

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

T-24

**Journal
des débats
(Hansard)**

T-24

**Standing Committee on
Regulations and Private Bills**

Draft report on regulations

2nd Session
41st Parliament

Wednesday 28 February 2018

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Rapport préliminaire
sur les règlements

2^e session
41^e législature

Mercredi 28 février 2018

Chair: Ted McMeekin
Clerk: Christopher Tyrell

Président : Ted McMeekin
Greffier : Christopher Tyrell

Hansard on the Internet

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

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

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

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

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

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



ISSN 1180-4319

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

CONTENTS

Wednesday 28 February 2018

Draft report on regulations T-131

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS
DE LOI D'INTÉRÊT PRIVÉ**

Wednesday 28 February 2018

Mercredi 28 février 2018

The committee met at 0903 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Mr. Ted McMeekin): Welcome, everybody. I want to welcome Ms. Matthews, a new member.

Ms. Deborah Matthews: I'm delighted to be here.

The Chair (Mr. Ted McMeekin): Good to have you here.

The Standing Committee on Regulations and Private Bills will now come to order. We are meeting today to consider the draft report on regulations made in the first half of 2017. Copies of the draft report were delivered to the offices of each committee member last week, and the Clerk has handed out additional copies—you should have them before you—for each of you today.

With us today is research officer Tammy Hauerstock. Welcome back.

Ms. Tamara Hauerstock: Thank you.

The Chair (Mr. Ted McMeekin): She will be assisting us with our consideration of the report. We will proceed through the report, section by section, issue by issue. We will pause after each section or issue, and I will look to committee members for further discussion or questions.

Do you want to go through a review of the mandate and the process?

Ms. Deborah Matthews: Are you looking at me?

The Chair (Mr. Ted McMeekin): I'm looking at any committee member who may have something intelligent to offer.

Mr. Lou Rinaldi: Let's go.

The Chair (Mr. Ted McMeekin): Let's go. We know the mandate.

Ms. Tamara Hauerstock: Good morning.

The Chair (Mr. Ted McMeekin): Good morning.

Ms. Tamara Hauerstock: I'm here this morning to present the draft report on regulations made in the first half of 2017. As noted at the bottom of page 1 of the draft report, following our initial review of the 256 regulations filed in the first six months of 2017, we wrote to seven ministries to inquire about 12 regulations. After considering the responses to our inquiries, we have decided to report—under the committee's second guideline, which reads: "Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties."

I've indicated here that we've reported on two regulations; however, we've actually reported on five regulations under two ministries, but I'll show you that as we go along.

The first regulation reported here, on page 2 of the report, is O. Reg. 201/17 made under the Farm Implements Act. The issue we raised with the ministry with respect to this regulation was the use of incorporation by reference in the regulation. This is a drafting technique where an outside document is referred to in a regulation, and in this way becomes part of the regulation itself. In this case, the regulation incorporates some technical standards made by independent associations such as the Canadian Standards Association.

Under the Legislation Act, 2006, when incorporation by reference is used, it generally should be done on a static basis unless a contrary intention appears in the act. What this means is that subsequent changes made to an outside document would not automatically become part of the regulation.

In this case, the regulation does incorporate later amendments, as they may be made from time to time. This is known as "rolling incorporation." We asked the ministry whether there was authority for this rolling incorporation in the act. They replied that since technical safety standards are intended to evolve, when they are incorporated into a regulation, it seems implicit that the Legislature would have intended that future changes be incorporated as well.

However, as we've noted in the draft report, we would generally expect an intention to incorporate documents by reference on a rolling basis to be explicitly authorized by an act.

Looking at the wording of the act: In granting the director the discretion to adopt outside documents by reference, "in whole or in part, with such changes as the director considers necessary," the act creates an expectation that the director will consider outside standards, and if appropriate, make changes to them.

What we've noted in the draft is that if the act imposes this requirement upon initial adoption of a standard, we would expect an equivalent level of scrutiny by the director to be brought to bear on later changes to that standard.

On page 3 of the draft report, I've put a possible recommendation, which I'll read to you: The committee

recommends that the ministry either (a) take steps to amend regulation 369 of our R.R.O. 1990, to comply with the requirements of section 62 of the Legislation Act, 2006, or (b) take steps to bring forward a bill to amend the Farm Implements Act to ensure that regulation 369 complies with the requirements of section 62.

The Chair (Mr. Ted McMeekin): Okay. Ms. French?

Ms. Jennifer K. French: Is section 62 the rolling or non-static?

Ms. Tamara Hauerstock: Yes.

Ms. Jennifer K. French: Okay, so that's not specific to the Farm Implements Act and the regulation per se. Recommendation (a) is saying that, either they shift it to rolling incorporation so that this doesn't happen again—is that correct?

Ms. Tamara Hauerstock: Static incorporation. Since the Legislation Act, 2006, requires static incorporation unless the act indicates otherwise, the recommendation is that the regulation use static incorporation as well.

Ms. Jennifer K. French: Then I'm confused, because if we are recommending static incorporation—is static incorporation where you sort of have that document that one time, frozen in time, unless they go back and put in the new version of the farm implements standards, or whatever?

Ms. Tamara Hauerstock: Yes.

The Chair (Mr. Ted McMeekin): Okay. Others? Bill?

Mr. Bill Walker: Further clarification—so the (b) would be to amend the act to allow the rolling implementation. What it seems here is, they want rolling because it's continually evolving, but the main act, Reg. 369, says that you have to have static. So does (b) allow us to incorporate the rolling, and everyone is in compliance?

0910

Ms. Tamara Hauerstock: The recommendation noted in (b) is, yes, to amend the act to permit regulations to incorporate outside documents on a rolling basis, so that the changes would be incorporated automatically.

Mr. Bill Walker: Right. And this would allow this concern to be alleviated?

Ms. Tamara Hauerstock: Correct.

The Chair (Mr. Ted McMeekin): Mr. Rinaldi.

Mr. Lou Rinaldi: I'm just wondering, after reviewing the document prior to today, whether we should ask the ministry to come in—ministry folks—so that we can talk about the two issues or where they've been.

The Chair (Mr. Ted McMeekin): Do you want to make that a motion?

Mr. Lou Rinaldi: I'm just bringing it for discussion, Chair.

The Chair (Mr. Ted McMeekin): Okay. Ms. French?

Ms. Jennifer K. French: Rather than address that—although that may be my thought after this question—is this recommendation asking this committee to choose either (a) or (b), static or rolling? Or is this recommendation giving the choice—pick one—to the ministry? I can't tell how this is worded. Are we giving this potential recommendation back to the ministry and saying, "The

standards need to reflect the current ones, so either incorporate, by non-static incorporation or static, but you have to choose"? Or is this possible recommendation asking this committee to choose one? Because if that's the case, then I would ask for the ministry's input.

Ms. Tamara Hauerstock: The way we've drafted this recommendation, yes, if it was finalized in this format, it would in effect give the ministry the choice of how to proceed, under option (a) or under option (b).

Ms. Jennifer K. French: So we're highlighting, "Hey, we caught something. These are your two options, as we see it." We're not recommending which of the choices to pick.

Ms. Tamara Hauerstock: Yes, I would say so.

Ms. Jennifer K. French: Okay.

Ms. Tamara Hauerstock: But of course, it's open to the committee to take out option (a), take out option (b) or take out the recommendation altogether.

Ms. Jennifer K. French: That part, I'm familiar with.

Ms. Tamara Hauerstock: Yes.

The Chair (Mr. Ted McMeekin): Anybody else?

Mr. Lou Rinaldi: Chair, just to clarify: My thoughts were just for that kind of clarification. I don't draft legislation, so, to better understand their needs—or how do we move forward?

The Chair (Mr. Ted McMeekin): Ms. French.

Ms. Jennifer K. French: As it's written, with giving the ministry the choice, this doesn't limit them to either (a) or (b). This is highlighting two options as we see it, and then, as we know, the ministry can choose to ignore all of these things. Right? It's not giving them a "thou shalt," so I'm content to have this stand.

Mr. Lou Rinaldi: Either (a) or (b)—I'm not sure I understand, Ms. French.

The Chair (Mr. Ted McMeekin): I think Ms. French is—

Ms. Jennifer K. French: What I had asked, for clarification, and my understanding is that as it's written here, we're giving this to the ministry, saying we've identified a problem. There are two options for the ministry to choose among. We're not making a recommendation on either static or not static. It's as it is written.

However, as Ms. Hauerstock said, we could duke it out here and say we recommend (a) or we recommend (b)—we could change this—but as it's written, it's giving the ministry the say.

I don't draft legislation either. They won't let me.

Mr. Lou Rinaldi: So do we need a motion on that?

Ms. Jennifer K. French: I don't know this part.

The Chair (Mr. Ted McMeekin): Why don't we have a motion?

Mr. Lou Rinaldi: Chair, I'm going to propose a motion, if we can, and I think we're talking the same language.

I move that the Ministry of Agriculture, Food and Rural Affairs—I still believe that they should appear here, to explain or respond to the possible recommendation in this draft report regarding O. Reg. 201/17, amending R.R.O. 1990, Reg. 369, made under the Farm

Implements Act. I think it would be good for us to understand what their preferences are.

The Chair (Mr. Ted McMeekin): Is that clear, or does everybody need a copy? If anyone needs a copy, we need to recess so the Clerk can make copies.

Mr. Jack MacLaren: Could that be repeated again?

Mr. Lou Rinaldi: Sure. Do you want me to read it again?

Mr. Jack MacLaren: Yes.

Mr. Lou Rinaldi: Chair?

The Chair (Mr. Ted McMeekin): Why don't you read it again?

Mr. Lou Rinaldi: Okay. I move that the Minister of Agriculture, Food and Rural Affairs appear before this committee to explain or respond to the possible recommendation in this draft report regarding regulation 201/17, amending regulation 369 of R.R.O. 1990, made under the Farm Implements Act.

Ms. Deborah Matthews: I think you said "minister."

Mr. Lou Rinaldi: Oh, did I say "minister"? I'm glad that Ms. Matthews is here. I meant to say "Ministry," not "Minister of Agriculture."

Ms. Deborah Matthews: I'm already proving my worth.

Mr. Jack MacLaren: So you're asking for the minister—

Mr. Lou Rinaldi: Not the minister; the ministry.

Mr. Jack MacLaren:—for the ministry to come and explain?

Mr. Lou Rinaldi: Yes.

Mr. Jack MacLaren: Can't we get that explanation from Tamara? Isn't that what she has pretty much done?

Mr. Lou Rinaldi: She has given it to us.

The Chair (Mr. Ted McMeekin): I think that she has given the explanation. This would be a further explanation. It occurs to me that it would roll in the concerns that have been articulated here.

Ms. French, you may have a comment on it. Go ahead.

Ms. Jennifer K. French: My question was just, as it's worded, what that gives the ministry or doesn't give the ministry the option to act on.

I leave it to the government. Most times at committee, when we would suggest inviting folks to come and explain from the ministries, the government members would say, "No, they're busy. Leave them alone." So I will leave it to the government to invite or not.

The Chair (Mr. Ted McMeekin): So we're making progress. What can I say?

Ms. Jennifer K. French: I'm happy with whatever the committee wills.

The Chair (Mr. Ted McMeekin): All right. It sounds like we have an emerging consensus, hopefully—

Ms. Jennifer K. French: I don't need them here.

Mr. Bill Walker: He has a motion on the floor.

The Chair (Mr. Ted McMeekin): Yes, there's a motion on the floor. You can speak to that.

Mr. Jack MacLaren: Oh, you want to go through that first? Or can I comment to that?

The Chair (Mr. Ted McMeekin): Sure. Absolutely.

Mr. Jack MacLaren: I just wondered if we're making work. We are presented here with a recommendation from Tamara, and, I would suggest, why don't we just approve that?

The Chair (Mr. Ted McMeekin): That's the other option. I'll just say I think that the motion rolls in the concern about the two options, but also an opportunity for the ministry to come and explain why one is preferable or not preferable to the other.

Was that your intent, Mr. Rinaldi?

Mr. Lou Rinaldi: That was my intent.

The Chair (Mr. Ted McMeekin): Okay.

Mr. Jack MacLaren: So your concern is, which one, (a) or (b), is better?

Mr. Lou Rinaldi: I'm thinking that we want their view on the recommendation before we make a commitment here.

Mr. Jack MacLaren: We have a recommendation here, saying that either of these will solve the problem.

Mr. Lou Rinaldi: Right.

Mr. Jack MacLaren: That's good enough for me.

Mr. Lou Rinaldi: Okay. Well, that's your choice.

The Chair (Mr. Ted McMeekin): Mr. Walker.

Mr. Bill Walker: Just to Mr. MacLaren's last point: I want clarification from Ms. Hauerstock.

I'm not certain that (a) does solve the problem, because you still have rolling incorporated documents being used. If we choose (a), or if the government was to choose (a), we're still going to be in non-compliance. They are going to be in non-compliance, because they're using rolling documents.

Ms. Tamara Hauerstock: The intention of (a), or the effect of (a), if the ministry took that route, would be to amend the regulation, I believe, to incorporate in a static manner, so that the documents incorporated would be incorporated as they read on a particular date. That was the intended effect of (a).

Ms. Jennifer K. French: So when it changes, we're in this boat again, but at least it will be the correct document.

Mr. Bill Walker: Yes. But I think that, if you read earlier, the ministry wants it to be totally always evolving because it is evolving legislation. So (b) would be the one that I think actually resolves this.

I think what Lou is saying is that he would like clarification from the actual ministry itself, to say, "Yes, this is why we want rolling and need to have rolling," or not.

The Chair (Mr. Ted McMeekin): If I can just enter the fray for a moment: If these are health and safety regulations, you want them to be evolving. You don't want somebody to have the result of a farm accident because they weren't meeting the updated requirement, Mr. Walker. Right?

Mr. Bill Walker: Yes.

The Chair (Mr. Ted McMeekin): You understand that, being from a farm community.

Okay, we have a motion on the floor. Any discussion on the motion? We're ready for the vote? All those in favour? Opposed, if any? Okay. It is carried.

Continue, please.

0920

Ms. Tamara Hauerstock: Moving on to page 4 of the draft report, we're here reporting on four regulations made under the auspices of the Ministry of Natural Resources and Forestry. We've grouped those here together because they all relate to notice requirements.

Two of these regulations were made under the Provincial Parks and Conservation Reserves Act, 2006, and two we're made under the Fish and Wildlife Conservation Act, 1997.

All of these regulations are subject to public notice requirements under the Environmental Bill of Rights, 1993. Section 16 of the Environmental Bill of Rights requires public notice of regulations that could have a significant effect on the environment. Also, once a decision is made to implement a proposed regulation, the minister must give public notice of the decision to implement.

We asked the ministry whether the notice requirements of the Environmental Bill of Rights had been met with respect to all of these regulations. With respect to most of the amendments made by the regulations, the ministry noted that two exceptions to the notice requirement applied. The first exception, we've called it the predominantly financial or administrative-in-nature exception. The ministry noted that many of the amendments were doing things like correcting spelling, mapping errors and numbering errors.

The second exception that the ministry pointed to is where the environmentally significant aspects of the amendment have already been considered in a public participation process under another act that is substantially equivalent to the process required under the Environmental Bill of Rights.

With respect to five amendments—four of these made by regulations under the Provincial Parks and Conservation Reserves Act, 2006, and one made by regulation under the Fish and Wildlife Conservation Act, 1997—the ministry's response pointed to the substantially similar process that it relied on for the exemption from the public comment period, but the ministry also went on to note that when that exception is relied upon, notice of the reliance on the exception ought to have been given as soon as reasonably possible and was not given in these cases. The ministry stated that they are working to ensure that they are completed as soon as possible.

The ministry also identified an amendment that was made after proper notice of a proposed regulation had been given, but without giving later notice of a decision to implement, as required. The ministry also indicated in this case that it is working to provide that notice.

I tried to combine all the regulations under one grouping. I hope that was clear.

The Chair (Mr. Ted McMeekin): Bottom line, the ministry is saying, "We're working on it." Is that the bottom line?

Ms. Tamara Hauerstock: Yes, the ministry has identified, I believe, six amendments where notice was not given, but they are working to give that notice.

The Chair (Mr. Ted McMeekin): Ms. French?

Ms. Jennifer K. French: With what had originally been pointed out to the ministry on this, did I understand from your explanation that they then added a few to that pile, that they also identified some other ones that you hadn't? Because it sounded like there were some that were brought to their attention and then they added to that a few others that they had been out of sync with.

Ms. Tamara Hauerstock: These regulations, in some cases, amended very long schedules and lists. They've made many, many amendments of various natures. When I review this type of regulation I'll do a cursory search, in this case on the Environmental Registry, to see if I can locate the required notice. When I can't I'll send a letter asking the general question from the ministry: "Have all the notices been given, as required?"

Ms. Jennifer K. French: For there to be six cases of the same mistake or inability to follow process or lack of understanding of process—what does that stem from? I hear from this that they're saying, "Okay, we're working on it. We'll make sure it doesn't happen again," but what are they missing? If there are six with the same lack of notice or inability to follow process—is it an inability? Was it a lack of understanding? Is it all tied to one, or is it six separate examples where they did not provide notice?

Ms. Tamara Hauerstock: It's six separate items in the various regulations where they've identified a certain type of notice that's missing. They have also identified other amendments where the notice was given.

Ms. Jennifer K. French: Is it a particularly cumbersome process to provide notice?

Ms. Tamara Hauerstock: I would have to ask the ministry about their process.

The Chair (Mr. Ted McMeekin): Mr. Walker?

Mr. Bill Walker: A couple of things: I believe one of the things that all legislation is required to be is unambiguous. It seems to me that there was reason to give a substantially equivalent exemption, and that's fine. But it bothers me that we would have six things that are not being dealt with. There's no timeline being given. I'm very concerned that we use the words "should have completed in a more timely fashion," and yet I have no idea what that timely fashion will be.

As the government, all of us are the creators of the law. You would expect that if notice needs to be given that there should be very specific and strict guidelines, and if they've missed it, there should be some kind of recourse to ensure it doesn't happen again in the future.

I get that the possible reality of name changes may be considered not substantial, and that would be fine if that's the precedent that has always been used. However, changing boundaries of a provincial park to ensure clear hunting boundaries: I don't know how you would ever give that an exemption, because hunters need to understand very clearly where they're allowed to hunt or

where they're not allowed to hunt. That exemption—you would never not give notice. If I've hunted in the same park for 30 years but they're changing the boundaries, I need to know that, which is the whole intent of putting a notice out.

I struggle that there isn't some kind of a prescribed "it has to be done 30 days prior"—or 60 days; whatever that number would be. I think we should be going back to the ministry from this committee and asking for more clarity. If there isn't, then I don't know whether it's our job to create that or whether it's the ministry's, but somebody should be making that very clear. There should be timelines to this, because saying, "We're going to work on it" doesn't fix anything.

The Chair (Mr. Ted McMeekin): Ms. French?

Ms. Jennifer K. French: I second that, Mr. Walker.

But my question also to the ministry would be—if we were to have them in front of us to put a question to them for clarification or if we wrote them a letter or however we choose to handle it—I would like to ask them about the process side: Why they were unable or why they didn't provide notice in six separate cases. To Mr. Walker's point, if there's something to fix, perhaps it's important to highlight first. I do also have a concern with the lack of timelines.

In this particular report—generally speaking, when we see these, we see recommendations from the committee. Seeing as how I don't see recommendations in this case, was this just informative on where to have the discussion? What should our take-away action step be in this case?

The Chair (Mr. Ted McMeekin): I think Ms. French is noting that she doesn't see a recommendation here. Is that true?

Ms. Tamara Hauerstock: That's right. Because the ministry has indicated that they will take steps to correct the problem, I didn't include a recommendation.

The Chair (Mr. Ted McMeekin): Mr. Rinaldi.

Mr. Lou Rinaldi: I appreciate not having that specific information from what the researchers identify, but they've also indicated that they're working and hopefully we're going to hear more. If I'm hearing this right, they have acknowledged the shortcomings and they're working on it. Am I correct?

Ms. Tamara Hauerstock: Yes. I think they've acknowledged where the notice is lacking, and they've indicated that they will be providing it.

Mr. Lou Rinaldi: Okay. So I think that they sort of responded. I'm not condoning the lack of up to now, but—

The Chair (Mr. Ted McMeekin): Mr. Walker?

Mr. Bill Walker: I'd like to put a motion on the floor that we send a letter from this committee to the ministry asking for a specific resolution of the issue and a timeline of when that will be addressed.

Ms. Jennifer K. French: Yes. I second that.

The Chair (Mr. Ted McMeekin): For them to propose a timeline?

Mr. Bill Walker: Yes.

The Chair (Mr. Ted McMeekin): Okay.

Mr. Lou Rinaldi: I support Mr. Walker's recommendation to write a letter. Is it necessary to have a timeline to respond?

Mr. Bill Walker: Yes.

Ms. Jennifer K. French: Yes.

Mr. Bill Walker: Because it could be two years down the road. Again, specific to the one about the boundaries, are they going to be posting a notice? When is it going to happen? If you're the hunter, you should understand whether that is going to change in this upcoming year, because that could have a huge bearing on who is going to hunt where; whether you're going to go to a different place. I don't understand why the ministry that's responsible to enforce the laws can't give us a timeline of when that will be completed.

The Chair (Mr. Ted McMeekin): So your motion—just for clarity, Mr. Walker—is that we write to the ministry, we indicate that we know of these six instances and we ask them not only to continue their work on it, as they've indicated they will, but to give us a timeline?

Mr. Bill Walker: Yes, absolutely.

The Chair (Mr. Ted McMeekin): Okay.

Mr. Bill Walker: I don't see why that's unreasonable.

The Chair (Mr. Ted McMeekin): Okay. Ms. French.

Ms. Jennifer K. French: I don't know whether this is a friendly amendment or—

Mr. Bill Walker: I'll tell you.

Ms. Jennifer K. French: Yes. To my earlier point, perhaps if we ask them to identify if there's a part of the process that needs attention, because if they missed it six times, was that their fault or is it a particularly cumbersome process? I don't know how to word it.

Interjection.

The Chair (Mr. Ted McMeekin): The Clerk is just saying that if we're going to amend Mr. Walker's motion, we need Mr. Walker to write out his motion, and then get—

Ms. Jennifer K. French: Sorry, dude.

The Chair (Mr. Ted McMeekin): —the amender to write out their amendment. We can recess to do that, if you want. Agreed?

Mr. Bill Walker: Sure.

The Chair (Mr. Ted McMeekin): We're recessed for 10 minutes.

The committee recessed from 0932 to 0940.

The Chair (Mr. Ted McMeekin): Okay, we're back on the record. All right, now—

Mr. Bill Walker: Would you like me to read my motion, Mr. Chair?

The Chair (Mr. Ted McMeekin): I would. I'm waiting in breathless anticipation.

Mr. Bill Walker: I assumed you would be.

"That the committee write to the ministry, asking them to provide a timeline of actions to address the items identified as in non-compliance regarding O. Regs. 209/17, 210/17, 102/17 and 211/17."

The Chair (Mr. Ted McMeekin): We have a motion on the floor. Is there any discussion? Ms. Matthews.

Ms. Deborah Matthews: I don't think this is a necessary action that we're asking the ministry to do. If you look on page 5, you'll see, in the middle of the page, "that posting of the exception notices is pending." So this is happening already. I don't know that we need to have a motion to—I think it's an unnecessary motion. I think it's already looked after.

We're not dealing with whether or not boundaries should be switched without notice. That's not within the purview of this committee, right? We just want, when they're required to post notice, that they do it. So I think the issue has been addressed, and I don't think we need to take any further action.

The Chair (Mr. Ted McMeekin): Ms. French?

Ms. Jennifer K. French: I would support the motion as written, because I have learned from this committee that when we make recommendations, whether in writing in this report, or as has been highlighted to the ministry and they have responded, this committee has no ability to force any follow-through of the various ministries.

I think that if we were to write a letter acknowledging that they have committed to fixing these six opportunities—that we ask for those timelines. I think that's fair. For them to say, "In a more timely fashion," or "Don't worry; we're on it," or "Trust us," that's fine, and I appreciate that, but I think that it is absolutely fair to ask for an anticipated timeline of completion for those things.

The Chair (Mr. Ted McMeekin): Okay. Bill?

Mr. Bill Walker: Mr. Chair, just in addition to what Ms. French has said, I would add to the motion, if everyone would accept, "and that a timeline to address each item of non-compliance be provided by the ministry."

I acknowledge that it's being worked on, and I'm fine with that and that's good, but I don't understand why we cannot ask for a timeline to be provided, particularly in regard to the one about the boundary, because hunting season could very much be impacted. If that notice isn't properly given, that could leave people in a very challenging situation.

Interjection.

The Chair (Mr. Ted McMeekin): The Clerk informs me that you cannot amend your own motion. You can withdraw the motion and take time to write it again.

Mr. Bill Walker: Mr. Chair, I'll withdraw my motion and resubmit it, if that would be okay.

The Chair (Mr. Ted McMeekin): All right. We'll recess again while you write that out.

The committee recessed from 0944 to 0951.

The Chair (Mr. Ted McMeekin): We will reconvene and go to the mover of the motion so he can articulate his words.

Mr. Bill Walker: Mr. Chair, do you want me to reread and give the rationale?

The Chair (Mr. Ted McMeekin): Yes.

Mr. Bill Walker: So my intent here is that I understand from the report that the ministry has identified that there were some things in non-compliance and they're working on them, but I believe we need to address and put a timeline in place so we understand. Because

"working on" could mean a year, two years or five years, because all they say is, "We'll do it as soon as possible." That, again, isn't clear. We're not supposed to be ambiguous, so I would like that in there.

We've added a clause to review the process, because there were six of these incidents that have happened. So is there a flaw in the process? Was it just an oversight? We'd like to understand that so that we can avoid that non-compliance situation in the future.

My motion, then, reads as follows: that the committee write to the ministry asking them to provide a timeline of actions to address the items identified as in non-compliance regarding O. Regs. 29/17, 210/17, 102/17 and 211/17, and provide an overview of the process to provide notice currently used, in an effort to avoid such incidents of non-compliance in future.

The Chair (Mr. Ted McMeekin): You meant 209/17?

Mr. Bill Walker: Yes, sorry. What did I say?

Ms. Jennifer K. French: Twenty-nine.

Mr. Bill Walker: Sorry, 209. My apologies.

The Chair (Mr. Ted McMeekin): No problem.

Ms. French.

Ms. Jennifer K. French: I am happy to support this motion and have already spoken at length to why I think it's important.

The Chair (Mr. Ted McMeekin): Thank you for that. Any more discussion? Is the committee ready to vote? All those in favour? Opposed? It's defeated.

Ms. Jennifer K. French: You don't want to write a letter?

Ms. Deborah Matthews: It's a make-work project.

Ms. Jennifer K. French: Oh, my God. You wanted to invite the ministry to come and hang out.

The Chair (Mr. Ted McMeekin): All right. Is there anything else you want to share?

Interjections.

The Chair (Mr. Ted McMeekin): We'll just keep going through the report.

Okay. You're back on. Thank you for your patience.

Ms. Tamara Hauerstock: The statistical information and update on responses by ministries to previously reported regulations will be provided at the next report, which will cover the remainder of the regulations of 2017. So it's not in this draft report as this time.

The Chair (Mr. Ted McMeekin): Any discussion on that? Anything further, Ms. Hauerstock?

Ms. Tamara Hauerstock: No, not this morning.

The Chair (Mr. Ted McMeekin): Mr. Clerk?

Interjection.

The Chair (Mr. Ted McMeekin): So we can't finalize your report until the ministry comes in.

Mr. Walker.

Mr. Bill Walker: Chair, I would just like it noted in the minutes that what I was trying to do was provide a timeline, particularly in regard to the one for a boundary for hunting. I find it very interesting that the government will not allow us to ask for a timeline to hold people

accountable. It's unacceptable, I believe, that we cannot ask for a timeline.

I don't see it, frankly, as a "make-work" project. I think it's a very legitimate question to ask, "You're working on it. Can you give us an estimate of time when that will be completed?" I don't see why the government unanimously defeated that motion when all we're asking is a timeline to understand—particularly for those people in the hunting community, who may very much be impacted by this.

The Chair (Mr. Ted McMeekin): Okay. So that's for the record?

Mr. Bill Walker: I would like that to be duly noted.

The Chair (Mr. Ted McMeekin): I'll state for the record just the observation that the Chair, traditionally, does not vote on matters unless there is a tie vote, so I did not vote on the matter—for the record.

I guess, Mr. Clerk, I need your advice here. If we can't proceed with the report until the ministry folks come in, I think our business here is done. Is there a motion to adjourn?

The Clerk of the Committee (Mr. Christopher Tyrell): You don't need a motion to adjourn.

The Chair (Mr. Ted McMeekin): Okay. We are adjourned. We don't need a motion to adjourn.

The committee adjourned at 0956.

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Chair / Président

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Westdale L)

Vice-Chair / Vice-Président

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Mr. Granville Anderson (Durham L)

Mr. James J. Bradley (St. Catharines L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mr. Joe Dickson (Ajax–Pickering L)

Ms. Jennifer K. French (Oshawa ND)

Mr. Jack MacLaren (Carleton–Mississippi Mills IND)

Ms. Deborah Matthews (London North Centre / London-Centre-Nord L)

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Westdale L)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Mr. Jeff Yurek (Elgin–Middlesex–London PC)

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Tamara Hauerstock, research officer,
Research Services