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(Hansard)**

**Jeudi 19 novembre 2015**

**Standing Committee on  
Justice Policy**

Police Record Checks  
Reform Act, 2015

**Comité permanent  
de la justice**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
JUSTICE POLICY**

**COMITÉ PERMANENT  
DE LA JUSTICE**

Thursday 19 November 2015

Jeudi 19 novembre 2015

*The committee met at 1402 in committee room 1.*

**POLICE RECORD CHECKS  
REFORM ACT, 2015  
LOI DE 2015 SUR LA RÉFORME  
DES VÉRIFICATIONS  
DE DOSSIERS DE POLICE**

Consideration of the following bill:

Bill 113, An Act respecting police record checks /  
Projet de loi 113, Loi concernant les vérifications de  
dossiers de police.

**The Chair (Mr. Shafiq Qaadri):** Thank you, colleagues. We convene the justice policy committee meeting. As you know, we're here for clause-by-clause consideration of Bill 113, An Act respecting police record checks. We have, I think, 18 or so motions before the floor. There is a question about how some are potentially out of order or not out of order; we'll discuss that as they arise.

If there are any general comments, I'll welcome them, but otherwise we have PC motion number 1 before the floor.

**Mr. Randy Hillier:** Thank you, Chair, but I would ask, if there are amendments that are to be ruled out of order, maybe if we could know that in advance?

**The Chair (Mr. Shafiq Qaadri):** I appreciate what you're saying. Protocol wise, actually, some of it's moot—under discussion, to be discussed—so we'll come to that, as we usually do, as they arise.

**Mr. Randy Hillier:** Does it affect any of the other—in the view of the Clerk?

**The Clerk of the Committee (Ms. Tonia Grannum):** No.

**Mr. Randy Hillier:** No? Okay.

I move that subsection 2(2) of the bill be amended by adding the following paragraph—

**The Clerk of the Committee (Ms. Tonia Grannum):** Wait a minute. That's in section 2, so we need to go back to section 1 of the bill.

**The Chair (Mr. Shafiq Qaadri):** That would be an excellent idea.

Shall section 1 carry? Carried.

PC motion 1 now before the floor.

**Mr. Randy Hillier:** I move that subsection 2(2) of the bill be amended by adding the following paragraph:

“1.1 A search required for the purpose of a children's aid society carrying out its mandate under the Child and Family Services Act.”

I see that the government has a very similar motion and the NDP has a very similar motion. In essence, all those motions are the same; they just appear in a slightly different order in the bill. So I think it would be wise that everybody votes for the PC amendment, and then we can delete the other two similar amendments by the NDP and the Liberal Party.

**The Chair (Mr. Shafiq Qaadri):** Fine. Any comments on that wisdom are now welcome. The governing side? NDP? Any comments before we vote? Mr. Balkissoon.

**Mr. Bas Balkissoon:** I respect Mr. Hillier's comments, but with due respect, number 5 is quite different. So we will not be supporting his motion, and I could probably give him a couple of reasons.

I think if you read the government's motion 5, the government does respond to the comments that were made by the children's aid societies at the outset. As a result of that, our motion is there, but yours, I think, falls short. If I could say quickly, the word “mandate” is kind of wide open. It's for everything that children's aid societies do and not really related to this particular bill.

If I could say to you—the government motion is probably more accurate and more fitting. We will be supporting the government's motion.

**Mr. Randy Hillier:** I find it difficult to believe that “mandate” and “function” are materially different.

**Mr. Bas Balkissoon:** You've got to read the other act to know the difference.

**Mr. Randy Hillier:** Maybe if you can explain to me what material difference there is?

**The Chair (Mr. Shafiq Qaadri):** Ms. Scott, the floor is yours.

**Ms. Laurie Scott:** Just to follow up on my colleague Mr. Hillier: I just wondered if maybe legal counsel could explain the difference between motions 1 and 2, which are related to the CAS, and then the government's motion, which is, I believe, number 5. Can they maybe just explain that to us? That may help Mr. Balkissoon, too.

**The Chair (Mr. Shafiq Qaadri):** Before I invite comments, I'm wondering if that is the function for legislative counsel or for the government at this time.

**Ms. Laurie Scott:** Oh, it was a legal question.

**The Chair (Mr. Shafiq Qadri):** Fair enough.

**Ms. Pauline Rosenbaum:** Would you like me to confer with my ministry counsel?

**The Chair (Mr. Shafiq Qadri):** Please, confer away.

**Ms. Pauline Rosenbaum:** Excuse me.

**The Chair (Mr. Shafiq Qadri):** Okay. We have folks from legal services, I presume, to weigh in. Please have a seat and introduce yourself. Aim yourself at a mike.

**Mr. Dudley Cordell:** My name is Dudley Cordell. My last name is spelled C-O-R-D-E-L-L. I'm legal counsel with the Ministry of Community Safety and Correctional Services.

We used the specific wording that's in motion 5 based on collaboration with legal counsel from MCYS and MCSS, which are ministries that are responsible for that legislation. Their advice to us was the word "function" is the word that's used in their act. Furthermore, they wanted to reference a particular section number in their legislation, so that's why we framed our motion as it is and why we feel there is a substantive difference with the language that's used in this motion. It's a technical drafting consideration.

**The Chair (Mr. Shafiq Qadri):** Any further comments?

**Mr. Randy Hillier:** Yes, because it does narrow it down—it makes a specific reference to the Child and Family Services Act, which I don't have in front of me right at the moment. I was just wondering, in that section 15.3, is that not overly narrowing the request by the children's aid societies in their function?

**Mr. Dudley Cordell:** The position of their legal counsel was that it introduced a clarity to actually reference a particular section number and that it would achieve the same objective, but it would be done in a way that was clearer. We did rely upon their advice. It is their legislation.

**Mr. Randy Hillier:** Okay, thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you. Shall we proceed to the vote?

**Mr. Randy Hillier:** We'll withdraw the amendment.

**The Chair (Mr. Shafiq Qadri):** Withdraw the amendment? All right. I appreciate that, Mr. Hillier.

With that, we have precisely the same motion by—

**Ms. Jennifer K. French:** It isn't precisely the same motion, Chair.

**The Chair (Mr. Shafiq Qadri):** All right, it is imprecisely the same motion, so the floor is now yours, Ms. French.

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**Ms. Jennifer K. French:** Thank you. I recognize that this motion is substantively the same, but I would like to point out that this motion does use the word "functions" as opposed to the word "mandate," in keeping with the ministries who made the recommendations.

I do have a question, though. One of the differences—

**The Clerk of the Committee (Ms. Tonia Grannum):** She needs to move it. Sorry.

**Ms. Jennifer K. French:** Do I have to move it first?

**The Chair (Mr. Shafiq Qadri):** We need you to read the motion, Ms. French.

**Ms. Jennifer K. French:** I apologize.

I move that subsection 2(2) of the bill be amended by adding the following paragraph:

"2.1 A search required for the purpose of a children's aid society carrying out its functions under the Child and Family Services Act."

**The Chair (Mr. Shafiq Qadri):** Thank you. The floor is yours.

**Ms. Jennifer K. French:** Thank you. As I mentioned, we also use the word "functions" rather than the word "mandate."

But I do have a question about a difference that I see between the NDP motion and government motion number 5: "A search required for the purpose of" versus the government motion's "A search requested by."

I feel that the word "required" gives it a little more strength. I wondered if the government could describe the difference, or why it was "requested by" rather than "required by" in their motion.

**The Chair (Mr. Shafiq Qadri):** There's a question before the floor. Is there a reply forthcoming?

**Mr. Bas Balkissoon:** Mr. Chair, again, as the legal staff said, it's a technicality of trying to make sure that the two pieces of legislation are compatible with each other and don't cause any confusion to anyone reading this bill versus the other bill. It's consistency within government.

**Ms. Jennifer K. French:** Thank you. I took that point, definitely, with the word "functions" and the specific subsection 15(3).

But I was curious whether "requested by" was unnecessarily broad versus "required by," or if that made a difference in how it actually is applied.

**The Chair (Mr. Shafiq Qadri):** Also, Ms. French, since we do have the legal counsel, it's your prerogative to invite them as well—

**Ms. Jennifer K. French:** I would be pleased to hear their answer on that.

**Mr. Dudley Cordell:** The words "A search required for" versus "A search requested by" would suggest that the words "required for" are sort of objective, whereas in this case, the motion that we've drafted is "A search requested by." Therefore, it's whatever search has been requested by the children's aid society. It's tailored to the actual nature of the search. I think it's a more focused use of wording.

This isn't major stuff, but it seems to me that it would be better to have the wording in motion 5, because it refers to the actual search requested by the children's aid society. In motion 2, it just says "required for." It's a more global wording; it's not as tight. That would be the big difference that I would see.

**Ms. Jennifer K. French:** May I ask for a little more explanation?

**The Chair (Mr. Shafiq Qadri):** Please.

**Ms. Jennifer K. French:** My instinct is to actually see that in opposite terms: Something that is “required” seems very specific. Whatever has transpired such that they want this search, it’s required. “Requested” could be broader and less specific.

**Mr. Dudley Cordell:** I think that when you read the first part of motion 5 in connection with the second part, you’ll see that it’s requested by the children’s aid society, and it’s for a specific purpose as set out in subsection 15(3) of the act. I think that you have to read that together—

**Mr. Bas Balkissoon:** Chair, could I ask a question?

**The Chair (Mr. Shafiq Qadri):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** Maybe I can help the process, because I sat through the hearings. I believe the children’s aid society—they also have employees, which would be a different request than if they were doing a search on somebody who’s going to take care of a child. This is why the section is specified, to make sure it’s a caregiver and not an employee of the children’s aid society itself. That’s why we need this to be very specific, because one check versus the other is quite different.

**Ms. Jennifer K. French:** I don’t mean to get stuck on a word that is not—

**Mr. Bas Balkissoon:** I’m just hoping that I am correct.

**Mr. Dudley Cordell:** Unfortunately, this is another ministry’s statute, and I was actually sort of hoping that they might be here today to provide this kind of clarification. But we really did rely upon what they told us. They were very hands-on in the drafting of this motion, and because it’s their legislation, we relied upon what they told us. I feel fairly comfortable. It was a group of lawyers and policy people looking at the wording, and they were pretty insistent that that particular wording be used.

**The Chair (Mr. Shafiq Qadri):** Thank you. Mr. Potts, the floor is open again.

**Interjection:** Mr. Potts?

**Mr. Arthur Potts:** No, I’m fine. I’m just clarifying.

**The Chair (Mr. Shafiq Qadri):** Thank you. Are there any further comments before we proceed to the vote on NDP motion 2? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 2? Those opposed?

The motion is lost. There was some random voting there, a voting early, voting often sort of thing. I won’t go into that.

We now move to PC motion 3.

**Mr. Randy Hillier:** I move that subsection 2(2) of the bill be amended by adding the following paragraph:

“5.1 A criminal record check or a criminal record and judicial matters check done for employment purposes that does not disclose any details of a conviction or judicial matter.”

**The Chair (Mr. Shafiq Qadri):** Before I let you continue, just to advise the committee that Ms. Jones is certainly welcome to enthusiastically join her colleagues

in the vote, but it’s only a moral victory as her vote does not currently count.

Go ahead, Mr. Hillier.

**Mr. Randy Hillier:** This motion came out of, during committee hearings, the National Association of Professional Background Screeners. Their concern was—I’m not sure if everybody remembers, but they do millions of background checks yearly for many industries and businesses. The way the bill is presented at the present time, it would slow down, constrict and constrain their ability to do expeditious background checks for employment purposes only, and not vulnerable sector checks.

I think there were very worthwhile and interesting insights that they provided to this committee. I know that the purpose of this bill is not to impede or prevent employment. We heard from many people that the process as it is today actually has impeded and obstructed people—not intentionally—from getting employment, with delays in background checks.

This clause is a direct result of their deputation. I think it has significant merit. I would encourage everyone to consider it wisely, and the merit behind it.

**The Chair (Mr. Shafiq Qadri):** Thank you. Further comments on PC motion 3?

**Mr. Bas Balkissoon:** Mr. Chair?

**The Chair (Mr. Shafiq Qadri):** Yes, Mr. Balkissoon.

**Mr. Bas Balkissoon:** Unfortunately, the government can’t support this motion, and I’ll explain it clearly. One of the key purposes in taking Bill 113 to this point was to create consistency and predictability for both providers and, I will underline, requesters—because those were the majority of people who showed up at the stakeholder public meetings—by defining specific types of police record checks that would be conducted. So consistency was important.

Also, what is being recommended here by my colleague on the other side would create a two-tiered system—we would like to avoid that—and also create confusion for individuals, as the terms related to police record checks would not be standardized across the province. Everyone involved in this process to this point has reinforced that they want to see a standardized process across the province and not a two-tiered system.

Furthermore—this is the most important one—individuals who requested these types of checks would not be afforded the protection provided by the act, which is the opportunity to review their records before they’re presented to an employer. That has been the biggest complaint out in the community that has been affected by some of these record checks. That was one of the main sticking points with a lot of the people who presented to us. So we want to make sure that they were given the opportunity to review their records and consent to them going out.

**1420**

What the member is requesting here is really going to change the whole bill altogether—the intent of the bill—and some of the commitments that we’ve made to the stakeholders throughout those public hearings.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Balkissoon. Further comments?

**Mr. Randy Hillier:** I respectfully disagree. It doesn't alter the other processes in the bill. This is confined to criminal checks for employment purposes only. That's number one.

Maybe before I get into any further arguments on it, I've gone through the amendment package and I've not seen anything advanced by the government side to mitigate this significant concern that was demonstrated to the committee by the national association which, again, does more background checks than anybody. They don't do vulnerable sector checks.

So I see this as one of those unintended consequences that now shouldn't be seen as unintended because the issue has been brought forward to this committee. We heard time and time again—I trust every member in this committee has heard directly from their constituents—about lengthy delays in getting background checks that have resulted in either delays in employment or loss of employment opportunities due to the delays.

We want to have uniformity, we want to have consistency, but we don't want to have greater unemployment in the name of uniformity or consistency. If the government had an amendment to put forward that would better suit and better mitigate those concerns, I'd be happy to look at it and support it, possibly, but I don't see any amendment. It doesn't appear that the government took that request by the National Association of Professional Background Screeners under serious consideration.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Mr. Balkissoon.

**Mr. Bas Balkissoon:** Chair, just one little comment: I respectfully hear you, but I would say to you that a record check in the past is going to be a totally different process in the future. In the past, it used to be just one record; now there are three levels. That's going to clean the system up. Those who are requesting it and those who have been affected by this process in the past have supported what we've done. We've met with all of them.

The association is a private business doing its business. I heard what they said, but we've considered it and we are more concerned about the fact that there was one record in the past and now there will be three different levels of checks, which cleans the system up and helps those who have been affected by the system. We are concerned about that, as a government. We move forward, and clean up the system.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Balkissoon. Just before I offer the floor to Ms. French, Mr. Cordell, you are officially discharged until we summon you again.

**Mr. Dudley Cordell:** Perfect.

**The Chair (Mr. Shafiq Qaadri):** Ms. French.

**Ms. Jennifer K. French:** I have a point of clarification, if I may?

**The Chair (Mr. Shafiq Qaadri):** Please.

**Ms. Jennifer K. French:** I'm doing my best to follow along. Just specifically, subsection 2(2) of the bill—

we're into exceptions, where this is adding a paragraph 5.1. Could someone explain to me how this connects? I see here 5, as it relates to the Firearms Act, but I haven't heard that in discussions so I'm having a hard time figuring exactly where this would fit—

**The Chair (Mr. Shafiq Qaadri):** I think the question appropriately goes to the PCs, as it's PC motion 3.

**Mr. Randy Hillier:** That's a very good question why legislative counsel put it as 5.1 and not as 9—it doesn't have any relationship to firearms.

**The Clerk of the Committee (Ms. Tonia Grannum):** And as 5.1, it's just a new clause, so it gets renumbered and becomes number 6.

**Mr. Bas Balkissoon:** If it's adopted.

**The Clerk of the Committee (Ms. Tonia Grannum):** It would be on its own.

**Ms. Jennifer K. French:** Thank you for the clarification. Oh, the things you can learn.

**Mr. Randy Hillier:** Anyway, going back to Mr. Balkissoon's comments: I understand your concern of that consistency, in your argument you put forward. What I don't understand is an acceptance and a reliance that the system will be expedited in any fashion. There's nothing in here that mandates a more expeditious process than what we have today. There's nothing dealing with those sorts of things, even though we often heard that from the deputants. Just having more categories of background checks does not, in and of itself, expedite the process.

It concerns me that there is a lack of interest or lack of priority for the undue hardship that it causes when people lose employment opportunities or have employment opportunities significantly delayed. We all understand that employment is essential for people. Financial independence is difficult to achieve for people if employment opportunities are denied.

I'm willing to go along with consistency. I'm willing to go along with all that sort of stuff. But why is the government not addressing the concerns raised about delays and loss of employment when we have such a less-than-stellar economic situation in Ontario's landscape at the present time? I really believe it would be harmful and injurious to many people if we don't address this, and I'd rather see it addressed in the committee than waiting for another six months and having another clause or schedule added into an omnibus budget bill that few people read, that maybe tries to do another housekeeping—or another bill in its entirety, to house-keep stuff. These are significant concerns.

I'll reiterate once again: This was not a private business, Mr. Balkissoon. This was an industry association that made that presentation. They do more background checks than anybody. They probably would justifiably be viewed as subject matter experts in background checks, and we're going to disregard their insights? I think we are doing a disservice if we do.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments on PC motion 3 before we proceed to the vote?

**Mr. Bas Balkissoon:** No.

**The Chair (Mr. Shafiq Qaadri):** Fine. And just to function as a scrutineer, I remind, respectfully, that Mr. Hillier and Ms. Scott are authorized to vote on the PC side and Ms. French on the NDP side.

Those in favour of PC motion 3? Those opposed to PC motion 3? PC motion 3 falls.

Thank you for that bonus vote, Mr. Singh.

PC motion 4.

*Interjection.*

**Ms. Laurie Scott:** Scrutineer.

**The Chair (Mr. Shafiq Qaadri):** There should be no coercion or assistance. Voting is a fundamental right, and it should be executed alone. Mr. Singh, as a lawyer, I believe you understand that.

Mr. Hillier, PC motion 4.

**Mr. Randy Hillier:** We withdraw motion 4.

**The Chair (Mr. Shafiq Qaadri):** PC motion 4 is withdrawn. We move to government motion 5.

**Mr. Jagmeet Singh:** Mr. Qaadri?

**The Chair (Mr. Shafiq Qaadri):** Yes, Mr. Singh. Go ahead.

**Mr. Jagmeet Singh:** Just for a point of clarification, we were voting in unison as opposed to coercion. It was a unified vote.

**The Chair (Mr. Shafiq Qaadri):** It's hard to tell from here. It must be the angle and the lighting. But I'll accept that, Mr. Singh.

Mr. Balkissoon.

**Mr. Bas Balkissoon:** I move that subsection 2(2) of the bill be amended by adding the following paragraph:

“7.1 A search requested by a children's aid society for the purpose of performing its functions under subsection 15(3) of the Child and Family Services Act.”

1430

**The Chair (Mr. Shafiq Qaadri):** Thank you. Comments on government motion 5?

**Mr. Bas Balkissoon:** I think I've commented quite a bit on it already, Mr. Chair—unless my colleagues have a concern. I'm happy to answer.

**The Chair (Mr. Shafiq Qaadri):** Ms. French.

**Ms. Jennifer K. French:** Well, specific to subsection 15(3) of the Child and Family Services Act, unfortunately, because we don't have that document here to reference, I wondered if we could be provided with what that specifically is. Am I within my—

**The Chair (Mr. Shafiq Qaadri):** The question is before the floor.

**Mr. Bas Balkissoon:** As I explained before, and I hope my memory serves me right, there's a function where they hire their own employees within their organization. This would clarify that the search that is being requested here would be for providers of care to children who are vulnerable.

**The Chair (Mr. Shafiq Qaadri):** Ms. French, just to remind you, it is your right to invite other colleagues, meaning ministry officials, to weigh in as well.

**Ms. Jennifer K. French:** And while I appreciate what the government member is saying and offering—I

appreciate the reassurance—I would appreciate more the actual text. If I may request it, I would like to have that.

**Mr. Bas Balkissoon:** Unfortunately, I don't have it.

**The Clerk of the Committee (Ms. Tonia Grannum):** I can get it.

**The Chair (Mr. Shafiq Qaadri):** I presume you need this instantaneously or for—

**Ms. Jennifer K. French:** I would be really impressed, but no, I don't.

**The Clerk of the Committee (Ms. Tonia Grannum):** Prior to the vote.

**Ms. Jennifer K. French:** Prior to the vote would be sufficient.

**The Chair (Mr. Shafiq Qaadri):** So we take your request—oh, prior to the vote, so that is instantaneous. Fair enough.

Yes, Mr. Hillier.

**Mr. Randy Hillier:** I would like to move an amendment to that. It would be a much better amendment if it read, “I move that subsection 2(2) of the bill”—

**The Chair (Mr. Shafiq Qaadri):** I think, Mr. Hillier, though creative, that's not quite in order at this moment.

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Is it the will of the committee to postpone consideration of government motion 5 until materials manifest, and then we move on to other motions? Agreed? All right. We'll move to NDP motion—

**The Clerk of the Committee (Ms. Tonia Grannum):** No, we're going to move to section 3 of the bill.

**Mr. Shafiq Qaadri:** Yes. Shall section 3, for which we have received no motions today, carry? Carried.

We'll now consider section 4, NDP motion 6. Ms. French.

**Ms. Jennifer K. French:** I move that section 4 of the bill be amended by adding the following subsection:

“Exception

“(2) Despite clauses 42(1)(f) and (g) of the Freedom of Information and Protection of Privacy Act, clauses 32(f) and (g) of the Municipal Freedom of Information and Protection of Privacy Act, and clause 4(b) of this act, a police record check provider shall not, in response to a police record check request, disclose any information about an individual that is contained in a special interest police entry in a Canadian Police Information Centre database or another police database maintained by a police service in Canada, to a government in Canada or in a foreign country, or to any agencies of that government, except as may be relevant to an active police investigation.”

**The Chair (Mr. Shafiq Qaadri):** Thank you. Comments? The floor is yours, Ms. French, and then we'll open it up.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Sure. Mr. Singh.

**Mr. Jagmeet Singh:** One of the things we've seen more and more is that information sharing between agencies has become a growing concern. If we're really

interested in protecting the privacy interests of an individual, it is paramount that that information is not shared between other agencies when there is no reason to do so. That's why it's important to ensure that this additional protection is included, so that we provide strong privacy protection to the people of Ontario.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Ms. French.

**Ms. Jennifer K. French:** Certainly, as we've seen in the media—we have seen the Toronto Star look into this in terms of people's health records specific to mental health concerns. We would like this act to be strengthened and we feel that this would achieve that.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Further comments? Mr. Balkissoon, NDP motion 6.

**Mr. Bas Balkissoon:** I understand my two colleagues' concerns, and I think many of us may share those same concerns, but, unfortunately, I see this motion outside the scope of this bill and outside the scope of provincial jurisdiction.

It would be better dealt with federally because we don't have much say with CPIC or foreign country information that is given out to them. If you understand the databases, we have control over municipal police, but we don't over federal jurisdictions.

I would say that it's inappropriate for us to be dealing with this. I don't know if you would see, Mr. Chair, that it's probably out of order.

**The Chair (Mr. Shafiq Qaadri):** NDP motion 6 is not out of order.

Mr. Singh.

**Mr. Jagmeet Singh:** It's important to clarify that municipally, city-wise and provincially, the OPP all have access to data and to databases. What they store in their own databases is what is at question here: That the information that they have, and whether it should be shared with other agencies; whether it should be shared with other agencies, nationally or internationally.

There is data that each individual police agency has, and our concern is that those individual agencies do correspond and do speak with other agencies outside of the province. They also, in some instances, speak with other agencies outside of the country. So the data that is controlled by those here in Ontario, we're speaking specifically in relation to that data—because in general, the entire act is speaking about releasing CPIC information, which is federal in nature; but the provincial government has authority over what the province will allow its agencies to release. So it's absolutely within the scope of the law.

If Mr. Balkissoon's argument was taken, then the entire act is not appropriate, because CPIC is not something that is a provincial matter. But it's the data that's controlled by the police agencies that we're speaking to. It's the data that's housed in this province that we're speaking to, and whether those agencies can release that information. That's the question. Because the provincial agencies can research and pull up information that is nationally held, but whether or not they release that

information is the question. That's why this motion is relevant, and that's why it's important.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Singh. Once again to just clarify for my colleagues, as I notice some points of discussion: NDP motion 6 is in order.

Are there any further questions or comments? Mr. Hillier.

**Mr. Randy Hillier:** Yes. We're supportive of the NDP motion. The arguments that we just heard obviously don't have a whole lot of merit. The amendment is in order; it is within the lawful jurisdiction of Ontario to restrict who has access and what data is shared. This motion speaks directly to the intent of the legislation that we've heard through debate and through committee hearings. It constrains and restricts who has access to what data, and I think there's a thoughtful and purposeful caveat to the NDP motion, "except as may be relevant to an active police investigation."

There's nothing in the act right at the moment that covers this sharing, so I take Mr. Balkissoon at his word that he agrees with the premise of this amendment—his argument that he viewed it as out of order is not correct—so I would assume that the Liberal government will then support this amendment.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Once again, with triple confirmation: NDP motion 6 is currently and has always been in order.

We now have Ms. French.

**Ms. Jennifer K. French:** Thank you, and I didn't doubt for a second that it was in order, Mr. Chair.

I'm not going to reiterate what my colleague so eloquently said, but I'm going to perhaps put it in more common terms. I think, as people across Ontario were recognizing the concerns as they were trying to travel and were being stopped at the border, and their travel plans were being affected, people were finding out that their health records—their mental health challenges in the past—were able to be pulled up by US authorities. I think that the average person in Ontario wants to be reassured that all that can be done will be done to protect that information, which is none of anyone's business.

**1440**

So I think when Mr. Balkissoon says that we don't have much say in this, I would say that we do have some say and that we should take this opportunity to make this act as strong as it can be.

If there's an opportunity to prevent that personal health information from being shared, this is an opportunity. I would challenge the government to defend why that health information and personal information should still be accessible.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments from any side before we proceed to the vote on NDP motion 6?

**Mr. Jagmeet Singh:** Recorded vote.

**The Chair (Mr. Shafiq Qaadri):** Recorded vote. Once again, one can vote singly or in unison.



**Ayes**

French, Hillier, Scott.

**Nays**

Balkissoon, Martins, Naidoo-Harris, Potts.

**The Chair (Mr. Shafiq Qaadri):** NDP motion 6 falls.

**Mr. Arthur Potts:** Chair?

**The Chair (Mr. Shafiq Qaadri):** Just a moment. Shall section—sorry. Go ahead, Mr. Potts.

**Mr. Arthur Potts:** Well, we can do the section first, but I have the text of 15(3) of the children's aid society act in front of me, if you're interested in me reading it into the record. We can do the section first, but if we can come back to government motion 5—

**The Clerk of the Committee (Ms. Tonia Grannum):** They're bringing a copy in.

**Mr. Arthur Potts:** You want to wait for that?

**The Clerk of the Committee (Ms. Tonia Grannum):** Yes.

**Mr. Arthur Potts:** Okay. I do have it in front of me.

**The Chair (Mr. Shafiq Qaadri):** I appreciate, Mr. Potts, your digital expertise. I think we'll wait for the written version.

Shall section 4 carry? Carried.

Again, the will of the committee: To date, we have received no amendment motions for sections 5, 6, 7, 8 and 9, inclusive. Therefore, can we consider sections 5, 6, 7, 8 and 9 together?

**Interjections:** Yes.

**The Chair (Mr. Shafiq Qaadri):** Shall sections 5, 6, 7, 8 and 9, as so named, carry? Carried. Thank you, committee members.

We'll now move to section 10, which is NDP motion 7: Ms. French.

**Ms. Jennifer K. French:** I move that subsections 10(4) and (5) of the bill be struck out and the following substituted:

“Application to judge

“(4) A police record check provider that determines that non-conviction information about an individual satisfies all of the criteria listed in subsection (2) shall, on notice to the individual, apply to a judge of the Superior Court of Justice in accordance with the regulations for a review of the determination.

“Review of provider's determination

“(5) The judge shall, after providing an opportunity to the individual and the police record check provider to be heard, conduct a review of the provider's determination in accordance with the regulations and decide whether all of the criteria listed in subsection (2) have been satisfied.

“Result of review

“(6) A police record check provider shall not disclose non-conviction information unless the judge decides that all of the criteria listed in subsection (2) have been satisfied.”

**The Chair (Mr. Shafiq Qaadri):** The floor is open for comments. Mr. Singh?

**Mr. Jagmeet Singh:** This is an important amendment. What it does is, when it comes to the period or the point in the time where there are exceptions to or exemptions from this bill, those exemptions include vulnerable people or vulnerable sector checks. When the circumstances of those exemptions arise, the people or the individuals who make the decision whether or not the exemption is met or not met are the police agencies themselves.

The issue with that is, it doesn't provide a transparent or accountable mechanism. So if I'm not involved in the process, I don't know why the determination was made. What were the reasons, what were the grounds, what were the prerequisites that resulted in the decision? Why did the decision come that my information needed to be disclosed?

What this amendment requires is that if there's a time where a police record check provider sees that, yes, the exemptions are met in this circumstance, there needs to be an additional step: An application has to be brought to a judge.

A judge provides an independent assessment of whether or not those criteria are satisfied. The judge looks at the case and says, “Okay, you're saying that these criteria are met. Let me now look at the evidence, let me look at the circumstances, and make an independent assessment.”

It also includes an opportunity for the individual who is the subject of that record check to be able to provide evidence or to provide arguments and say, “Listen, it doesn't make sense. It has no connection to what I'm applying for. It doesn't actually have any bearing on the appointment” or the position or the job or the volunteer position.

This is very similar to what happens in other jurisdictions. In British Columbia, there is an independent tribunal that was set up. So, instead of setting up a tribunal, this amendment requires an application to be brought to a judge. Some might say, “Well, this is going to slow down the process.” It's a lot better for the process to be slowed down than for a decision to be made that's going to be deleterious or negatively impact me. I'd rather that a decision be slow and actually benefit me than a decision be made right away by someone else without an independent set of eyes, and that decision might impact me negatively, because information is decided that needs to be disclosed, and then I may decide not to then apply for that position.

So any argument about delay is not relevant in this circumstance, because a delay is far better than a no. This provides for an accountable, transparent, independent decision-making process by which a judge will then look at the evidence and say, “Okay, this record, in these circumstances, can be disclosed.”

**The Chair (Mr. Shafiq Qaadri):** Any further comments on NDP motion 7?

**Mr. Bas Balkissoon:** I hear my colleague, and I understand his viewpoint clearly, but unfortunately, the government will not be supporting his motion.

I will tell you that the criteria provided in the exceptional disclosure test in subsection 10(2) are factual and not legal, and therefore the police would disclose information based on the same criteria set out under the act as a judge would.

The exceptional disclosure process outlined in the bill was actually something worked out by the government and all the stakeholders, including the civil liberties groups, not-for-profit groups, privacy and policing sectors, based on the LEARN guidelines. They are satisfied with the current process as stipulated in the bill, since it considerably limits the police record check provider's discretion and requires the provider to narrowly and consistently apply the test to non-conviction records.

It is important to note that individuals still have the option of a judicial review process. If they are unsatisfied with the results of the reconsiderations, the addition of this requirement for a judge to determine what information is released could also delay the process, as he admits. It also could raise the cost to that person who is making the request, or the individual who is making the request.

Mr. Chair, the government considers all these issues, and we're not prepared to support this major change to the bill.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Balkissoon. Ms. French?

**Ms. Jennifer K. French:** Again, as my colleague had already explained, the argument of delay—haste makes waste. It's an opportunity that it might slow the process to some extent but then have a better outcome.

To have a judge who would weigh evidence and make the determination of whether or not the criteria are satisfied is certainly a fair thing to ask for in reasonableness.

But also, to Mr. Balkissoon's point about recognizing exemptions, this amendment does recognize the exemptions under the act, and they would not be included. It takes that into consideration, in answer to your argument.

I would hope that you would re-evaluate and that you would reconsider and support this.

**The Chair (Mr. Shafiq Qaadri):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** As I stated in my second-last comment, we see that if a person is unhappy with the reconsideration process, they still have the opportunity on their own to make that choice to go to a judge. It doesn't remove it.

Really, this is not something we see as necessary in the bill, because it changes the whole intent of what we started out with, and it also changes what we've agreed with all the people who were involved in all the stakeholder meetings. They were pretty happy with this and settled on it, so we don't see the need.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Balkissoon. Ms. French.

**Ms. Jennifer K. French:** While I appreciate that you have come to this decision in consultation with the various stakeholders, as have we—and the various civil

liberties groups are also in support of this motion that we're putting forward.

One of the things that we heard when the stakeholders came and spoke to us during submissions was that the LEARN guidelines have served as the foundation, obviously, for this, but recognizing that that decision-making authority to determine whether or not criteria are satisfied and therefore warrant an exemption, that that be an individual or a body that is removed, that there's a layer of removal there to allow for more transparency.

**1450**

So I think your point that stakeholders support yours—stakeholders also support this amendment. In the interest of protecting civil liberties and privacy, I think this is a great idea and I would encourage you to support it.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments on NDP motion 7 before we proceed to the vote? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 7? Those opposed? NDP motion 7 falls.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

We now move to consideration of section 12. For PC motion 8, Mr. Hillier.

**Mr. Randy Hillier:** We will withdraw motion number 8.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. PC motion 8 is now withdrawn.

We now move to PC motion 9. Mr. Hillier?

**Mr. Randy Hillier:** We will withdraw number 9.

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

Shall section 12 carry? Carried.

Shall section 13 carry?

**Mr. Randy Hillier:** No, you've got an amendment there.

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Once again, shall section 13 carry?

**Mr. Randy Hillier:** Just a minute—

**The Chair (Mr. Shafiq Qaadri):** You have 13.1.

**Mr. Randy Hillier:** Oh, okay.

**The Chair (Mr. Shafiq Qaadri):** One more time, shall section 13 carry? I shall take that. Carried.

Section 13.1, a new section proposed with regard to PC motion 10. Ms. Jones.

**Ms. Sylvia Jones:** I move that the bill be amended by adding the following section—

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Ms. Jones, I'm afraid you're going to have to yield the reading of PC motion 10 to one of your colleagues. It is not a personal slight; it is merely procedural.

**Ms. Sylvia Jones:** It's okay. Randy is a good reader.

**Mr. Randy Hillier:** On behalf of Sylvia Jones, I would be pleased to read the following amendment.

**The Chair (Mr. Shafiq Qaadri):** And Patrick Brown, I presume.

**Mr. Randy Hillier:** I move that the bill be amended by adding the following section:

“Additional copies

“13.1 When a police record check provider discloses the results of a police record check to the individual who is the subject of the request, the police record check provider shall provide the individual, on request, with up to five additional copies of the results at no charge.”

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Ms. Jones?

**Ms. Sylvia Jones:** Thank you, Chair. The members of the committee may know that volunteerism is an issue that I am a strong proponent of. I have on a number of occasions introduced a private member's bill that ties nicely into the police record check act that we are amending.

Essentially what I am trying to do is to remove one of the barriers of individuals who want to volunteer for multiple organizations, which statistics show is actually the majority of Ontario and Canadian residents. This would in no way impact the value of the police record check; it just allows a person to use it and present it to multiple organizations.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Jones. Further comments on PC motion 10? Mr. Balkissoon.

**Mr. Bas Balkissoon:** I want to say thank you to my colleague Ms. Jones. I've heard her on this issue before and I think many of us support you.

Unfortunately—I think the staff has had some discussions with you and I think the minister has. I know the minister is committed to looking at it as part of his regulation process, how it can be achieved, because of the logistics of the validity of the record up to a certain date and how long after that date you can use it, the number of copies—and because we're dealing with municipalities across Ontario that issue these record checks, we need to communicate with them and come up with a process. So I believe the minister has given you his word that he's committed to finding a solution for you. I hope we can move this bill forward and not deal with this in the bill itself but deal with it in regulation. There are many of us who support you. We'll be there beside you talking to the minister, too.

**The Chair (Mr. Shafiq Qaadri):** Further comments on PC motion 10? Ms. French.

**Ms. Jennifer K. French:** This is certainly something we heard a lot during submissions: that costs can be prohibitive for people to be involved. So we do support the additional copies at no additional charge. It's something that we heard time after time from the various stakeholders.

While I appreciate the government saying that you support the spirit of this, let's leave, as you said, some of the logistics to regulations, like how long they would be good for, that sort of thing. I think we all understand that these would not be copies that would be good forever, that there would have to be time constraints applied, but that can be left to regulation. But the concept of

additional copies being provided, I think, is appropriate, in this case, to support and allow the details to be hashed out in regulations.

**The Chair (Mr. Shafiq Qaadri):** Ms. Jones.

**Ms. Sylvia Jones:** As I'm sure many members of the committee know, police record checks are date-stamped currently. If you want to leave some stuff to regulation, leave things like how long that police record check is valid.

As many of you who have listened to my debates in the chamber know, I'm also not a big fan of regulations, because regulations can change literally within days by two people's signatures. So I don't have the confidence of a regulatory promise when I see it in legislation. Our volunteer sector has been requesting this since I've been serving as a member and, I'm sure, well before then. So while I appreciate the discussions and the promise of working together, the reality is, a regulatory amendment or addition does not give me the same confidence.

**The Chair (Mr. Shafiq Qaadri):** Mr. Hillier.

**Mr. Randy Hillier:** I think this is a good, thoughtful amendment that is consistent with what the committee heard during deputations and what we've heard through debate in the House. It disturbs me that we're seeing a willingness to diminish the very value and purpose and role of a committee in the parliamentary process, when committee members refuse to listen to and take under consideration the advice from the deputants who come forward to this committee. That is our role as parliamentarians, as legislators: to provide thoughtful advice, recommendations and amendments to bills, to make bills better. It is not the purpose or the responsibility or the role of ministries and administrators to create law. It is our role.

It does disturb me to see the Liberal members on this committee willingly participating in diminishing our role and the decline of parliamentary legislative responsibilities. Yes, it can be done by regulation, because this bill has a wide open section in it that allows the Lieutenant Governor in Council to make just about any regulation—and the ones that the Lieutenant Governor in Council didn't capture by regulation, then the minister will be allowed to make regulations. It does away with the purpose of Parliament, when we just allow others to make all the rules. That's our job.

The administration of government has no obligation to listen to stakeholders. They have no obligation to hold committee hearings. They have an obligation that is fundamentally different than a representative's role.

**1500**

The Liberal members have said that they agree with this in principle, that they think it's a good idea. We have heard from many deputants that this would be consistent in a manner to improve the failings of the existing laws. It really does disturb me to see members of the Liberal caucus so willingly throwing away their responsibilities to others who don't have that responsibility.

Let's do our job here. This is a good amendment. It will help people, it will help organizations, and it does

not detract or take away anything from the thrust and the purpose of this legislation.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Are there any further comments on PC motion 10? Seeing none, we'll proceed, then, to the vote.

**Mr. Randy Hillier:** Recorded vote.

### Ayes

French, Hillier, Scott.

### Nays

Balkissoon, Martins, Naidoo-Harris, Potts.

**The Chair (Mr. Shafiq Qaadri):** PC motion 10 falls.

Colleagues, as you've seen, we have received to date no motions or amendments for sections 14, 15, 16, 17 and 18, inclusive. May I take it as the will of the committee to consider all of those sections as one block?

Shall sections 14, 15, 16, 17 and 18 carry? Carried.

I believe now we have received, as per Ms. French's request on government motion 5, the written, not digital, text of 15(3), which has since been distributed. I will therefore call the committee's attention back to government motion 5 in section 2. Once again, government motion 5, which as you know, we deferred, which is from section 2. Ms. French.

**Ms. Jennifer K. French:** I appreciate having a physical rather than digital copy. While I said earlier that I appreciated the reassurances of the government, I appreciate having it in writing, and now I do, so I am satisfied. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Just to follow that point, there is a technology pilot project which is pending final confirmation for the last 18 months. We're not entirely sure what the delay is, but perhaps we might one day graduate, like other Legislatures in this country, to digital media technologies.

Are there any further comments on government motion 5 before we proceed to the vote? Seeing none, we'll proceed. Those in favour of government motion 5? Those opposed to government motion 5? Government motion 5 carries.

Once again, this is back to section 2. Shall section 2, as amended, carry? Carried.

I now call our colleagues' attention back to section 19, which is PC motion 11. Mr. Hillier.

**Mr. Randy Hillier:** I move that subsection 19(1) of the bill be amended by striking out "12 or 13" and substituting "12, 13 or 21".

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Any comments?

**Mr. Randy Hillier:** I'd love to comment.

**The Chair (Mr. Shafiq Qaadri):** Please do.

**Mr. Randy Hillier:** This amendment is very simple. It makes the obligations that are contained in the bill under section 21 a true obligation. It includes it in the portion of

the bill that recognizes it's an offence not to comply with the obligations of this bill.

At the present time, without this amendment, the minister is obligated to conduct a review within five years, but there is no consequence if he does not do a review. And as we have seen in the past, an obligation or a law that has no consequence is not, in actuality, an obligation or a law. If there is no consequence, it is not an obligation and it is not a law.

Unfortunately, we have seen this Liberal government not adhere to and abide by its statutory obligations. I don't know if the Liberal members would like me to reiterate all the statutory obligations that their ministers have not abided by. There is one little one about deleted emails that comes to mind. There are a few others. But as we saw, when those statutory obligations were not adhered to and there was no consequence, the government then came back and amended that bill so that there would be a consequence.

I'm pre-empting any failure of any minister from any colour that when it says, "The minister shall conduct a review" that there's a consequence if they don't—nice and simple.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Further comments to PC motion 11? Mr. Potts.

**Mr. Arthur Potts:** The hijinks of the member opposite never cease to amaze me. I, personally, think that on our side of the House we have a lot more respect for the electorate, that the consequences of not doing our job is reflected at the ballot box. To even make a consideration that a consequence should be to fine a minister or put him in jail is quite laughable. We will be voting against this.

**The Chair (Mr. Shafiq Qaadri):** Echoing your call for respect for the minister, I would also just invite respect with regard to language, Mr. Potts.

**Mr. Arthur Potts:** Apologies.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments? Mr. Hillier. PC motion 11.

**Mr. Randy Hillier:** It's unfortunate that the member from Beaches-East York didn't read the legislation or understand the amendment. There is no jail provision included in the bill. It is a monetary penalty should anybody violate this portion of the act.

I will state this—it will come forward in subsequent amendments, but I'll bring it to the member's attention right now—there are other portions of this bill that allow the Lieutenant Governor in Council to exempt anybody from any provision in this bill. That's an important element to allow the Lieutenant Governor in Council to exempt any person or any classes of persons from any portion of this bill.

I'm suggesting that putting this amendment in would limit the minister's potential to exempt himself or herself from the requirements of the statute. It's not hijinks; it's good law.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Any further comments before we proceed to vote on PC motion 11?

Seeing none, those in favour of PC motion 11? Those opposed to PC motion 11? PC motion 11 falls.

PC motion 12: Mr. Hillier.

**Mr. Randy Hillier:** I move that subsection 19(3) of the bill be struck out.

This is one that I've raised in debate in the House; it was also raised during the committee hearings. I've requested a response during those debates. I've yet to hear a valid response, but presently, 19(3) reads:

"No prosecution without consent

"(3) A prosecution shall not be commenced under this section without the minister's consent."

This is a far-reaching and very unique clause. Generally, and I think everybody on all sides of the House will agree, political consent is never required for a prosecution to be commenced. We would never say to the chief of police, "Before you charge somebody with any offence, you have to come and get political approval before that charge is laid."

1510

I am not sure what the rationale is. If there is a rationale, I'd be very happy to hear it. I've requested it. The government side has been silent in that request to explain why, under this statute, any violation of the provisions of this bill must be approved first by the minister.

**The Chair (Mr. Shafiq Qadri):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** I would say that this particular section is being included in the bill because it mirrors the requirement set out in subsection 81(4) of the Police Services Act. It gives the Minister of Community Safety and Correctional Services the power to determine if prosecution for contravention of the act should be commenced.

I would say to you, as the government, similar pieces of legislation have these examples. There is the Attorney General, under the Freedom of Information and Protection of Privacy Act. The Minister of Government Services has the same, in the Corporations Information Act. If you think about the Election Act and the Election Finances Act that we all run under, similar authority is given to the Chief Electoral Officer.

Similar clauses exist in many pieces of legislation in the province. We, as the government, see it as just one added piece to the legislation, and it's necessary. So we will not be supporting Mr. Hillier's motion.

**The Chair (Mr. Shafiq Qadri):** Mr. Hillier, then Ms. French.

**Mr. Randy Hillier:** I heard a bunch of words, but I didn't hear any justification.

Let me just give you this example, Mr. Balkissoon. We know that under this legislation, all the background checks initially start with police services. Generally, that's what we're looking at.

Under this provision, if an individual found out that a police service, or some other service or some other provider, released information contrary to this act, then at the present time, under general law, they would be able to go to the crown or to the police, lay out their case and

seek prosecution. Failing that, they could also lay private information directly with a justice of the peace, to have that offence heard within court.

This 19(3) takes away the ability for an individual to bring and identify an offence independently. That person would have to seek ministerial consent for a prosecution or laying of charges.

I just don't understand why we would take away a person's inherent right to lay private information if they feel that their background information has been shared or released improperly and against this act. Surely this is about protecting people and restricting improper sharing of personal and private information. Now an individual who faces that potential has to wind his way through Queen's Park and find the minister and get the minister's consent? I just don't buy it. I can understand, with some pieces of legislation, having independent officers in unique situations, like electoral financing and stuff. But this is dealing with private individuals, their private information, and taking away their ability to bring a prosecution forward.

**The Chair (Mr. Shafiq Qadri):** Ms. French.

**Ms. Jennifer K. French:** I support this, because as we have currently written in this bill, that sole discretion is given to the minister or designate. That's a lot of power.

I take your point, Mr. Balkissoon, that we see this in other pieces of legislation and this is not the first time this has been written into an act. But I think this act, specifically, has to be considered very differently. This is a very important act that addresses civil liberties issues, privacy issues, sensitive issues. It's very important. To allow the minister to trump any other decision, that it falls on an individual to determine whether or not prosecution of contravention of the act can proceed—that doesn't sit well. It's in keeping with what we're seeing here at committee. I think that this act came out of a very public need for protection.

I mentioned earlier that there was that Toronto Star exposé, the series of articles, and people realized that their personal information was not being protected; that their health histories and mental health struggles were not being protected. That's why we're here.

We've already seen that the government has shot down NDP motion 6 that sought to protect those health records and keep them private and keep them from other authorities; PC motion 10—that was listening to stakeholders and saying that the cost of these record checks is a challenge. So when we're talking about protecting the public, whether their information or their pocketbooks, in this case—but to Mr. Hillier's point, if it's about protecting people, you're not going about it the right way.

We've had opportunities here today to make things right, to make this a stronger bill. I think we have another opportunity here, with PC motion 12, to strike this and not give this sole discretion to the minister, because this is not a similar piece of legislation. This is a really important piece of legislation that I think should be treated accordingly.

**The Chair (Mr. Shafiq Qadri):** Further comments on PC motion 12 before we vote? Mr. Hillier.

**Mr. Randy Hillier:** I gave that one example of laying out of private information that would be prevented. If one of the businesses of the National Association of Professional Background Screeners violated this, the individual just can't go to a police service and ask them to investigate; that police service has to go to the minister to seek consent.

I just find it unbelievable. I still have not heard any rationale why we should prevent people from being able to protect themselves and using the law to protect themselves, and to seek a remedy from an offence under the law. It's inconceivable that we would prevent people from using the law to seek a remedy for a violation of their privacy, of the sharing of information, and that we vest all that authority into the minister. That's just unacceptable. We wouldn't allow it under any other circumstances when it deals with an individual. That's what this is all about: an individual's personal and private information.

1520

I do believe there were also comments along these sorts of lines with respect to the minister's authority that the committee has received from the Information and Privacy Commissioner. The Information and Privacy Commission has identified that this whole basket of authorities that are vested into the minister is a significant concern. That's on page 6 of the committee's brief on the hearings, the deputations and the written submissions we've received.

There are people, independent officers of this Parliament and others, who understand that the law is to be there to provide a remedy for people, not to prevent them from seeking a remedy unless the emperor agrees. Surely, Mr. Balkissoon, you'd have some insight as to why the Liberal government wants to prevent people from using this statute to protect their privacy and the sharing of personal information.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Hillier. Any further comments on PC motion 12?

**Mr. Randy Hillier:** I want it on the record that the Liberal members of this committee have refused to identify any justification for restricting people using the law to find a remedy. They have no concern, no interest in helping people to use the law to protect themselves, and they are abrogating people's fundamental rights to protect themselves under the law.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Hillier. Any further comments before we proceed to the vote on PC motion 12? Seeing none, we'll proceed to the vote.

**Mr. Randy Hillier:** Recorded vote.

#### Ayes

French, Hillier, Scott.

#### Nays

Balkissoon, Martins, Naidoo-Harris, Potts.

**The Chair (Mr. Shafiq Qadri):** PC motion 12 falls. PC motion 13: Mr. Hillier.

**Mr. Randy Hillier:** Seeing that amendment 12 has been defeated, I will withdraw amendment 13.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Hillier.

Shall section 19 carry? I heard a no. Those in favour of section 19 carrying?

**Mr. Randy Hillier:** Recorded vote.

#### Ayes

Balkissoon, Martins, Naidoo-Harris, Potts.

#### Nays

French, Hillier, Scott.

**The Chair (Mr. Shafiq Qadri):** Section 19 carries.

We have received no motions or amendments for section 20. Shall section 20 carry? Carried.

We proceed now to section 21, PC motion 14. Mr. Hillier.

**Mr. Randy Hillier:** I move that section 21 of the bill be amended by adding the following subsection:

"Tabling

"(2) The minister shall table the review in the Legislative Assembly within 30 days of its completion."

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Hillier. The floor is yours.

**Mr. Randy Hillier:** I think it's once again clear. The statute provides and states, "The minister shall conduct a review of this act within five years after the day this section comes into force," but it provides no obligation on behalf of the minister to table that review, to make it public or to share it with anyone. This amendment is one that we see, most often not—to have a review done but not have it obliged to be shared amounts to not having a review. This makes the review mandatory to be shared in an open and transparent fashion, consistent with the minister's mandate letter.

**The Chair (Mr. Shafiq Qadri):** Comments on PC motion 14? Ms. French.

**Ms. Jennifer K. French:** This is certainly a reasonable amendment. To have a timeline be tabled in a timely way only makes sense. This, I'm sure, is something the government can support since it reassures us on a regular basis that the government is very accountable and transparent. This is an opportunity for them to put their money where their mouth is and ensure that that accountability translates, as I said, into a timely timeline for this act.

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Mr. Bas Balkissoon:** If you look at this process from the beginning to the point where we're at, the ministry and the minister have done exceptional work with the public to get here, and I believe we will continue to work with the public and all our stakeholders to support the implementation, the evaluation and the fine-tuning of the process as it goes forward.

We're also committed to broad and open communications with the public, as we have been in the last little while. Once a review of the act is completed, the minister will share the review findings publicly with all the stakeholders in a broad and accessible manner that is consistent with the principles of open government.

Putting in this 30-day time frame is not something that we're supportive of. We don't see it as necessary, and the requirement to table is sort of inconsistent with provincial statutes gone by. I think at the very end my colleague made a comment that it's up to the public to make that decision, whether we're doing a good job or a bad job when election time comes around.

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

**Mr. Randy Hillier:** I'm astonished—astonished and very disturbed at those comments. For all reviews, all reports, the default position is to table them in this House. The Auditor General's report, a review of public accounts; the Ombudsman's report; and the host of hundreds of agency, boards and commissions all have statutory requirements to make them public.

Mr. Balkissoon said they will consult broadly with stakeholders. That sounds to me like we're going to share what we want with whom we want, not open or public or transparent, but hidden behind very secure doors.

I think this is important. It's brand new legislation. We're not sure how it's actually going to work out. We're all hopeful that it will achieve the ends we believe it is meant to achieve, but without public oversight and an opportunity to review the data collected and how it worked amounts to no review at all—no review.

I understand there are many members in the Liberal caucus who turn a blind eye and turn their backs to their responsibilities. However, they're turning their backs and turning a blind eye to their constituents. In five years' time, did this act achieve what we wanted it to achieve? Did we expedite the processes? Did we make the system less costly? Did we diminish and remove those impediments and obstacles to employment? Were there prosecutions?

But the minister did not act upon a whole host of items that are essential for legislators to determine if there needs to be any amendments or any improvements. How can we possibly offer up suggestions to improve legislation if the government refuses to table the review of the legislation? I think it's abhorrent that the members in this committee would be so cavalier in disregarding their responsibilities to their constituents.

**The Chair (Mr. Shafiq Qaadri):** I'm not sure that any more adjectives are left, but in any case, I do call for temperate language all around.

Are there any further—Mr. Potts.

1530

**Mr. Arthur Potts:** Yes. I want to respond to the intemperate language—no, I don't, actually.

I take your concern with this very seriously. This is a very interesting new piece of legislation which we're trying to meet certain objectives to. There are other

venues within our government in the policies we brought forward—accountability, the Auditor General's office—if there were concerns.

But I want you to know and I assure you that I'm going to be watching this very carefully because there are pieces in this which concern me, particularly around timelines and deadlines that I worry that we may be jamming up the employment applications in timelines. I take the concerns of Rod Piukkala and my constituent Todd Anstey very seriously. These are the guys from the National Association of Professional Background Screeners who presented at the public hearings. I take their concerns very seriously.

I'm hoping that we got it right, that in fact once that individual gets their note, they're going to file it off quickly to where it needs to go so they won't stand in the way of their prompt employment and that their concern of time delays won't happen.

So I will be watching it. If there are any concerns like that, you can rely on me that we will make sure that we get the review and we'll make it as public as we possibly can.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Potts. Ms. French, then Mr. Hillier.

**Ms. Jennifer K. French:** As Mr. Balkissoon had mentioned, that the government sees itself as broad and accessible, and to Mr. Potts's point about engaging on a broad public scale: I think that by looking at section 21 and committing to conduct a review within five years—fine. By why be afraid to actually table the timeline of when people can look forward to that review? Because I think as we saw, there were a number of interested stakeholders who wanted to speak to this.

As this act takes effect and is having an impact on various groups and individuals, or not enough as the case may be, we want that feedback. We want to hear from the public. We actually want it and encourage it and aren't just going to talk about it. I think that by establishing that timeline, then the broader public can know when they can look forward to being an active part of that review process. I think that that would actually speak to what you claim, which is broad and accessible legislation.

I take exception, though, when we hear that if the public doesn't like it, well, as we heard earlier, then they can just wait to vote and stuff their frustrations in a ballot box. I think that there has to be a middle ground certainly before that point where we engage and reassure the public that they can engage, whether that means—not in this case—travelling a bill or holding consultations for longer periods of time, actually inviting and encouraging people to participate in the process at every opportunity, I think that setting out an actual timeline would encourage that engagement.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. French. Mr. Hillier.

**Mr. Randy Hillier:** Again to Mr. Potts's comments: He agrees that the concerns that I've raised, the concerns that I've heard from some of his constituents, are valid concerns and Mr. Potts has said, "Leave it to me"—leave

it to Mr. Potts to watch over this government. He has asked us to rely strictly on Mr. Potts, the member from Beaches–East York, to hold the government to account.

I don't know why he wouldn't want to share that great burden with other members of the assembly and allow us to hold the government to account as well and share in his endeavour. I think it's completely false to ask or expect all other members of this House to be kept in the dark, to be prevented from seeing valuable information, but rely on Mr. Potts to do it for us. I think Mr. Potts has a great many fabulous qualities, but I fear that the burden of keeping this government to account would be too great even for his stature, and it would be medically harmful to him.

**The Chair (Mr. Shafiq Qaadri):** Mr. Hillier—

**Mr. Randy Hillier:** No, this is serious; this is important. It is exceptionally important that all members—I have constituents as well, and what am I to say to them? I'm not allowed to look at the government in review? I have to wait on Mr. Potts? Or maybe Mr. Balkissoon will take up the charge, if it's too great for Mr. Potts to do it on his own. I will come begging and pleading: "Share with me, please, the review. Let me know what I can say to my constituents"? Isn't that an abhorrent view of how a representative parliamentary democracy is supposed to work?

I see Mr. Potts is chuckling and finds this humorous. I don't find it overly humorous that the government is purposely preventing members of this assembly from seeing and acting upon a review that's taken in secrecy and prevented from being shared with all members of this House. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Are there any further comments on PC motion 14 before we proceed to the vote?

**Mr. Randy Hillier:** Recorded vote.

**The Chair (Mr. Shafiq Qaadri):** Recorded vote.

#### Ayes

French, Hillier, Scott.

#### Nays

Balkissoon, Martins, Naidoo-Harris, Potts.

**The Chair (Mr. Shafiq Qaadri):** PC motion 14 falls. Shall section 21 carry? Carried.

We now have four motions for section 22, beginning with PC motion 15: Mr. Hillier.

**Mr. Randy Hillier:** I move that section 22 of the bill be struck out and the following substituted:

"Regulations

"22. The Lieutenant Governor in Council may, with the consent of the Legislative Assembly, make regulations exempting any person or class of persons from any provision of this act and attaching conditions to the exemption."

For clarification, the existing bill allows the Lieutenant Governor in Council to exempt any person or any class of persons from any provisions of this bill—not any provision, but a significant number of provisions.

I've included in this amendment that if the Lieutenant Governor—if cabinet chooses to exempt classes of people, or people, from the provisions of this bill, that they must seek the consent of the Legislature before doing so.

Again, this is very consistent and in line with the roles and responsibilities of a parliamentary democracy. Before the law is changed, the law and people are safeguarded by way of debate in the House.

If the minister wants to choose to exempt the member from Beaches–East York, or any other class of people, from this legislation, he would first have to put it to a vote in the Legislature.

I think we've covered a good section in this bill. We've made exemptions for children's aid societies and others. I'm not really sure who else we may want to exempt, or what classes of people we may want to exempt. But if we do want to do that, it should be first brought forward to the Legislature and articulated to the Legislature, what the purpose and the rationale are of exempting persons or classes of persons from this act.

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

Just before I open the floor for comments on PC motion 15, I'd just respectfully inform my colleagues that we will be entering sudden death overtime at exactly 4 p.m., at which point those motions that have not been dealt with will have been deemed to have been presented to the committee, and we will be voting on them once I name them by number only. That's at 4 p.m., which is in 20 minutes exactly.

**1540**

The floor is now open for PC motion 15. Comments? Mr. Balkissoon.

**Mr. Bas Balkissoon:** I'll be quick. Regulation-making authority exists today to clarify provisions to support or enable proper implementation of legislation passed by the government. It's a process that all of us are familiar with.

I would say what my good friend on the other side is trying to do here is implement a completely new process in our Legislative Assembly and unfortunately we on the government side cannot agree with him at this time.

We would ask you to take the vote.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Further comments on PC motion 15? Mr. Hillier.

**Mr. Randy Hillier:** It's unfortunate that Mr. Balkissoon doesn't have quite an understanding of convention and tradition. It is the obligation and it is the responsibility. I'm not suggesting that we fundamentally change how democracy works; I'm actually requesting that we adhere to the fundamental traditions and conventions of a legislative body.

Let me just read from section 22, the comments from the Information and Privacy Commissioner. It says here that as these regulation-making powers have the potential



to substantially alter rights and duties under the act, they should only be exercised following a public consultation process.

Bill 113 should include a public consultation provision on the regulations. That's what this is saying. I'm suggesting the most appropriate body for public consultation is the Legislative Assembly. Bring forward your legislation so that it is consistent with the Information and Privacy Commissioner's concerns and have it consistent with the traditions, conventions and responsibilities of a Legislative Assembly.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Are there any comments further on PC motion 15 before we vote?

**Mr. Randy Hillier:** Recorded vote.

### Ayes

Hillier, Scott.

### Nays

Balkissoon, French, Martins, Naidoo-Harris, Potts.

**The Chair (Mr. Shafiq Qaadri):** PC motion 15 falls. We now move to government motion 16. Mr. Balkissoon.

**Mr. Bas Balkissoon:** I move that clause 22(1)(b) of the bill be struck out.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Any comments?

**Mr. Bas Balkissoon:** This is technical in nature. There is an inconsistency between subsection 10(4) and clause 22(1)(b) with regard to the regulation-making authority governing the reconsideration process. Subsection 10(4) states that reconsideration requirements may be prescribed by the minister while clause 22(1)(b) authorizes the Lieutenant Governor in Council to do so. So, really, we're trying to correct an inconsistency in the draft bill.

The policy intention is to provide this regulation-making authority to the minister and not to the Lieutenant Governor in Council, given that any additional requirements related to the reconsideration process are procedural in nature and regulation-making authority over procedural matters is often assigned to the minister.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Balkissoon. Mr. Hillier.

**Mr. Randy Hillier:** It's unfortunate that the Liberal members are inconsistent in addressing the inconsistencies of the bill. We've identified a number of inconsistencies in the bill and they have all been rejected by the Liberal members.

This, although it may be a technical problem, alters the regulation-making powers from the Lieutenant Governor in Council to the cabinet. It's a pretty minor inconsistency. It addresses an inconvenience for cabinet or for the minister. They're certainly very willing to make life more convenient and consistent for the

minister, but willing to impose hardships on people by preventing them from seeking prosecutions under the act.

It's very inconsistent in their approach to addressing inconsistencies.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hillier. Further comments on government motion 16, if any? If not, we'll proceed to the vote. Those in favour of government motion 16? Those opposed? Government motion 16 carries.

We're now on to NDP motion 17. Ms. French.

**Ms. Jennifer K. French:** Thank you, but seeing as how motion 16 was successful, I withdraw.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. French. We now move to government motion 18.

**Mr. Bas Balkissoon:** I move that subsection 22(2) of the bill be amended by adding the following clause:

"(d) governing the process for conducting a reconsideration under section 10."

**The Chair (Mr. Shafiq Qaadri):** Are there any comments on government motion 18?

**Mr. Bas Balkissoon:** Similar—there's an inconsistency. This is technical in nature between subsection 10(4) and clause 22(1)(b) with regard to the regulation-making authority governing the reconsideration process. Subsection 10(4) prescribes that to the minister; clause 22(1)(b) authorizes the Lieutenant Governor in Council, and so this is a technical correction.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Balkissoon. Are there any further comments, colleagues, on government motion 18? Seeing none, we'll proceed to the vote. Those in favour of government motion 18? Those opposed to government motion 18? Government motion 18 carries.

Shall section 22, as amended, carry? Carried.

To date, we have not received any motions or amendments for sections 23, 24, 25, 26, 27, 28, 29 inclusive. May I take it the will of the committee to consider those on block? Shall those sections, so named, carry? Carried.

Shall section 30, the commencement, carry? Carried.

Shall section 31, the short title, carry? Carried.

Shall the schedule carry? Carried.

Shall the table authorizing disclosure carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 113, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Thank you, colleagues, for your co-operation. I regret that, despite the fact that we had allocated time until 9:45 p.m. this evening, we shall sorely miss you in those deliberations.

### COMMITTEE BUSINESS

**The Chair (Mr. Shafiq Qaadri):** Is there any further business before this committee?

**Mr. Arthur Potts:** Yes, sir.

**The Chair (Mr. Shafiq Qaadri):** Mr. Potts.

**Mr. Arthur Potts:** My motion, Chair: I would like to move that the committee meet during its regularly

scheduled times on Thursday, November 26, for the purpose of public hearings on Bill 109, An Act to amend various statutes with respect to employment and labour.

(2) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website and on Canada NewsWire.

(3) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk by 12 noon on Tuesday, November 24, 2015—

**The Chair (Mr. Shafiq Qaadri):** Mr. Potts, let me just interrupt you. Let's just distribute this, and then I'm going to have you reread it once—

*Interjection.*

**Mr. Arthur Potts:** No. We don't have time to do that. We'll do it—

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Do I take it that the will of the committee is that we defer it to a subcommittee, or shall we deal with this currently?

**Mr. Arthur Potts:** No, we have no time for subcommittee. We want to get this forward quickly. We've got a lot of work to do and we don't want—

**The Chair (Mr. Shafiq Qaadri):** All right. I need to take a vote on this. Those in favour of adjourning this motion to the subcommittee, please raise their hands currently. Those in favour of dealing with this motion as of this moment? All right. So the committee is still in session.

Has everyone received a written—not digital—copy of this motion?

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Mr. Hillier, I believe it was officially handed to you nine seconds ago. We can give you one more copy.

**Mr. Randy Hillier:** I say let's have a recess for 20 minutes.

**The Chair (Mr. Shafiq Qaadri):** That is your right. We can recess for 20 minutes.

There is a 20-minute recess in effect now.

*The committee recessed from 1550 to 1610.*

**The Chair (Mr. Shafiq Qaadri):** Thank you, colleagues. We're back in session. Mr. Potts, now that the motion has been handed out, please enter it into the record.

**Mr. Arthur Potts:** Thank you, Chair. I move:

(1) That the committee meet during its regularly scheduled times on Thursday, November 26, 2015, for the purpose of public hearings on Bill 109, An Act to amend various statutes with respect to employment and labour.

(2) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, and on Canada NewsWire.

(3) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk by 12 noon on Tuesday, November 24, 2015.

(4) That the Clerk of the Committee schedule the interested parties wishing to appear before the committee in a first-come, first-served manner.

(6) That all witnesses be offered five minutes for presentation and nine minutes total for questioning, divided evenly by committee members on a rotation by caucus.

(7) That the deadline for written submissions be 6 p.m. on Thursday, November 26, 2015.

(8) That amendments to Bill 109 be filed with the Clerk of the Committee by 12 noon on Monday, November 30, 2015.

(9) That the committee meet for clause-by-clause consideration of Bill 109 on Thursday, December 3, 2015.

I so move.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Potts. This motion is now open for both comments as well as amendments.

**Mr. Randy Hillier:** At the request of the Chair, to be recognized?

**The Chair (Mr. Shafiq Qaadri):** Yes, Mr. Hillier. Go ahead.

**Mr. Randy Hillier:** I would like to move an amendment to item (6): "That all witnesses will be offered 10 minutes for presentation" and—well, we'll leave that one for the time being.

**The Chair (Mr. Shafiq Qaadri):** Fine. So we'll just distribute this in writing, at least one copy per caucus, I think, unless members can absorb that.

**Mr. Arthur Potts:** Chair, we recognize that as a friendly amendment and we've made the adjustment on our own copy.

**The Chair (Mr. Shafiq Qaadri):** We certainly accept your friendship, but I'm still distributing it in writing.

**Mr. Arthur Potts:** I can pull it up on my cellphone, if you like, Chair.

**The Chair (Mr. Shafiq Qaadri):** You continue to be impressed by your digital capabilities, as we all are, but I am still doing it in writing. Thank you, Mr. Potts.

Ms. French.

**Ms. Jennifer K. French:** Well, I would also like to offer a friendly amendment.

**The Chair (Mr. Shafiq Qaadri):** You're absolutely entitled to do so, Ms. French, just once we dispose of this one.

**Ms. Jennifer K. French:** Dispose of or—

**The Chair (Mr. Shafiq Qaadri):** Entertain, vote on, accept, reject.

**Ms. Jennifer K. French:** I just thought it was a little premature to say we would dispose of it before we've had a chance to discuss it.

**Mr. Randy Hillier:** Typically the Liberals do dispose of an opposition amendment, but today they're going to dispense with it.

**The Chair (Mr. Shafiq Qaadri):** Deal with.

**Ms. Jennifer K. French:** Well, perhaps the Chair could advise—

*Interjections.*

**The Chair (Mr. Shafiq Qadri):** All right. Mr. Hillier's motion will now be distributed by our highly able and furiously writing Clerk of the Committee, one per caucus, so that we're completely clear as to what we are voting on, as per protocol.

**Ms. Jennifer K. French:** So if I support this, does it mean I support the rest of this?

**The Chair (Mr. Shafiq Qadri):** No.

**Ms. Jennifer K. French:** Good. Just checking.

**The Chair (Mr. Shafiq Qadri):** Not necessarily.

**Ms. Jennifer K. French:** Yes. I'd like to be very clear that I do not support the rest of this.

**The Chair (Mr. Shafiq Qadri):** All right, colleagues. I think you all have Mr. Hillier's amendment with reference to five to 10 minutes, which is in item (6). Are there any further comments before we proceed to the vote on this amendment?

Seeing none, those in favour of Mr. Hillier's amendment? Those opposed? Mr. Hillier's amendment carries, and it officially encodes now 10 minutes.

The floor is now back open for the entire motion or any amendment to that motion.

**Ms. Jennifer K. French:** Perhaps the Chair can advise: I have a number of thoughts on the amended motion before me, so I would like to discuss that, and if the government would like to amend their own—

*Interjection.*

**Ms. Jennifer K. French:** You're not going to?

**Mr. Arthur Potts:** No. We can't.

**The Chair (Mr. Shafiq Qadri):** You're welcome to comment. If you have a formal motion, please present it now. It's your call, whether you'd like to confer with our colleagues and see if they would absorb it or not.

**Mr. Arthur Potts:** Get your concern on the record.

**Ms. Jennifer K. French:** Oh, I'll get my concern on the record. I'll start with a friendly discussion.

My concern with this motion is the time constriction here, and while I appreciate the government's willingness to allow witnesses to speak for 10 minutes, I am concerned because with this bill—as we know, it's a three-parter. I think we would want to make sure that everyone who could strengthen this bill and who could come and be a witness on this, that we want to give them a chance to actually come, whether that's in terms of the WSIB sections of this bill, the firefighters and really anyone from the house of labour.

To that end, I know that next week is the convention for the Ontario Federation of Labour, so I know that a number of the stakeholders—or I would anticipate that interested stakeholders would likely have a conflict and would not be able to attend. Perhaps I'm wrong, but I would encourage this government to push this back a week or to add a day, if possible, of hearings.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. French. Any comments, Mr. Potts?

**Mr. Arthur Potts:** I certainly take the member's concern very seriously. I know our friends at the Ontario Federation of Labour would be wanting to come to speak to aspects of this bill, and I'm quite certain that they'll be

able to carve enough time out of their convention to have a few spokespeople come through, but I recognize that it was totally inadvertent. There was no deliberate attempt to do it with this timing. We respect very much the input that they will have at this stage, but unfortunately we really can't push this back a week, if we want to get this done before the end of the Christmas session.

**The Chair (Mr. Shafiq Qadri):** Thank you. The floor is open for comments. Mr. Hillier.

**Mr. Randy Hillier:** I, as well, have some concerns about being able to get everybody in who may have an interest in speaking to this bill by next Thursday. I'll offer up an amendment for the committee to consider, and that would be in clause (1): "That the committee meet during its regularly scheduled times on Thursday, November 26, 2015, and the subsequent sitting date, December 3, 2015, if required."

**Ms. Jennifer K. French:** I support this.

**The Chair (Mr. Shafiq Qadri):** Our able Clerk is furiously transcribing that amendment in triplicate.

**Mr. Randy Hillier:** That amendment would also affect clause (9), so clause (9) would be altered to: "clause-by-clause consideration of Bill 109 on Thursday, December 3, 2015, or Thursday, December 10, 2015, if required."

*Interjections.*

**Mr. Randy Hillier:** I think the motion covers it's only if there's a requirement—if there's a greater amount of deputants than what could be handled in the one sitting day.

**The Chair (Mr. Shafiq Qadri):** All right. Transcription, distribution pending—

**Ms. Jennifer K. French:** However, if there are schedule problems—in fairness, if somebody cannot come—

**The Chair (Mr. Shafiq Qadri):** That's fine. We're in a five-minute recess till we're back.

*The committee recessed from 1620 to 1627.*

**The Chair (Mr. Shafiq Qadri):** Thank you, committee members. We're now back to consider Mr. Hillier's amendments. I'd ask Mr. Hillier to please read it again so that we can be both literally and figuratively on the same page.

**Mr. Randy Hillier:** Thank you very much, Chair. I'm going to read it out with modifications because I don't think the motion as written encapsulates exactly what I was looking for, but I'll read this and include the changes as I go through.

That clause (1) of the motion be amended to read "That the committee meet on November 26, 2015, and, if necessary, December 3, 2015, during its regularly scheduled meeting times for the purpose of public hearings on Bill 109."

And that clause (9) of the motion be amended to read "That the meet committee for clause-by-clause consideration of Bill 109 on Thursday, December 3, 2015, if public hearings have ended, or Thursday, December 10, 2015."

That's just the first portion.

**The Chair (Mr. Shafiq Qaadri):** All right. I think the motion is comprehensible if not immediately clear from what's written. In any case, are we okay? Everyone understands and is clear with the motion there?

**Mr. Arthur Potts:** Yes, we're clear.

**The Chair (Mr. Shafiq Qaadri):** All right. Those in favour of Mr. Hillier's amendments just read?

**Mr. Randy Hillier:** Everyone. Everyone.

**The Chair (Mr. Shafiq Qaadri):** Never presume. All those in favour?

**Mr. Randy Hillier:** I saw Art's hand up.

**The Chair (Mr. Shafiq Qaadri):** Okay, let's just take it again, please. Mr. Hillier has moved these amendments to the main motion. Those currently in favour, please raise your hands now. Those opposed to these motions? This, Mr. Hiller, falls.

The floor moves back to the main motion as originally read by Mr. Potts and amended, clause (6), from five to 10 minutes.

Are there any further either comments, amendments or motions? Ms. French?

**Ms. Jennifer K. French:** Well, I would like to be very clear on the record here to say that while we've heard talk today of this government being broad and accessible, here again we have a case of excluding voices. We've only got a four-hour window on Thursday, November 26, to hear from stakeholders on a bill that addresses three very separate areas of focus, three very separate amendments.

What we would like to see is the consultation process being broader. The member from Beaches–East York claimed that this was an inadvertent scheduling conflict, that many of our partners from labour who have a conflict—I can't speak for them; maybe they can attend, perhaps they can carve out time. I don't know their schedules. I just know there's a fairly significant conflict that they will have to navigate. For that to be an inadvertent oversight, when it comes to scheduling provincial consultations, is so disappointing. You would think that whoever is looking at this and scheduling would have done their homework and looked at the broader community to see if there were some of those conflicts. That would only be true if the goal was to actually include more people in the conversation and not to exclude. So that's disappointing.

Another piece that I am aware of in terms of scheduling—and I don't know that I'm proposing this as an amendment, but as a suggestion: On that Thursday, November 26, from noon until 2, there's a justice for injured workers rally at the WSIB office. Perhaps we can schedule the consultations there, as this bill does address

many amendments to the WSIA. Perhaps we'd like to take the opportunity to travel this bill and include those who would be most directly affected by this bill. Do we have any takers?

**The Chair (Mr. Shafiq Qaadri):** Two issues: One, with reference to the amount of committee time, it's actually not four hours. It will be five hours and 15 minutes because it will start at 9 a.m.

Secondly, I do not even wish to think about the administrative changes required to move this committee off-site, elsewhere.

**The Clerk of the Committee (Ms. Tonia Grannum):** That's our regular scheduled meeting time: 9 to 10:15 and then 2 to 6.

**Ms. Jennifer K. French:** Thank you for the clarification.

**The Chair (Mr. Shafiq Qaadri):** Mr. Hillier?

**Mr. Randy Hillier:** Chair, it is disappointing that that amendment was voted down. It's disappointing to see the Liberal members turning their backs, refusing organized labour and workers to have an opportunity to speak and make presentations on this bill. We know that it has significant impacts on organized labour and on injured workers, and refusing them to have the opportunity or limiting their opportunity to address the members of the Legislative Assembly is disappointing.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments before we proceed to consider the amended and entire motion presented by Mr. Potts? Any further comments? If not, we will now proceed to consider the entire motion, all nine clauses—and number (6), as you see, is amended.

**Ms. Jennifer K. French:** Recorded vote.

**The Chair (Mr. Shafiq Qaadri):** Recorded vote.

#### Ayes

Balkissoon, Martins, Naidoo-Harris, Potts.

#### Nays

French.

**The Chair (Mr. Shafiq Qaadri):** This full motion carries. We will enforce it as has been written.

Are there any further comments or any further business of the committee?

**Mr. Randy Hillier:** I move adjournment.

**The Chair (Mr. Shafiq Qaadri):** We move adjournment. Carried. We will see you next week.

*The committee adjourned at 1633.*







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### Also taking part / Autres participants et participantes

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Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

### Clerk / Greffière

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