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Thursday 12 December 2013

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des débats
(Hansard)**

Jeudi 12 décembre 2013

**Standing Committee on
Justice Policy**

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**Comité permanent
de la justice**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Thursday 12 December 2013

Jeudi 12 décembre 2013

The committee met at 0901 in room 151.

MEMBERS' PRIVILEGES

ORGANIZATION

Mr. Shafiq Qaadri: Thank you, colleagues. Season's greetings, merry Christmas, happy new year imminently.

I call the meeting of justice policy to order. There are a number of issues before the floor from research with regard to some materials, motions, I understand, and the subcommittee meeting post.

Mr. Tabuns, your motion is now being handed out—amended, corrected, redacted etc.

Mr. Peter Tabuns: I move that the Standing Committee on Justice Policy meet on the following days for the purpose of report writing pursuant to its mandate:

Thursday, January 23, from 9 a.m. to noon and 1 p.m. to 4 p.m.; Thursday, January 30, from 9 a.m. to noon and 1 p.m. to 4 p.m.; and that report writing shall be held in closed session; and that one staff person from each political party be present during report writing.

The Chair (Mr. Shafiq Qaadri): Just to confirm, Mr. Tabuns, you continue to refer to the year 2014?

Mr. Peter Tabuns: Correct. Thank you, Mr. Chair.

I would like to have a few words, and I think my colleague would like to have a few words.

I believe it's time for us to get down to report writing. We've amassed a large amount of evidence, both oral and in electronic copy. We may well ask for more evidence in the course of the next few months, but if we are in fact going to give our opinion as a Legislature on the actions of the government, it's incumbent on us to actually get down to sifting through the evidence and presenting a coherent picture and conclusions for this Legislature for consideration. I see no reason to stop, to hold back on fulfilling the direction we were given by the Legislature.

My colleague may have a comment.

Mr. Gilles Bisson: I think Mr. Tabuns sums it up well. I would just add the following couple of quick points: First, that as we start to write the report, it doesn't preclude this committee—because I think, as we start to go through the closed sessions of looking at the evidence that we have and actually start writing the report, it may be necessary for this committee to call somebody back in

order to clarify something or to follow up on something that might have been said or some piece of evidence that we've looked at as a result of our report writing. Report writing doesn't mean to say that the committee is never going to have to call anybody back—we may very well have to—and it doesn't preclude this committee from being able to call witnesses they want.

But I concur with Mr. Tabuns. We've got a lot of evidence at this point, we have a lot of testimony at this point. I think, in my mind, there's probably a bit of a need to have a few more witnesses as a result of the work that we're going to do on the report writing, but we need to start closing in on what is the mandate of this committee when it comes to reporting back to the House on the matters on which we were given authority to do so.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson.

Just to remind committee members, one presumes that there may be dissenting opinions within the report, so the report can consist of different kinds of sections. One is the main report where everyone agrees, and then all parties can have appendix A, B, C and so on, because I notice that's happened in other reports.

Are there any further comments on this particular motion? Seeing none, those in favour of Mr. Tabuns's motion as read?

Mr. Peter Tabuns: A recorded vote.

The Chair (Mr. Shafiq Qaadri): A recorded vote.

Ayes

Bisson, Tabuns.

Nays

Delaney, MacLeod, McNeely, Wong, Yakabuski.

The Chair (Mr. Shafiq Qaadri): Regrettably, I have to inform the committee members that that motion has not passed. Are there any other—

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Delaney.

Mr. Bob Delaney: Appreciating what my colleagues are trying to do, I'd like to propose a motion as well.

The Chair (Mr. Shafiq Qaadri): Do you have it in writing, Mr. Delaney?

Mr. Bob Delaney: I do indeed. Perhaps the Clerk can—

The Chair (Mr. Shafiq Qaadri): Do I have it in writing, Mr. Delaney?

Mr. Bob Delaney: While it's being distributed, I'll read it:

I move that the Standing Committee on Justice Policy may meet for up to four days during the winter adjournment at the call of the Chair. Such days and times will be agreed upon by the subcommittee; and

That should the committee choose to begin report writing, it may devote up to two days of such meeting time during the winter adjournment to report writing; and

That any report writing will be held in closed session, with one staff person from each political party allowed to be present.

The Chair (Mr. Shafiq Qaadri): I presume all members of the committee can appreciate the nuances—or slight differences, I suppose—from the previous motion.

Ms. MacLeod.

Ms. Lisa MacLeod: I am leaning more toward this motion; I had the opportunity to talk to Mr. Delaney yesterday. My biggest concern with the previous motion was that it was so prescriptive with the timings. I do appreciate where Mr. Tabuns was going. I think this is far more preferable.

The question I do have is, does this affect our committee work once we return in February? I would ask not only the member opposite but the Clerk.

The Chair (Mr. Shafiq Qaadri): Committee work in the sense that if report writing has begun, for example, witnesses would no longer be called—that sort of thing?

Ms. Lisa MacLeod: With this particular motion, I just want to make sure that we're returning, in February, to status quo, that this would just effectively allow us to sit an extra four days, and if the committee so chooses, we could begin report writing. But it doesn't prevent us from coming back in February to do our job the way we are doing it now.

The Clerk of the Committee (Ms. Tamara Pomanski): You are correct. We're looking at this motion that literally just says what we're going to do during the winter adjournment. We still have that motion previously from before, when the House would meet. Again, you guys could also move another motion saying what you want to do when the House resumes. That will trump the other one from before. But right now, this is just dealing with the winter adjournment, so this would just be covered for the winter adjournment.

The Chair (Mr. Shafiq Qaadri): Mr. Yakabuski.

Mr. John Yakabuski: I just want a further clarification. This does not require us to begin reporting writing; it only has in the motion, "should the committee choose to begin report writing." So there are two different scenarios. If the committee does not choose to begin report writing, then that part of the motion would be kind of irrelevant and redundant once we returned, in my way of thinking.

But my question is, should the committee choose to begin report writing, does that change things when we return because now we've begun the stage of report writing? I want a clarification on that part of it.

The Chair (Mr. Shafiq Qaadri): It sounds to me it's the same question that Ms. MacLeod just asked, but I think, as was said by the Clerk, this is only the winter break, we go back—

Mr. John Yakabuski: Regardless of whether we actually begin report writing or not. So we can begin report writing and then go back to the status quo.

The Clerk of the Committee (Ms. Tamara Pomanski): When the House resumes.

The Chair (Mr. Shafiq Qaadri): Yes. That's the intent and that's the understanding.

Mr. John Yakabuski: That's the clarification I wanted. Thank you.

The Clerk of the Committee (Ms. Tamara Pomanski): That's what I'm assuming the intent was; right, Mr. Delaney?

Mr. Bob Delaney: That's the intent.

Ms. Lisa MacLeod: We're happy to support this motion.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Bisson?

Mr. Gilles Bisson: I want to make an amendment. I appreciate the willingness on the part of the government and the opposition to have four days during the inter-session—

Mr. John Yakabuski: Up to.

Mr. Gilles Bisson: I'm doing an amendment. You can vote against it after and you can speak to it once I've said it.

Interjections.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Bisson, you have the floor. Go ahead.

Mr. Gilles Bisson: I'm moving an amendment to the motion.

Mr. John Yakabuski: Then move it. You were speaking right now and I was correcting you, because it says—

Mr. Gilles Bisson: Well, you're not correcting me.

Mr. John Yakabuski: —our thing says up to four days, so just be clear about it.

Mr. Gilles Bisson: I want to amend this to say that I would like to strike out the second paragraph and insert instead something that says akin to: that there be two days of hearings for report writing and two days for hearings in the intersession.

0910

The Chair (Mr. Shafiq Qaadri): All right. I presume we'd like to have this in formatted text here?

Mr. Gilles Bisson: Yes, the Clerk will write it up. And it just seems to me that in that way, as she's writing up the text, it gives the committee the ability to do those two days, because we really need to start pulling together the information as far as the body of evidence that we have, both written and what we have as far as testimony. It would at least allow the committee to start pulling some of that stuff together and wouldn't preclude us from

doing the hearings, should there be other witnesses that we want to call or other members of the committee want to call before us. It allows us to at least start gathering that information.

The Chair (Mr. Shafiq Qadri): I'm happy to entertain your motion. It sounds to me like it's actually just restating what's there already.

Mr. Gilles Bisson: No. No, because what the current motion says—should the committee choose, that there be up to four days of hearings, and if we want to report-write, that's fine. Well, we don't need the permission of the committee to do that; the committee can do that at any time. So I'm trying to be more specific in saying that we actually do meet for four days in the intersession and we do two days of report writing and two days of hearings.

The Chair (Mr. Shafiq Qadri): On top of the four days.

Mr. Gilles Bisson: No, no, it's the four days.

Mr. Peter Tabuns: Divided equally between hearings and report writing.

The Chair (Mr. Shafiq Qadri): But then if it's stated as you've just said, I think it says that already. In any case, I can probably graph this mathematically later, but anyway—

Mr. Gilles Bisson: No, it doesn't say that. What it says—

The Chair (Mr. Shafiq Qadri): Okay. Fair enough. Do you want to just recap the motion so that everyone is on the same page here?

Mr. Peter Tabuns: Before you recap, I have a question.

The Chair (Mr. Shafiq Qadri): Yes.

Mr. Peter Tabuns: At this point, unless we say that we're going to actually start report writing, will the staff proceed with report writing or not? What instruction do they need from us so that when the committee meets, it has a document to consider?

The Chair (Mr. Shafiq Qadri): Staff?

Mr. Jeff Parker: Well, we'll need your direction—

The Clerk of the Committee (Ms. Tamara Pomanski): Full committee direction.

Mr. Jeff Parker: —full committee direction, not just subcommittee, and very specific direction for a report like this.

Mr. Peter Tabuns: So in order to tell you to get going, we would have to today move a motion saying, "This committee directs staff to start writing a report"?

Mr. Jeff Parker: Well, ideally, more specific than that. If you tell us simply to start report writing, we have no direction from you at all about what you actually want us to start writing. That's something that we'd appreciate and I'm sure you would as well, if we had that type of specificity.

Mr. Peter Tabuns: I understand that. Thank you.

The Chair (Mr. Shafiq Qadri): Fair enough. All right, do you want to summarize the motion as now understood? This is the amendment.

The Clerk of the Committee (Ms. Tamara Pomanski): Mr. Bisson's amendment would be to strike out paragraph 2 and replace it with:

"The committee should meet to allot two days for report writing and two days for hearings."

The Chair (Mr. Shafiq Qadri): Specified, as opposed to up to choice.

Mr. Gilles Bisson: That's right. I'm saying "will meet."

Mr. Peter Sibenik: Can I just clarify one thing? Paragraph 1 of the motion says, "may meet for up to four days", and now—

Mr. John Yakabuski: He's saying "will meet," so you've got to change paragraph 1, too.

Mr. Gilles Bisson: Just amend it. Amend that, fine.

Mr. Peter Sibenik: It's specifying in paragraph 2, the amendment, that it's going to be two and two.

Mr. John Yakabuski: That's right. I was just going to point that out—that you can't have "may" in one paragraph and "will" in another.

Mr. Gilles Bisson: Just take "may" out of the first paragraph.

The Clerk of the Committee (Ms. Tamara Pomanski): Okay, "may meet for four days"?

Mr. John Yakabuski: So you would change "may" to "will," is what you're saying?

Mr. Gilles Bisson: That's what I'm saying.

Mr. Peter Sibenik: Okay, "shall."

Mr. Peter Tabuns: "Shall."

Mr. John Yakabuski: So paragraph 1 should be "shall meet"—"shall."

Mr. Gilles Bisson: "Shall meet for four days," not for two.

Mr. John Yakabuski: Take "up to" out.

The Clerk of the Committee (Ms. Tamara Pomanski): For four days. Okay.

The Chair (Mr. Shafiq Qadri): Understood now? The motion now before the amendment is, "... shall meet for four days," two and two, as was said, hearings and report writing. Everyone clear on that? All right. If there are no further comments, we'll proceed to the vote on the amendment to this motion.

Mr. Peter Tabuns: Recorded.

Ayes

Bisson, Tabuns.

Nays

Delaney, MacLeod, McNeely, Wong, Yakabuski.

Le Président (M. Shafiq Qadri): Regrettament, cher collègue, la motion is defeated.

Mr. Gilles Bisson: I'm tired of the Tories propping up the Liberals all the time. You know, I'm just getting tired of this. When are you guys going to do what needs to be done in this place?

Laughter.

The Chair (Mr. Shafiq Qaadri): In any case, the amendment is defeated. We'll now move to the main motion. Are there any comments to the main motion? Fine. Those in favour of the main motion?

Ms. Lisa MacLeod: Recorded vote.

Ayes

Delaney, MacLeod, McNeely, Wong, Yakabuski.

The Chair (Mr. Shafiq Qaadri): The motion carries. We have some research issues?

Mr. Jeff Parker: That was going to be subcommittee.

The Chair (Mr. Shafiq Qaadri): Subcommittee. Thank you. Any further business for the main committee here?

Mr. John Yakabuski: I believe not.

The Chair (Mr. Shafiq Qaadri): Thank you. We're now in subcommittee.

The committee adjourned at 0915.

CONTENTS

Thursday 12 December 2013

Members' privileges.....	JP-1221
Organization.....	JP-1221

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