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Official Report of Debates (Hansard)

Tuesday 5 March 2013

Journal des débats (Hansard)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Tuesday 5 March 2013

Mardi 5 mars 2013

The committee met at 0901 in committee room 151.

The Chair (Mr. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du comité de la justice. Colleagues, I call this meeting of the justice policy committee officially to order.

The first order of business is to consider the subcommittee report. May I have—Mr. Tabuns?

Mr. Peter Tabuns: Mr. Chair, as you're aware, our House leaders have had discussions, and based on those discussions, I move adjournment of this meeting to 3:45 today.

The Chair (Mr. Shafiq Qaadri): Since you have specified a time, the motion to adjourn to 3:45 p.m. is a debatable motion.

Any comments with reference to the motion to adjourn until 3:45 p.m.?

Mr. Rob Leone: I have a comment.

The Chair (Mr. Shafiq Qaadri): Yes, sir. Mr. Leone.

Mr. Rob Leone: Is it that the subcommittee will still be meeting at 3:15 today?

The Chair (Mr. Shafiq Qaadri): That is my understanding.

Mr. Peter Tabuns: Yes.

Mr. Rob Leone: Is everyone clear with that?

The Chair (Mr. Shafiq Qaadri): I think so.

Any further comments with reference to this motion? All in favour? All opposed?

I thank you for your laborious deliberations. This committee is adjourned.

The committee recessed from 0902 to 1549.

The Chair (Mr. Shafiq Qaadri): Colleagues, I call to order the Standing Committee on Justice Policy. We have—

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Mr. Delaney?

Mr. Bob Delaney: I'm sorry, Chair. On a point of order: I would like to make a motion pursuant to the unanimous consent in the House. At the Chair's discretion, I can make it either before or after the report on the subcommittee.

The Chair (Mr. Shafiq Qaadri): Thank you for your suggestion, Mr. Delaney. I think we probably do need to deal with the subcommittee report.

Interjection.

The Chair (Mr. Shafiq Qaadri): I am advised by our Clerk that we would like to take, in the spirit that we seem to have established, another 15-minute recess to re-

establish the subcommittee report as was just discussed by the subcommittee. Is that agreeable?

Interjection.

The Chair (Mr. Shafiq Qaadri): Correct. Thank you. The committee is now recessed—15 minutes precisely.

Mr. John Yakabuski: Can we make that 20? If we're going to recess, I have to deal with something at 4 o'clock. I thought we'd be out of here, and I need—

The Chair (Mr. Shafiq Qaadri): Twenty?

Interjection: Twenty is fine.

The Chair (Mr. Shafiq Qaadri): So to be clear, that's about four-tenish.

The committee recessed from 1550 to 1613.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. I reconvene the Standing Committee on Justice Policy. As you know, we have two orders so far before the committee. One is the subcommittee report, then I'll yield the floor to Mr. Delaney, who raised a point of order before we recessed.

SUBCOMMITTEE REPORT

The Chair (Mr. Shafiq Qaadri): May I have someone please move the subcommittee report? Mr. Del Duca.

Mr. Steven Del Duca: Your subcommittee on committee business met on Monday, March 4, 2013, and Tuesday, March 5, 2013, to consider the method of proceeding on the orders of the House dated February 20, 2013, and March 5, 2013:

(1) That all meetings of the Standing Committee on Justice Policy be held in committee room 151 and that the Chair be authorized to request this room from another committee, if not available.

(2) That all committee meetings are live-streamed on the Legislative Assembly website, if possible.

(3) That the Chair request that the Standing Committee on Justice Policy's Hansard be given priority behind that of the House.

(4) That witnesses be sworn in or affirmed before giving testimony to the committee.

(5) That all witnesses be limited to five minutes for their opening statement.

(6) That the questioning of each witness be conducted in rounds and that members be allowed to use time from a future round of questioning of the same witness.

(7) That the committee retains legal counsel for the purposes of this review, and that the proceedings of the committee continue prior to the retention of legal counsel.

(8) That the Clerk of the Committee, in consultation with the Chair, be authorized to commence making any preliminary arrangements necessary to facilitate the committee's proceedings prior to the adoption of this report.

I move that the subcommittee report be adopted.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Del Duca, for moving the subcommittee report.

Is there any discussion, issues, before we take a vote? Mr. Tabuns.

Mr. Peter Tabuns: I have no discussion. I'm ready to go to the vote.

The Chair (Mr. Shafiq Qaadri): We welcome your enthusiasm.

Ms. Albanese.

Mrs. Laura Albanese: I do have a concern. I have a problem about the prospect of calling witnesses prior to having counsel available to us, so I would like to suggest an amendment that no witnesses are called until legal counsel is retained. I'm referring to number 7, where it says "the proceedings of the committee continue prior to the retention of legal counsel." We can certainly proceed, the committee can meet, but perhaps the amendment could say that we refrain from calling witnesses until legal counsel is retained, just for a question of fairness, I think.

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

Is that understood by the committee? So the amendment to the subcommittee report: No witnesses to be called until legal counsel is retained.

Mr. Peter Tabuns: I understand it, and I'd like to be put on the list to speak to it.

The Chair (Mr. Shafiq Qaadri): That's fine. We'll discuss the amendment before we vote on the full subcommittee report. The floor is now open for that discussion. Mr. Tabuns.

Mr. Peter Tabuns: If I may speak, Mr. Chair, we went through this discussion in the subcommittee. The legal counsel serves the committee. It's not a service for witnesses; it is for us to be able to address, question, and it provides us with support if there are tricky legal questions that we have to have answered.

We are prepared to proceed to hear witnesses now. We don't need to wait for a lawyer. I don't think it helps this committee to suggest that we wait for that contract to be signed, that commitment to be made. So I would advise other members of the committee to reject your amendment.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. Just to make it clear for committee members, as you very rightly pointed out in the subcommittee discussion, legal counsel is for the committee, not for the witnesses who are potentially coming forward.

Is there any other discussion regarding this amendment to the subcommittee report? Mr. Leone.

Mr. Rob Leone: I concur with Mr. Tabuns on this. I think that, as we've discussed in the subcommittee, there is—in the absence of agreeing to having legal counsel, we would be proceeding with the discussion and questioning of witnesses.

We've waited a long time to start talking to witnesses. We have an obligation, as a committee, to do what the House has asked us to do, which is to investigate the release of documents, the potential cover-up that could lead to a contempt of this Legislature. That is our primary obligation, and we have to move on that as quickly as possible, without delay.

I would not support that amendment. I think that we need to start seeing witnesses at our earliest possible date.

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

Mr. Bob Delaney: Chair, there is no suggestion or implication in the proposed amendment that would contravene the subcommittee's agreement. It does recognize that legal counsel is here for the committee and not for the witnesses. The intent here would be if, for example, a witness should ask what their rights are under the charter—that is a legitimate question to ask of the committee's counsel. Also, the subcommittee report asks all witnesses to swear an oath.

We just did this for the purpose of fairness to the committee. If it is not the committee's wish to support the amendment, we will withdraw the amendment.

1620

Mrs. Laura Albanese: It is a legitimate concern that I have brought forward; it's not in any way to stall the committee in any regard. It's just a legitimate concern of fairness to the people who will be appearing in front of our committee, that's all.

The Chair (Mr. Shafiq Qaadri): Thank you. I think we've canvassed opinion adequately. We can, then, proceed to the vote on this particular amendment.

Those in favour of this amendment, again regarding legal counsel and witnesses and so on; those in favour, if any? Those opposed? That amendment is defeated.

Is there any discussion now with reference to the full subcommittee report?

Seeing none—going once—those in favour of the subcommittee report as moved by Mr. Del Duca? Those opposed? The subcommittee report is duly adopted.

COMMITTEE BUSINESS

The Chair (Mr. Shafiq Qaadri): We are now at next business, so the floor is open. Mr. Delaney.

Mr. Bob Delaney: Thank you very much, Chair. I'd like to make a motion pursuant to standing order 110(b) and the unanimous consent motion in the House.

I move that, pursuant to standing order 110(b):

The Standing Committee on Justice Policy (the "committee") directs the government of Ontario, including ministries, ministers' offices, the Cabinet Office and the Office of the Premier; the Ontario Infrastructure and

Lands Corp.; the Ontario Power Authority; (hereafter referred to as “the parties subject to this motion”) to produce any and all identified paper and electronic files and records, including but not limited to correspondence, briefing notes, emails, memoranda, issue or House book notes, opinions, and submissions, and including any drafts of or attachments to those records, that occurred between September 1, 2010, and October 15, 2012, related to the cancellation of the Oakville power plant and that occurred between August 1, 2011, and October 15, 2012, related to the cancellation of the Mississauga power plant;

The committee further orders the Ontario Liberal Party, the Progressive Conservative Party of Ontario, and the Ontario New Democratic Party (also hereafter referred to as “the parties subject to this motion”) to produce any and all identified paper and electronic files and records, including but not limited to correspondence, briefing notes, emails, memoranda, issue notes, and opinions, and including any drafts of or attachments to those records, that are under their custody and control, related to the cancellation of the Oakville or Mississauga power plants that were created, sent or received between September 7, 2011, and Thursday, October 6, 2011;

By Friday, March 8, 2013, the committee shall identify search terms to be used to conduct the search and provide those terms to the parties subject to this motion. At any time, the committee may exercise its authority to modify the list of search terms;

Within three (3) sessional days of the passage of this motion, the secretary of cabinet (the “secretary”) shall provide for the committee’s approval a detailed work plan, including parameters and processes to be undertaken to identify the responsive documents in the custody and control of the Ontario public service;

Within seven (7) sessional days of this committee’s approval of the secretary’s work plan, the government of Ontario shall produce to the committee any and all documents responsive to the committee’s request;

All other parties subject to this motion shall produce to the committee any and all documents responsive to the committee’s request within the later of ten (10) sessional days of the passage of this motion or the date by which the government of Ontario must produce its records as outlined in the preceding paragraph;

The records will be produced notwithstanding any legal privilege or statutory confidentiality, except that any party subject to this motion may identify those records subject to any such claim of privilege or confidentiality so that the committee may determine appropriate steps to be taken to address those claims of privilege or confidentiality;

The records shall be tabled with the Clerk of the committee, along with an explanation of the search terms, parameters and processes;

The committee may exercise its authority pursuant to standing order 110(b) to order any further records or request any further search it considers relevant to this motion;

Where a party subject to this motion is unable to comply with the motion by the required time period, that party shall table immediately with the Clerk a copy of any and all records collected pursuant to the terms of this motion, with an explanation of the further steps that will be taken to comply with the motion, along with an estimate of the time required for such compliance.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. With the committee’s indulgence, I will now once again—established tradition—need to recess for us to consider and review this particular motion. I once again thank the committee for its indulgence. We’re looking at 15 minutes—approximately 4:40 p.m. The committee is now recessed.

The committee recessed from 1625 to 1643.

The Chair (Mr. Shafiq Qaadri): Thank you, committee members. Once again, we reconvene. I think all of you should have received copies of the motion presented by Mr. Delaney. I inform you that, as it stands currently, particularly with offending paragraph number 2, it is out of order.

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, did you have something to say?

Mr. Bob Delaney: I would like to take that motion and ask the Chair, would it be in order without paragraph 2?

The Chair (Mr. Shafiq Qaadri): Yes, not only without paragraph 2; you’re also, I understand, able to amend it.

Mr. Bob Delaney: Okay. As I am able to amend it, Chair, I move that paragraph 2 be struck from the motion previously tabled. Do I need to re-read it?

The Chair (Mr. Shafiq Qaadri): No, that’s fine.

So the floor is now open for debate on the amendment, which essentially—well, completely—removes paragraph 2. Are there any speakers to that?

Mr. Leone.

Interjection.

The Chair (Mr. Shafiq Qaadri): On the amendment of removal.

Mr. Rob Leone: So we’re clear, my interest in this has been to stop the political games, stop the charade, stop inserting motions, and get to the bottom of what we’ve been asked to do by the House, which is to investigate the release of documents with respect to the Mississauga and Oakville power plants.

I don’t understand how we continue to have, at the eleventh hour, motions put upon this committee. We haven’t seen a witness yet. We haven’t talked to anybody yet. We need to get to the investigation that we’ve been asked to complete. We need to do that as soon as possible. So, whether this motion has been amended or not, all we’re doing here is wasting time, and I think the public has a right to the information that we’re entitled to have. They’re not getting that by the trickery that we’re seeing here, and I do not support the amendment, nor the motion.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Leone. Again on the amendment for removal, Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. I appreciate the fact that that is indeed ruled out of order, considering the fact, as they have been told, as the Liberal Party has been told, it's ruled out of order because it was the government, the Liberal government, that cancelled the gas plants. They continue to want to play these games and have this charade of, "What if?" "What if you did? What if you did?"

Again, as I said in the Legislature this morning to the Premier, to the House leader and to our fellow members, it's more about what is. What is being hidden from the public? What is it that we're seeing covered up by the Liberal Party? What is in the secret documents? What is in the documents that we have not received yet?

We've made it very clear that there are four sets of documents we have not received, the first being the documents that were redacted and pages that were whited out.

The second was the fact that there was no correspondence from the Premier—in all of the 56,600 documents, not one piece of correspondence from the Premier's office.

The third fact is that we've seen answers to letters, you know, "Fred, let me comment on your email about Project Vapour," but Fred's email was not in the documents. So we know those are hidden from us.

The fourth is the fact that the Ontario Power Authority, in their presentation a week ago Thursday in the media room, said, "We took a little while because we needed to pull out the documents that were privileged and the documents that were of a personal nature." Well, I'm sorry, Chair: There is no privilege and there are no personal documents that can be taken out. The order is very accurate.

So to the point here of another charade, another delay, another game that's being played, a game of "What if," let's get down to what is, what is in those secret documents that we haven't seen yet, and I'm very pleased that that is ruled out of order.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Fedeli. Again, we're speaking on the amendment to the motion regarding removal of paragraph 2. I would just respectfully remind all of my colleagues to observe parliamentary language.

Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Chair. The reason, as I understand, as you articulated, that this motion was ruled out of order as it was originally tabled was because of paragraph 2, and paragraph 2 basically, for the record, tries to imply that the Progressive Conservative Party and the New Democratic Party are somehow culpable in this scandal.

What has been clear from the start is that it is the Liberal Party, and the Liberal Party alone, acting as the government, that approved and contracted for these two power plants to be built. It is the Liberal Party, and the Liberal Party alone, who made the decision to cancel the

Mississauga power plant. The Liberal government alone made the decision to cancel the Oakville power plant and then had to deal with the costs of that cancellation.

1650

What the people in Ontario want to know, and why this committee in good faith was struck—and when we get a motion like this at the eleventh hour, as my colleague from Cambridge says, you really question whether the government is acting in good faith. We get this motion—it is more red herrings.

What the people in Ontario want to know: What led to the decisions to approve, cancel and relocate the power plants in Oakville and Mississauga? Who's responsible for them, and how much is it going to cost them? That's what the witnesses are about, that's what this committee's about and that's what we should be trying to get to the bottom of.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Yakabuski. Once again, for the committee's information, what's being deliberated upon is: The motion, presented by Mr. Delaney originally, has been removed—withdrawn. It has been resubmitted, re-moved again, minus paragraph 2. That's what we're discussing right now.

Mr. Tabuns?

Mr. Peter Tabuns: The motion as presented was a smokescreen, was an embarrassment. I've been through filibusters; I've been through the process of holding back information. I am not happy to go through it again.

I'm going to call for the defeat of this motion. When we need information, we'll bring forward motions to get that information. This particular gambit—this particular game—was not appreciated today by anyone.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Tabuns. Are there any further comments? Mr. Delaney?

Mr. Bob Delaney: Chair, I'd like to ask the Clerk, just for the record, for an explanation as to why paragraph 2 was out of order.

The Chair (Mr. Shafiq Qadri): As I understand it, Mr. Delaney, this particular paragraph is outside the mandate of the committee because, with reference to the particular parties—the three so named—it is not within their scope, their power, their mandate to cancel the Oakville or Mississauga power plants. That is an act of government.

Mr. Bob Delaney: Thank you very much, Chair. We're ready for the vote.

The Chair (Mr. Shafiq Qadri): Are we now ready to proceed to the vote?

Mr. Peter Tabuns: Yes.

The Chair (Mr. Shafiq Qadri): Those in favour, once again, of the motion minus paragraph 2? Those in favour? Those opposed? This motion is defeated.

Is there any further business for the committee? Mr. Leone?

Mr. Rob Leone: Mr. Chair, I think that we would like to establish a few things today. In particular, we would like to talk about the kinds of witnesses we'd like to bring forward to this committee. I'm hoping that we can come to an agreement at least on an initial set—that we

can start deliberating on these matters as soon as possible. I would hope that we could entertain a discussion on at least calling up some witnesses today—even though it might not be our full list, that we at least start putting forward some names so that we can contact them and start the deliberations in due course. So that's what I would suggest that this committee undertake at this time.

The Chair (Mr. Shafiq Qaadri): Mr. Leone, as you've just heard, is presenting a witness list. Do you have a list, Mr. Leone, to submit to us?

Mr. Rob Leone: I do have a list. I would perhaps like to offer some names of some folks that we'd initially like to start with, with respect to the deliberations. I don't know if you want me to—

The Chair (Mr. Shafiq Qaadri): You're welcome to do it verbally or in writing, or both.

Mr. Rob Leone: I would like to, Mr. Chair, call upon this committee to ask to be witnesses before it three procedural experts, and those procedural experts are the Honourable Peter Milliken, the former Speaker of the House of Commons; Dr. Ned Franks, a parliamentary expert from Queen's University; and Mr. Rob Walsh, a parliamentary expert and former law clerk for the House of Commons.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Leone. Comments? Mr. Tabuns?

Mr. Peter Tabuns: We're interested in putting forward the names of witnesses as well. When we've gone through witnesses, I intend to put forward a motion about the schedule of hearings.

I'd like to say to my colleagues at this table: The experience of the Ornge inquiry was that if you give 50 names, it is very difficult to ensure that your highest-priority people are brought forward. So my suggestion to all involved is, we start off with different sections of names. Mr. Leone has done that just now with three witnesses.

I would like to suggest five witnesses as our first round: Mr. Bruce Sharp, who is an energy analyst; JoAnne Butler, vice-president, electricity resources, Ontario Power Authority; Jamison Steeve, former principal secretary; Jesse Kulendran, of the Ministry of Energy; and Serge Imbrogno, who is the deputy minister at energy currently.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. If you have those names in writing, that would be welcomed.

Mr. Peter Tabuns: I do.

The Chair (Mr. Shafiq Qaadri): Any further comments? Mr. Delaney.

Mr. Bob Delaney: Chair, pending receipt of the list of names, I request a brief recess.

The Chair (Mr. Shafiq Qaadri): A brief recess—yes, Mr. Bisson?

Mr. Gilles Bisson: I understand that every member is entitled to call for recess, but I fail to understand calling recess on providing names, as something that you have to vet, because it's up to the individual caucus to put names

forward. Unless you want time to go get your names, which I understand.

Mr. Bob Delaney: Chair, in addition to providing some names ourselves, we would simply like to have a look at the list of names. I didn't get them all down; I'd like to just have them transcribed. I'm not asking for a lot of time.

Mr. Gilles Bisson: No, no.

The Chair (Mr. Shafiq Qaadri): You're entitled to use your recess as you so wish.

Committee is now recessed 10 minutes.

The committee recessed from 1656 to 1708.

The Chair (Mr. Shafiq Qaadri): Colleagues, thank you once again for your patience and indulgence. We're reconvening the Standing Committee on Justice Policy.

We'll now move to the stage of advising witnesses—I'd just inform the members of the committee that according to the House, the only thing that has formally been decided is that each party will have the same number of witnesses. So, 20, 30, 40 etc.—whatever the number is, that has not been decided. Also, when the witnesses are called forward, they will be called forward in rotation, meaning, we won't do all 50 of one group and then another 50. There will be a rotation.

So far, the NDP has submitted five names, and if other parties are also willing to submit five names, then we can get moving. If you want to submit more, you're welcome to do so.

Monsieur Bisson.

Mr. Gilles Bisson: Chair, do you have the motion of the House handy, by any chance? If you would read to us the section that is relevant—I think it's the last paragraph at the bottom of the first page.

The Chair (Mr. Shafiq Qaadri): You can determine, Monsieur Bisson, if this is it: "That, pursuant to standing order 110(b), where the committee exercises its authority to send for persons, each party shall be entitled to an equal number of witnesses...." and so on.

Mr. Gilles Bisson: That's right.

So you're entitled to an equal amount of witnesses, but it's up to the caucuses if they want to call any witnesses, to be clear.

The Chair (Mr. Shafiq Qaadri): Understood.

Mr. Gilles Bisson: Just because one caucus has asked for five, the other caucus says, "I only want two"—that's up to that caucus.

The Chair (Mr. Shafiq Qaadri): I think we'd adopt that, yes. Thank you, Monsieur Bisson.

Any further comments? Monsieur Tabuns then Monsieur Yakabuski.

Mr. Peter Tabuns: Yes, there is further comment. It may be that the Liberal Party has a suggestion now of witnesses they would like to bring forward. Mr. Chair, in order to advance the business of the committee, after we've heard that, after each of us has presented our initial list of witnesses, my suggestion is that we go back into subcommittee to sort out schedule, witness time etc.—more of the clerical function.

The Chair (Mr. Shafiq Qaadri): I think that's admirable advice, Monsieur Tabuns, because obviously details, scheduling and timing etc. will need to be dealt with in subcommittee.

Mr. Yakabuski, then Mr. Leone?

Mr. John Yakabuski: Yes, thank you, Chair. In view of the fact that we've had the discussion with our neighbours to our left here, we would like to add two witnesses to our list to make it a list of five.

The Chair (Mr. Shafiq Qaadri): Please, go ahead.

Mr. John Yakabuski: Chris Bentley, former Minister of Energy, and Peter Wallace, the secretary of cabinet.

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

Mr. Leone?

Mr. Rob Leone: Mr. Chair, given the advice that Mr. Tabuns has provided us, I do want to ensure that we can begin our investigation with witnesses on Thursday morning, and so I would propose that, at the very least, we start with our witness lists and that we meet from 8:30 to 10:15 on Thursday for the purpose of interviewing our first witness.

The Chair (Mr. Shafiq Qaadri): Is that a formal motion, Mr. Leone?

Mr. Rob Leone: Yes, it is.

The Chair (Mr. Shafiq Qaadri): Would you like to move that?

Mr. Rob Leone: Just so we're clear, the reason why I'm making the motion is to ensure that we start on Thursday with at least one witness. I'm not clear, and I would seek the advice of the Clerk and the Chair, that if we move to subcommittee this evening, as per Mr. Tabuns's report, would we be able to, on Thursday morning at 8:30 or 9 or whatever we decided in subcommittee, meet with our first witness? Would that be possible to do, in the absence of what I've just said?

The Chair (Mr. Shafiq Qaadri): Maybe. It's up to the subcommittee: the availability of witnesses, subcommittee decisions etc.

Mr. Rob Leone: So we could, in the absence of what I've just said and the motion that I've moved, potentially have a witness for Tuesday morning—

Mr. Peter Tabuns: Thursday morning.

Mr. Rob Leone: Thursday morning, sorry; thank you for the correction. If that's the case, I will withdraw what I have just moved.

Mr. Peter Tabuns: Fine. Just so we're clear, in subcommittee we can actually set schedules and get the wheels in motion.

The Chair (Mr. Shafiq Qaadri): I think the level of detail that we're going into requires subcommittee deliberation. So far, we have five witnesses presented by the NDP, five witnesses by the Conservative caucus. It is up to the government side whether they'd like to or not at this moment; that is their decision. Or they can submit it later in writing, as you wish; or a corridor consultation even.

Mr. Bob Delaney: We are very interested in hearing from the three proposed PC witnesses. I earlier men-

tioned to Mr. Tabuns, as they're procedural in nature, and what they say and what advice they provide to us may have some bearing on how we deal with the witnesses that are more substantive in nature.

If Mr. Leone would be willing to entertain it, what I had proposed to Mr. Tabuns is, let's hear them, and that gives us adequate time to meet in subcommittee; it allows you to have what you want, which is to get going on Thursday. I have no objection to hearing Mr. Milliken, whom I only know by reputation; I've never met the man, and I don't know the other two. But if they're going to talk to us about procedure, frankly, I'm very interested in that. It would allow subcommittee to meet to work on the scheduling and for the government to provide its witness list as well.

What we are asked to do here is basically to make up a witness list on the fly, and I'm not sure that's very wise.

The Chair (Mr. Shafiq Qaadri): All right. So just to be clear, Mr. Delaney is suggesting that we go ahead with the three procedural expert witnesses that were proposed by Mr. Leone. That, again, is entirely the committee's decision.

Mr. Fedeli?

Mr. Victor Fedeli: Thank you, Chair. I think the question that both Mr. Leone and Mr. Tabuns were trying to get at is, once the subcommittee meets this evening and has a procedural discussion and an agreement or not, what mechanism is in place to allow witnesses on Thursday? That is to say, there's no vote that approves the subcommittee's meeting. So can we still proceed Thursday? Is that not what we're trying to get at? It's a technical question.

The Clerk of the Committee (Ms. Tamara Poman-ski): What we could do is, I'll draft up a subcommittee report and we could even move the subcommittee report Thursday morning, prior to hearing the witness, and if the committee adopts it, then the witness can come forward and speak to the committee.

Mr. Victor Fedeli: But in the interim, the witnesses are still invited for Thursday morning, at whatever time?

The Clerk of the Committee (Ms. Tamara Poman-ski): Yes, we could do that.

Mr. Victor Fedeli: Thank you. I'm fine, Chair.

Mr. Peter Tabuns: So we're clear on that business.

Mr. Bob Delaney: Could you, just for clarity—would the Clerk just please encapsulate that for me? I'm just trying to understand what we're being asked to do here.

The Clerk of the Committee (Ms. Tamara Poman-ski): My understanding, and correct me if I'm wrong—or maybe, Mr. Tabuns, did you want to explain?

Mr. Peter Tabuns: I am going to move that, once you have put forward your names—or not—of witnesses, this committee adjourn, that the subcommittee commence hearing within the next few minutes, and that we settle the outstanding organizational questions so that we can continue hearings at 8:30 on Thursday morning.

The Chair (Mr. Shafiq Qaadri): Monsieur Bisson.

Mr. Gilles Bisson: The easiest way to do that is that the committee reconvenes after the subcommittee has

met—later on, sometime today, whenever that is—so that everything is done procedurally to allow you to do what you've got to do.

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

Mr. Bob Delaney: Can I hear that motion actually read by the Clerk, please?

The Clerk of the Committee (Ms. Tamara Pomanski): I didn't take it down. We can get it in writing.

Interjections.

The Clerk of the Committee (Ms. Tamara Pomanski): If we can get it in writing, Mr. Tabuns—

Mr. Bob Delaney: I understand. All of us here are trying, at this early stage, to get this process under way. All I'm asking here is, prior to voting on a motion that I think I understand and, if I understand it correctly, I don't have a problem with, can I just see what it is that I'm being asked to vote for?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Delaney, I think you are absolutely entitled to have it in writing before you vote.

Mr. Bob Delaney: It doesn't have to be typed up. The Clerk's handwriting is nice and clear.

The Chair (Mr. Shafiq Qaadri): I would respectfully request that I think we will require yet another recess, unless there's anyone—Monsieur Bisson?

Mr. Gilles Bisson: What I'm suggesting is, I'm sure that Mr. Tabuns is currently writing out the motion as I speak, but it's a pretty simple concept: The committee is going to adjourn into subcommittee. The subcommittee is going to deal with the matters that it has to deal with so that we can order up whatever we want procedurally as far as when we're going to meet, what time we're going to meet, all that stuff. Then the idea is that the committee re-meets immediately after and moves the motion here in committee. Done, fini; we don't have to wait for Thursday morning to deal with the procedural stuff. It allows the Clerk to go out and invite the witness and do what has to be done, and, lickety-split, we're all done for Thursday morning.

The Chair (Mr. Shafiq Qaadri): I appreciate your simplicity, Monsieur Bisson.

I would invite Mr. Tabuns to finish writing. If members are willing to have it read as opposed to in writing, then we can proceed. Otherwise, we need to recess for the photocopying and distribution.

Mr. Rob Leone: Five minutes?

The Chair (Mr. Shafiq Qaadri): I think we'll need to recess. Monsieur Bisson, yes?

Interjection.

The Chair (Mr. Shafiq Qaadri): Let's call it 10 minutes, gentlemen, ladies.

The committee recessed from 1718 to 1726.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. We have a motion presented by Mr. Tabuns. I think all of us are admiring the font in which it's presented. I'd just invite you, Mr. Tabuns, to please read the motion as now written.

Mr. Peter Tabuns: I move that the justice committee adjourn;

That the subcommittee immediately reconvene to address organizational matters; and

That the justice committee immediately reconvene after the subcommittee adjourns.

The Chair (Mr. Shafiq Qaadri): This is a debatable motion. Is there any debate or comment?

All in favour? All opposed? The motion carries.

The justice committee is now adjourned and the subcommittee is now in force.

The committee recessed from 1727 to 1807.

SUBCOMMITTEE REPORT

The Chair (Mr. Shafiq Qaadri): Thank you, committee members. I think at the outset I'd just like to compliment our Clerk, Ms. Pomanski—

Applause.

The Clerk of the Committee (Ms. Tamara Pomanski): Thank you.

The Chair (Mr. Shafiq Qaadri): —for instantaneously executing a subcommittee report with, as yet, undetectable errors—although I still, as I say, prefer Mr. Tabuns's font.

But in any case, I'd invite somebody to please move forward the subcommittee report.

Mr. Peter Tabuns: I so move.

The Chair (Mr. Shafiq Qaadri): Well, Mr. Leone gets the floor, unless he wishes to yield it.

Mr. Rob Leone: Dibs.

I move the adoption of the subcommittee report.

The Chair (Mr. Shafiq Qaadri): You need to read it.

Mr. Rob Leone: Oh, I have to read it all?

I move the adoption of the subcommittee report, which states as follows:

Your subcommittee on committee business met on Tuesday, March 5, 2013, to consider the method of proceeding on the orders of the House dated February 20, 2013, and March 5, 2013.

(1) That the Standing Committee on Justice Policy meet Tuesdays from 8:30 a.m. to 10:15 a.m. and 3 p.m. to 6 p.m., and on Thursdays from 8:30 a.m. to 10:15 a.m., while the House is in session.

(2) That all witnesses be limited to five minutes for their opening statement and 90 minutes for questioning from committee members.

(3) That witnesses be scheduled in rounds starting with the official opposition, followed by the third party and the government from prioritized lists provided to the Clerk of the committee by each caucus.

(4) That witnesses may be recalled on approval of the subcommittee.

(5) That the Clerk of the committee schedule an extra witness per each meeting time to present to the committee, should time permit.

(6) That the Clerk of the committee, in consultation with the Chair, be authorized to commence making any preliminary arrangements necessary to facilitate the committee's proceedings prior to the adoption of this report.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Leone, for moving the subcommittee report.

Are there any discussion points before adoption? Mr. Delaney.

Mr. Bob Delaney: Just before adoption, is it necessary, in the view of the other members, that we confirm in writing what happens if a witness doesn't show up?

Mr. Gilles Bisson: Chair?

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

Mr. Gilles Bisson: It's pretty clear that point 5 deals with that, so it's understood that the first witness will be invited along with the second, and the second one is essentially a standby in case the other witness doesn't use—

Mr. Bob Delaney: Okay. I'm on that page.

Mr. Gilles Bisson: It's pretty clear.

The Chair (Mr. Shafiq Qaadri): Thank you. Any further issues on the subcommittee report before adoption?

Mr. Peter Sibenik: Just a point of clarification, Chair. Point 1, "while the House is in session": Technically, a session is from the date of the throne speech until prorogation. So you don't consider next week, for example, to be the House in session, if you understand what I mean. When the House is actually meeting—

The Chair (Mr. Shafiq Qaadri): Sessional days.

Mr. Sibenik: —a day on which the House is actually meeting. That's what you mean by "is in session." Do I understand you correctly there?

The Chair (Mr. Shafiq Qaadri): Yes, you do.

Mr. Peter Tabuns: While the House is sitting.

Mr. Bob Delaney: I think we're familiar enough with the language "sessional day" that we understand the intent of the language.

The Chair (Mr. Shafiq Qaadri): So, understood.

Mr. Bisson.

Mr. Gilles Bisson: Just for the record, there may be a change to the schedule at one point if things are determined, right? Let's be clear.

The Chair (Mr. Shafiq Qaadri): Sure.

All those in favour of the subcommittee report, as read? Those opposed? The subcommittee report carries.

The last order of business: As other parties have provided lists of five witnesses, I have been provided a list of five from the government side, and they are: (1) Jim Hinds, chair of OPA; (2) Rob Burton, mayor of Oakville; (3) Frank Clegg, Oakville citizens committee; (4) Hazel McCallion, mayor of Mississauga; and (5) Greg Rohn, president of the Coalition of the Homeowners for Intelligent Power.

Is there any further business before this committee? Monsieur Tabuns.

Mr. Peter Tabuns: For clarity, we're reconvening at 8:30 this Thursday, correct?

The Chair (Mr. Shafiq Qaadri): Yes.

The committee is now adjourned until 8:30 a.m., Thursday.

The committee adjourned at 1811.

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STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

Mr. Shafiq Qaadri (Etobicoke North / Etobicoke-Nord L)

Vice-Chair / Vice-Présidente

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

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

Ms. Teresa Armstrong (London–Fanshawe ND)

Mr. Bob Delaney (Mississauga–Streetsville L)

Mr. Steven Del Duca (Vaughan L)

Mr. Frank Klees (Newmarket–Aurora PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Rob E. Milligan (Northumberland–Quinte West PC)

Mr. Shafiq Qaadri (Etobicoke North / Etobicoke-Nord L)

Mr. Jonah Schein (Davenport ND)

Substitutions / Membres remplaçants

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Victor Fedeli (Nipissing PC)

Mr. Rob Leone (Cambridge PC)

Mr. Taras Natyshak (Essex ND)

Mr. Peter Tabuns (Toronto–Danforth ND)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Also taking part / Autres participants et participantes

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Clerk / Greffière

Ms. Tamara Pomanski

Staff / Personnel

Ms. Karen Hindle, research officer,
Legislative Research Service

Mr. Peter Sibenik, table research clerk,
Journals and Procedural Research Branch