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ISSN 1180-4386

Legislative Assembly  
of Ontario  
Second Session, 39<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 39<sup>e</sup> législature

## **Official Report of Debates (Hansard)**

Thursday 5 May 2011

## **Journal des débats (Hansard)**

Jeudi 5 mai 2011

**Standing Committee on  
Finance and Economic Affairs**

**Comité permanent des finances  
et des affaires économiques**

Better Tomorrow  
for Ontario Act  
(Budget Measures), 2011

Loi de 2011 sur des lendemains  
meilleurs pour l'Ontario  
(mesures budgétaires)

Chair: Pat Hoy  
Clerk: Sylwia Przedziecki

Président : Pat Hoy  
Greffière : Sylwia Przedziecki

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Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



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Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 5 May 2011

Jeudi 5 mai 2011

*The committee met at 0903 in room 151.*

**BETTER TOMORROW  
FOR ONTARIO ACT  
(BUDGET MEASURES), 2011**

**LOI DE 2011 SUR DES LENDEMAINS  
MEILLEURS POUR L'ONTARIO  
(MESURES BUDGÉTAIRES)**

Consideration of Bill 173, An Act respecting 2011 Budget measures, interim appropriations and other matters / Projet de loi 173, Loi concernant les mesures budgétaires de 2011, l'affectation anticipée de crédits et d'autres questions.

**The Chair (Mr. Pat Hoy):** The Standing Committee on Finance and Economic Affairs will now come to order. We are here this morning for clause-by-clause consideration of the budget measures.

Are there any comments or questions before we begin? Hearing none, we'll get right to our business.

Section 1 has no amendments. Shall that carry? Carried.

Section 2 has no amendments. Shall it carry? Carried.

I'm going to ask for hand votes on these matters.

Section 3 has no amendments. Shall it carry? All in favour? Opposed? Carried.

Schedule 1: Sections 1 and 2 have no amendments. Shall they carry? Opposed? Carried.

Schedule 2: Sections 1 through 7, inclusive, have no amendments. Shall they carry? All in favour? Opposed? Carried.

Schedule 3: Sections 1 through 2, inclusive, have no amendments. Shall they carry? Opposed? Carried.

Shall schedule 3—I'm going too quickly here. We have to go back to the beginning.

Sections 1 through 3: I asked if they should carry and you said yes.

Shall schedule 1 carry? All in favour? Opposed? Carried.

Shall schedule 2 carry? All in favour? Opposed? Carried.

Shall schedule 3 carry? All in favour? Opposed? Carried.

Now, schedule 4: Sections 1 through 5, inclusive, have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 4 carry? All in favour? Opposed? Carried.

Schedule 5: Sections 1 through 2 have no amendments. Shall they carry? Opposed? Carried.

Shall schedule 5 carry? All in favour? Opposed? Carried.

Schedule 6: Sections 1 through 2 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Schedule 6: Shall it carry? All in favour? Carried.

Schedule 7: Sections 1 through 8 have no amendments. Shall they carry? Opposed? Carried.

Shall schedule 7 carry? All in favour? Opposed? Carried.

Schedule 8: Sections 1 through 7, inclusive, have no amendments. Shall they carry? Opposed? Carried.

Shall schedule 8 carry? All in favour? Opposed? Carried.

Schedule 9 has no amendments. Sections 1 through 2, inclusive: All in favour? Opposed? Carried.

Shall schedule 9 carry? Opposed? Carried.

Schedule 10: Sections 1 through 4 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 10—

*Interjections.*

**Mr. Peter Tabuns:** I have a motion with respect to—

**Mr. Norm Miller:** It looks like there's an amendment on that one, Chair.

**Mr. Peter Tabuns:** Don't get ahead of yourself, Chair.

**The Chair (Mr. Pat Hoy):** Schedule 10, section 4: Shall it carry? Carried.

Shall schedule 10—

**Mr. Peter Tabuns:** No.

**The Chair (Mr. Pat Hoy):** Now we have an amendment to section 5—there are two lines on my sheet. There is an amendment to schedule 10, section 5.

**Mr. Peter Tabuns:** Correct.

**The Chair (Mr. Pat Hoy):** It is an NDP motion. Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 259.1 of the Education Act, as set out in section 5 of schedule 10 to the bill, be amended by adding the following subsection:

“Not-for-profit operator

“(2) The operator of a third party program in a school of a board must be a not-for-profit agency or a municipality.”

I was very surprised that the government did not, in fact, put this condition into this schedule in the first place. There is clear evidence—we’ve had it presented to us in pre-budget consultations; we had it presented to us in debate on this bill itself—that non-profit child care, publicly run child care, results in better outcomes. More money goes into looking after the children. There is just no question that it is superior.

So you, Chair, should be urging other members of your party to support this amendment to ensure that any future child care centres operating in schools, if they’re not run by the schools themselves, are run either on a non-profit basis or by municipalities. It’s a question of quality and it’s also a question of keeping profit-making businesses out of the schools where, in fact, they shouldn’t be operating. We have an issue in North America with private, for-profit child care. I think that direction is one that’s problematic for child care. We should not, in this province, be opening the door to their operation in our schools.

0910

**The Chair (Mr. Pat Hoy):** Any other comment? Mr. Miller.

**Mr. Norm Miller:** I have a philosophical difference with the NDP on this motion. I certainly don’t have any bias against for-profit operators, as long as they are properly licensed by the province of Ontario. I think there are many well-run for-profit operators, so I will be voting against this motion.

**The Chair (Mr. Pat Hoy):** Any other comment?

**Mr. Peter Tabuns:** Then I would ask for a recorded vote on this.

**Ayes**

Tabuns.

**Nays**

Barrett, Delaney, Jaczek, McNeely, Norm Miller, Pendergast, Sandals.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Shall schedule 10, section 5 carry? All in favour? Opposed? Carried.

Now we’re on to schedule 10, section 6. There are no amendments on sections 6 through 14, inclusive. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 10 carry? All in favour? Opposed? Carried.

Schedule 11 has no amendments in sections 1 through 2, inclusive. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 11 carry? All in favour? Opposed? Carried.

Schedule 12 has no amendments in sections 1 through 5, inclusive. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 12 carry? All in favour? Opposed? Carried.

Schedule 13 has no amendments in sections 1 through 3. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 13 carry? All in favour? Opposed? Carried.

Schedule 14, section 1, has no amendments. Shall it carry? All in favour? Opposed—

**Interjection:** We have one.

**Ms. Leeanna Pendergast:** Section 14 has an amendment.

**The Chair (Mr. Pat Hoy):** Now we do have an amendment.

*Interjection.*

**The Chair (Mr. Pat Hoy):** Yes, we do. At section 1.1, though.

Schedule 14, section 1: Shall it carry? All in favour? Opposed? Carried.

Now we are at schedule 14, which has a new amendment. We won’t miss them. Mr. Miller?

**Mr. Norm Miller:** Thank you, Chair. I move that schedule 14 to the bill be amended by adding the following section:

“1.1 The act is amended by adding the following section:

“Clearance certificate

“4.0.1(1) Every estate representative shall obtain a clearance certificate from the Minister of Revenue before distributing to one or more persons any property in the possession or control of the representative acting in that capacity.

“Same

“(2) The clearance certificate shall certify that the following amounts have been paid or that security for the payment of those amounts has been accepted by the Minister of Revenue:

“1. Amounts for which the deceased person is or can reasonably be expected to become liable under this act at or before the time the distribution is made.

“2. Amounts for which the representative, in that capacity, is or can reasonably be expected to become liable to pay.

“Application for certificate

“(3) The estate representative shall apply for the clearance certificate in the manner prescribed by the Minister of Finance.

“Personal liability

“(4) If an estate representative distributes to one or more persons property in the possession or control of the representative, acting in that capacity, without obtaining a clearance certificate, the following rules apply:

“1. The representative is personally liable for the payment of the amounts described in paragraphs 1 and 2 of subsection (2) to the extent of the value of the property distributed.

“2. The Minister of Revenue may at any time assess the representative in respect of any amount payable because of this subsection, and sections 4.2 to 4.8 apply, with any necessary modifications, to an assessment made under this subsection.

“Appropriation of property

“(5) For the purposes of subsections (1) and (4), an appropriation by an estate representative of property in the possession or control of the representative acting in that capacity is deemed to be a distribution of the property to a person.”

Chair, an explanation of why we brought this amendment forward: We had Barry Corbin, a lawyer in estate planning, comment to the committee in public hearings, and he pointed out that the amendment that was before the committee prior to this allows for up to four years for the government to ask for more tax. This would delay the distribution of the estate, as the estate wouldn't be able to get a clearance certificate as they could before. This amendment would allow for that clearance certificate process to be put back into effect.

**The Chair (Mr. Pat Hoy):** Any other comment? Mr. Tabuns.

**Mr. Peter Tabuns:** Could I ask a question of the parliamentary assistant as to whether or not the government concurs with this amendment? If not, why not, and if yes, why?

**Ms. Leeanna Pendergast:** Absolutely, Mr. Tabuns. You may ask. Go on.

**Mr. Peter Tabuns:** I see. And is there the potential for an answer?

**Ms. Leeanna Pendergast:** Absolutely. It's a technical answer, so I'm going to give you a very specific technical answer.

The proposed opposition amendment is designed to avoid the possibility of an estate representative becoming personally liable for the estate administration tax. This amendment is unnecessary, as section 2 of the Estate Administration Tax Act, 1998, provides that the tax is payable by the estate and that the estate representative is not personally liable under the act for this tax. It is intended for the tax to be collected from the estate, and the estate representative is not personally liable for unpaid tax. The estate representative pays the tax from estate assets as the person who controls those assets and acts for the estate.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Mr. Pat Hoy):** Any other comments? Hearing none—

**Mr. Norm Miller:** Recorded vote, please.

#### Ayes

Barrett, Norm Miller, Tabuns.

#### Nays

Delaney, Jaczek, McNeely, Pendergast, Sandals.

**The Chair (Mr. Pat Hoy):** The motion is lost.

Schedule 14, sections 2 through 6, have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 14 carry? All in favour? Opposed. Carried.

Now we are at schedule 15, and there is a government amendment. Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 1 of schedule 15 to the bill be struck out and the following substituted:

“1. Subsection 18(1) of the Freedom of Information and Protection of Privacy Act is amended by adding the following clause:

“(j) information provided in confidence to, or records prepared with the expectation of confidentiality by, a hospital committee to assess or evaluate the quality of health care and directly related programs and services provided by a hospital, if the assessment or evaluation is for the purpose of improving that care and the programs and services.”

**The Chair (Mr. Pat Hoy):** Any comment? Ms. Sandals.

**Mrs. Liz Sandals:** I understand that there's been a fair bit of comment so I'd like to begin with giving a little bit of background in terms of what information is available to the public with respect to hospitals.

Firstly, the government extended the right of the Auditor General to review hospitals, and that actually has been ongoing. Public accounts has reviewed procurement on two different occasions. Public accounts has reviewed hospital governance. So the Auditor General has the authority to go in, look at and make public comment on those issues.

Secondly, hospitals are and will continue to be included in FIPPA, the standard freedom of information and protection of privacy legislation.

#### 0920

Thirdly, hospitals are required and will continue to be required to release personal information about a patient to the patient under PHIPA, personal health information. It's important to note that legislatively, PHIPA, the right to personal access of information and privacy protection, trumps FIPPA.

Again, hospitals are required in other legislation to post infection control data, so for example, there is and continues to be the requirement that all hospitals publicly report on eight patient safety indicators. That includes C. difficile infections; methicillin-resistant staph, or MRSA; vancomycin-resistant bugs—VRE is the standard; hospital standardized mortality ratios; central line primary bloodstream infections; ventilator-associated pneumonia; hand hygiene compliance; and surgical safety checklists. All hospitals will continue to be reporting on all those things to the public and publicly posting them, so all of this continues. But when the Broader Public Sector Accountability Act was being debated back in November, the issue was raised that the way in which FIPPA would appear to apply to hospitals could create what was called a chill factor on solving patient care issues.

The committee received some correspondence from the Ontario Medical Association, and I think maybe the simplest thing is to recollect what the OMA had to say on the issue, which is:

“Improvements in patient safety come most quickly when physicians, nurses, and other health professionals feel they can raise and discuss issues of quality and patient safety without being ‘blamed or shamed.’ Most patient safety incidents are the results of a complex series of factors in which many staff are involved. For example, if a patient receives the wrong medication, it is not only the nurse who gave the medication to the patient, but also the physician who ordered it, the pharmacist who dispensed it, and any other individuals involved who need to discuss this event. In order to learn from these experiences, staff needed to deconstruct the event and identify how it could be prevented in the future. Staff are unlikely to have this discussion outside of a protective environment.”

Recognizing the discussion around this chill factor, the government proposed a motion in schedule 15, section 1, which, as originally introduced, would amend the Freedom of Information and Protection of Privacy Act, or FIPPA, as I was referring to it, to allow the head of a hospital to exempt records that would reveal information provided to or prepared by a hospital committee for the purpose of assessing or evaluating quality of health care and directly related programs or services provided by the hospital.

In response to the comments that were made by stakeholders at the public hearings, the government has proposed amending schedule 15 to actually narrow the exemption, so that it’s very clear that it would apply only to information that is provided to or prepared by a hospital committee for the purpose of improving health care where the persons providing the information or preparing the records have an expectation of confidentiality. To put that in plain English: to allow the discussions that the OMA is referencing to take place without the chill factor, without the public blame or shame factor.

But I want to emphasize that the proposed amendment would not affect a patient’s right to access his or her own personal health information under the Personal Health Information Protection Act and would not affect a hospital’s obligations to disclose information pursuant to a mandatory reporting obligation, which I previously described. All those things stay in place.

I just want to close by saying they there were a number of references during the hearings to Dr. Ross Baker from the department of health policy, management and evaluation at the University of Toronto and the implication that he was opposing this. But I think it’s important to quote actually accurately what Dr. Baker had to say on this issue in support of this amendment.

Back in November when he was appearing before the Standing Committee on Social Policy, he said, “Extending freedom-of-information legislation to hospitals promotes accountability and transparencies, but an exclusion is necessary for quality-of-care information so that we don’t restrict the ability of staff to identify and learn from

events, reducing the capability of hospitals to improve their care to patients on an ongoing basis. As potential patients, we all want a safer system. Freedom-of-information legislation shouldn’t be a barrier to that.”

That’s exactly why we are introducing this exemption, which would still be appealable to the freedom-of-information officer.

**The Chair (Mr. Pat Hoy):** Thank you. I have Mr. Tabuns and then Mr. Barrett.

**Mr. Peter Tabuns:** Even with these amendments, we heard very compelling statements in the hearings on this bill and I have subsequently heard from the Ontario Nurses’ Association echoing those arguments. There has been a long process in which health advocates and health professionals like nurses have tried to get this information about quality of care out into the public so that hospitals and the broader health care system can be held accountable for their priorities. This amendment is a step backward, even with the changes that have been made by the government. We don’t see clarity in definitions. We don’t see an openness to providing the public with the information we believe they deserve that would justify passing this amendment.

I think the government is making a mistake in doing this. It will be seen as promoting a secretive approach to our health care system. We believe that this amendment is inadequate and thus, I will vote against it. Beyond that, the initial amendment is a backward step, and I urge all members of the committee to vote against it.

**Mr. Toby Barrett:** To follow up on Mr. Tabuns’s comments, just last December, this government passed the Broader Public Sector Accountability Act, which did provide the scrutiny for information about quality of care produced by a committee. You’ve essentially given us a deputation. I sat through all the deputations last week. I didn’t hear a deputation to that effect. I didn’t hear a deputation—

**Mrs. Liz Sandals:** Correspondence.

**Mr. Toby Barrett:** Oh, you got some correspondence.

Again, who came forward to present this? We started at 8:30 in the morning. The Ontario Hospital Association didn’t come forward. The OMA did not come forward.

I know this has been slipped in, in a budget bill of all things. A number of us have sat on the finance committee for a number of years, and it is very odd to kind of slip this into a budget bill to essentially change course on legislation that this government passed last December, legislation that was passed in response to a number of things that alarm people across the province of Ontario with respect to lavish spending by hospital executives and consultants and, I assume, in response to the eHealth scandal.

I’ve also received some information since the public hearings, one from a deputant who came before the committee on very short notice, indicating to me that—first of all, a number of people indicated: “Eliminate the schedule completely.” They were very clear on that—very clear reasons for their need for accountability and transparency. The communication I received indicated that to kind of play around with this, with the kind of

amendment that this government is proposing, is not good enough. I don't know whether the parliamentary assistant has any response to that.

This amendment, if I can concur with Mr. Tabuns, just doesn't cut it. It's not what we were asked for during hearings.

**0930**

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, I'll put the question.

**Mr. Peter Tabuns:** Recorded vote, please, Mr. Chair.

#### Ayes

Delaney, Jaczek, McNeely, Pendergast, Sandals.

#### Nays

Barrett, Norm Miller, Tabuns.

**The Chair (Mr. Pat Hoy):** The motion is lost.

**Mr. Bob Delaney:** It's carried.

**The Chair (Mr. Pat Hoy):** Carried; it's carried. Shall schedule 15, section 1, as amended, carry?

**Mr. Peter Tabuns:** Recorded vote.

#### Ayes

Delaney, Jaczek, McNeely, Pendergast, Sandals.

#### Nays

Barrett, Norm Miller, Tabuns.

**The Chair (Mr. Pat Hoy):** The section is carried.

**Mr. Norm Miller:** Excuse me, Mr. Chair. I guess that means that—

**The Chair (Mr. Pat Hoy):** I have another section to do.

**Mr. Norm Miller:** Okay.

**The Chair (Mr. Pat Hoy):** Schedule 15: Section 2 has no amendments. Shall it carry? All in favour? Opposed? Carried.

Now we have a notice of motion coming from the NDP first. Mr. Tabuns.

**Mr. Toby Barrett:** On a point of order: I notice page 4 and page 5 are very similar. Does one negate the other, or do we discuss both pages?

**The Chair (Mr. Pat Hoy):** It's a notice. It's not an amendment, so they both would stand, even though they are similar.

I'll let Mr. Tabuns read his into the record, if he cares to.

**Mr. Peter Tabuns:** Number 4, is that correct?

**The Chair (Mr. Pat Hoy):** Yes.

**Mr. Peter Tabuns:** The NDP recommends voting against schedule 15.

Reason for notice rather than motion: If the committee wishes to remove an entire schedule from the bill, the rules of parliamentary procedure require that the committee vote against the schedule, rather than pass a motion to delete it.

**The Chair (Mr. Pat Hoy):** Do you have any comment?

**Mr. Peter Tabuns:** I think I made my comment in the amendment that was put forward by the government.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, we also have, on page 5, a notice coming from the official opposition. Mr. Barrett, would you read it in?

**Mr. Toby Barrett:** Notice, again, with respect to schedule 15: The PC Party recommends voting against schedule 15.

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Toby Barrett:** Again, over the course of the day, we heard testimony from so many people who came forward, very simply, feeling that access to records is necessary to determine if negligence has occurred and to determine if it's ongoing and how many patients had been affected. There were concerns that schedule 15 would "prevent me and others from gaining access to documents to better understand how our hospitals are run regarding who gets care and who does not."

Perhaps some people are getting communications from the back door, or phone calls, and there are experts on this who didn't come forward during the deputation. But I just will quote one lady who testified—

**Mrs. Liz Sandals:** On a point of order: The submissions that I was quoting were either in Hansard or correspondence received by the committee clerk.

**The Chair (Mr. Pat Hoy):** Thank you.

**Mr. Toby Barrett:** Okay, well, I got a phone call from an expert, which I returned the call—I'm not talking about Ms. Sandals. But anyway, this did occur.

*Interjection.*

**Mr. Toby Barrett:** It's too bad that the person who phoned me didn't come forward to testify.

Just a final quote—this is from Kim Hessels from Dunnville: "I believe it is time for Ontario citizens to have full transparency and accountability in all matters related to the health care they receive."

Then, further to the point I was making with respect to experts: "We may not have all the answers or the right answers, but as parents and as citizens, we'd like to be involved."

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, we will take those as notice of recommendation to vote against, as stated.

Shall schedule 15, as amended, carry? All in favour—

**Mr. Norm Miller:** Recorded vote.

**The Chair (Mr. Pat Hoy):** A recorded vote is requested.

#### Ayes

Delaney, Jaczek, McNeely, Pendergast, Sandals.

#### Nays

Barrett, Norm Miller, Tabuns.

**The Chair (Mr. Pat Hoy):** It carries.

Now I would move to schedule 16. There are no amendments. Sections 1 through 6, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 16 carry? All in favour? Opposed? Carried.

Schedule 17 has no amendments. Sections 1 through 17, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 17 carry? All in favour? Opposed? Carried.

Schedule 18 has no amendments. Sections 1 through 5, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 18 carry? All in favour? Opposed? Carried.

Schedule 19: Sections 1 through 5 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 19 carry? All in favour? Opposed? Carried.

Schedule 20 has no amendments. Sections 1 through 2: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 20 carry? All in favour? Opposed? Carried.

Schedule 21 has no amendments. Sections 1 through 6, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 21 carry? All in favour? Opposed? Carried.

Moving to schedule 22: There are no amendments. Sections 1 through 4, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 22 carry? All in favour? Opposed? Carried.

Schedule 23 has no amendments. Sections 1 through 6: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 23 carry? All in favour? Opposed? Carried.

Schedule 24 has no amendments. Sections 1 through 6, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 24 carry? All in favour? Opposed? Carried.

Schedule 25 has no amendments. Sections 1 through 15, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 25 carry? All in favour? Opposed? Carried.

Schedule 26 has no amendments. Sections 1 through 15: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 26 carry? All in favour? Opposed? Carried.

Schedule 27 has no amendments. Sections 1 through 43, inclusive: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 27 carry? All in favour? Opposed? Carried.

Schedule 28 has no amendments. Sections 1 and 2: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 28 carry? All in favour? Opposed? Carried.

Schedule 29 has no amendments. Sections 1 and 2: Shall they carry? All in favour? Opposed? Carried.

Shall schedule 29 carry? All in favour? Opposed? Carried.

**0940**

Schedule 30: Sections 1 through 5, inclusive, have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 30 carry? All in favour? Opposed? Carried.

Schedule 31 has no amendments. Shall sections 1 through 4, inclusive, carry? All in favour? Opposed? Carried.

Shall schedule 31 carry? All in favour? Opposed? Carried.

Schedule 32 has no amendments to sections 1 through 41, inclusive. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 32 carry? All in favour?

**Mr. Peter Tabuns:** I have a notice before you, Mr. Chair: number 6.

**The Chair (Mr. Pat Hoy):** At the very end, yes. I had to get to that page. We'll have Mr. Tabuns read this into the record.

**Mr. Peter Tabuns:** The NDP recommends voting against schedule 32.

**The Chair (Mr. Pat Hoy):** Comment?

**Mr. Peter Tabuns:** I do. I think it's unfortunate. I believe that this amendment will facilitate the scope of use of public-private partnerships or, as the Liberal government calls them, alternative financing. I think that's a disadvantage to the public sector. It will cost us more. It will undermine the well-being of public finance in Ontario, and so I would urge members of this committee to vote against schedule 32.

**The Chair (Mr. Pat Hoy):** Thank you. Any other comment? Hearing none—

**Mr. Peter Tabuns:** A recorded vote.

### Ayes

Delaney, Jacek, McNeely, Pendergast, Sandals.

### Nays

Barrett, Norm Miller, Tabuns.

**The Chair (Mr. Pat Hoy):** The schedule carries.

Now we are on schedule 33. Sections 1 through 4 have no amendments. All in favour? Opposed? Carried.

Shall schedule 33 carry? All in favour? Opposed? Carried.

Schedule 34: Sections 1 through 14, inclusive, have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 34 carry? All in favour? Opposed? Carried.



I understand—and I just want to clarify—that we have a government motion to schedule 35. Do we have agreement to stand that down until we vote on section 8? I'm advised that you were asked about this. Do we have agreement to do that?

**Mr. Norm Miller:** Agreed.

**Mr. Pat Hoy:** Agreed. I heard you. I was just being advised that the next section is dependent on this particular action that is now delayed a bit.

We will move on and go back to that in a bit.

Schedule 35: Sections 2 through 7 have no amendments. Shall they carry? All in favour? Opposed? Carried.

I think it's section 8. Okay, we'll do page 8 and page 9, for clarification. Page 8 is a PC motion. Who will put that? Mr. Miller?

**Mr. Norm Miller:** I move that section 8 of schedule 35 to the bill be amended by adding the following subsection:

“(2) Subsection 80.1(3) of the act is repealed and the following substituted:

“‘Eligible employees

“(3) This section applies with respect to employees of the original employer who were members of the original pension plan on or after May 18, 2010 and who, in connection with the sale of the business, become the successor employer's employees and members of the successor pension plan.”

By way of explanation, this amendment comes from the presentation and concern of MPAC employees. We had Valerie Jones of Current Managers with Split Pensions present to the committee at public hearings. I know it also affects paramedics. It's an issue that's been raised in the House by the member from Simcoe–Grey on many occasions. They ask that this section be amended to include a clause that allows these people to make the transfer of their retired members of the original plan or former members of both pension plans after May 18, 2010. There are a lot of MPAC employees who are waiting to retire until the government makes the necessary amendments so that their split pensions become one.

**The Chair (Mr. Pat Hoy):** Any other comments? Ms. Pendergast.

**Ms. Leeanna Pendergast:** The government, as you know, has a similar motion coming up. Mr. Miller is aware. The concern that we have with this motion is that the language proposed in the motion does not clearly address the issue of retirees being included within the scope of section 80.1.

The government is bringing a motion to ensure that the application of this section includes retirees, and I would encourage all members to support that motion from the government.

**The Chair (Mr. Pat Hoy):** Mr. Tabuns?

**Mr. Peter Tabuns:** Could I just have commentary from the opposition on that?

**Mr. Norm Miller:** Yes. If the parliamentary assistant is correct that their motion will address this issue, then I'm satisfied to withdraw the amendment to allow the

government—because I suspect that the five members on the other side are going to vote for their amendment. As long as the parliamentary assistant is assuring me that this issue is being addressed, I'm satisfied with that.

**Ms. Leeanna Pendergast:** Thank you, Mr. Miller and Mr. Tabuns.

**The Chair (Mr. Pat Hoy):** So you wish to withdraw?

**Mr. Norm Miller:** I'll withdraw it, yes.

**The Chair (Mr. Pat Hoy):** Done. Now we have, on page 9—this will be a government motion. We do page 9 now and then we would go back to page 7.

**Ms. Leeanna Pendergast:** What are you doing? This one?

**The Chair (Mr. Pat Hoy):** It's page 9.

**Ms. Leeanna Pendergast:** I don't have page numbers, Chair. Schedule 35?

**The Chair (Mr. Pat Hoy):** Yes.

**Ms. Leeanna Pendergast:** I move that section 8 of Schedule 35 to the bill be amended by adding the following subsections:

“(2) Subsection 80.1(4) of the act is amended by striking out ‘an agreement’ at the end of the portion before clause (a) and substituting ‘one or more agreements’.

“(3) Clause 80.1(4)(a) of the act is repealed and the following substituted:

“(a) authorizing eligible employees who are employed by the successor employer on the day this section comes into force to elect to transfer the value of their accrued pension benefits under the original pension plan to the successor pension plan;

“(a.1) authorizing eligible employees whose employment with the successor employer or whose membership in the successor pension plan terminated on or after May 18, 2010 and before the date on which this section comes into force to elect to transfer the value of their accrued pension benefits under the original pension plan to the successor pension plan;”

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“(4) Section 80.1 of the act is amended by adding the following subsection:

“‘Same

“(4.1) A transfer agreement may authorize the election described in clause (4)(a) or (a.1) or in both clauses.’

“(5) Subsection 80.1(6) of the act is repealed and the following substituted:

“‘Same, eligible employees

“(6) The transfer agreement cannot authorize individuals to elect to make the transfer described in clause (4)(a) or (a.1) if they are retired members of the original pension plan at the time the election is to be made.”

**The Chair (Mr. Pat Hoy):** Any comment?

**Ms. Leeanna Pendergast:** I have a comment. I do want to start by echoing what we've heard today from Mr. Tabuns and Mr. Miller and that we did hear from the public—we heard from people, we heard from pensioners; we heard very loud and clear, and we listened. We listened to stakeholders; we listened during hearings and during committee.

I do want to say for the record that this amendment would allow the prescribed pension plans or classes of plans, which enter into transfer agreements under this section, to extend the opportunity to consolidate pension credits to those individuals who retired or otherwise ended their employment or membership in the successor pension plans since May 18, 2010, the date that section 80.1 provisions in the Pension Benefits Amendment Act, 2010, or Bill 236, received royal assent.

**The Chair (Mr. Pat Hoy):** Any other comment?

**Mr. Norm Miller:** Recorded vote.

### Ayes

Barrett, Delaney, Jaczek, McNeely, Norm Miller, Pendergast, Sandals, Tabuns.

**The Chair (Mr. Pat Hoy):** Carried.

Shall section 8, as amended, carry? All in favour? Opposed—

**Mrs. Liz Sandals:** Don't we have to go back?

**The Chair (Mr. Pat Hoy):** Yes, we will.

Shall section 8, as amended, carry? All in favour? Opposed? Carried.

Now we go back to the government motion; schedule 35, subsection 1(2). Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that section 1 of schedule 35 to the bill be amended by adding the following subsection:

“(2) Section 14 of the act is amended by adding the following subsection:

“Same, certain retired members and former members

“(5) Without limiting the generality of subsection (4), subsection (1) does not apply with respect to an amendment that relates to a transfer of assets authorized by section 80.1 that affects the transferred members who are entitled to make the election described in clause 80.1(4)(a.1).”

**The Chair (Mr. Pat Hoy):** Any comment?

**Mr. Peter Tabuns:** Yes. Could you put that into plainer English?

**Ms. Leeanna Pendergast:** I think my English might be a little bit too plain.

**Mr. Peter Tabuns:** I don't mind very plain English.

**Ms. Leeanna Pendergast:** My understanding is that this motion is required in order to ensure consistency with the one that we just moved.

**Mr. Peter Tabuns:** That's pretty plain. Okay.

**The Chair (Mr. Pat Hoy):** Any other comment or question? Hearing none, all in favour? Opposed? Carried.

Shall schedule 35, section 1, as amended, carry? All in favour? Opposed? Carried.

Now to a couple of pages ahead: In schedule 35, sections 9 through 14 have no amendments. Shall they carry? Opposed? Carried.

Shall schedule 35, as amended, carry? All in favour? Opposed? Carried.

Schedule 36: Sections 1 through 5 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 36 carry? All in favour? Opposed? Carried.

Schedule 37: Sections 1 through 10 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 37 carry? All in favour? Opposed? Carried.

Schedule 38: Sections 1 through 5 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 38 carry? All in favour? Opposed? Carried.

Schedule 39: Sections 1 through 8 have no amendments? Shall they carry? All in favour? Opposed? Carried.

Shall schedule 39 carry? All in favour? Opposed? Carried.

Schedule 40: Sections 1 through 5 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Section 6 has an amendment. It's a government amendment. Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that subsection 103.3(1) of the Taxation Act, 2007, as set out in section 6 of schedule 40 to the bill, be amended by striking out “The Minister of Finance” at the beginning and substituting “The Ontario Minister”.

**The Chair (Mr. Pat Hoy):** Any comment?

**Ms. Leeanna Pendergast:** Just simply, the purpose of the proposed change is to clarify that the benefit would be paid by the federal Minister of National Revenue and not by the Ontario Minister of Finance.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, I'll put the question. All in favour? Opposed? Carried.

We have another government motion. Ms. Pendergast.

**Ms. Leeanna Pendergast:** I move that subsection 103.3(3) of the Taxation Act, 2007, as set out in section 6 of schedule 40 to the bill, be amended by striking out “the minister” at the end and substituting “the Minister of Finance”.

**The Chair (Mr. Pat Hoy):** Do you wish to make a comment?

**Ms. Leeanna Pendergast:** Well, that would be lovely. I do wish. Thank you, Chair.

The proposed change would clarify that the Ontario Minister of Finance and not the federal Minister of National Revenue has the authority to make regulations providing for the amount of such payments and the manner and time in which the payments are made.

**The Chair (Mr. Pat Hoy):** Any other comment? Hearing none, I'll put the question. All in favour? Opposed? Carried.

Shall schedule 40, section 6, as amended, carry? All in favour? Opposed? Carried.

Schedule 40: Sections 7 through 29, inclusive, have no amendments. Shall they carry? Opposed? Carried.

Shall schedule 40, as amended, carry? All in favour? Carried.

Schedule 41: Sections 1 through 4 have no amendments. Shall they carry? All in favour? Opposed? Carried.

Shall schedule 41 carry? All in favour? Opposed? Carried.

Shall the title of the bill carry? All in favour? Opposed? Carried.

Shall Bill 173, as amended, carry?

**Mr. Peter Tabuns:** A recorded vote.

#### Ayes

Delaney, Jaczek, McNeely, Pendergast, Sandals.

#### Nays

Barrett, Norm Miller, Tabuns.

**The Chair (Mr. Pat Hoy):** It carries.

Shall I report the bill, as amended, to the House? All in favour? Opposed? Carried.

**Ms. Leeanna Pendergast:** I just have a comment before you strike that gavel.

**The Chair (Mr. Pat Hoy):** Yes?

**Ms. Leeanna Pendergast:** In literature there's a famous saying that we shall not see his like again. I wanted to, on behalf of the committee, thank you for your work with this Standing Committee on Finance and Economic Affairs over the years. I think today is a perfect testimony to how organized, succinct and effective you are as a Chair.

Oscar Wilde said, "I have the simplest of tastes: I like only the best," and you, Chair, are the best. Thank you for what you did.

*Applause.*

**The Chair (Mr. Pat Hoy):** Well, thank you. Thank you very much. It's been indeed a pleasure, working with all the various members of the finance and economic affairs committee over the last eight years. We've had wonderful staff working for us, as I'm sure you would all attest, and that's what makes me look like—did you call me "a simple thing"? All right.

*Laughter.*

**The Chair (Mr. Pat Hoy):** Thank you very much. I do believe it is probably my last committee to chair here, but one never knows. There are days yet ahead. Thank you very much. We are adjourned.

*The committee adjourned at 1001.*

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