chacune des clauses du projet de loi. Tout ça, ça a été tellement limité qu'on n'a pas vraiment la chance d'être entendu.

Mais, madame la Présidente, il me reste combien de temps?

Ms. Sandy Shaw: How much time?

La Présidente suppléante (M^{me} Dawn Gallagher Murphy): On a moins de six minutes.

M^{me} France Gélinas: OK, je ne prendrai pas toutes les 20 minutes.

Je pense que vous avez compris, madame la Présidente, que l'idée de nous faire travailler jusqu'à 9 h le lendemain matin, ça n'a pas de bon sens. De prendre une pause de minuit à 8 h, c'est beaucoup plus santé. Ça a beaucoup plus de bon sens et c'est quelque chose qu'on devrait faire. C'est l'amendement qui a été mis de l'avant.

Puis demain, on se remet à la tâche. On y travaille bien fort. Ça va avoir donné une journée de plus à l'équipe de recherche pour nous soumettre les documents, parce qu'eux, ils sont en train de lire les 500 documents qu'on a reçus par écrit; eux, ils sont en train de faire le sommaire—

La Présidente suppléante (M^{me} Dawn Gallagher Murphy): Madame Gélinas, je vous en prie. Il faut parler de quelque chose de nouveau, parce que maintenant, vous vous répétez beaucoup. Donc, il faut faire des commentaires qui sont nouveaux ou on va arrêter et commencer avec quelqu'un d'autre.

M^{me} France Gélinas: OK. Bien. Dans ce cas-là—ça va être nouveau, ça; je vous le garantis. I guarantee the next thing I say will be new. How about I call for the vote?

The Acting Chair (M^{me} Dawn Gallagher Murphy): Okay, very good. Further debate?

Mr. Ted Hsu: If we're going to have a vote, could I have a 20-minute recess, please?

The Acting Chair (M^{me} Dawn Gallagher Murphy): We will have a 20-minute recess.

The committee recessed from 2239 to 2259.

The Acting Chair (M^{me} Dawn Gallagher Murphy): It is now time to put the question on the amendment to the motion. Are the members ready to vote?

Mr. John Fraser: Recorded vote, please.

Ayes

Gélinas, Hsu, West.

Nays

Bouma, Denault, Dowie, Pierre, Rae.

The Acting Chair (M^{me} Dawn Gallagher Murphy): I declare the amendment to the motion lost.

I now recognize MPP Hsu.

Mr. Ted Hsu: I'm sorely disappointed that my amendment was defeated. I'd like to propose something perhaps more reasonable. Chair, I move that the motion be amended by deleting everything following "procurement on" and replacing it with the following:

"Monday, June 2, 2025, from 9 a.m. to 10:15 a.m. and from 1 p.m. until 6 p.m."

The Acting Chair (M^{me} Dawn Gallagher Murphy): MPP Hsu.

Mr. Ted Hsu: If I could speak to this amendment, you know, it's with respect to the Clerk and the staff, in particular our marvellous legislative counsel, who I note has not been substituted for at all today, whereas others have had a bit of a break—it is with respect that I proposed in the previous amendment and in this amendment a time to resume consideration of Bill 5 so that they can get some sleep after working all day today. But it's with pity that I look on the staffers and the Conservative staffers in the corner there, and I can just hear them muttering, "Seigneur, prends pitié de nous." All of our staffers work very, very hard, and it's for them also that I want to move this motion to give everybody a chance to sleep so that we can do our best.

I want to talk about why it is so important to get sleep. Sometimes people will say that rest is your superpower. Maybe I could just begin with a simple image: Imagine it's late, you're lying in bed, you have your phone in hand, the blue light is glowing in your face and you want to keep scrolling because it's one more message. You know those social media apps, they get you; they get you to look at one more message, so sleep can wait. Now imagine eight hours later, your alarm rings, your eyes are dry, your head is foggy, you probably don't have too much patience.

Imagine if you don't get any sleep at all during the night. And we often do this. We often don't get enough sleep.

Sleep in today's world, it feels like it's negotiable. A lot of people feel that you can get away with less sleep than you should have. It seems to me that the government, with its motion today, thinks that you can just get away and make people work through the night with no price to pay. I can see from the haggard faces of their very dedicated staff that the staff is quietly saying, "Thank you. Thank you for moving this amendment to the motion," and hoping that their bosses will vote for it.

Sleep in today's world has become negotiable, optional—and that's bad. It's become something that we squeeze in between work, chores, deadlines and distractions. But science tells us—actually, maybe you don't even need science, just common sense—that sleep isn't something that we should just fit in when the work allows it, when the rest of the world allows it. It's something we should count on. It's a foundation that everything else rests on.

As maybe some other people are, I'm always struggling with sleep, diet, exercise. Those are the three that I constantly struggle with. And one thing I've learned—and I think science tells you that—is to take care of your sleep first because if you get a good night's sleep, you're more likely to exercise. If you get a good night's sleep, you're less likely to eat because you're tired and you need something to distract yourself.

Let me get into the science a little bit, because sleep is not a passive thing where you're—in the modern work world, we think sleep is some passive thing, you're wasting time. We think of it as a person is in a state of doing nothing. But in reality, we're doing a lot during sleep. Our biology, our bodies, are incredibly active. There's a lot of complex biological processes that happen while we sleep, especially, importantly, in the brain. This is a job where we need our brains to be working at their best. At least on this side, we need our brains to be working at their best, and probably on the other side too. If we could pass my amendment and change this motion from the government, we could get some sleep.

Inside the sleeping brain, there are all sorts of things that turn on when you go to sleep. It's during sleep that the things that we learn become memories that are stored. If you don't get good sleep, your experiences don't turn into memories. And I guess the funniest example of that—maybe saddest example of that—is I feel like a lot of my time as a member of Parliament from 2011 to 2015, I don't remember as much as I would like to remember from that period, and I feel like I didn't get enough sleep.

But it is during sleep that memories are stored and sorted and emotions are processed. There are actually waste chemicals from our neurons that are cleared away. All of this we should be safeguarding—we should be taking care of our brains by sleeping. That's why I think the government's motion is a bad one, and that's why I'm proposing this amendment.

Sleep is like a cleaning crew for the brain. It's like a therapy session. It helps you process things. And it's also

like a construction crew that comes and takes away waste or builds the scaffolding of new memories.

Sleep is also something that is not just for the brain; the body is actually pretty active. There's a lot of muscle repair that happens when we sleep. Hormones are regulated. The immune system gets a boost.

And for children and teens, it's when growth surges. There's a lot of growth in kids that happens when they sleep.

In adults—the adults here in this room—all sorts of things get restored. It's not downtime; it's repair time. We all know this is a tough job for us, for the staff, for the staff of the Legislature. We need to be repaired constantly.

Let me get more into how important sleep is and how it affects your brain. Our brains are incredibly, incredibly powerful things. Scientists say we process thousands of pieces of information every second. It's not that we absorb everything—our brains also decide what's important and what's not important, but there are a lot of unconscious things that are happening. Our brains are helping us breathe. It's an unconscious part of the brain that is helping us do that. We also think consciously and unconsciously. Brains help us dream and remember.

2310

I got up at 5 o'clock this morning. So I have been awake now for—I can barely do the math, but it's about 18 hours. I've been up for 18 hours. Consider this: After 18 hours of wakefulness, my reaction time, my judgment, my ability to concentrate—they're all beginning to deteriorate, and I suspect that is true of a lot of the people in this room.

Scientists will tell you after 20 to 24 hours—so if we were to continue this debate until about 1, 2, 3 in the morning, after 20 or 24 hours of being awake, scientists will tell you that you function as if you're legally intoxicated. That's the kind of level that you function at if you're awake for 20 to 24 hours. Just imagine: Do voters want their legislators to be legislating and deciding on important laws when their brains are in a state that's equivalent to being legally intoxicated? No, I don't think so—not at all.

So what happens when you have sleep deprivation is your prefrontal cortex is affected. That's the part of the brain that does decision-making. It also does problem-solving. Imagine if we have a disagreement and we've got to figure out some way to get around it or some kind of compromise—our problem-solving skills deteriorate, and impulse control deteriorates. We might be at each other's throats after 24 hours of being awake.

The amygdala, the emotional centre, is affected. You become less rational and you start reacting with your emotions and without thinking. That's what happens when we short-change our sleep. That's what would happen if we let the government motion of MPP Rae pass. We would be short-changing our sleep. We would not be just tired; we would be impaired. Voters, I'm sure, don't want us making decisions for the province of Ontario, for their future, while our brains are impaired.

Now, imagine if we kept doing the motion that the government has put forward here—imagine if this becomes a habit. Imagine that we work long hours all the

time without getting sleep, and we become a sleep-deprived Legislature. It's not just individual personal consequences—you can say, “Hey, I'm willing to do it. It's on me”—but there are public consequences. For example, fatigue is a factor in thousands of accidents every year. I hope tonight that there is no one driving home in their cars because if you have been up for a long time, you are susceptible to accidents. Everything from car crashes to industrial disasters can be attributed to lack of sleep. Medical errors increase when health care workers are overtired. In fact, I never understood why they make interns work these long shifts. It just doesn't make sense. Why kill yourself and kill somebody else in the process? Students underperform, workers burn out, tempers flare, focus fades.

All of this has a deeper cost. It's actually long-term damage to our health. So if we get into this habit that I don't want this government motion to get us in the habit of doing—sleep deprivation is associated with an increased risk of heart disease, diabetes, stroke, obesity—even certain cancers, you can be more at risk if you don't get enough sleep. It's connected to depression and anxiety. It's linked to dementia, particularly Alzheimer's disease. They say you have to get a certain amount of sleep every night to clear your brain and help stave off the potential for Alzheimer's disease. We don't want chronic lack of sleep to accelerate the cognitive decline that comes from Alzheimer's. I would not want that to happen to anybody in this room and I would not want the government's motion to start people on that downward slope. Still, the government is asking us to burn the midnight oil, without regard for our long-term health and their poor staffers.

So here's the thing: It's a culture that needs to change. Our culture celebrates hustle—work hard—and we joke that we're working harder than the other guys. We like to praise people who get up early. In fact, I even bragged about getting up early this morning, so I'm guilty. We brag about all-nighters, and we make this, I think, false equivalence between working hard and being valuable to our families and to society. Then, when you do that too much, sleep is seen as a weakness. It's seen as a weakness, it's seen as a luxury and it's seen as something that you push off until you get your work done because your value is so attached to your work.

But the truth is—and everybody in this room knows it because our jobs are open-ended—that the work is never done. But the work that we do do should be done well. The longer we ignore our biological need for rest, the more we pay for it not just in lost productivity, but in strained relationships, for example. Everybody who's been a legislator in a Parliament knows that we have to be really careful about our relationships, our family relationships; that they can be under enormous strain. I know that I don't get along with my wife as well when I'm tired or both of us are tired and we haven't gotten enough sleep. So I think it's really important, if we want to do our job well here as legislators, but have that extra energy in reserve to have good relationships with our families that we have to leave

during the week, it's important to get that sleep and it's important to be healthy in order to do that.

So what do some of the scientists tell us? What does the data tell us that we need? The scientists will say that adults need between seven and nine hours of sleep a night. The government's motion is saying “No, we don't need that,” but science says we do need it.

Now here's a statistic: Over 30% of Canadian adults report regularly sleeping fewer than six hours a night, so they're not getting enough sleep. And here we are as public figures, and we're setting a bad example with the government's motion. That's why I'm moving my amendment: because the government's motion is having public figures set a bad example for the well-being of the province that we love and the people who we're representing.

Scientists will tell us that sleep disorders—insomnia and sleep apnea—are on the rise. They do these surveys, and the results of some of these surveys are pretty startling. More and more people can't even tell what being well-rested actually feels like because they're so used to not sleeping. For them and for many, many people—more and more people—exhaustion has become something that's normal now. We can't set that bad example as public figures.

2320

When we do get enough sleep, all sorts of good things happen, and we all benefit and the people around us benefit because, when we're rested, we cope better with the problems that come up every day.

The Acting Chair (M^{me} Dawn Gallagher Murphy): One minute.

Mr. Ted Hsu: We have more patience, and our immune systems work better. Individually, we have less chance of getting sick, and that means people around us have less chance of passing along a flu or COVID or whatever. People are just happier; they're more optimistic.

So sleep is a kind of social resilience. It's not upfront. We're not wearing it on our sleeves. It's not immediately obvious. It's quiet. It's invisible. But it's powerful. It's a powerful way of making our selves individually, and ourselves as a society, stronger. Just about anything you can handle better with more sleep: physical illness, emotional hardship, professional pressure. You'll find that sleep will carry you through a lot of these problems. And the government's motion—

The Acting Chair (M^{me} Dawn Gallagher Murphy): Thank you, Mr. Hsu.

Further debate? Yes, I recognize MPP Lennox.

MPP Robin Lennox: Thank you for the time to speak to this amendment to the motion. I think it's a very important amendment to the motion, and I am new to this role and new to committee work, so I do greatly appreciate the opportunity to participate in this important discussion and in this important decision in terms of how we decide when our work happens, how our work happens and under which conditions we ask ourselves, our colleagues and our staff to work.

I want to start by saying, this is also a matter of respect for the staff members of this Legislature, who are non-elected members and, when they took this job, did not necessarily expect to be kept overnight for work that could be deferred to regular business hours. Looking around this room and thinking about the other people in this building, that includes cleaning staff, the staff providing hospitality services and refreshments to us to try to replenish our energy so that we're able to do this work, without regard for their own needs. I'm thinking about the IT staff who are here supporting this work because it's so important that what we do and the words that we say are recorded and that they're able to be viewed by the people outside of this room as part of the core democratic process. I'm thinking about those offering translation services, incredibly cognitively challenging work that is hard to do under the best of conditions, let alone when you're exhausted, when you're having to do it without replacement or reprieve for hours on end, overnight, not knowing perhaps how long they had to work before this, and who is going to actually do this work in their place tomorrow. I'm thinking about all the administrators at this time trying to scramble to figure out how they're going to cover off positions tomorrow for those who had to stay late tonight, what that means for our flow in the morning, what that means for the regular business of our day, which is also incredibly important.

I'm thinking about not only what that means for the function of this Legislature but also what that means for the functioning of those individuals. We know that respect for staff and good working conditions are some of the key reasons why people decide whether or not to stay in their positions. I think the people that I've met so far in this community and in this Legislature are incredibly skilled, valuable workers. We need to do what we can to retain them in this work, and disrespecting them in this way by asking them to work through the night to expedite work of a government that could be done during daytime hours is not a way to signal to your staff members that you value their time, that you value their lives and their commitments.

For example, I have two small kids at home. I was fortunate enough to make it home to be able to tuck them into bed and then hop back in the car and get here tonight to be here. I was privileged to have that hour with my children. I imagine there are many other people in this Legislature and in the staff who were not able to have that time, who had people at home waiting for them who they weren't able to return to. I would love for them to have the opportunity to get home so that, perhaps, they can find an hour or two for themselves and their families in the morning before returning to regular business. I think that is, perhaps, the least that we could do to anyone who has commitments outside of here.

Beyond that, there are many people for whom finding child care overnight is nearly impossible. I can't imagine how the people outside of this room are figuring that out as they are serving us here: taking care of us, cleaning the space, providing security. I think it's something that we

shouldn't take for granted and we should only do in very exceptional circumstances. I don't find anything convincing about why this work had to be done between midnight and 9 a.m. to be able to justify that burden on our staff.

My colleague has highlighted how sleep deprivation and shift work is incredibly detrimental to people's health. I think we take for granted that people who work in this building might be healthy, but we know that many people—a significant portion of the general population—have some chronic health conditions that impact them every single day. For someone to be able to stay an additional 16 hours at work means that they're not eating correctly, they're not sleeping. Perhaps they didn't bring their evening medications with them to work. They're not taking care of their health.

We are actively putting people's health at risk for our own convenience, rather than something that is necessary for the work of this province. I don't believe that our convenience is worth anyone else's discomfort or pain. I would ask that we consider deferring our business to regular business hours when it will not place anyone at undue harm.

That's not even mentioning the impact on day-to-day lifestyle and relationships. How many people had to cancel plans, other meetings, other commitments, things that are important to them, important to their life and important to their communities to be here tonight to watch us have these debates and have these discussions when we could've returned in the morning?

I also think about those who have caregiving roles who might leave this space to go visit a family member in long-term care or to care for someone in their family with special needs. People are not easily substitutable. We have to recognize that people are unique, that their lives are complex and full and, most importantly, that their lives exist beyond the point at which we can see them. And so even though we might only see them as an employee of this building, they are full people deserving of the full consideration of when and how they work. Again, I see no reason why this was so exceptional and so urgent that we can justify that level of inconvenience and inconsideration for our workers.

I can also speak to what it is to work through the night and how that impacts someone. As my colleague here said, it is fairly routine and still is the practice—and was, when I completed residency—that every second, third or fourth day, you're asked to work 26 hours in a row. Often, this is in hospital settings, in acute care where people are critically unwell. Perhaps it would surprise some who have never had this experience that the greatest advocates against working through the night, doing shift work and working beyond regular hours are people in the medical field, and also people who adjudicate medical errors. Because we know there is a much higher chance, a much higher risk, of making an error when you are working 26 hours in a row, that the clinician you are, the nurse, the doctor, the respiratory therapist that you are at hour 25 is not the same as you are at hours one through eight. You are working at a fraction of your cognitive capacity. You

are also working at a fraction of your speed. We know that sleep deprivation decreases the efficiency of your work.

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So if the aim of this government is to try to move forward the clause-by-clause examination of this bill in an efficient manner in order to get things done in this province, then we would do it in a way where we're working smarter, not just working longer and abnormal hours. Because we're not moving through anything particularly quickly right now—

The Acting Chair (M^{me} Dawn Gallagher Murphy): Thank you, MPP Lennox. We've heard at length about sleep deprivation from MPP Hsu. If you could please move to a new topic.

MPP Robin Lennox: So I'm speaking from experience not just about sleep deprivation but about having to work extended hours and the decline in productivity that you see over the course of an extended workday. That, in part, is related to sleep deprivation; it's also related to declines in mental stamina and, certainly, we know—and I won't repeat what my colleague has said, but if you have been working or been awake, even—simply being awake for 18 hours, your blood-alcohol level is equivalent to 0.05. So assuming that anyone here probably woke up at a semi-regular time, we're all considered tipsy. Does anyone want any of the people making decisions about your life or what affects you or what matters to you—

Mr. Matthew Rae: Point of order, Chair.

The Acting Chair (M^{me} Dawn Gallagher Murphy): Yes, MPP Rae.

Mr. Matthew Rae: I appreciate the remarks from my colleague, but MPP Hsu, I believe, talked about intoxication and sleep deprivation in that form.

The Acting Chair (M^{me} Dawn Gallagher Murphy): MPP Lennox, please.

MPP Robin Lennox: I do take the point. And again, I'm new to this space, so I appreciate the reminders.

I'll move on to some other themes. We should all be working to set good standards in terms of our working conditions here, and one of the things that I haven't heard commented on—we've talked quite a bit about sleep deprivation, we've talked a lot about inconvenience, but we haven't talked much about sedentary time and how harmful it is to stay seated for prolonged periods and how detrimental that is for people's health and how detrimental it is for their cognitive function.

Certainly, we know that prolonged sedentary time is linked to a number of different medical issues, cardiovascular disease being one of them. We also know that any number of medical issues are heightened; for example, we know that when you sit on a plane for prolonged periods, you're at higher risk of blood clot because you're not moving around. Your blood is static and you're at higher risk.

These are all things that we should be considering as we ask all of our staff and ourselves to sit in these chairs and have these discussions for hours on end after, I'm sure, we've already been sitting for hours on end in the House. We should be examples of what it is to achieve good working conditions, on how we integrate the things that

we know, the evidence that we know, into how we work and live our lives and, right now, we're setting a terrible example for how you should work, for how you should treat your employees and for how you should conduct your business.

But moving on to the other issue, about time: I've heard this concept and this reminder quite frequently about how this amendment to the motion is really about time. Certainly, we've talked about—and I won't repeat it, but we've talked about the diminished cognitive capacity when you were sleep-deprived. When I think about the amount of work that is required to do this clause-by-clause, to do the thoughtful assessment of this bill, could that work effectively be done between the hours of midnight and 9 a.m.? When we think about what is the work that is actually ahead of us—there were 500 written deputations. If I'm looking, there's at least—I believe, and I'm happy to count them—I believe 50 amendments, at least, that would have to be gone through clause by clause. I'm not sure what the average time is to spend on each amendment, but I would imagine that each amendment would require at least several minutes, and some probably could go on for an hour or more.

Does the time that was previously allotted actually allow for this work to be thoughtfully and meaningfully done? It doesn't seem to add up in terms of the volume of work that it would take or the volume of work that lies before us and the time it would take to adequately address not only the 50 amendments but also the numerous amount of background materials, evidence briefs, the 500 written deputations, reflection on the in-person deputations of which there were many from many important stakeholders. I simply don't think the hours allotted between midnight and 9 a.m. would allow that work to happen effectively.

Sorry, Chair, may I check my time?

The Acting Chair (M^{me} Dawn Gallagher Murphy): You have four minutes and 30 seconds.

MPP Robin Lennox: Thank you.

In my last four minutes, I am going to speak a little bit about accountability. We have heard a lot in the last couple of weeks from people who are very interested in this bill, who feel very profoundly affected by many of the components of this bill, including the Endangered Species Act, including the infringement on First Nations land rights, including the lack of consultation of environmental organizations—

The Acting Chair (M^{me} Dawn Gallagher Murphy): Sorry, Ms. Lennox, can you keep to the subject at hand here, and that is the amendment of the time? Please and thank you.

MPP Robin Lennox: This relates to accountability.

As I said, those many stakeholders expect to be able to participate in the discussions around this bill. They have been expressing to us that they want to be not only heard but they want to be able to bear witness to the processes in which these laws move forward.

The time that was proposed to actually do this work between midnight and 9 a.m. is a direct obstruction of the

ability for people across this province who are going to be directly affected by this legislation to bear witness to the discussions, to see what their government is saying about their rights, about their future, about their children's future. We are not giving them the opportunity to actually be able to, in real time, process how it is that their government actually feels about them, actually cares for them.

I can't imagine anything that the people in this province would want more than direct accountability from their government, that the basic respect that this government should conduct its business in the light of day when people are able to actually participate, to pay attention and, most importantly, to keep the government in check because we know what happens when people in power feel like they are able to make decisions in darkness, when they are able to make decisions and keep everyone around them blind.

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Frankly, there's no good policy that anyone—any government or any public representative—has ever felt so good about that they wanted no one to see it overnight. When you have something you can be really proud of, when you can really stand behind it, you want as many people able to watch as possible.

So I guess my question—

The Acting Chair (M^{me} Dawn Gallagher Murphy): MPP Lennox, please, if I can get you to bring it back to the amendment to the motion.

MPP Robin Lennox: So if the government wanted the most people possible to be able to witness its work, then what better time than the start of a week, Monday, June 2, first thing in the morning, when people are refreshed, when they've had time to really review the materials from the previous committee hearings, when they've been able to process that, when they've been able to come together and start their week fully engaged in this process, fully able to witness the work of this government? If this were a bill that I was really, really proud of, I would say, "Yes, let's schedule it for when everyone is able to tune in. Let's make sure we have as many eyes on this as possible because this is good work, and we should advertise good work."

What does it say that this government feels so shameful about the work it's doing that it wants it to happen when no one is watching—to cruise into the end of the week hoping that no one will notice, no one will pick up, no one will watch the videos and that they can just slide work by? That is what I believe the initial motion—

The Acting Chair (M^{me} Dawn Gallagher Murphy): Thank you, Ms. Lennox.

I recognize MPP Rae.

Mr. Matthew Rae: Thank you to my colleagues, and thank you to MPP Hsu for proposing this second amendment to my main motion this evening. I know there has been a lot of discussion about sleep. Don't worry, colleagues; I will not repeat some of the arguments that have been made by some of you around sleep deprivation.

I think most people in this place know I'm hopefully soon to be a new parent this fall. I think this evening has given me a crash course in running on—

Interjection.

Mr. Matthew Rae: That's training, as MPP West says.

Mr. John Fraser: That's nothing, buddy.

Mr. Matthew Rae: Thank you to the leader of the third party for that.

The amendment in front of us to my motion that I moved earlier lays out six-and-a-quarter hours of discussion for clause-by-clause. I want to bring the committee's attention to the fact that the opposition has wasted five hours talking about sleep this evening. We had five hours this evening to debate very important clause-by-clause, and they chose to filibuster a motion on sleep. We had five hours set aside.

The committee agreed at an earlier planning meeting to sit to midnight today. That was agreed upon in this committee. They passed that scheduling motion to have that. But the members of the opposition chose to waste five hours on a discussion on sleep.

It's their job, obviously, to ask the government questions and propose amendments to our government bill, which they have, and they've highlighted that this evening. They've been doing that. And as I mentioned earlier, they had visited some of the members on the front lawn about the need to have a debate—and we agree—on this important piece of legislation. But they chose to waste the five hours this evening to talk about sleep and debate amendments to my motion.

It's disappointing that the opposition members have chosen to waste these five hours, but I know my colleagues from the government side will continue to stand for the people of Ontario and continue to sit here and do the work. That is what they sent us here to do.

I know this bill is an ambitious bill. Let's be frank: It is 100% an ambitious bill, Chair. And as an ambitious bill, there are amendments. I hear many times in the Legislative Assembly that committee is to propose those amendments, as the government has done and as the opposition has done, hear those amendments and debate those amendments.

We brought forward this piece of legislation and proposed to continue to sit as long as possible because this legislation is vital. We are in economic war. Like it or not, we are. This bill is going to give the government of Ontario the tools to stand on its own two feet. The amendments we are considering, with the extension of the time I proposed in my original motion, will continue to do that and continue to strengthen Ontario.

I know we will choose Canada every single time on the government benches, Chair, and we'll continue to choose Canada. We'll continue to choose to do the hard work—

Ms. Sandy Shaw: Cringe.

Mr. Matthew Rae: I know the opposition members may think that's cringe, but I don't think it's cringe at all. I'm going to continue to stand up for Ontario, for Canada, against President Trump's tariffs. We're prepared to sit here as long as possible to get this important piece of legislation passed and have those important debates on those amendments.

The Acting Chair (M^{me} Dawn Gallagher Murphy): I will now call for debate. MPP Cerjanec.

Mr. Rob Cerjanec: I appreciate the opportunity to speak about changing the sitting schedule on this until Monday. It's unfortunate, I think, that we're here at this point because there was actually a very reasonable amendment that was put forward earlier—much earlier—to say, “Well, you know what? We should take a break for tonight and come back tomorrow.” That was the amendment that MPP Hsu brought forward, and I think it was a really good amendment.

But because now that time has gone on and the government may have been unwilling to go with that, I think the amendment that we have in front of us is a really good amendment because it brings it to Monday. It gives folks the ability to rest. It gives members on the government side time to maybe consider some of the new amendments that were made; I think it was 23 of them. I think it will be a good thing for everyone to do that if we reconvene on Monday, June 2 from 9 to 10:15 and then once again from 1 to 6. And who knows? We might need to sit longer than that after 6 p.m. on Monday. That could very well be a possibility.

I speak today because I don't really think this is a partisan issue. When we try and do stuff under the cover of darkness and night and hope, “Oh, the sun is going to rise tomorrow and that's a good thing,” I don't think that's a good thing. I don't think that's a good thing for a legislative body. I don't think that's a good thing for a committee. I don't think that's a good thing in any of our lives.

So it's not about—in my view, at least—government versus opposition, or who wins a vote. It's about ensuring the work that we're doing, I would like to think shared work—a little bit shattered about that tonight, I guess—happens in a manner that, in my view, respects and honours our respective roles regardless of which side of the aisle we sit on. Maybe the government will support this amendment. Maybe they will show a commitment to doing things in the light of day. Maybe the curtains will be open, and we'll be able to see the sunlight and get the benefits from that—maybe, very much, we would be able to.

So I'm actually asking members to consider this proposal in good faith, because I think it's important that we do get rest. My colleague MPP Hsu spoke a lot about sleep, and same with MPP Lennox. And I'll have to be honest: I learned some things tonight. I learned about how the lack of sleep can impact our decision-making. I didn't know some of those things before, and maybe the folks watching at home have learned some of the things as well.

That's why I am saying, let's opt for clarity over confusion because it does feel like there's a little bit of confusion taking place right now, reason over rushing. There was a lot of time in which the Legislature could have resumed.

And I hear that we're in an economic war. I've heard the government side say that a lot. I understand that. I think a lot of the people in this province understand that, but then they wonder why the Legislature wasn't resumed before or why these things weren't brought forward before, so that now, here on—what day are we on? We're still on Wednesday, May 28 at 11:49 p.m. We're talking about

this. For us as a Legislature to effectively do our role, we should be doing this in the daylight and not the fake light that we see here.

The public is watching right now. It's interesting; someone called my office tonight speaking about the debate that we're having and actually thanked us—thanked myself and thanked my colleagues here—for saying that we should be talking about this during the daytime, that we shouldn't be doing this under the cover of night.

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I literally got a call tonight. I went upstairs during one of the breaks. My staff who was there, he just went home now. I said, “Go home,” a couple of times. He wanted to stay because he wanted to be here in support because he knows how important this is. He knows how important this bill is. He knows the impact that this bill can have on the people of this province. So my staff member wanted to stay, and a woman called, and she said, “Thank you. Thank you for being here and thank you for doing that.” So there are people watching.

I think there are people very grateful right now about us saying that this bill should be debated in the daytime. Maybe it seems procedural—it's a couple of words and numbers on an amendment now for Monday instead—moving numbers around on a clock, so to say. But in truth, time isn't neutral in legislative work. The hours we choose to meet and make decisions, they have direct consequences over the quality of our deliberations, how people perceive this place to be, and I've got to say, it's not a great start, and I think it's going to erode public trust by even the suggestion that we've got to sit all night and get this done. I really think it erodes public trust and, frankly, I don't think that the public is buying it.

In a previous life, I used to manage issues. I used to manage crises. If the government was my client right now, my advice to the government would have been: “You know what? I know you want to push this bill through. I understand that. I may not agree with the bill, but do it in a way that appears proper to the public. Do it in a way that, yes, it may take a little bit more time, but at the end of the day then, you're going to be making better decisions.” And not only are you going to be making better decisions; maybe there's a little bit more people out there, just a few more people, that say, “You know what? I don't agree with the government's approach, but they've at least done it properly. They did it above board, not trying to ram something through in the middle of the night.” So if the government was my client, that would be the advice that I would give to my client. I guess I'm one of 124 in here, so the government isn't my client—but that is the kind of advice that I would have given in a previous life when I was doing consulting work.

I think we're seeing it, and my colleague MPP Hsu, he's been here. He's been a tank. He's been working here all day, talking about this, and extremely focused, and trying to bring the voices of people here. When it's in the middle of the night, not as many people are going to be talking.

So let me talk a little bit about why this matters and why history, I think, from here at home to Legislatures around the world, gives us good reason to proceed with caution to do stuff in governing in the middle of the night. I'll talk a little bit about that as I work through my remarks.

I'll have some coffee as well. My mouth is dry. I think coffee actually makes your mouth dry, but whatever. I've got some water and Diet Coke here as well.

Mr. John Fraser: Stick to the amendment.

Mr. Rob Cerjanec: Stick to the amendment, right?

We're human. We're human, and I don't think humans make great decisions at 2 a.m. My colleague MPP Hsu, I think, spoke about how our cognitive processing declines after 16 hours of wakefulness. Everything is deteriorating. That's why we don't allow pilots—we wouldn't want the person who's flying our plane to go on an all-night bender and then fly a plane the next day. I don't think we want that to happen with our pilots. That's why there are laws, that's why there are rules there.

I think earlier on my colleague MPP Watt spoke about health care and surgeons and nurses and that you don't necessarily want that kind of work to be taking place later at night—or train operators as well. It would be pretty catastrophic, the accidents that can happen. I think this bill and the work that we're doing, if we don't actually get it right, if we don't actually think it through, it could be catastrophic as well when we're talking about certain things disappearing from the law in certain areas of this province.

So why would we expect then better for ourselves as opposed to other—with much respect to pilots and surgeons and nurses and train operators or people who are operating heavy equipment or heavy machinery. We might not be doing that with that same type of intensity, but we are using our brain in this. I do think all of us—I think I saw all of us here or at least most of us during question period today, and that was over 12 hours ago. So I think question period itself, I think we probably left that chamber after question period, 12 hours ago, and here we are. I really do think though, the government side did have a choice around this, and it puzzles me a little bit as to why we're just going to try and drag it out, why we're trying to do it. I don't really understand it, to be honest, because there was a lot of time to bring stuff forward before. There was a lot of time, as I mentioned, so I don't get it in some ways. I'm not really sure what the endgame is. I'm not sure if playing checkers with themselves—I don't understand it.

In politics, urgency without clarity—

The Acting Chair (M^{me} Dawn Gallagher Murphy): MPP Cerjanec, please keep to the amendment on time. Thank you.

Mr. Rob Cerjanec: I was just going to say urgency without clarity, which is the urgency of having a midnight sitting and going through the—I think the urgency without that clarity is dangerous and we should be very, I think, concerned about that. So let's look at that schedule.

We've spoken about confusion. Is starting it at 12:01 symbolic? Is that what it is? I don't know because it really feels—and maybe it is symbolic. I don't know. Maybe there's something special on May 29. I haven't looked at my calendar to see if there's a special date of significance on May 29. I think I'm going about this role day by day. But it's straining, I think, capacity, as well. I see our legislative counsel, who is dutifully working here and probably looking at some of the amendments that legislative counsel may have helped in the process of drafting. I see our Clerk, I see our Hansard folks, I see our translation folks as well.

But I think there's a lot of mistrust now by meeting overnight, and that's why I think again, MPP Hsu has come forward with some really strategic amendments that, in my view, probably would help the government's position in this bill, originally first to meet tomorrow and now on Monday. I think those amendments—I think the government could have taken those amendments as a gift to give them a little bit more time to deal with it because, right now, I don't think the public trusts what's happened there.

So we're proposing something that I think is even a better alternative now, given the time, on Monday. Again, it narrows our standard working hours. I think, given how long we've been here, I think a couple of nights' sleep now would be a pretty good thing for everybody to have, especially with this week that we've had: a late sitting yesterday, a late sitting on Monday, and here we are now. Again, I saw a lot of government members cycle in and out. I think their bench is a little fresh. Maybe that's why they wanted to run the table over the night. I'm just assuming, but this is what I'm seeing.

So let's talk about some examples of when we meet late at night, instead of on a good day, what can happen. The House of Commons federally here in Canada held a confidence vote near midnight once, after a gruelling day of uncertainty about 20 years ago or so, and some MPs later confessed that they barely remembered what they were voting on, so let's think about that for a second, right? If we're meeting in the night, are we going to be remembering what we're voting on? Are we 110%? Or maybe some of the sheets passed around by the ministers' offices saying certain things, maybe vote this way or that. Maybe it doesn't matter. I don't know but I think the public expects us to very clearly think about the issues that are in front of us tonight.

In the United Kingdom, they approved a controversial airport expansion after 10 at night without full consideration of last-minute reports, or I guess in this case, last-minute amendments from the government side, and backlash followed—

The Acting Chair (M^{me} Dawn Gallagher Murphy): This committee was only authorized to sit until 12 a.m. Seeing that it is now 12 a.m., this committee stands adjourned.

The committee adjourned at 0000.

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Ms. Natalie Pierre (Burlington PC)

Mr. Joseph Racinsky (Wellington–Halton Hills PC)

Mr. Matthew Rae (Perth–Wellington PC)

MPP Jamie West (Sudbury ND)

Also taking part / Autres participants et participantes

Ms. Doly Begum (Scarborough Southwest / Scarborough-Sud-Ouest ND)

Mr. Rob Cerjanec (Ajax L)

Ms. Catherine Fife (Waterloo ND)

Mr. John Fraser (Ottawa South / Ottawa-Sud L)

Mr. George Leonard, counsel, legal services branch, Ministry of the Environment, Conservation and Parks

Ms. Sandy Shaw (Hamilton West–Ancaster–Dundas / Hamilton-Ouest–Ancaster–Dundas ND)

Ms. Marit Stiles (Davenport ND)

MPP Tyler Watt (Nepean L)

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