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Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

517 College Street, Suite 401, Toronto, Ontario M6G 4A2
Telephone (416) 960-2284
Fax (416) 960-9392

VF:
CANADIAN ENVIRONMENTAL LAW
ASSOCIATION
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ONTARIO LEGISLATIVE HEARINGS MADE EASY

A paper outlining
the legislative hearing process in Ontario
and effective public participation in the hearings

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Barbara Warner
EYC Summer Student
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This paper is intended to explain the legislative committee process in Ontario, and help interested individuals and groups prepare to present to provincial legislative committees.

I spoke to a number of people at and around Queen's Park about process and procedure of provincial legislative hearings. These people were: David Warner, the Speaker of the Legislative Assembly and MPP for Scarborough Ellesmere; Deborah Deller, Assistant Clerk and Clerk of Committees; and Eva Ligeti, Ontario Environmental Commissioner. They had lots of information and advice regarding the structure of the committee process and how groups and individuals can become involved.

THE COMMITTEE PROCESS

After a bill passes second reading in the legislature, the Speaker asks if it will go to third reading. A member will usually stand up and say "No". Then, the Speaker asks if the bill shall be examined by the Committee of the Whole House, and in many cases, a member will say "No". The Speaker then defers to the Minister responsible for the Bill. The Minister then announces which Committee will be responsible for the Bill. From that moment until the bill is introduced for third reading, the bill is in the hands of the committee.

Once the committee receives the bill, the committee, usually through a subcommittee, must make a number of decisions. They must decide whether to hold public hearings, and how these hearings will be conducted. The committee will then advertise if they are welcoming appearances from the public; this advertisement is run for one day only in all the daily newspapers in the province. Organizations, groups and individuals are encouraged to participate in the hearing. Anyone interested in making a presentation to committee must then contact the clerk of the committee.

The committee may schedule submissions on a first come, first served basis, but may also choose a certain number of groups and individuals to present. They often make an effort to strike a regional balance, and a balance of groups on either side of the issue, if possible.

The committee must then decide whether to travel. Committees usually travel "the circuit"; that is they visit large cities in four areas of the province: south west, north, east, central (including Toronto). Committees usually sit 10 am - noon, and 2 pm to 5 pm, Monday to Thursday inclusive. The committee may also sit in the evening.

The committee clerk, on the basis of the requests to make presentations, will formulate an agenda for the hearings. This agenda is not made available to the public until it has been passed in the legislature and made available to all the Members sitting on that committee. This agenda is always subject to

change, as cancellations occur and other presentations are substituted in.

Committees usually hold public consultation hearings for three to four weeks. The next portion of the committee stage is a clause-by-clause review of the bill. Only members sitting on the committee and possibly the Minister and Parliamentary Assistants responsible for the bill may be present. This is a technical stage of the legislative process where the Members use their knowledge, hopefully augmented and influenced by public presentations, to make appropriate changes to the bill.

After the committee has finished making amendments to the bill, the bill is sent for third reading in the legislature.

PRESENTATIONS TO COMMITTEE

This is where the public comes in. Mr. Warner, Ms. Deller and Ms. Ligeti all had excellent advice for prospective presenters:

- After the bill has passed second reading, call the clerk of the committee ASAP to request a presentation

As many decisions about travel, sitting time and presentations are based upon the requests to participate, it is vital for prospective presenters to CALL AS SOON AS POSSIBLE. You could call the clerk of committees to inquire as to which committee will probably be dealing with the bill you are interested in. You can then call this committee's clerk to request a presentation.

This may help you snag a spot, although nothing can be confirmed until the committee officially receives the bill. After the advertisement for submissions is made in the newspaper, you must call the clerk of the appropriate committee to confirm your request to present.

-Ask the clerk to provide an agenda of committee hearings
This agenda will list who are scheduled to make presentations, where and when these presentations will take place. This will give you an idea of who is also planning on presenting. Please be aware that this agenda is subject to change. You should call a day ahead of your scheduled presentation to confirm time and place, in case there have been any changes.

-Request that your travel expenses be covered, if necessary
As the committee will only be travelling to a small number of cities, if at all, many groups may have to travel to be included in the hearing. It is possible to get travel expenses paid, but only for ONE PERSON who will be representing your (not for profit) organization. It would be wise to mention the necessity for the coverage when you request to present to the committee. Once you are actually at the hearing, you must then remind the clerk of your need to have travel expenses reimbursed. The

committee must pass a motion to that effect. Please be aware that you will have to pay the costs up front and receive reimbursement later. Individuals may have their travel costs covered as well; you should ask when you call to request a presentation.

-Provide the committee clerk with a written submission.

This document should include both a detailed proposal or critique of the bill AND an executive summary (2 - 3 pages max.). Both components are crucial. During the presentations, Members often flip through a document and read only the executive summary. Many Members do not have the time or inclination to read a large detailed document carefully, especially when they are given a half dozen or more such submissions each day. The summary is therefore a crucial part of a group's effective communication with committee Members.

The detailed report is essential for turning your proposals and/or critiques into amendments. Each committee is assigned a researcher, who reads and makes note of every submission. The researcher is the Members' main source of detailed information, particularly in the clause-by-clause work of the committee. The written critique / proposal is the best way to put the details of your submission in the hands of the Members, through the researcher.

- Send at least 25 copies of the report, as soon as it is available, preferably a week or more in advance

These copies will be distributed by the clerk. As members may be substituted up to 30 minutes into a meeting of the committee on any day of the hearing process, we cannot know for sure who will be sitting on the committee on a particular day. The most efficient way is to allow the clerk to distribute the submission to the committee. The clerk can also give it to the media, Hansard (the government publication which records all legislative proceedings), and others.

-Send other copies to the Opposition Critics, Ministers and Parliamentary Assistants

As you will not know for certain who will be on the committee, it is best to cover the critics separately. Although it is probable that at least some of the Opposition critics for the environment and energy, and municipal affairs from both parties will be present, who these Members will be is unknown. It is important that you send them the written information directly so that they know what issues are being challenged or applauded in the committee hearings. As the Minister is ultimately responsible for the bill, it may help to send a copy to each Minister involved. The list of Ministers and Parliamentary Assistants is available from the Journals Branch, at (416) 325-7450. The list of Opposition Critics should be available from the Office of the

Clerk, at (416) 325-7340.

-Choose your representative with care

As generally only one person may speak for a particular group, it is best to choose someone who is both well spoken and knowledgeable. Your representative will have to present a coherent, well prepared verbal summary, and answer Members' questions with appropriate detail and technical information. If you must travel to the hearing, you must remember that the committee will only cover the expenses for one representative.

-Be concise in your verbal presentation

The bulk of your suggestions and proposals should be detailed in the written submission. Your task at the hearing is to present a concise, intelligible summary of your views, and to answer questions. The most effective presentations are those which allow the Members to make inquiries. Presumably they have already read through the summary, or will have been guided through it quickly by you at the presentation. About half your allotted time should be committed to answering the committee's questions. This is crucial, as while they can read the detail in your document later, they cannot consult you later!

Be aware that your allotted time may be fairly short, necessitating a BRIEF presentation and careful time organization on your part.

Typical presentation times are as follows:

** Umbrella organizations	60 minutes
** Single groups	30 minutes
Individual citizens	15 minutes

These times INCLUDE time allotted for questions; no additional time is permitted.

** It is likely the first two times could be shorter

-Respond to questions with honesty and brevity

Don't be too worried about the Members' questions. Although opposition Members often use this as an opportunity to reiterate their views, this shouldn't deter you from inviting questions. A straightforward, concise response is always best. If you don't know the answer, say so. You can always offer to provide the requested information in writing later, if you don't know the answer on the spot.

On a technical note, the Chair of the Committee will take charge of the question portion of your time allotment. Once you say you're ready for questions, the Chair will call for questions from all three parties in turn (Lib, PC, NDP). The floor for questions will continue until your time allotment is finished or

the pool of questions has been exhausted.

CONCLUSION

Plan ahead. Call the clerk early to request a spot on the presenters' list. When you do present, be ready. Every person I consulted stressed the importance of having a written report with an executive summary, and a brief verbal summary complemented by a question and answer period. Everyone agreed that the best presentations were those which were short, to the point and engaged the Members in a discussion. No one should come before a committee and simply read excerpts from a detailed, technical document. Instead, send the appropriate written materials in advance and balance your speaking time between presenting your views and answering questions.