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**Official Report
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Wednesday 21 March 2012

**Journal
des débats
(Hansard)**

Mercredi 21 mars 2012

**Standing Committee on
the Legislative Assembly**

Committee business

**Comité permanent de
l'Assemblée législative**

Travaux du comité

Chair: Garfield Dunlop
Clerk: Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 21 March 2012

Mercredi 21 mars 2012

The committee met at 1305 in room 228.

COMMITTEE BUSINESS

The Chair (Mr. Garfield Dunlop): I'm going to call the meeting to order, everyone. Thank you very much for showing up on this warm day.

Okay, everyone. I call the meeting to order. Our first item of business is the draft committee report, pursuant to standing order 111(b). Is there any more discussion on this report?

Mr. Bas Balkissoon: We're ready to adopt.

The Chair (Mr. Garfield Dunlop): Any more discussion on this report? All those in favour of the report? Okay, that report passes.

Because we've been unable to set up a subcommittee meeting—it just hasn't worked for us because of our busy calendars—I asked the clerk if he would put together some kind of an agenda for a possible process so we could start discussing it and start getting some work done on this committee. I have a copy of it right now. Can I distribute that—

The Clerk of the Committee (Mr. Trevor Day): I'd be happy to.

The Chair (Mr. Garfield Dunlop): Okay. This is the clerk's thoughts on this committee. Sorry about the temperature, too, everyone. Feel free to take your coat—well, I guess everybody has got them off.

Mr. Gilles Bisson: Chair, I didn't quite hear. This is prepared by who, this particular—

The Chair (Mr. Garfield Dunlop): This is just a draft type of an agenda to get some conversation moving in this committee. For three weeks, we've been unable to set up a subcommittee meeting.

Mr. Gilles Bisson: That wasn't my question.

The Chair (Mr. Garfield Dunlop): I asked the clerk to draft it.

Mr. Gilles Bisson: Okay; I just wanted to know. I was just wondering who did it.

The Chair (Mr. Garfield Dunlop): With that being said, can I ask you, Mr. Clerk, to go over it and give us some thoughts on it and where we could maybe go with this?

The Clerk of the Committee (Mr. Trevor Day): Basically, in terms of an inquiry, we tried to break it down to the general areas that any inquiry would require. We've got background information; there was some dis-

cussion about bringing the Clerk in, speaking about functions of Parliament, different areas. This would be sort of an information session to familiarize everybody with the issues that we're looking at.

From that, the hope would be that we could narrow down just slightly our areas of study, define which functions of Parliament the committee has no interest in pursuing, be it private members' public business, bills, the estimates process, stuff of that nature, still in a very general form.

From that, we would then move on to information gathering. This could take many forms, in terms of witnesses in, going places, looking at other jurisdictions that have a practice that we'd like to possibly emulate from our defined areas of study. Once we've had a chance to do that and take on that kind of research, at that point we would ask the members of the committee to possibly bring forward their proposed recommendations. This is where we would focus a little narrower in terms of specifics, not fine-tuned, but again, a little more narrow as to what exactly we'd be talking about, roughly. With the proposed recommendations, there was some talk from Mrs. Cansfield about implications falling out of those recommendations. We could bring the Clerk back to speak to that. We could look at having research done to see how successful or unsuccessful certain practices have been in other jurisdictions—stuff of that nature.

After that, we have to sit down and write an actual report, where it would be going over the wording of a draft report prepared by research, proposed recommendations, until we hit a point where the committee was happy with what they have. At that point, it drops to my office for translation and printing and a presentation in the House.

M. Gilles Bisson: Juste un point, très vite, faisant affaire avec le rapport que vous avez proposé. Je veux être très clair que, quand ça vient à l'écriture du rapport, c'est pas un rapport de quoi qu'on a parlé à l'Assemblée avec les chefs parlementaires. C'était la question de s'assurer qu'on est capable de faire un rapport intérimaire, puis après ça, il va y avoir un autre rapport à la fin.

I figure, we have these guys here; we've got to make them work.

Interjection: Répétez, s'il vous plaît.

M. Gilles Bisson: Répéter? Non. C'est pour dire, quoi que les chefs parlementaires ont eu comme direction

quand on a discuté de cette question avec les chefs parlementaires, c'est pas un rapport qui va être écrit à la fin de nos travaux. Il va y avoir un rapport intérimaire faisant affaire avec les questions que nous, on est d'accord avec; un rapport intérimaire parce qu'il y a possiblement certains changements des ordres qu'on peut faire assez vite, et là, il va y avoir un autre rapport à la fin. C'est pour clarifier.

1310

The Clerk of the Committee (Mr. Trevor Day): What I believe, Mr. Bisson, is the possibility for interim reports to be tabled and then spoken to—a possibility for interim reports to then be seen by the Legislature and whatnot and then have someone comment back on that.

Depending on our timeline—again, as it stands right now, in order for this committee to fulfill its work under its current membership before the September 9, I believe, changeover of membership, we were looking at this for a presentation prior to the House rising on June 7. I don't know—and, again, we can adjust this to see if we could work an interim report in there. But timelines are sort of tight, depending on how big the interim report would be, or how focused.

Mr. Gilles Bisson: Just to be really clear, the direction from the House leaders was that this committee would meet. It would meet as long as it has business to do with the standing orders. We deal exclusively with the standing orders. But it's expected that there would be some interim report from the committee on things that we've agreed to that we can actually change. We wouldn't have to wait until June 7.

In other words, if in four weeks' time we have four or five things that we all agree on and we can pass through this committee, that'll be reported back to the House, and then the House leaders will discuss how that will be called as a motion in the House. But then there will be a final report at the end of our work.

The Clerk of the Committee (Mr. Trevor Day): That's absolutely at the will of the committee as to how they want to proceed.

The Chair (Mr. Garfield Dunlop): Okay, so you see—yes, Mr. Leal?

Mr. Jeff Leal: Thanks, Mr. Chair. Just to be quick, I think there certainly is a consensus that we've got to get on, get the job done and start the work.

Mr. Bisson makes a good point. Along that time frame, an interim report—because often an interim report can spark a whole series of other questions or ideas that may find themselves in the final recommendation.

But I think in my chatting with people on all sides of the House, in terms of the standing orders, we've got a big job, and we've got to get on and get it done as quickly as we can.

The Chair (Mr. Garfield Dunlop): Okay. Any comments? Mr. Clark?

Mr. Steve Clark: No, I just want to echo that as well. I think, if there are some things we can agree on, then we can move forward on them. But I think there is a general consensus that we've got to start meeting, and we need

some documents and we need some research. So let's get moving.

The Chair (Mr. Garfield Dunlop): How do you feel about the information we've provided on this draft agenda? Are there any questions on that? Mr. Balkissoon.

Mr. Bas Balkissoon: Actually, I don't have a problem with your draft agenda. I just wanted to say that as long as we look at the start date and the end date but not put dates to the stuff in between—so we could have that dialogue back and forth, and if we need added research, that we have the opportunity to do it.

The Chair (Mr. Garfield Dunlop): Okay. Ms. MacLeod?

Ms. Lisa MacLeod: I would first like to say thank you very much to our clerk for providing this. The only thing that I had written down—but you did clarify it in your oral presentation—was just under information gathering, some of our observances, that it might be very valuable for us to observe other standing orders and practice. That's very important.

I think we should probably move a motion in order to get working, in order for us to start that process. I don't know if anyone has a motion they'd like to put forward.

Mr. Jeff Leal: I could certainly move a motion.

The Chair (Mr. Garfield Dunlop): Before we move that one motion, Mr. Clark had a comment, too.

Mr. Steve Clark: I'm sorry, Mr. Chair. Let's get the motion on the floor. I'll defer my comments.

The Chair (Mr. Garfield Dunlop): Okay. So we do have a motion?

Mr. Jeff Leal: Yes, I'll move a motion and then we can start the discussion, and we'll see where we land: that the Standing Committee on the Legislative Assembly direct the committee clerk to develop a work plan on amending the standing orders of the Ontario Legislature, including research, public hearings, travel and report writing, both interim and final, beginning no later than April 1 and ending no later than June 30, 2012.

So we can start the discussion and then there may be some amendments to that.

The Chair (Mr. Garfield Dunlop): We've heard that motion. Questions? Mr. Bisson?

Mr. Gilles Bisson: Just as an amendment, I would say that we have until August 31, in the sense that this particular—if we need to go through the summer, we need to go through the summer.

The Chair (Mr. Garfield Dunlop): Okay. Amended?

The Clerk of the Committee (Mr. Trevor Day): We're moving that to August 31?

The Chair (Mr. Garfield Dunlop): Ms. MacLeod, you had a question?

Ms. Lisa MacLeod: I thought we could just put the vote if he's fine with that.

The Chair (Mr. Garfield Dunlop): Okay.

The Clerk of the Committee (Mr. Trevor Day): So just to be clear, the question now is—what Mr. Leal has said, but the dates are no later than April 1 as a start and no later than August 31 as a finish. Does that work for the committee?

The Chair (Mr. Garfield Dunlop): Any other comments on that? Those in favour of it? That's carried. Thank you.

The Clerk of the Committee (Mr. Trevor Day): Then, I guess, just as a first suggestion, this first item here, how does the committee feel about inviting the Clerk to be in at our next meeting, on March 28, to make a presentation?

The Chair (Mr. Garfield Dunlop): Mr. Bisson?

Mr. Gilles Bisson: Absolutely. As you know, I suggested that at the last meeting, because I think the Clerk, and the clerks in the plural, have an historical view in regard to how the standing orders have worked and not worked over the years. They've been present when it comes to most of the changes that have been made. So I think it's good information for us to have the Clerk.

What I'm looking for from the Clerk is not just an historical—I'm just going to wait for the clerk to get back. I'm just waiting for you to get back, Trevor.

What I would want from the Clerk is not so much an historical, just, you know, "This is how Parliament works," but what I want to know from the clerks is—they've lived through most of the changes in the standing orders since the 1980s. We started changing the standing orders in about 1985. A lot of those changes were done, quite frankly, for political reasons, by all parties, mine included. I'd like to hear their views about what can we do in order to try to fix this place so it actually works for the members, and specifically, what do they recommend as changes to the standing orders from that perspective but also from a housekeeping perspective? Because you'll note there are a number of inconsistencies within the standing orders, and it would be good to hear from the clerks on those inconsistencies.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Clark?

Mr. Steve Clark: I think it's very important that we do have that report on best practices. Not really knowing how this discussion was going to go, I actually have a motion that I'd like the committee to consider. I'll read you the motion. It's that the Standing Committee on the Legislative Assembly—

The Chair (Mr. Garfield Dunlop): We have one motion before the committee now.

The Clerk of the Committee (Mr. Trevor Day): We've carried it.

The Chair (Mr. Garfield Dunlop): Oh, it was carried, yeah. Okay, I'm sorry. I just wanted to avoid confusion.

Mr. Steve Clark: I think we need that report on best practices, not just on the standing orders, but also—and I know you're aware of this; it came up at your inter-party meeting about the boards of internal economy, so I think it's important.

The motion that I had—and I'd put it on the floor for discussion—is that the Standing Committee on the Legislative Assembly direct the legislative researcher to provide a report on best practices on standing orders and boards of internal economy throughout the Common-

wealth, and I think that would probably address some of what Mr. Bisson just spoke about.

The Chair (Mr. Garfield Dunlop): We're just not clear on whether the Board of Internal Economy has any authority over this.

Ms. Lisa MacLeod: May I just speak to that? I know Mr. Bisson and Mr. Leal were here, and we had agreed yesterday at the parliamentary liaison working group that we would actually request your organization, through the legislative researcher, to provide us with that information for the Board of Internal Economy, so that the three of us who are on that working group could bring it to that larger group. That's why it's joined in with the standing committee, because we felt that it was—if you'd like us to sever the motion, we could do that.

The Clerk of the Committee (Mr. Trevor Day): All I was going to say was that the motion that gave us membership in the House had stated that, aside from the 111(b), this committee would not look at anything else until it completed a review and study of the standing orders. I just wanted to get some clarification—it may be fine—to make sure that—

Ms. Lisa MacLeod: Sure. From our perspective, it wasn't necessarily for us to deal with at the Board of Internal—just for the background, it wasn't for us to deal with the Board of Internal Economy right now. It was effectively that we could get the research to bring it to the parliamentary liaison working group, which Mr. Bisson chaired yesterday, and if that group decided, through the House and the House leaders, to direct us to look at the BOIE at some point in time, we would already have that research done.

The Clerk of the Committee (Mr. Trevor Day): And it is fine. It may just be a case of splitting hairs. It may be something that, outside of that, we could accomplish through going to research directly and saying, "Do it," but again, I think we may be splitting hairs.

Ms. Lisa MacLeod: Okay. So if you can look into that for us, that would be great.

The Chair (Mr. Garfield Dunlop): Mr. Bisson?

Mr. Gilles Bisson: Just to clarify a little bit further to that point: What the House leaders were asking for is that, rather than us as House leaders going out and re-inventing the wheel, we charge the Legislative Assembly committee with getting not legislative research but the clerks to take a look at the best practices when it comes to the structure of the BOIE and to take a look at—the Clerk will know what this is all about. I'm not going to get into the whole debate at this meeting, but to have the Clerk do that, and if she needs to have legislative research, it can do that—but to give us some recommendations about how we can fix the board so that it actually functions. Ottawa, for example, has a two-one-and-one kind of model, if it was extended to our Legislature, right?

1320

The Clerk of the Committee (Mr. Trevor Day): So will we, on behalf of the committee, be making that request of the Clerk's office?

Mr. Gilles Bisson: Yes, that's what we're asking.

The Chair (Mr. Garfield Dunlop): Okay.

Interjection.

The Chair (Mr. Garfield Dunlop): Any other comments, questions?

Ms. Lisa MacLeod: Put the question. Can we vote on it?

The Chair (Mr. Garfield Dunlop): Mr. Leal?

Mr. Jeff Leal: No.

The Chair (Mr. Garfield Dunlop): Any other comments, then?

Mr. Gilles Bisson: So the motion—I just want to make sure it's clear. We're directing the Clerk, not legislative research.

Mr. Steve Clark: No, my motion is legislative research.

Mr. Gilles Bisson: I would like to amend that we direct the Clerk.

The Clerk of the Committee (Mr. Trevor Day): So a request of the Clerk.

The Chair (Mr. Garfield Dunlop): We've heard the amendment. In favour of the amendment? Okay.

In favour of the overall—the first, the motion? Carried.

The question I'd like to ask now is, will the Clerk be at the next meeting?

The Clerk of the Committee (Mr. Trevor Day): If that is the will of the committee, that's the will.

The Chair (Mr. Garfield Dunlop): If that's the will—okay, so next week.

Ms. Lisa MacLeod: Further to that, may I ask the clerk and the legislative staff to also draw up a list of possible invitations to this committee? Where I think we may need to look are a few different places. One is possibly the Clerk of the House of Commons, and whether he appears here or we actually go to Ottawa is something we need to look at.

Mr. Gilles Bisson: Why don't we get Bosc and O'Brien? They can autograph my books.

Ms. Lisa MacLeod: I think we should actually take this seriously. The last time that this exercise was completed, we really didn't do this as thoroughly as we possibly could.

There are other people who have written on process and procedure, not only those who are actually experts who have written books, but there are actual journalists on Parliament Hill who have, from time to time, talked about process. We may want to look and speak with them.

Certainly, I think it's worthwhile talking to some former members, and I'll name a few who I think we may want to speak to. Definitely, Norm Sterling would be a good member to have a conversation with, as would Peter Kormos. Now, that's not an exhaustive list. Those are two people who I know from my time—

Mr. Gilles Bisson: Hang on. Hold it.

Ms. Lisa MacLeod: Well, those are two people from my time here who I thought would have some experience, and possibly our former Speakers. It's not that they

may all accept to appear, but they might be people who could give us some wise counsel, either informally or formally.

The Chair (Mr. Garfield Dunlop): Mr. Leal?

Mr. Jeff Leal: A person we may want to consider is the gentleman who was the longest-serving Speaker in Ottawa, Peter Milliken. I think he has been acknowledged by all sides that he was one of the most effective Speakers. But now that he's away from the Speaker's chair in Ottawa, he may have some very interesting reflections.

Just as an aside, believe it or not, there are some people in my riding of Peterborough who watch, through a satellite connection, Westminster. What has always struck them about Westminster—of course, at Westminster, the Prime Minister only appears once a week for question period. But, in fact, at Westminster, even the opposition—all the questions are written out well in advance and the ministers get to see those questions. What it has done in Westminster—

Interjection.

Mr. Jeff Leal: I'm sorry. I stand corrected. Thank you, Gilles. But what that has done is, and my understanding from—people who watch this tell me that question period becomes question period and, in fact, that there's research done in terms of responses through the Speaker's office. I'm just providing that as a bit of a commentary.

Ms. Lisa MacLeod: And I would echo Mr. Leal's point of view on this, because I actually a couple of weeks ago took the time to watch on CPaC what they are doing in Great Britain, and I think it would be very valuable for this committee to actually observe the very foundation of our parliamentary democracy at work, not only in question period, but I'm sure that either through television or other means we might be able to observe that.

The Chair (Mr. Garfield Dunlop): Okay.

Ms. Lisa MacLeod: This is, I believe, sort of a once-in-a-lifetime opportunity for those of us in this assembly to actually, I would say, almost restore democracy here, because I think from time to time it doesn't make an awful lot of sense how our rules and procedures allow us to participate.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Bisson?

Mr. Gilles Bisson: I invite and I welcome the invitation of various people who have something to say, like former Speaker Milliken and others, but I just really warn members in a sense that our standing orders are very different in some ways to what the standing orders are in Ottawa. So I think it was Mrs. MacLeod who talked about bringing back former House leaders, former Speakers of this Legislature, maybe the former Clerk, Mr. DesRosiers—people who have actually worked with the Ontario Legislature; I think that would be really valuable because now that they're removed, they're free to say what they want and possibly give us some good advice. Because, as all of us read the standing orders, Ottawa is

very different than Queen's Park when it comes to how we operate in some ways, and very different than—

The Chair (Mr. Garfield Dunlop): We will be inviting the Clerk to the next meeting. We've got these other names we can now add to the possible invitees.

The Clerk of the Committee (Mr. Trevor Day): What we'll do is, we can compile a list with the Clerk's office about a list of people you can sort of choose from—

Mr. Gilles Bisson: Then we can select.

The Clerk of the Committee (Mr. Trevor Day): So we'll put together a list of people, possibilities; you choose, and then we'll send out invitations and see what we can do to actually bring them in.

Ms. Lisa MacLeod: Thank you.

The Chair (Mr. Garfield Dunlop): What else do we have on the agenda?

The Clerk of the Committee (Mr. Trevor Day): We'll be back here again next week. The Clerk will have a presentation, and we'll move on from there.

The Chair (Mr. Garfield Dunlop): Okay, is there anything else anyone would like to add today?

Mr. Larry Johnston: Are there any requests for research?

The Chair (Mr. Garfield Dunlop): Any requests for research? Oh, we're going to just load it all on you at the same time.

Interjection.

The Clerk of the Committee (Mr. Trevor Day): Sorry, another point—

Mr. Gilles Bisson: Just one other thing before I forget; yes, there is one other thing, thank you. I wrote it down here, but we never got to it in chronological order. We, as caucuses, are going to be coming back with some suggestions ourselves, so I kind of envision what's going to happen is that next week, we get together; we hear from the Clerk. The Clerk lays out her sense of where things are at, what are the housekeeping things that should be done and possibly what are some of the things that we need to do to change how this place operates to give members more ability to do their jobs. But I'm sure the Liberals, New Democrats and Conservatives are also going to have suggestions as to rule changes, and so we would do that some time, I would think, after we've heard from the Clerk and put it into the mix.

The Clerk of the Committee (Mr. Trevor Day): Basically, I don't know if there's a copy here of—what we've looked for is, the background information section would be, in fact, the Clerk coming forward with some possible stuff; defined areas of study would be, I guess, breaking off stuff that we're not—

Mr. Gilles Bisson: That's what I wrote; I wrote "caucus" under that.

The Clerk of the Committee (Mr. Trevor Day): The proposed recommendations—I have below, after we do some information gathering, after we've sort of had a sense to get a feel for possible other jurisdictions, stuff like that, at that point, before the report writing is where

that would come in, and we could have the Clerk back to look at implications of some of the suggestions. But that's the point I sort of saw it as, under that.

Mr. Gilles Bisson: I only raise it because there's going to be some changes that I think we're going to agree on fairly quickly. I'm just using one for an example, I think it's standing order—oh, God, how could I forget? It used to be the old standing order 126. What is it called now? Is it still 126?

The Clerk of the Committee (Mr. Trevor Day): Still 126.

Mr. Gilles Bisson: Standing order 126 that calls on a two-thirds majority to do a review at a committee; I think we can agree it should just be a clear 50%. So there are things like that that I think we're going to agree to fairly quickly, and I don't want to put that too far down the order so that those things that we can all agree on in consensus—that's the best way to be able to move forward, that we just put that package together.

I want, if we could, after we've heard from the Clerk, we should start turning our minds to those things that we think we can propose as changes, some of which are not going to be acceptable by other parties, but we'll whittle that down to an acceptable package so we can move that forward.

The Clerk of the Committee (Mr. Trevor Day): If I may, that may be something that would work in the defined areas of study to get them out—

Mr. Gilles Bisson: That's where I put it.

The Clerk of the Committee (Mr. Trevor Day): Yes, get them out early.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Leal?

Mr. Jeff Leal: In fact, Mr. Chair, just to follow up Mr. Bisson, the areas that we have a consensus on, that may appear in the interim report, that we've got 15 items that there's a broad consensus on that we can move forward quickly with and get those changes, and then we'll have the second tier and maybe the third tier; the third tier probably being the most controversial and the first tier being the ones we achieve consensus on and get them implemented ASAP.

Mr. Gilles Bisson: I just say that because I think caucus is going to have to, today, start turning their attention to those changes in the standing orders that you want. I don't care, do it as a shopping list; if you want to put a huge shopping list, that's fine. But I think at one point, once we've heard from the Clerk and we get the defined areas of study, we can start finding out where we do agree so that we can put that package forward sooner rather than later.

The Chair (Mr. Garfield Dunlop): Okay. So we'll look forward, then, to the meeting with the Clerk next week.

Do we have anything else today from anyone?

The Clerk of the Committee (Mr. Trevor Day): Sorry, just one thing: You had requested standing orders from other jurisdictions. I have the links, and they'll be

emailed out to every member, but there are links to each of their standing orders, just to get you started.

Ms. Lisa MacLeod: And again, don't think that you need to go to the entire Commonwealth, but I think some places that are natural are other Canadian provinces, obviously the federal Parliament, the British Parliament, perhaps the Scottish and Irish—

The Clerk of the Committee (Mr. Trevor Day): On the first request, I believe we went federal, Britain, Northern Ireland, Scotland; we threw in Australia as one that we mimic—

Ms. Lisa MacLeod: Okay.

The Clerk of the Committee (Mr. Trevor Day): So that's the starting point. If you have more, please get them to us and we'll get you those links.

Mr. Steve Clark: That's a good start.

Ms. Lisa MacLeod: I'm excited. I'm very excited. Nothing gets a person more excited than rules and procedures.

The Chair (Mr. Garfield Dunlop): Anything else, anyone? Okay, we'll see you next week. The meeting is adjourned until next Wednesday at 1 o'clock. Thank you, everyone.

The committee adjourned at 1330.

CONTENTS

Wednesday 21 March 2012

Committee business.....	M-15
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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

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