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

**Monday 18 November 2002**

## **Journal des débats (Hansard)**

**Lundi 18 novembre 2002**

**Standing committee on  
justice and social policy**

Government Efficiency Act, 2002

**Comité permanent de la  
justice et des affaires sociales**

Loi de 2002 sur  
l'efficacité du gouvernement

Chair: Toby Barrett  
Clerk: Susan Sourial

Président : Toby Barrett  
Greffière : Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON  
JUSTICE AND SOCIAL POLICY**

Monday 18 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DE LA JUSTICE  
ET DES AFFAIRES SOCIALES**

Lundi 18 novembre 2002

*The committee met at 1531 in room 151.*

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR

L'EFFICIENCE DU GOUVERNEMENT

Consideration of Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act/ Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

**The Chair (Mr Toby Barrett):** Good afternoon, ladies and gentlemen. Welcome to this, the regular meeting of the standing committee on justice and social policy for Monday, November 18, 2002. We're here to consider Bill 179.

As the committee may know, there are three sections to the bill and 16 schedules, including A to P. As the sections enact the schedules, we should do the schedules first. I would ask for the committee's agreement. I appreciate that.

I would now commence. Are there any comments, questions or amendments, again, to these schedules?

**Mr Peter Kormos (Niagara Centre):** Yes. I am speaking very briefly to schedule A. Today, Tony Martin from the New Democratic Party caucus has been substituted for me as the voting member on this committee, but I have a particular concern about schedule A that compels me to attend here today, using my right pursuant to the standing orders to speak in particular to subsection 4(6) of schedule A, the amendments to the Courts of Justice Act.

I refer the members of the committee to numerous submissions that have been made by the Ontario Trial Lawyers Association and the Advocates' Society, amongst others, that bemoan the effect of subsection 4(6) of this bill which is, no two ways about it, to eliminate the right to jury trials for litigants in what I referred to as simplified procedure cases.

I want to tell you that the New Democratic Party agrees with the submissions that have been made to this committee by numerous members of the bar, including the Advocates' Society and the Ontario Trial Lawyers Association. This illustrates why it is dangerous to deal with legislation in omnibus bills, because so much is

tucked away and it is oftentimes difficult for it to be properly addressed. It also indicates why it's dangerous for bills like this, or any bill for that matter, to go to a committee without there being an effective and thorough public process by way of public submissions. It's my view that before subsection 4(6) could even be considered, there would have to be thorough debate.

I want to tell you that New Democrats are strongly and adamantly opposed to the denial of the right to jury trial in civil litigation and we will be calling for a recorded vote and voting against this section.

I also know that at least several government members have demonstrated great sensitivity to this issue. I know they've made strong submissions to the minister and to their cabinet. It is my hope that the submissions made by these parties who have made their position known clearly in writing, as well as by the advocacy of several members of the government's own caucus, will have impacted sufficiently upon the government for it to reflect on subsection 4(6), the denial of jury trials, to the point where the government may be making it clear that the matter might be resolved without having to be defeated here at committee.

**Mr Ernie Hardeman (Oxford):** I just want to point out that I too have read all the submissions made on subsection 4(6), and I guess it's a great way to start off the debate on the clause-by-clause on Bill 179. I agree 100% with the member from the New Democratic Party. Because of all the presentations made and some of the concerns expressed by the member, we will be putting forward a resolution that this part of the act be struck out and not be approved today in the bill as it stands.

So I suppose, Mr Chairman, if you wish, I could read the amendment that we put forward to the committee into the record for further debate.

**The Chair:** If that is helpful for the committee, we'll do that right now.

**Mr Hardeman:** Subsection 4(6) of schedule A to the bill (subsection 108(2.1) of the Courts of Justice Act): I move that subsection 4(6) of schedule A to the bill be struck out.

**Mr Kormos:** Carried.

**The Chair:** Any further debate on the motion?

**Mr Garry J. Guzzo (Ottawa West-Nepean):** First of all, I was one of the individuals who took exception when I came across this in the bill. I want to make the point that it underlines a serious problem here. This was not

going to do what it was intended to do. The use of the jury in situations of \$50,000 and less—never mind the rights aspect of it, whether a person suing for a small amount of money should have equal rights with a person suing for large amounts of money or corporations that might be suing for a large amount. Quite apart from that, this availability at the present time helps to curtail the lists and helps to speed up the process. It does not hinder it.

It's true that cases—the one in 40, the one in 60—that might go to trial last longer, I suppose, with a jury, but another 25 or 30 of that list are settled as a result of the use of the jury notice. It has always been thus and it's going to continue to be so. I think it underlines a problem in that someone does not understand the system and how it works in making this type of a recommendation. To slide it into an omnibus bill shows a lack of respect for what we're doing in the judicial system.

**Mr Kormos:** I want to commend Mr Guzzo for the role he played in convincing the government that this section was inappropriate. I'm convinced that it was a significant contribution to what we've been told has become the decision of the government by way of Mr Hardeman. I commend Mr Guzzo and look forward to the committee supporting the motion indicated by Mr Hardeman.

**The Chair:** Is there any further debate on this motion? Are the members ready to vote? I'll put the question.

We're dealing with a government motion to schedule A, section 4. Shall the motion carry? I declare that motion carried.

I'll explain to the committee, because we have now passed this motion under schedule A, section 4, we should now visit schedule A, sections 1 through 3. Does the committee wish to debate sections 1 through 3 under schedule A?

**Mr Kormos:** I'm conscious and well aware of the terms of this committee hearing. As I understand it, as a result of the time allocation motion, this committee has but 30 minutes—it began at 3:30 pm—to debate clauses, at which point all motions not yet made will be deemed to have been made. I stand to be corrected in that regard.

**The Chair:** That is correct.

1540

**Mr Kormos:** I appreciate you calling for debate and I'm using up scarce time now, but that means we have 20 minutes to debate a bill, that has appendices A through to P, that is 247 pages long. I want anybody who is inclined to read the Hansard of this committee hearing to understand that it's really somewhat farcical at this point. The prospect of any debate is really rather moot in that it's now 18 minutes to 4, and there are three caucuses here, all of whom have strong interests around any number of sections here. I appreciate the Chair is doing his job, but to call for debate, in the total scheme of things, is a little bit of an insult.

**The Chair:** I could ask the committee to defer the rest of this vote and continue with debate, if you wish to debate. I'll go to Ms Di Cocco.

**Ms Caroline Di Cocco (Sarnia-Lambton):** I understand that clause by clause takes into consideration each section and you debate it at each section. I understand that's the procedure. I was glad to see that the government members even saw that the amendment we had forward really did not belong in an omnibus bill.

There are a number of other sections that we certainly have some concerns with that deal with independent health facilities and with the Securities Act. There are some issues of transparency there that are being removed. In the committee system, I understood, a section would require some possibility for discussion at least to show that maybe it should not be in an omnibus bill because it is a substantive change.

**The Chair:** If the committee is willing, we could continue with debate on other issues and defer—

**Mr Kormos:** I also have a question. There are three people in the room whom I recognize: one is my staff person and one is one of our caucus staff people. Are all these some 30 people with binders that are multi-tabbed and with pens ready from the bureaucracy? Are they all civil servants and/or political staff who are here to witness what amounts to but 20 minutes of debate before all motions are put on a bill that's 245 pages long? If there are approximately 30 people, at salaries that I anticipate are around \$1.8 million a year, sitting in this room right here and now for what will amount to a 15-minute debate on a bill that's 245 pages long—that may be totally irrelevant but I thought it was an interesting observation.

**Mr Tony Martin (Sault Ste Marie):** It's efficiency on steroids.

**The Chair:** Any further debate?

**Mr Hardeman:** I don't believe that the time allocated is appropriately spent by taking attendance of our audience, but I do think it is important that we are mandated to do a certain task here at the committee. It is a resolution that has been debated in the Legislature and I would suggest that we proceed with it as expeditiously as possible.

**Mr Kormos:** There are at least 30 civil servants in the room right now. Do you call this cutting red tape, Mr Hardeman? The debate can't last for any more than 15 minutes. There are hundreds of thousands of dollars a year in salaries sitting here, not because they want to but because they've been told to be here when there isn't going to be a debate. Is that cutting red tape? Is that efficiency?

**The Chair:** Further debate?

**Mr Dave Levac (Brant):** I was observing what's going on. I do understand what Mr Hardeman has indicated, that there are ways in which we have to proceed, and at the end of this debate we will proceed, whether we have put our issues on the table or not. Having said that, I would like to put an issue on the table.

I know we're not at that particular section but we're talking about debating issues, and one of them is the Escheats Act change that causes quite a lot of consternation in my riding, because we're dealing with brownfields right now, as are many communities in this

province. There needs to be an explanation as to how the changes in the Escheats Act are going to help our communities as opposed to having the government escape responsibility for properties that are given back to them, as the Queen's representative. We're deeply concerned about that, and I want to bring it on the record to indicate that the mayor of our city and councillors in our city have been in constant communication once Bill 179 was brought to light in this omnibus bill.

I would explain to the government that this is the type of legislation that affects communities in a very, very important way, and to have it literally buried in some 200-odd pages and have to have almost this microscopic view of this type of legislation again points to the problem that's being pointed out by everybody here, including the government side, who say that this is not the place for some of the types of legislation that are being proposed.

I hope, albeit faint hope, that a lesson would be learned. I only hope people understand that when these types of legislation come forward, it's virtually impossible to try to go through every single piece that affects your communities in the way that these do, that the separation of these types of bills is an utmost priority, so that the people sitting here, the people in everybody's offices, and the people in the municipalities, including those staff members who have to go through all the legislation the province passes, can be provided with an opportunity to make a logical, important contribution to this debate.

I would bring escheating to your attention one more time, that by doing so the government has fined these companies that are leaving our municipalities with these bloody brownfield sites, fining them hundreds and thousands of dollars and telling them, "You need to clean up that property," and now that they get escheated they're going back to the government, and then we turn around with legislation that says, "But when we take it over we don't want to have responsibility for cleaning it up." This is the type of legislation that should never be put into an omnibus bill.

**Mr Hardeman:** I just want to clarify. There are a number of ministry people here, and because there are a number of ministries involved in this bill it was deemed that there could possibly be some questions from the members of the committee on some of the sections of the bill, and we would have the expertise here to give the information, as required. We make no apologies for making sure that we did everything we could to provide as much information as possible as this bill was being debated. That's why they're here.

**Ms Di Cocco:** The section under the Independent Health Facilities Act that deals with the fact that the amendment that's in this bill is going to remove from the act the controls on the goodwill value of the licence of the independent health facility in the sale or transfer of the facility, that's been interpreted as two-tier health care by stealth.

Those controls were put in there as a way to prevent a health care facility licence from being used as a com-

modity, where a system would be there that it becomes a for-profit sector. Again, that's my interpretation of that section in there, and when I point to the other one, if someone wants to speak to that, I certainly would like an explanation.

The other one comes under the Securities Act. It's under the Minister of Finance. That section there talks about the board currently being appointed by the Lieutenant Governor in Council, but that's going to be amended. That section 4 authorizes the Minister of Finance to appoint the members of the Financial Disclosure Advisory Board. So my interpretation of that is that the possibility of being able to know who's been appointed there through the normal procedure, through the Lieutenant Governor in Council, is now taken away. By removing that, it's out of the purview of the Legislature to find out who's been appointed and to be able to call them to committee.

Those are two sections I've highlighted that are of great importance and as I interpret them, again, one deals with what I perceive to be two-tier health care by stealth, quietly putting in an omnibus bill something that fundamentally changes; and the other one has to do with board members to the Ontario Securities Commission being designated without being appointed by the Lieutenant Governor in Council.

Those are two main concerns I have, because one takes away transparency and the other one fundamentally goes to what could be perceived as two-tier health care.

**1550**

**Mr Kormos:** Because of the very short time frame—we have a maximum of 30 minutes in which to debate any amendments or any of the sections of this bill—I want to draw everyone's attention to NDP motions contained in the package of materials, pages 8, 9, 10. There are amendments to schedule J. When the time comes, there clearly won't be an opportunity to debate these. But I am encouraging government members in particular to notice that these are good amendments. They may well be amendments that the government members can bring themselves to support. I exhort them to do that.

I want to apologize for having been mistaken a few minutes earlier. There are not 30 civil servants in the room, there are 40, and there are another 12 standing outside. That comes to 52 civil servants, and by my rough calculation that's over \$3 million a year in public sector salaries. The prospect of bringing all those hard-working, undoubtedly underpaid people to sit through this pathetic charade of a time-allocated debate, to sit here having been told that they might be asked questions when, in a mere 30-minute process, a fraction of them couldn't be asked questions, couldn't even introduce themselves in the time period allowed—there are over 50 of them—is an abuse of them. I apologize to those civil servants who have had to come here today, who work too hard for too little, under too much pressure and with too many bad bosses, to be exposed and subjected to this.

**The Chair:** Is there any further debate?

**Mr Hardeman:** Somewhat in answer to the question, I want to reiterate that there's nothing in this bill that would suggest anything other than a totally publicly accessible, publicly funded health care system. The changes suggested are that provision of services could be transferred from one provider to another and maintain the consistency and the quality of that service being provided. It doesn't make it available to any different people. It's the ability to provide it, that the provider could be different people. It's going to provide it as single-tier, fully accessible to all people of the province.

As to the other issue of the appointment of the chair of the securities commission, the intent was that the responsibility of the security commission is with the Minister of Finance. It was deemed more appropriate that it would be the Minister of Finance who would be responsible for the direct appointment of the chair of the committee rather than through an order in council, which would then be the cabinet that would make the recommendation. It seems more appropriate that it would be a direct appointment from the minister. There are many other boards and commissions appointed in a similar manner when the function is a direct responsibility under the purview of that minister. I think it's a process improvement, to make it more effective and efficient in the process, not to in any way take away the public's right to know who is being appointed. The public's right to know or the ability to know is exactly the same. Whether it's an order in council or whether it's appointed by the minister, it's a public appointment and it is publicly available to know that that appointment is being made.

**The Chair:** Is there any further debate? I draw the committee's attention to the fact that we did pass the government motion to section 4. Does the committee wish to vote on section 4? Shall I put the question to section 4, as amended? We're dealing with section 4 under schedule A. Shall section 4 of schedule A, as amended, carry? Carried.

Continuing with schedule A, if we could collapse sections 1 through 3, I would wish to put the question. We're dealing with schedule A, sections 1, 2 and 3.

Shall sections 1 through 3 of schedule A carry? Carried.

With respect to schedule A, we have before us sections 5 through 21. With the permission of the committee, shall I collapse sections 5 through 21 for purposes of voting?

Shall sections 5 through 21 of schedule A carry? Carried.

Shall schedule A, as amended, carry? Carried.

We'll go on to schedule B. Schedule B has 16 sections and two schedules, if I'm not mistaken. I would ask that we stand down the 16 sections so that we can vote on schedules 1 and 2 of schedule B.

Do you wish me to repeat that?

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** Yes, can you clarify that? You want us to stand down the 16 sections of schedule B so that we can vote on—

**The Chair:** I'll ask the clerk to clarify that.

**Clerk of the Committee (Ms Susan Sourial):** Schedule B has 16 sections and two schedules. Rather than doing the sections first, do the two schedules of schedule B—there's a schedule within a schedule. So do the schedules and go back and do the sections.

**Mr Beaubien:** OK. I get it.

**The Chair:** We are voting on schedules 1 and 2 of schedule B.

Shall schedules 1 and 2 of schedule B carry? Carried.

I would now ask the committee to vote on sections 1 to 16 of schedule B.

Shall sections 1 through 16 of schedule B carry? Carried.

Shall schedule B carry? Carried.

**1600**

It is now 4 o'clock. As per the time allocation motion passed by the House on Monday, October 28, 2002, "the standing committee on justice and social policy shall be authorized to meet for one day at its next scheduled meeting time for the purpose of" clause-by-clause "consideration of the bill; and

"That, no later than 4 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

"That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House."

As it is now 4 pm, I will put the remaining questions. I'll just consult with the clerk to determine where we pick up.

I will now put the question to the committee. Shall sections 1 to 8 of schedule C carry? Carried.

Shall schedule C carry? Carried.

Shall sections 1 through 4 of schedule D carry? Carried.

Shall schedule D carry? Carried.

Shall sections 1 through 11 of schedule E carry? Carried.

Shall schedule E carry?

Shall section 1 of schedule F carry? Carried.

Now on page 2 of your package of amendments, we have a government amendment to section 2 of schedule F. Shall the amendment carry? Carried.

Shall section 2 of schedule F, as amended, carry? Carried.

Committee, on page 3 of your package of amendments, we have a government amendment to section 3 of schedule F. Shall this amendment carry? Carried.

Shall section 3, of schedule F, as amended, carry? Carried.

Shall sections 4 and 5 of schedule F carry? Carried.

Shall schedule F, as amended, carry? Carried.

Shall sections 1 through 8 of schedule G carry? Carried.

Committee, on page 4 of your package of amendments, we have a government amendment to section 9 of schedule G. Shall this amendment carry? Carried.

Shall section 9 of schedule G, as amended, carry? Carried.

Shall sections 10 through 16 of schedule G carry? Carried.

Shall schedule G, as amended, carry? Carried.

Shall sections 1 through 15 of schedule H carry? Carried.

On page 5 of your package of amendments, we have a government amendment to section 16 of schedule H. Shall this amendment carry? Carried.

Shall section 16 of schedule H, with this amendment, carry? Carried.

Shall schedule H, as amended, carry? Carried.

Shall sections 1 through 8 of schedule I carry? Carried.

If you turn to page 6 of your package of amendments, we have a government amendment to section 9 of schedule I. Shall this amendment carry? Carried.

**Ms Di Cocco:** Can I ask for a recorded vote?

**The Chair:** Yes. Any committee member can ask for a recorded vote once I put the question, certainly.

I will now put the next question: shall section 9 of schedule I, as amended, carry? Carried.

Shall sections 10 through 21 of schedule I carry? Carried.

Shall schedule I, as amended, carry? Carried.

**Ms Di Cocco:** You were so quick, I couldn't ask on schedule I.

**The Chair:** Schedule I? We just carried that motion.

*Interjection.*

**The Chair:** Yes, I did go rather quickly. With respect to schedule I, I'll put the question again. We have a request for a recorded vote. I'll ask again. Shall schedule I, as amended, carry?

#### Ayes

Beaubien, Guzzo, Hardeman, Johnson.

#### Nays

Di Cocco, Martin, Peters.

**The Chair:** I declare that schedule carried.

Shall sections 1 through 4 of schedule J carry? Carried.

If you turn to page 7 of your package of amendments, we have a government amendment to subsection 5(5) of schedule J, subsection 44(2) of the act. Shall the amendment carry? A recorded vote.

#### Ayes

Beaubien, Guzzo, Hardeman, Johnson.

#### Nays

Di Cocco, Martin, Peters.

**The Chair:** I declare that carried.

On page 8 of your package of amendments we have an NDP amendment to subsection 5(5) of schedule J, subsection 44(2.1) of the act. Shall the amendment carry?

**Mr Martin:** I thought this was being accepted as a friendly amendment by the government side.

**The Chair:** Mr Martin, there is no debate.

I declare that amendment lost.

**Mr Martin:** A recorded vote on that. Sorry.

**The Chair:** I may have been a little bit confused. I would entertain a recorded vote on the motion found on page 8.

#### Ayes

Di Cocco, Martin, Peters.

#### Nays

Beaubien, Guzzo, Hardeman, Johnson.

**The Chair:** I declare this amendment lost.

I'll explain to the committee that the two following NDP amendments, on pages 9 and 10, were dependent on the passage of the initial NDP motion. That did not happen, so these amendments do not apply.

We now turn to page 11 of the package of amendments. We have a government amendment to clause 5(12)(a) of schedule J. Shall the amendment carry? Carried.

Shall section 5 of schedule J, as amended, carry? Carried.

Shall section 6 of schedule J carry? Carried.

Shall schedule J, as amended, carry? Carried.

Shall sections 1 through 23 of schedule K carry? Carried.

Shall schedule K carry? Carried.

Shall sections 1 to 8 of schedule L carry? Carried.

Shall schedule L carry? Carried.

Shall sections 1 to 11 of schedule M carry? Carried.

Shall schedule M carry? Carried.

Shall sections 1 through 72 of schedule N carry?

**Ms Di Cocco:** A recorded vote.

**The Chair:** Did you want a recorded vote on that particular one? I will ask for a recorded vote. I'll ask the question again. Shall sections 1 through 72 of schedule N carry?

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** I declare those sections carried.

Shall schedule N carry? Carried.

Shall sections 1 and 2 of schedule O carry? Carried.

Shall schedule O carry? Carried.

Shall sections 1 through 33 of schedule P carry?  
Carried.

If we turn to page 12 of the package of amendments, you will find a government amendment to section 34 of schedule P. Shall this amendment carry? Carried.

Shall section 34, as amended, of schedule P carry?  
Carried.

Shall sections 35 through 46 of schedule P carry?  
Carried.

Shall schedule P, as amended, carry? Carried.

If you go back to the beginning of this legislation, the question: Shall section 1 carry? Carried.

**Mr Martin:** Could I have a recorded vote on these?

**The Chair:** We certainly can. A recorded vote. I'll ask the question again: shall section 1 carry?

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** I declare that carried.

Shall section 2 carry?

**Mr Martin:** Recorded vote.

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** I declare that carried.

Shall section 3—this is the short title of the bill—carry?

**Mr Martin:** A recorded vote.

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** I declare section 3 carried.

Shall the long title of the bill carry?

**Mr Martin:** Recorded vote.

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** I declare that carried.

Shall the bill, as amended, carry?

**Mr Martin:** Recorded vote.

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** Shall I report the bill, as amended, to the House?

**Mr Martin:** Recorded vote.

**Ayes**

Beaubien, Guzzo, Hardeman, Johnson.

**Nays**

Di Cocco, Martin, Peters.

**The Chair:** This committee is adjourned.

*The committee adjourned at 1613.*









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Monday 18 November 2002

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