



ISSN 1180-436X

**Legislative Assembly
of Ontario**

First Session, 39th Parliament

**Assemblée législative
de l'Ontario**

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 24 September 2008

**Journal
des débats
(Hansard)**

Mercredi 24 septembre 2008

**Standing Committee on
the Legislative Assembly**

Review of provisional
standing orders

**Comité permanent de
l'Assemblée législative**

Révision du
Règlement provisoire

Chair: Bas Balkissoon
Clerk: Tonia Grannum

Président : Bas Balkissoon
Greffière : Tonia Grannum

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 24 September 2008

Mercredi 24 septembre 2008

The committee met at 1306 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr. Bas Balkissoon): We'll call the meeting of the Standing Committee on the Legislative Assembly to order. Can I have someone read the report of the subcommittee on committee business?

Mrs. Carol Mitchell: Your subcommittee on committee business met on Wednesday, August 27, 2008, to consider the method of proceeding on the review of the standing orders, and recommends the following:

(1) That the Chair of the committee send a letter to the government House leader requesting an extension on the tabling of the committee's report on the provisional standing orders until Thursday, October 2, 2008.

(2) That the full committee meet on Wednesday, September 24, 2008, to review, possibly amend and adopt the draft report.

(3) That dissenting opinions be submitted to the clerk of the committee by 5 p.m. on Wednesday, October 1, 2008.

The Chair (Mr. Bas Balkissoon): Shall the report of the subcommittee carry? Carried.

COMMITTEE BUSINESS

The Chair (Mr. Bas Balkissoon): Item number 2 is the draft committee report, pursuant to standing order 110(b). I think all of you should have a copy of it. Shall the report, pursuant to standing order 110(b), carry?

Mr. Peter Kormos: One moment. Chair, I would submit that there be opportunities for comment on the issue.

The Chair (Mr. Bas Balkissoon): No, we're dealing with this one about the ministries and the standing committees they report to. It's the first order of business on your agenda.

Mr. Peter Kormos: Okay, right here. My apologies.

The Chair (Mr. Bas Balkissoon): This is just technical.

Mr. Peter Kormos: Let's be clear: This is new business flowing as a result of the—

The Chair (Mr. Bas Balkissoon): We've got to get it done.

Mr. Peter Kormos: Well, no, we don't have to. The committee controls its own process. This reflects the new ministries that are created, including the rolling back of

the Ministry of Revenue, which was created not so much as a make-work project but as a make-minister project. That was rolled back so that it no longer exists, but that's okay because we haven't lost any ministers because we have a new ministry now, the frequent flyers' club that our dear colleague has been inducted into—not as if she didn't belong to it before. I understand. I suppose we have to, don't we?

Mr. Khalil Ramal: We want to attract people to Ontario.

Mr. Peter Kormos: Mr. Ramal makes a point. I suppose Ms. Papatello can go to India again and export some more call centres from Ontario.

The Chair (Mr. Bas Balkissoon): Shall the report carry? The report carries.

Shall I present the report to the House? Agreed.

REVIEW OF PROVISIONAL
STANDING ORDERS

The Chair (Mr. Bas Balkissoon): The next item is the report-writing review of the provisional standing orders. We'll pass that around.

Before we deal with the report, there are a couple of comments from the procedural research clerk on clarification of the report that was just handed out.

Mr. Peter Sibenik: I have three cosmetic changes that I would recommend to the committee. If I could just briefly draw the attention of the committee to page 3, the second paragraph, beginning with "After advertising" At the end of that paragraph there's a reference there to September and square brackets. I would insert today's date where the square brackets are. If there are any further meetings, of course I would add those dates as well.

On page 4, the second bullet point, the reference to the letter: The letter actually was addressed not only to the other party leaders, it was addressed to the other House leaders. The author of the letter was not only the Premier but the government House leader. I would indicate as much if I would have the permission of the committee to make that particular change as well.

Mr. Khalil Ramal: Which point?

Mrs. Carol Mitchell: Page 4.

Mr. Peter Kormos: If I may, Chair, I appreciate the work that's been put into actually writing this. The sentence, "The ensuing discussions among the House leaders

did not result in a consensus or agreement on standing order changes”—with respect, I would ask the research officer where the data came from with reference to ensuing discussions because—and the government may concede this point—I would be more than pleased for it to say that the House leaders did not reach a consensus or agreement on standing order changes. There’s a statement in here that there were ensuing discussions, and that, in my view, is not something that could be apparent to the research officer.

I’m not attacking—I’m just wondering why he would say “ensuing discussions,” because he wasn’t there. For all he knows, we might have sat there silently staring and glaring at each other. Quite frankly, there were moments where some people might have interpreted it that way.

Mrs. Elizabeth Witmer: Just following through on Peter’s point, I think it would be more appropriate, since nobody in this room other than Peter and myself were privy to what did happen or did not happen. For that to say simply the House leaders did not—there was no consensus or agreement on the standing order changes among the House leaders.

Mr. Peter Kormos: I would say that that’s an accurate statement. That’s apparent. That’s clear.

The Chair (Mr. Bas Balkissoon): Agreed?

Mrs. Carol Mitchell: Agreed.

Mr. Peter Sibenik: Thank you. We’ll make that change.

Mr. Peter Kormos: Thank you kindly, sir.

The Chair (Mr. Bas Balkissoon): Any further questions, comments?

Mr. Peter Sibenik: There’s only one more and that would be on page 10, the very first line, “The committee is of the view that that...” I would eliminate one of those “that”s.

Mr. Peter Kormos: Well, to be fair, it has a Gertrude Stein quality to it. I don’t know whether it was poetic licence or a mistype. The research officer wants to delete the second “that.” I’m prepared to agree, notwithstanding my affection for Stein-esque prose.

The Chair (Mr. Bas Balkissoon): Agreed?

Mrs. Carol Mitchell: What is the amendment?

The Chair (Mr. Bas Balkissoon): Just to delete the first “that” on page 10.

Mrs. Carol Mitchell: I still didn’t hear it.

The Chair (Mr. Bas Balkissoon): Page 10, first sentence.

Mrs. Carol Mitchell: Yes, I heard that.

The Chair (Mr. Bas Balkissoon): Delete one “that.”

Mrs. Carol Mitchell: Okay. Agreed.

Mr. Peter Sibenik: That was it.

The Chair (Mr. Bas Balkissoon): That’s it? Okay. Questions or comments? Shall the report be adopted?

Mr. Peter Kormos: One moment, sir, before you put the question. You’re now dealing with the report in its entirety as presented to the committee. Is that correct?

The Chair (Mr. Bas Balkissoon): Yes, with the agreed-upon amendments.

Mrs. Carol Mitchell: With agreed amendments, the three amendments.

The Chair (Mr. Bas Balkissoon): Yes.

Mr. Peter Kormos: Chair, if I may—and I’m not going to be lengthy. I don’t feel particularly gratified about the process that we’ve undertaken here in this committee. But I do want to commend and thank the research officer, the clerk and the Hansard staff for their assistance during the course of this. In my comments about the process and about the product, there’s no criticism whatsoever of those personnel.

I found this very ungratifying. The NDP caucus hasn’t been particularly pleased. We believed that there would be a bona fide effort to discuss and deal in a tripartite way with concerns about the so-called provisional standing orders presented by the government. Of course, we were disappointed in the manner in which the government presented those provisional standing orders, because it was on a weekend. It was done by ambush. There was no discussion amongst House leaders. I believe that Mrs. Witmer, as Conservative House leader, and I, as NDP House leader, made strong efforts to engage the government House leader over the course of several weeks in meaningful and mature discussions about any number of ways that the standing orders could be altered to accommodate the government’s clear interest in expediting the passage of legislation and in avoiding evening sittings, but it was a very futile, indeed frustrating, exercise. It certainly was for me, and if I read Ms. Witmer’s body language correctly, it appears to have been as frustrating for her. So it’s regrettable.

The reference to the family-friendly committee—and that of course is accurate, because there was a motion before the House that created that committee. That family-friendly committee, as far as I know, still hasn’t met. Again, this being done under the guise of so-called family-friendly—I concede I don’t have a family, and I don’t have any domestic responsibilities in terms of responsibilities to a household, and I respect people who do. But at the same time, I suppose my passion is for a democracy-friendly set of standing orders, and process-friendly and meaningful-friendly.

So look, I do not, on behalf of the NDP, accept these recommendations. I reject these recommendations. In our last discussions here, we indicated there was room for some discussion around things like bell-ringing at the commencement of question period. That’s an inoffensive proposal. However, the reason we need it is because question period is at that wacky time in the morning of 10:45 and, if the committee had its way—the majority, at least—10:30 now.

But the thrust and substance of these recommendations New Democrats do not support. We will be asking for a recorded vote. We will be voting against the adoption of this. I anticipate, because I count with one hand the majority five government members here—there are no mavericks amongst them today—that the five will be voting in sync and consistent with the whipping they got, and fear of the whipping they will get should they not. So I’ll be voting against this and indicating now that

that the NDP will be submitting a dissenting opinion in the appropriate time frame as provided for in the report of the subcommittee. Thank you kindly.

The Chair (Mr. Bas Balkissoon): Ms. Witmer.

Mrs. Elizabeth Witmer: I would certainly concur with many of the comments that have been made by Mr. Kormos. I would like to express on behalf of the Progressive Conservative caucus our disappointment with the entire process as it relates to the changes to the standing orders, beginning with the original changes and how they were first shared with the media as opposed to with the House leaders, and the lack of opportunity presented to try to reach some consensus, some agreement on the changes.

We did have some high hopes that this committee over the course of its deliberations would have an opportunity to further discuss the changes that had been made on a trial basis. We've been very disappointed that not only was there really not an opportunity to consider those changes, kind of like the health tax, the government wasn't open to making some revisions, and at the end of the day, the only thing we all agreed to in here is that question period should be preceded by a five-minute bell.

The other recommendations—obviously, there was no agreement by either the NDP or ourselves. In fact, I was quite shocked that not only did we not discuss or debate the changes that were originally made to the standing orders, the government came in with further changes to the standing orders, which I really did think was most inappropriate. I believe that those changes should be discussed by House leaders, as opposed to—I don't know why they came in, but suddenly we're learning that the government is now going to go to a calendar starting in February with four weeks on and one week off. That came out of the blue. I would have thought that would have first been brought to the House leaders' attention for discussion, and we still haven't seen what that calendar would look like.

The other thing was that we're going to start to take a look at e-petitions. That came totally out of the blue as well. And not only were we going to introduce guests once, we're going to introduce them twice, and we're going to go back to the way that some people chose to do it before and have some very political introductions by MPPs. That was confirmed for me yesterday by the Speaker, who said he's tried to make them very neutral, and I think he's done an outstanding job.

Suddenly, this issue of co-sponsorship of bills was on the table. That's all well and dandy, but the problem with private members' bills is not who introduces them or how

many people are from different parties; it's what happens with the private members' bills, or the lack of action on private members' bills, that is problem.

I am disappointed with the process. I appreciate the work that staff did undertake, but based on this report, which only reflects the opinions of the government—as I say, we only agreed on one thing—we will be submitting a dissenting opinion and we will be voting against this report.

The Chair (Mr. Bas Balkissoon): Ms. Mitchell.

Mrs. Carol Mitchell: I too want to thank the staff for all of the hard work that has gone into getting the report to this stage. I also want to thank the NDP and the Conservative Party for the work you have brought forward, and I look forward to reading your dissenting reports. I know that all of us look at things differently in how we represent the people of Ontario, but what we are all consistent in is ensuring that the people of Ontario continue to move forward.

This is a report that our members have been looking forward to moving forward. With that being said, I would move that the report be accepted and reported to the House.

The Chair (Mr. Bas Balkissoon): Shall the draft report, as amended, be adopted?

Mr. Peter Kormos: Recorded vote, please.

Ayes

Brotten, Mitchell, Ramal, Rinaldi, Van Bommel.

Nays

Kormos, Miller, Witmer.

The Chair (Mr. Bas Balkissoon): That carries.

Pursuant to the order of the House, shall I present the report to the House and move the adoption of its recommendations?

Mr. Peter Kormos: Recorded vote, please.

Ayes

Brotten, Mitchell, Ramal, Rinaldi, Van Bommel.

Nays

Kormos, Miller, Witmer.

The Chair (Mr. Bas Balkissoon): That carries.

The committee is adjourned.

The committee adjourned at 1324.

CONTENTS

Wednesday 24 September 2008

Subcommittee report	M-83
Committee business	M-83
Review of provisional standing orders	M-83

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair / Président

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Vice-Chair / Vice-Président

Mr. Kevin Daniel Flynn (Oakville L)

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Bob Delaney (Mississauga–Streetsville L)

Mr. Joe Dickson (Ajax–Pickering L)

Mr. Kevin Daniel Flynn (Oakville L)

Ms. Sylvia Jones (Dufferin–Caledon PC)

Mr. Norm Miller (Parry Sound–Muskoka PC)

Mr. Mario Sergio (York West / York-Ouest L)

Mr. Peter Tabuns (Toronto–Danforth ND)

Substitutions / Membres remplaçants

Ms. Laurel C. Broten (Etobicoke–Lakeshore L)

Mr. Peter Kormos (Welland ND)

Mrs. Carol Mitchell (Huron–Bruce L)

Mr. Khalil Ramal (London–Fanshawe L)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex L)

Mrs. Elizabeth Witmer (Kitchener–Waterloo PC)

Clerk / Greffière

Ms. Tonia Grannum

Staff / Personnel

Mr. Peter Sibenik, procedural clerk, research
Journals and Procedural Research