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Monday 12 June 2006

Lundi 12 juin 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 12 June 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 12 juin 2006

The House met at 1845.

ORDERS OF THE DAY

EMERGENCY MANAGEMENT STATUTE
LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS
EN CE QUI A TRAIT À LA GESTION
DES SITUATIONS D'URGENCE

Resuming the debate adjourned on June 7, 2006, on third reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997 / Projet de loi 56, Loi modifiant la Loi sur la gestion des situations d'urgence, la Loi de 2000 sur les normes d'emploi et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

The Acting Speaker (Mr. Michael Prue): On the last occasion, we were in the middle of debate. I do not see the member present who was here at that time, so we will go in the next order and I would call upon the members of the official opposition. The member from Simcoe North, you have the floor.

Mr. Garfield Dunlop (Simcoe North): I'm very pleased to be able to take part in I guess the leadoff section of our debate on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

This bill has gone on for a while. As you know, it was drafted originally and began, I believe, in the summer of 2003, following SARS and the blackout. It started out, as you may recall, as a committee bill. We hadn't really worked a lot with committee bills, but I think it was Bill 38 or Bill 39 at the time that we worked at to try to bring forward some legislation that would give the government powers in case of an emergency. I understand that during the blackout and SARS we actually had times when the government made decisions it may or may not have had the proper authority to do. So this is the sort of bill that in the end we feel needs to—although I've got problems with the bill, we'll likely be supporting the legislation. However, there are a number of comments I'd like to make on the bill tonight just to put them on the record.

As I said earlier, I think the bill was a direct result of the year 2003, when the government was faced with quite a few issues. Mad cow was certainly an issue, the West

Nile virus came into being and there was the SARS epidemic. Of course, the blackout also happened later in August that year. It was a wake-up call for a lot of reasons, and one of them of course was the whole issue around emergency management. As a result of that here we are today, finally, after three years, where I'm assuming there's going to be debate that likely will carry on this evening. I'm not sure whether debate will collapse tonight or not, but we're at the position where we've been through committee, we've been through clause-by-clause, second reading, and of course third reading will end fairly quickly.

1850

When I'm making comments tonight, I do want to say a little bit about the summer of 2003. It wasn't an easy year for the previous government, of which I was a member, and I do want to say thank you for the leadership I saw that year from our former Premier, Ernie Eves. Ernie had a very difficult time that year. The SARS outbreak and the blackout caused a lot of issues, a lot of problems. At the same time, these issues and problems made us do a lot more thinking about the types of things we were working with here in a province the size of Ontario, and the types of encounters, emergencies or disasters that may come forward.

I understand the bill was ready. In my conversations with Dr. James Young, who is a resident of Simcoe county—I know Dr. Young is a very strong advocate of this bill. He wants to see the bill passed in some form as quickly as possible. On a number of occasions I have talked to Dr. Young and he has mentioned to me that if we could please proceed with or without amendments—we need the legislation in place.

Three years later, here we are. We've had a couple of slight disasters. I'm not saying they're like anything we've seen with 9/11 or any of those types of disasters, but in this current government we've seen the Peterborough flood. I guess Mr. Leal is not here tonight, but anyhow, that was sort of a semi-disaster, certainly bad for the people in Peterborough, and the government did react to that community. I guess that was two years ago, the May 24 weekend. There were other areas of the province that got flooded quite badly as well, but the government didn't react to those areas, just to the community of Peterborough.

Then there was the tornado in western Ontario, the Wellington county area. The government reacted to that. They did come up with a little bit of money for that. I

guess I would say the latest crisis or the latest disaster is what we're seeing happening in Caledonia.

When we went to committee, I was quite surprised at how many people were in opposition to the bill. There were a few minor amendments made, but I felt that going into committee—I know there were groups like the Ontario Medical Association. OPSEU had some comments. Virtually everyone who came in had a number of potential recommendations or amendments to the bill to make it better. The disappointment is that we have a government majority here; the government really didn't listen to the potential amendments, and the bill is virtually the same as when it was introduced.

Let me clarify that. There were some amendments made, but certainly not to the extent that the stakeholders, those who came to committee, would have liked to have seen.

I felt at first that if we supported the bill we'd be letting down the people who came forward with those amendments. But in the meantime, we have seen just recently, two weeks ago this weekend, people arrested for potential terrorist activities here in our country. Some of the people were doing training, actually as closely as Simcoe North, the riding that I represent. I can tell you that it's a wake-up call. You realize there is the potential out there for—whether it's a terrorist activity, whether it's an act of God or whatever it may be, a disaster is a disaster, an emergency is an emergency and we want to make sure that we have the proper legislation in place. With that, I felt that although our party doesn't really support the bill completely, there's enough there to go down the path of passing the bill and, whatever problems do arise, we can always make improvements to it down the road.

It's my understanding, talking to my caucus colleagues, that our party will be supporting the bill. I want to make it clear that we would like to have seen more amendments made to it, but we understand the reason it should be in place. That is, if there were a blackout tomorrow, or if there were a SARS outbreak or any kind of pandemic, we want to make sure that at least we're covered here. We don't want to be in a position where we're holding up the possibility of allowing the government the flexibility they need in case of an emergency, if something does occur.

While I have the floor tonight, I want to talk for a few moments about some other disasters we've had. I have to put this on the record tonight because I thought there were so many people who did such an outstanding job, both politically and at the administrative level: all of the good volunteers and employees, the stakeholders who worked to bring about a conclusion to what had occurred during a couple of major disasters we had.

One, of course, was the SARS outbreak in 2003. If you recall 2003, I think you'll remember that probably all of us in this room thought we'd be going to the polls in late May or June that year. Then I guess it was around the end of March that this word "SARS" came up. I didn't know an awful lot about it at the time, but I can tell you

that over the next two or three weeks we realized what a disaster we had on our hands and how hard it was for people to adjust to the kind of problem it was.

I go back to, in particular, our Minister of Health at the time, Tony Clement. I thought he did an outstanding job working with Dr. Jim Young and Dr. Colin D'Cunha, who was the medical officer of health for the province of Ontario.

During the SARS outbreak, if I'm not mistaken, Minister Clement and Dr. D'Cunha almost on a daily basis had a press conference and tried to keep the general public and the media up to date on exactly what was happening with that disaster. I can tell you, trying to convince the World Health Organization to lift some of the sanctions they had put against Ontario—I'll never forget the day, one of the days I was most proud to be an Ontarian and a parliamentarian, that Tony Clement walked into this House. He had been to visit the World Health Organization in Geneva, along with Dr. Colin D'Cunha, and came back and reported that day on their accomplishments. Tony and Dr. D'Cunha had been through a lot that spring. Yes, we had lost lives here in Ontario. Hopefully those lives that were lost will be a lesson for anything that ever happens in the future. That, of course, goes right back to what we're seeing here tonight in Bill 56 and basically the final passage of this bill.

I felt that with the leadership we saw that spring with Premier Eves and all of the doctors and nurses and all the health care professionals who worked in public health and in hospitals etc., particularly in Toronto and the GTA but even in some of the smaller hospitals outside of the GTA, they did a remarkable job in dealing with something we'd never seen before in this province. I hope it never happens again in the foreseeable future, or even in our lifetime, but hopefully, if it ever does happen again, the lessons learned from 2003 will help others in the future.

1900

I have had a briefing from the Ministry of Health and Long-Term Care on a possible pandemic. They're preparing for that across the province with the public health units. The Ministry of Health is doing a lot of work behind the scenes. Hopefully, we will be prepared for anything that does happen in the future, not only here at Queen's Park but at the federal level as well.

I do want to say, though, that the actions of Premier Eves during the blackout and the SARS epidemic have led me to see a problem today, and that's what I would consider to be the lack of leadership from the current government. I was disappointed today in some of the answers that the Premier gave on the Caledonia situation, the crisis. This is turning out to be a much, much bigger issue than I would ever have thought. People are looking for leadership on this file right now. We have not seen the Premier or the Minister of Community Safety and Correctional Services present at Caledonia.

You can call it a disaster, you can call it a crisis, you can call it an emergency, but the reality is, this is something that's growing by the day, by the week. It's costing

this province a lot of money. It's costing a lot of our OPP officers. They're tired. They're weak from the amount of time they've had to put in down there. They've had to wear a lot of the burden of any negative side of the Caledonia crisis. I asked the Premier today if he would visit Caledonia, or the Minister of Community Safety and Correctional Services. Of course, they don't want to be there. But I don't think it has to be a finger-pointing trip if they go. In their leadership roles, as leaders in our province, they can go down and send a strong message that everybody cares and we want to find a peaceful resolution to this crisis as soon as at all possible.

Although this is not part of Bill 56, I do think we have a crisis on our hands. I don't think we're going to see an early conclusion to this at all now. We could be standing here at the end of the next session, in late December, and there may still be blockades on the streets around the community of Caledonia. Hopefully there won't be blockades in other communities because of a lack of action. I urge the Premier and the Minister of Community Safety and Correctional Services as well as the minister responsible for aboriginal affairs to at least try that.

I don't think that bringing David Peterson in as the mediator is working. We heard today that he has hardly been there at all. We haven't seen an awful lot of him. So in Caledonia right now it looks like the Ontario Provincial Police are the only people who are there trying to do anything. Someone's negotiating behind the scenes or whatever, but we're not seeing any conclusions. We've been there for over 100 days now, and I would say, if anything, this issue is escalating in Caledonia as opposed to being resolved by now. We're coming into a period of the year, the hot summer days, when tempers seem to flare even more. I think it's important that this issue gets resolved and gets resolved as quickly as possible.

I think that's why I was afraid, why I didn't want to see the Premier have a lot of additional powers under Bill 56, because my concern is, depending on who the Premier is, they may not be able to handle that type of pressure under a crisis. I think we're seeing this in Caledonia. That's one of the problems. Not only myself but a number of people who presented to the committee talked about the powers of the Premier and where we were going with that.

Take, for example, the Ontario Association of Fire Chiefs. I'll just read this on the record. I'm not going to take a lot more time on this, but I want to put a couple of these things on the record:

"The O AFC has concerns with the Premier taking direct control of a municipality's resources or requiring a municipality to provide its resources to another area without any consultation or input from the municipality. This is a real change from previous practice where the province provided support to the local emergency responders.

"First, the province is not a direct deliverer of front-line services; therefore, it does not have the expertise to effectively direct and control the local municipality's administration, facilities and equipment. The province's role should be as a support mechanism to those who do

deliver the services and have the expertise, i.e., the municipal governments."

It goes on and on with those kinds of comments. I just wanted to say that we heard that over and over again in the standing committee on justice policy. The powers of the Premier seemed to be an area where most of our respondents were disappointed and wanted amendments made.

That has not occurred. However, we know that this Premier may not be the Premier much longer, so we have an opportunity to put people in the position with maybe more courage than the current Premier has. Some of these issues may be able to be addressed easier by someone else.

I wanted to say to you, as I mentioned earlier, that we have a bill here that I think a lot of the people who attended our committee hearings would have liked to have seen amended in more ways than one, but the government chose not to make those amendments. They've chosen to go on the path they're going on. But that's not to say that another government a couple of years down the road couldn't make major amendments and make the bill a lot better than it even is today.

I do appreciate the fact that I've had this opportunity to make a few comments tonight. It's actually the leadoff speech. I'm not going to take the full hour tonight. I think I've made my point clear in the opening remarks in the one-hour leadoff on second reading debate. As I said earlier, our caucus is in support of seeing this bill passed. It has really brought our attention even more to some of these potential activities, and we certainly don't want to be in a position to hold back the government from making legal decisions in case an emergency happens. Hopefully, disasters and emergencies of the magnitude we're talking about will not happen and we'll be safe from that in the future, but that's not to say that they can't happen.

I appreciate this opportunity to say these comments tonight and look forward to further debate on this bill.

The Acting Speaker: Questions and comments?

Mr. Gilles Bisson (Timmins–James Bay): I listened intently to the comments made by my colleague from the Conservative caucus. There are a couple of questions I would have in regard to this particular bill and his analysis of it. I'm one who, unfortunately, has had far too many opportunities to deal with emergency measures legislation in regard to evacuation of various communities on the James Bay over the past number of years. The one that will always come to mind is Kashechewan, because everybody knows about that. But every other community, Attawapiskat, Fort Albany—and even Moose Factory at one point was almost evacuated. And we've had to deal with emergency measures.

As I read the bill, there are sections of this bill that give cabinet a heck of a lot of power. One of the things I don't like in the legislation—I'm going to have an opportunity to speak to it a little bit later—is that it gives cabinet the ability not only to decide when an emergency can be declared, but also very much more ability to play with what is being provided when people are evacuated.

For example, if there is a disaster in your community, currently there are standards that they have to provide when it comes to what you will get when you're evacuated to another community as far as shelter, food, allowances, all of those things. I wonder if there is a sense from the member that that may be somehow lessened with this particular legislation. I don't know if you've read it that way, but I would be interested in seeing what you have to say.

1910

The other thing is, just generally, the power we give to cabinet. We all understand that cabinet has to have the authority to deal with these things, and I'm not going to begrudge any government wanting to have that power, but as I read this legislation, it's fairly far-sweeping in the amount of power that we give cabinet when it comes to dealing with the Emergency Management Statute Law Amendment Act. I'm wondering if the member, in his reading of the law or this particular proposed law, feels that maybe we're giving up a bit too much, that we need to have some sort of mechanism to put checks and balances in place.

Mrs. Christine Elliott (Whitby–Ajax): I'm pleased to be able to participate in this debate on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act and the Workplace Safety and Insurance Act. The purpose of course is to provide the Premier and the Lieutenant Governor in Council with powers to act in an emergency for the benefit of the health, safety and welfare of all Ontarians. The bill also amends the definition of "emergency" to include any dangers caused by disease or health risk and also amends the title of the act from the Emergency Management Act to the Emergency Management and Civil Protection Act.

Certainly the events of the last few years have demonstrated the need to have an emergency management statute of some type, from the epidemic of SARS in 2003, the blackout also of the same year and even up to the last few weeks when we've witnessed the arrest of 17 suspects for alleged terrorist activities. So there certainly is a need to have a coordinated response in the event of a disaster in Ontario and to be able to respond to it immediately and effectively.

The bill gives the Premier and the Lieutenant Government in Council virtually unlimited powers for a period of time in Ontario, depending on the nature of the emergency, and gives them the ability to act without the consent of the Legislature. There is also no need to consult with municipalities, which will be on the front line of actually implementing the emergency measures.

While we all agree that there is a need to have an emergency management statute, there are still several significant concerns the Progressive Conservative Party has with this legislation. Basically, the issue comes down to one of balance, and there are two significant areas where, in our view, the bill needs to be amended to provide that necessary balance, because as you give significantly enhanced powers to the Premier and the LG in Council, you also have civil liberties on the other side

that are being infringed. I'll speak about this later, if I have the opportunity.

The Acting Speaker: Further questions and comments? Seeing none, the member from Simcoe North.

Mr. Dunlop: I'd like to thank the member from Timmins–James Bay and my colleague Christine Elliott, from Whitby–Ajax, for their comments on the leadoff.

There's no question that the member from Timmins–James Bay has had a number of cases, and even in the last year two or three cases, where there have been evacuations of people in his riding. I think if there's anybody in this House you'd want to listen to on potential emergencies, it would be the member from Timmins–James Bay, because he's reported directly here on a number of occasions the concerns he has had with the process that was in place to evacuate people.

When we talk about evacuation, something that came up during the committee hearings—and I didn't get a chance to mention it in my speech—was the fact that there was strong concern from a number of people on the evacuation of animals. That goes right back to the pets that were left behind in Hurricane Katrina when it hit New Orleans. People would not leave their homes because there was no evacuation process to look after their pets as well. We've done a little bit with the OSPCA on that, but much more has to be done.

In the end, I think what's important is that in 2003 there were certain decisions made that the government didn't have the legal authority to make, because it didn't have the legislation. In the end, this legislation should improve upon that and hopefully we won't have disasters or emergencies to deal with, but we have to have a process in place.

The Acting Speaker: Further debate?

Mr. Bisson: I looked forward to participating in this debate for a couple of reasons: One, from a personal interest reason, is as someone who has had to deal with EMO over the years in regard to evacuations in my riding of Timmins–James Bay. It was mentioned earlier that unfortunately those communities along the James Bay lowlands in the springtime far too often flood, and we find ourselves in the position of having to evacuate people to other areas, other communities in Ontario, in order to make those people safe. I want to speak to the experiences I've had over the years in dealing with EMO and how I think some of the stuff in this legislation and some of the questions I had in committee weren't adequately addressed.

But I just want to say this up front. First of all, for the EMO staff, I have their phone number in my BlackBerry. I call them on a fairly regular basis, unfortunately, with Kashechewan now, still, evacuated for almost a couple of months, and it probably will remain evacuated until some time this July. We're hoping that in July people will be back in.

I want to say first of all, through this debate, that any time I have called EMO staff at the centre in Toronto, they have been very professional in providing support and responding to the requests I made to them. I always

remember one particular story where Attawapiskat was being flooded some years ago and Theresa Hall, who was the chief at the time, gave me a call. It was a bit of an odd story.

It was springtime. There was no indication that there was going to be flooding. I'd been talking to the community the day before about a community meeting we'd be holding on the following day, and people had said to me, "Oh no, it looks like the river is fine. Everything seems to be going quite well." So I got in my plane and flew up to Moosonee. The plan was that I would fly to Moosonee in mid-afternoon, I would have the meeting, and the following morning I'd fly into Attawapiskat to conduct the community meeting that we had scheduled.

At the time that I landed, there was a phone call on my BlackBerry and it was Chief Theresa Hall, saying that the community was being flooded. The issue there was trying to get aircraft into the community in enough time to start evacuating people. She had obviously already called emergency measures through the MNR, and MNR had acted quite quickly in order to get EMO involved and started doing the evacuation. But at one point, about 1 o'clock in the morning when we were on the phone, calling back and forth, the water started to rise quite quickly and it got a little bit scary for a lot of the residents there because it looked like the place where they were being held, which was on high ground, was about to be flooded. She called me up and said, "We need to get some more airplanes out here. They stopped flying because it's dark."

So I called EMO and got the officials on the phone. They were quite professional. They asked, "What do you think we should do?" I said, "Why don't we call DND and get a couple of Hercs up there?" I've got to say that EMO did it. They called the Department of National Defence. They managed to find some extra aircraft through DND. That was the problem: We were flying Otters from MNR and we had a couple of charter aircraft that we were flying to take people out, but it wasn't sufficient to get people out in time. My hat's off to the staff at EMO that responded to the request I made because, lo and behold, about 4 o'clock in the morning the Hercs started landing in Attawapiskat. So I have had some personal experiences with the staff at EMO and they've been quite helpful.

This brings me to my point, which is the staffing levels at EMO and other agencies that are responsible for, first of all, coordinating the evacuations on the spot, and then receiving people as they come out to other communities to be relocated. This is where we really fall down. We can try to devise whatever bill we want in the end, but if we don't have adequate staff on hand to deal with people when they come into the community, it's a problem. For example, we now have about 100-some-odd people who are lodged in various hotels and arrangements we have in the city of Timmins for people from Kashechewan. There's no money to assist the municipalities in order to coordinate the work that needs to be done in those host communities. It's left to the local municipi-

ality to basically bear the cost of trying to coordinate bringing 100 or 200 people into your community. For example, the community of Kapuskasing I believe has almost 300 Kashechewan residents in it. I believe that Hearst has over 100, Timmins has over 100, Sudbury has quite a few, as do Thunder Bay, Greenstone and others. And it's up to those communities, unfortunately, to bear a certain amount of the costs when it comes to the coordination of what needs to be done to make sure that the services people need once they're evacuated are put in place, which brings me to my next point.

1920

Imagine that a small community somewhere in northern Ontario is host to evacuees. It's a tax on their police force, it's a tax on their emergency services as far as ambulances and firefighters, because a lot of those people end up having to deal with the residents as they are evacuated into the local community. Again, it's a real difficulty in some of the communities because many of the communities are without the resources, I would argue, in some cases to even properly and adequately provide the level of service that they want to their own citizens, let alone having an influx of 200 or 300 people coming into the community.

One of the things we've seen over the years in the city of Timmins is that they've been very good at opening their arms and welcoming people as they come in from the James Bay and providing fairly good service to the people as they come down. We see them as our neighbours or brothers and sisters, part of our extended family, but it's very taxing on the city. I know, talking to Chief Laperriere at the police station and talking to Mr. Pintar, who is the chief of the fire department, and talking to Joe Torlone at the city, who is the chief administrator, executive director, whatever his title is, it's taxing, because within their own budgets they're having to try to care for people as they come into the community—not pay for the hotel room, not pay for the food, but do all the work for the coordinating of what happens.

The other thing I find that is a bit of a shame—the first thing I would say on this legislation, just in passing on that point, is that the government just can't pass legislation; they need to provide the means for municipalities to be the host communities so they can adequately care for people as they come into the community. To do that, you've got to beef up some municipal services to be able to assist with the evacuees when they're in a community.

The other thing is the issue of coordination of the people who are in the community. One of the things that always struck me, and it happens every time—and I understand, to an extent, because you're flying people out in an emergency, but it's like, people show up at the runway to be boarded on an aircraft to be taken out and there are local coordinators who are brought in by EMO to try to coordinate people, but far too often I've been in positions where families get split up. In the previous evacuation of Kashechewan last fall, I had to arrange for a number of families to be brought back who had been split up. Mother, father, maybe five, six or seven kids, end

up somehow getting split between two different communities because all of a sudden they said, "Okay, you guys line up. You're getting into the first airplane." There are two airplanes on the tarmac, and all of a sudden they cut the line in the middle of the family and the father ends up with two kids in one community and the mother ends up with four kids in the other community. People say, "Why didn't they speak up?" Because they speak Cree.

We need to be sensitive to the issue that the first language of many of the people who live on the James Bay is Cree; in Howard Hampton's riding, both Cree and Ojibwa. Those are the languages spoken in those communities. Sometimes EMO staff—not because they're trying to be mean—don't pay too much attention to what some of the local people and the band council are trying to tell the EMO staff when it comes to making sure that they're heard when somebody says, "Hang on a second. This is a question where you're splitting up the families." It doesn't happen all the time, but I can tell you it's happened far too many times that I've seen evacuations. One of the things that I've asked EMO over the years—and I've got to say they've gotten better at it—is to try to listen more to the local people in the community when it comes to the issue of evacuating people to make sure that mom and dad end up in the same place along with the kids. The extended family—grandparents, aunts and uncles—is the other thing you've got to look at.

Again, I realize for the record that EMO staff work hard. Sometimes you don't have the time to do as good a job as you can, but we should, as much as humanly possible, try to do that, which brings me to my next point. And to be fair, we do it to an extent, but we have to, much more so, involve local community members in the planning of the evacuation. We need to listen far more to those people from the local band councils or communities that might have to be evacuated, because after all they know the players. And if there is an elderly person or a young person whose language skills are not sufficient to communicate in English and who only speaks Cree, at least you'd have somebody who is able to say, "Hold it. That's so-and-so's daughter. That's so-and-so's mother. Make sure they end up in the same place, because grandma is one of the primary caregivers for the family." So we need to take that into account.

The other thing is that we've really got to resource this thing properly. I know that my good friend and leader, Howard Hampton, will speak to this because he has also had the opportunity, unfortunately, to deal with evacuations. It's a whole issue of resourcing. You need to make sure that you properly resource the community that's being evacuated and the community that's receiving the evacuees. It has to happen on both sides. There's a huge cost to a community that's being evacuated. For example, in Kashechewan the whole community has been pulled out—there are about eight or 10 people who are left there for purposes of security—but they still have things they need to do. There are bills that need to be paid. People, when they're taken out still have their bills to pay back

home in their home community or whatever reserve they might be from. What happens at times—and it has happened far too often—is that all of a sudden the benefits stop flowing from various programs, income support programs, that people might be on. That might be, more times than not, ODSP or welfare itself. What ends up happening is that the person falls further and further behind. There needs to be some sort of mechanism to make sure that people, when they return home, don't find themselves in the position of having had to use the money they get from their welfare cheque to survive when they're in the evacuated community and having to incur the costs of that, and then going back after a month or two of evacuation, facing hydro bills, rent payments, whatever it might be, fuel charges, that are incurring on their home as they left it as they evacuated, because you've still got to leave the power on, you've still got to pay electricity to make sure the home is heated if it's in the spring or fall or, at the very least, making sure that the fridges and freezers work—making sure we don't put people behind.

That's one of the issues we have right now, that people at one point were having to use the money they normally get from their welfare cheque. You've got to recognize that there's 90% unemployment in those communities and many people survive on a welfare check. It's a damning indictment, I say, of the reserve system, but that's for a whole other debate. I'm a firm believer that the reserve system was set up to fail and is doing quite well with that expectation.

Part of the problem is that people end up in an evacuated community, let's say, like Hearst, and all of a sudden the per diem cheques that they're supposed to get on a daily basis from EMO to provide adequate food, clothes etc. for people when they're living in the evacuated community sometimes don't happen right away; sometimes it's a bit slow. Most—all the time, it's never enough.

For example, in one of the evacuations I dealt with—I forget which one it was; it was fairly early in the spring, so it was still quite cold—people were evacuated so quickly they literally left with the clothes on their backs. They ended up outside of the community for a period of about a week and a half without proper winter boots, without proper gloves, without proper coats. Kids, families were having to survive with only the clothes they came out with on their backs. You can't expect people to live in the same clothes for a week or two. People had to go out and buy a change of clothes. In some cases, they had to buy boots for the kids, boots for themselves, mitts, hats, those kinds of things. As it turned out, the weather had turned quite nasty. Luckily, in this case it was the town of Cochrane. Mayor Lawrence Martin, who is a former Mushkegowuk grand chief, understood what the issue was and, with his welfare department, came to the rescue. But EMO would not provide, at that time, the money needed for the evacuees to make sure that the children had proper boots, coats, mitts and all those things that they needed.

So we need to make sure that we properly resource the host communities and we properly resource the evacuated communities, so that people have an adequate amount of money when they're evacuated into a community to be able to survive. Nobody argues for a second that you give people \$1,000 a day. That's not what we're talking about here. We're saying we should look at rates in a realistic way and say what it costs for an individual to be out of a community on a per-day basis when it comes to food, when it comes to taking the bus to go from one end of town to the other—because people aren't going to sit in their hotel room all day; they'll maybe catch a movie or whatever it might be that you would normally be able to do—so that they don't use their welfare cheque to do that while they're in the evacuated community, only to come back to their home community behind the eight ball financially. That happens far too often when we evacuate people out of those communities.

I'm a little bit distressed at times at some of the comments that I'll hear from some of the people involved in the evacuation, saying, "Well, they just shouldn't have spent the money." I just say to any member of the Legislature here: Get evacuated, get put in a hotel room for two weeks, and tell me you're going to stay there and watch cable TV for two weeks with five kids in the room. You're going to want to take your kids out, go for a walk, maybe bring them to the pool if there's a pool in town. Maybe you want to bring them to a gym or take them to a show, or maybe bring them out to a restaurant or something, just to divert the attention of the children so that there is a semblance of normalcy for the evacuees. That costs money, and we need to reflect that inside our particular rates.

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The other thing I want to say has to do with the level of staffing in the EMO itself. We've really got to look at that, because that is a problem. I want to say up front that over the years there have been austerity measures, with the former government and this government to a certain extent, to try to run as lean and as mean as you can. One of the effects of that is that the very people we need working within the EMO to provide services to those who are being evacuated are not in the numbers that they need to be.

On top of that, if you take a look at our public health units—for example, we talk about what happened with the SARS outbreak we had a few years back. We don't have the adequate staffing within the public health units to respond to what would be another SARS-type outbreak if it was of a serious nature. In fact, the chief medical officer of health for the province of Ontario has said on a number of occasions, as I remember, that we need to make sure that the public health units are properly staffed and able to respond to an emergency when an emergency is declared, something that right now would be very difficult. I would argue that if you were to have a major pandemic break out in Ontario, our public health units and hospitals would have somewhat of a difficult

time responding to the emergency, based on current staffing levels

You can't look at emergency measures legislation without also recognizing that you've got to do something on the other side, which is the whole issue of making sure that we properly staff those agencies that are there to respond to the emergency: public health units, hospitals, community supports, police, fire—all of those people. We need to make sure that we properly staff them.

I've only got about three minutes left and I just want to end by saying that we've gone through a fairly difficult time in the community of Kashechewan over the last year. That community has been evacuated three times in about 12 or 13 months and kids have lost a school year as a result of that. Every time they're pulled out, it takes a while to reorganize the education opportunity for kids when they're evacuated to another community, so a number of kids are going to lose their school year this year, which is rather unfortunate. Families, obviously, have had their whole lives turned upside down a number of times as a result of the failure of the infrastructure in that particular community.

I've got to say, on behalf of Charlie Angus, my federal member, and myself, it has been very frustrating for us to finally get the federal and provincial governments to deal with the issue of doing the proper thing in Kashechewan. We've been saying for years that we're just spending good money after bad. Every time we have a flood, the community floods out and we spend \$10 million to \$20 million to fix the damage, depending on the severity, and then we wait for the next flood the following year. Recently we're spending almost like clockwork. The last evacuation, I believe, came in at over \$20 million in capital reconstruction that had to be done to the community. That was the evacuation from last spring. We spent some \$20 million only to redo it again this year.

We've been calling on the federal and provincial governments to move that community, as we did with the community of Weenusk when we moved them upriver to Peawanuck. I'm glad to see that Charlie and Leo Friday, the chief and his band council and myself were successful in getting the federal government to agree that that should happen last fall. We signed an agreement. Jim Prentice, the Minister of Indian and Northern Affairs—as a result of a lot of pressure put on by Charlie, myself, Leo, his band council, Stan Loutitt, Stan Beardy and others—and the government finally recognized that they have a moral obligation and a fiduciary responsibility to make sure that that community is moved, and moved as quickly as possible, and that we bring them to higher ground before we end up in a situation like Weenusk some years ago, where it took the death of two people for the government to finally move that community.

It's going to be a trying time for the community, to say the least. You're uprooting an entire community and moving them to another location somewhere on higher land. Obviously, there are going to be some trying times for them, because they're still going to have to remain in a community that's at risk in the time that we are con-

structing the new community. That is very hard for many of them to take, because there are a lot of emotions that run deep. We've lost four or five people in that community over the last year because of failed infrastructure. We had two people die in a jail fire. We had a little girl die in a fire as a result of no fire protection. We had a guy die in the back of a pickup because he had a heart attack and there was no ambulance to bring him into the nursing station. He died in the back of a pickup truck in the middle of December or January. We had a young girl die in Fort Albany as a result of not having emergency means to extricate her out of a situation she was in when she got lost out on the bay. It has been a tough time, and I ask people to have patience and to think about this community and the hardship they've gone through.

The Acting Speaker: Questions and comments?

Mr. Dunlop: I just want to thank the member from Timmins–James Bay for his comments. As I mentioned a little bit earlier in the evening, he has a riding which I believe is as big as France. It's as big as countries in Europe, but of course it hasn't got nearly the population. When they have an emergency, they have a true emergency, whether it's a fire or, as in the case of Kashechewan, where they had to have people evacuated a couple of times. I hope that when the comments of the member from Timmins–James Bay are put on the record, people in the Ministry of Community Safety and Correctional Services are indeed listening, because it's a completely different type of emergency than what we'd see in a Peterborough flood, a tornado in Wellington or SARS or even a blackout, when you have this huge geography that you're trying to cover with very, very few people and very, very few resources. His comments certainly brought to me, anyhow, an understanding of the vastness of the province of Ontario and how, when we do pass legislation like Bill 56, there has to be the thought behind the legislation that the government has to be able to react to the situations that might come up, no matter where they are in the province, be it a flood or whatever.

I do appreciate his comments. I hope the ministry listens carefully to not only comments that he would make on an evening like tonight but even in times like question period, when sometimes you think a question is just for political purposes. The reality is, in most cases, with the vastness of the geography that we have in Timmins–James Bay, there are some serious repercussions to it.

Mr. Howard Hampton (Kenora–Rainy River): I'd like to take a few moments to comment on my colleague's discourse on where emergency measures and emergency preparedness really matter. The government has, with great fanfare, announced this bill. I know it's the experience of the member for Timmins–James Bay, and it's my experience as well, that when you talk to the front-line people out there who have to respond to emergencies, whether they be people fighting a forest fire or folks evacuating someone from a community because of the threat of flood or threat of forest fire, the resources are very meagre and, in many cases, the people on the

ground are flying solo. In other words, they have to make the decisions despite the fact that they might under-resourced and despite the fact that none of the higher-ups appreciate exactly what the situation is on the ground. I don't see anything in this bill which is going to change that.

I don't see anything in this bill which is going to ensure, for example, that our paramedics are better resourced. I don't see anything in this bill which is going to ensure that fire services across the province are going to be better resourced, that police are going to be better resourced or that the Ministry of Natural Resources, which has to respond to many of the emergency situations once you get outside of organized municipalities, is going to be better resourced. In fact, today many of them are resourced worse than they were a year ago. Take, for example, the Ministry of Natural Resources, which at the district level has had its budget cut by 10% now. Conservation officers don't even have enough money to put gas in the half-ton to go out and enforce conservation laws. I think that's worth noting: a lot of fanfare here, but not much on the ground.

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Mr. Bas Balkissoon (Scarborough–Rouge River): I just want to thank the member from Simcoe North, the member from Timmins–James Bay and the member from Kenora–Rainy River for their comments on the bill. Let me just say that I appreciate the comments. Planning for the next emergency is a real challenge because you really cannot quantify the magnitude of the next emergency.

What this bill really does for us as the government is provide all the tools and the flexibility so that cabinet and the Lieutenant Governor in Council can make decisions without worrying that they're making those decisions without the power to do so. In fact, the bill is very clear that it provides the opportunity for the government to pursue making orders in 14 different areas. Hopefully that will help us to deal with the next emergency better than we have dealt with previous ones. As the member from Simcoe North clearly stated, the previous government had difficulty with SARS. They had difficulty with the blackout. His leader at the time struggled as to taking decisions without knowing that he had the power to do so.

This particular bill has provided the government with that flexibility. In fact, this bill brings Ontario to par with other provinces and the government of Canada in giving the government the power to act when we have an emergency, giving the government the tools it needs to protect public safety.

I hear the members from the north that it is a challenge to deal with emergencies up there, and we recognize that. That's where the emergency management offices, working with the people and the regions in that area, will improve their emergency plans, and hopefully the next emergency will be better than the last one. We're hoping that, as we move along, we'll amend the legislation and make it better. This is an amendment to the Emergency Management Act that hopefully makes it better.

The Acting Speaker: Further questions and comments? Seeing none, the member from Timmins–James Bay.

Mr. Bisson: I want to thank the members for having responded to what I had to say. I'm just going to leave it on this point because Mr. Hampton, my leader, sees it the way I do: as the ones who are dealing with the actual evacuees in the emergencies that are managed under this act. You've got to resource what's on the ground. If you don't resource it, it ain't going to happen. That means, provide the funding and the staffing levels needed in order to provide services.

I ended my presentation earlier with talking a little bit about what had happened in Kashechewan in regard to one individual who died in the back of a pickup truck with a heart attack because there was no ambulance to transport the fellow from his home to the nursing station. That shouldn't happen anywhere in Canada, yet we allow that to happen in our First Nations. I just find it utterly unacceptable that we are in a country that allows that to happen. Why should a First Nations person be treated any differently than anybody else? Yes, the government says, "We're trying to do the best that we can. We don't have the amount of money. We'd like to respond." But these issues have been around for a long time.

Again, in Kashechewan—I hate to bring up Kash all the time—no fire department. We lost three people in fires in the last three or four months. Those are the types of resources you've got to put on the ground in order to properly deal with emergencies when they happen, either a local emergency or an emergency that you need to evacuate people.

I was at the funeral of—we called her Trees—a little girl who was about six years old who died in a house fire. There was nothing that could be done because there was no fire department, no ability to combat the fire. We don't even have the means to enforce having smoke detectors in the house. You're at a funeral of a little girl like that—I'll tell you, it brings it home pretty quick. It makes you remember that we all have a responsibility, and the quicker we take it, the better off people will be, and hopefully we don't have to go to more funerals.

The Acting Speaker: Further debate?

Mrs. Liz Sandals (Guelph–Wellington): I'm very pleased to take part in the debate on Bill 56, An Act to amend the Emergency Management Act. I think maybe it's important for us to start out by defining what it is that this act is really about, because it's very specifically about how we manage emergencies and it's about how we manage a specific kind of emergency, those very, very significant emergencies that reach the status of a provincial emergency. So it's not about routine firefighting; it's not about your local fire department's funding; it's not about how much the conservation authority pays for gasoline; it's not about those routine things which, quite frankly, are taken care of in other budgets in other acts quite adequately. It's about those very extraordinary circumstances where, in the words of the act, we have a

danger of major proportions which may impose serious harms on persons or substantial damage on property.

I think it's worthwhile to talk about those things that have been recognized as provincial emergencies in the past because we actually have had two provincial emergencies in the recent past. The hydro blackout, the electricity blackout, of a few years ago was declared a provincial emergency, as was the SARS outbreak. That began to get us thinking about what a provincial emergency might be. It could be the failure of man-made infrastructure, which was the case in the electricity blackout; it could be a health emergency, a pandemic. You could argue that the ice storm in eastern Ontario a few years back, had this legislation been in place, might have qualified as a provincial emergency. So there we see a weather-related event of extraordinary proportions, which, in turn, led to a major blackout in eastern Ontario.

When I've spoken about this bill before, I have been reluctant to bring it up because I don't believe in a school of politics that feeds on fearmongering, but one of the things that our experts warned us about is that we in Canada, in Ontario, can also be vulnerable to terrorism. We thankfully, we are told, had avoided that sort of thing here. Clearly, the courts will have to sort that out. But nevertheless it can serve as a warning that, again, an act of terrorism could possibly lead to implementation of this act, an act that has to do with emergency management in the context of a significant impact within the province.

The member for Simcoe North talked about those two previous provincial emergencies his government had to manage and, in fairness to his government, managed in quite a credible way. But the Commissioner of Emergency Management of the day, Dr. James Young, before he went on to become the federal emergency management commissioner, talked to our government when we first came in and, having come from that recent experience of having to manage two provincial emergencies which were quite different in nature—one was SARS; one was a major blackout—said, "While we have the ability to declare a provincial emergency in legislation, there is actually no power, no framework, laid out in legislation about how that provincial emergency is to be managed. So we get this first step down the way of having the power to declare an emergency but then no legislative framework that describes how we can manage it, what are the proper powers, what's the limit of the powers, what's the extent of the powers."

That is what this bill does. Every other province in Canada has legislation already, and has had for a number of years, which defines the powers of the provincial government in the case of a provincial emergency. Ontario, the biggest province, for some reason is lacking this legislation, and that is the hole that we are filling in this case.

As I say, on Dr. Young's advice, having dealt with these two previous emergencies—because folks will recall that during the time of SARS, during the time of the blackout, the Premier of the day and Dr. Young, as Commissioner of Emergency Management, did in fact issue a

number of orders provincially telling people what to do. It's actually questionable whether that authority existed, so that's what we're fixing.

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What are some of the emergencies that are laid out? The Premier, the cabinet and the Commissioner of Emergency Management, as the case may be, will have the power to restrict travel or order evacuation. For example, if you think back to SARS, it became an issue of who could travel where, because you don't want the disease to spread and hence you have the potential need to restrict travel. We are also establishing the ability, as part of those emergency orders, to establish facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals, because you can imagine that in some circumstances where there has been a disaster which has an impact on physical property or where we need an evacuation, you need that emergency facility set up.

Fixing prices for necessary goods, services and resources and prohibiting price gouging and, quite frankly, managing the distribution of those—again, if we think back to SARS, we had the issue around hospital workers and other emergency workers needing first dibs on the supply of masks, because you run the possibility that you might have general panic and have people hoarding medical supplies. It's important that we be able to manage that and make sure that the people who are actually the emergency workers have first dibs on the available supplies during the management of an emergency.

We're also widening job protection for people who are unable to work because of declared emergencies. It's quite possible that when there is an emergency, people may not be able to get to work. The transportation system may be shut down, perhaps they're under quarantine, any number of reasons. We did see some evidence during SARS of people not wanting to stay under quarantine because they were afraid they would lose their job. We're putting in place the legislation that will protect people who obey those orders.

Another thing that has come up—and this has become an interesting clause—is the possibility of authorizing people to render the service which they are reasonably qualified to perform. Some people have tried to warp that into a requirement for conscription, and that's just not true. In fact, the committee that originally looked at the framework for this legislation had quite a debate around whether or not conscription was appropriate in Ontario, and in fact said no, it isn't. So this is definitely not a conscription clause, but what it does is make sure people who have a skill to offer are allowed to do it.

For example, if you had somebody who is trained as a paramedic in Quebec and you have an emergency in eastern Ontario, they would not normally be recognized as paramedics in Ontario. What this does is say, "Look, you're trained to be a paramedic in Quebec, New York state, Minnesota or Manitoba, as the case may be. If you wish to come and help us during this emergency, we're going to authorize you to do that work and help us out."

Currently, as everybody knows, we have some reasonably restrictive language around who can perform professional services, and we want to make sure that that doesn't get in the way of people who genuinely want to help during an emergency. So this is not conscription language, as some critics have tried to characterize it; in fact, it is legislation which welcomes people who are qualified and want to help us out.

We've amended the bill during clause-by-clause and committee hearings to include animals in the evacuation power. Actually I think the member for Simcoe North explained that. We have amended the bill to allow for the transport of livestock in an animal health or health emergency. As we look at the whole issue around pandemics which jump from animal populations to human populations, the whole interplay between the treatment of animals and the treatment of humans is becoming much more important.

We've also made a number of other amendments to the bill, but in closing, what I want to emphasize is that what we are doing here is laying out a legislative framework to ensure that in the event of another provincial emergency—and sooner or later, no matter what government is in power, there will be another provincial emergency. That's unfortunate, but it's true. We want to make sure that when that happens, and it will, we have in place a proper framework to manage that emergency. So I certainly hope that all my colleagues in the House will be supporting this legislation.

The Acting Speaker: Questions and comments?

Mr. Hampton: As I listened to some of the government members speak about this bill, one would almost think that it is a brand new Emergency Management Act and that Ontario has never had an Emergency Management Act before. I think it would be a mistake to leave that impression. In fact, Ontario has dealt with several emergencies in the past. I think of the Mississauga train disaster; I think of blackouts that happened in this province in the late 1960s, early 1970s; I think of the ice storm; I think of the loss of electricity, at least in southern Ontario, in the summer of 2003. In fact, Ontario has several pieces of legislation that deal with emergency measures. For example, the chief medical officer of health for Ontario has emergency powers, chiefs of police have emergency powers and chiefs of fire services have emergency powers. So I think the government here is engaging in some scare tactics when they almost want to portray it as if there are no emergency measures out there. Ontario has a long history of dealing with emergencies, a great deal of experience, and a number of officials and authorities that have emergency powers.

What we're really dealing with here are some amendments to emergency management, emergency measures legislation. I think what we ought to be doing is actually debating these amendments. I can tell people watching at home that New Democrats think that some of the measures that are included here are pretty draconian. I would refer folks to think about the War Measures Act and some of the things that happened under the War Meas-

ures Act. But I think we should keep the debate to the amendments here, and not try to pretend that somehow there's no emergency measures capacity in Ontario. There is and has been.

Mr. Bisson: I just want to respond quickly to one particular point the member made, and that is, "Let's not get things confused." I think what she is saying is that there are emergency measures that deal with the emergency and then there are things that happen in local communities, and somehow the two of them aren't related.

I just want to remind people that, far from that being the case, you have to have in local communities proper emergency services to be able to respond to issues in the community, be it a house fire, be it an emergency where somebody is in danger of drowning or whatever it might be. You have to have the facilities, you have to have the infrastructure and you have to have the manpower to be able to respond. If you don't, what could be a small emergency could end up becoming a pretty large disaster. For example, if you don't have the ability to combat a local brush fire, as is the case in many communities that I represent because they have no fire department, that brush fire or that house fire could end up becoming, under the proper circumstances, quite a large disaster.

So for the member to say that somehow or other we shouldn't mix apples and oranges and come into the Legislature to speak about core emergency services within a community, getting it mixed up with the Emergency Measures Act, I strongly disagree. Quite frankly, I believe the two are connected. Far too often, the emergency measures people rely on our emergency staff in our communities to be able to conduct the evacuation or whatever activity they need to do. They rely on fire services; they rely on firefighters; they rely on the police services; they rely on paramedics; they rely on hospitals. They rely on many of the services we have in our local community. My point was that if you don't staff those adequately, then I don't care what you've got for legislation; it's not going to mean a heck of a lot if you don't have the people on the ground.

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The Acting Speaker: Further comment?

Mr. Dave Levac (Brant): You didn't think I was going to turn that down any more after what was happening.

It's unfortunate that the member from Kenora-Rainy River is trying to portray this as other than an amendment to a bill that's already in existence. I mean, to try to portray it as something that the government side is saying is a brand new piece of legislation is incorrect, flat out incorrect. But what's unfortunate about the problem he is trying to create is that there is an evolution and a revolution that's taking place on a regular basis on emergency measures, the things we learn from around the world on how to respond.

One of the things I proposed even when I was in opposition, and was sometimes scoffed at, is trying to get in front of those situations by planning in front of those types of disasters. One of the challenges I left with the previous government—and I would challenge our own

government to take a look at it too—was to start engaging in conversations with architects, start engaging in conversations with the Japanese, who know how to deal with certain circumstances that create those problems. The second thing is, why shouldn't we be looking at it? The member from Timmins-James Bay and I talked about this before; that is, how do we take a look at various ways that we house our First Nations people and those who can't afford it along rivers and lakes and along the shorelines? Are the types of things we are doing progressive to the point where we need to start trying to get in front of those types of emergencies that are taking place?

The other piece of this puzzle is to try to make sure that we coordinate all of the things the member from Kenora-Rainy River was talking about. It's not as if they don't have those; we know that they exist. It's the coordination of that and being able to have a government that's in front of that as well. That's what this piece of legislation is trying to do. Maybe it needs some amending and maybe we need to take it to committee and have discussions about that, but the intent of this is to try to put those pieces of the puzzle together so that when we do have these emergencies, we are responding in the best possible way that we can and the most progressive way that we can do that. We can't do that if we are fragmented to the point where we don't know what one group is doing beside the other. I think there is a better way to do it. It's an evolution, not a first time.

Mr. Cameron Jackson (Burlington): I want to commend the member from Guelph for her comments, and I certainly support and endorse them in terms of the fact that we really do need to contemporize this province's ability to manage through any kind of emergency, disaster or unforeseen global incident that puts lives and services at risk in our province.

I was in cabinet when we had the ice storm. I marvelled at two things: just how resourceful people were in terms of how quickly they were able to respond, but then I was also amazed at that time at how the province of Quebec was able to take advantage of certain factors that occurred, that we as a government really didn't have the instruments. We still proceeded, but we lacked the instruments in order to do that. I never quite forgot that, that we should be looking at this legislation, which isn't new. Maybe the minister got a little excited and enthusiastic about his legislation and referred to it as all new, but that's not the issue. The issue is that these are amendments on which we have been given good legal counsel with respect to what their intent can be.

Obviously, when you give governments that amount of authority there are civil libertarians and others who will express concern about that. But for those of us who have dealt with some of the uniquely challenging circumstances when these emergencies occur, I can tell you from my perspective it has always been a great concern for me how to evacuate individuals who are not ambulatory. Hospitals have always had a preparedness plan, but on a very large scale there are large numbers of disabled

in the community we don't have plans in place for, and we're going to need to deal with that. So I will be supporting the legislation.

The Acting Speaker: The member from Guelph-Wellington.

Mrs. Sandals: I'd like to thank the members for Kenora-Rainy River, Timmins-James Bay, Brant and Burlington all for their comments. I want to echo what my colleague from Brant said: Clearly, there has been an Emergency Management Act in Ontario, and it addresses a lot of things. It addresses both management and preparedness at the local level. What it does not currently address is powers in a provincial emergency, and that's what we're filling in.

Obviously, there are local fire services, local police and local ambulance services that do an amazing job every single day of the week in reacting to local emergencies. In fact, when we were doing public hearings at the justice committee in the original committee version of the bill, one of the things which absolutely—not amazed me, perhaps, but which very much heartened me and led to my respect for the emergency services in our province is that not one of the presenters from the emergency services questioned that when there was an emergency they would be there, they would be looking for the way they could help the public and make the public safe. They were simply looking for our support in making sure that they had the legislative support to manage in the most extreme cases. Clearly, the local firefighters already have the legislative authority to go and fight a house fire. Clearly, paramedics have the authority to go and do routine accident intervention and pick up patients and all those sorts of things. That's not what we're concerned about here. We're concerned about those sorts of extraordinary things that a province might have to do in terms of managing the resources of the province to make sure that we can deal with a big, province-wide-scale, major-impact emergency. That's what this legislation does.

The Acting Speaker: Further debate?

Mrs. Elliott: As my colleagues the members from Simcoe North and Burlington have indicated, the Progressive Conservative Party will be supporting this bill, because we also believe that it is necessary to update the Emergency Management Act in order to be able to be proactive and to be able to deal effectively and quickly with any emergency, should it arise. Certainly, the events of the last few weeks have indicated to us that there is a threat, potentially, to Ontarians and Canadians with the arrest of a number of suspects on the basis of alleged terrorist activities. While, thankfully, that was stopped before anything happened, I think it has heightened the awareness of all Ontarians and all Canadians that we're not immune to threats and we need to prepare for them proactively.

Having said all of that, we do have some significant concerns still with the legislation. Broadly termed, we can put them into the issue of balance, the need to

maintain a balance between two competing forces. I'd like to address two of those issues, if I might.

The first issue is this question of civil liberties. There's no question that, with the enhanced powers that are given to the Premier and to the cabinet, they have virtually unlimited power for a certain period of time in the province of Ontario to do whatever they deem is necessary in order to protect the health and welfare of all Ontarians. When you have enhanced powers, on the one hand, I believe we also have to recognize that there's going to be a diminishing of civil liberties on the other hand. I think that's something that we all need to recognize and come to terms with, and we need to make sure that any diminishing of civil liberties during any period of emergency is kept to a minimum, so that it's only done where it's absolutely necessary in order to protect the health and welfare of Ontarians.

If I may paraphrase from the submissions that were made to the justice policy committee by Mr. Alan Borovoy, who's with the Canadian Civil Liberties Association, he indicated that he asked for amendments to the powers being considered by the committee to say that where there is a declaration of emergency by the executive there must be (1) prompt ratification by the Legislature, which may revoke the declarations and any measures adopted under it, and (2), an immediate reference to a court of superior jurisdiction to determine the declaration's validity, even where the emergency is terminated before the hearing begins. This would help subsequent governments get a better feel for the correct interpretation of the statutory language and would fuel useful political debate about the handling of the emergency.

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Secondly, he indicated that measures adopted pursuant to a declaration must be (1) no more intrusive and no more geographically extensive than is reasonably needed, and (2) must be explicitly subject to a judicial power to revoke or reduce the measure if successfully challenged in court.

The question of civil liberties is of course an important one and we would urge the minister to take that into consideration prior to passage of this legislation.

There's also a need to balance the issue between responsibility and authority, as well as between provincial authority and municipal authority. It has been submitted that while the new legislation does give the Premier and cabinet the ability to enact very broad-reaching extensive measures in order to protect the public interest, the actual need to enforce those powers or declarations rests with the municipality. That's something that again I would urge the minister to take into consideration prior to passage of the bill, because concern has been expressed by a number of municipalities and also by the Ontario Association of Emergency Managers.

Again, if I might quote from a declaration in a statement that was made on behalf of the organization of the Ontario Association of Emergency Managers and by Mr. Alain Normand, who's the president of the association, his concern was as follows:

“We understand that in some instances decisions must be made quickly. However, in Ontario, every municipality is now mandated to have an emergency plan, to designate a community emergency management coordinator and to have the appropriate tools, training and exercises to respond to emergencies. I’m very glad to report to this committee that all municipalities in Ontario have ... complied with this legislation. This implies that there is already a force of professionals ready to coordinate appropriate measures in every municipality. These professionals now run the risk of having the Premier come into their municipality to ... take over the emergency response, regardless of existing provisions and extenuating circumstances.

“We contend that the people who understand the circumstances the best are those at the local level, not the Premier. These people now run the risk of seeing the province force them to take actions that are contrary to their best judgment, and of being fined or jailed if they refuse to comply. Emergency management in Thunder Bay or Moosonee is different from emergency management in Toronto or Ottawa. The people who understand this most are the people on the front line, not the provincial government.”

Again, I would urge the minister to take into consideration the need to consult with the municipalities that are going to be affected by any declaration, to make sure they are able to respond to it and that that particular declaration is going to be appropriate for their municipality. As Mr. Normand has indicated, the needs of Toronto are very different from those of Thunder Bay or Moosonee.

Again, I would urge the question of balance on these several issues to be taken into consideration by the minister prior to the passage of the bill.

The Acting Speaker: Questions and comments? Further debate?

Mr. Hampton: I am pleased to have the opportunity to take part in this debate because this bill has, shall we say, an interesting trajectory in terms of coming before the Legislature. This is Bill 56. When it made its first appearance, it was Bill 138, but many of the measures that were in Bill 138 are in this bill. When I say we should look at the trajectory of Bill 56 and how it got here, we have the benefit of some comments of one of the most learned legal experts in the province, a former Deputy Attorney General and now a justice in our courts, and I’m speaking of Mr. Justice Archie Campbell.

After the McGuinty government produced Bill 138—and make no mistake, Bill 138 had some very draconian powers in it—Mr. Justice Campbell had an opportunity to look at Bill 138. I think it’s important for the people of Ontario to know what he had to say about the Bill 138 legislation, because the government was saying that Bill 138 was going to be the be-all and the end-all. It was going to be, shall we say, almost a transcending piece of legislation in terms of emergency preparedness and emergency response. That was until Mr. Justice Campbell had a chance to look at it. This is what he had to say.

He looked at Bill 138; in fact, he looked at some of the specific sections of Bill 138. By the way, those same sections that were in Bill 138 are now in Bill 56. That’s why I think Mr. Justice Campbell’s remarks are so important. He looked at these sections that were originally in Bill 138 and are now in Bill 56, and he said, “This power is awesome.” Someone else said that the power the government wants to give itself here could be described as “grandiose.” An emergency order could override any law that promotes the public good or protects individual rights.

Mr. Justice Campbell said that in particular the override power—that was part of Bill 138 and is now part of this Bill 56—is “deficient and dangerous.” He said it’s not reasonable to override “the foundational laws that underpin Ontario’s democratic legal system including”—and I can read off some of the statutes—“the Habeas Corpus Act, the Legislative Assembly Act, the Human Rights Code, the Elections Act, and the Courts of Justice Act.” The government would give itself the power in one section of Bill 138, now Bill 56, to override all of those protections of individual rights and all of those protections of democratic rights. The government would give itself the capacity to override those.

One of the things that Mr. Justice Campbell concluded in his critique of the bill—I repeat, the sections that he was very critical of have found their way into this bill. One of the things he said is that the government should take a sober second thought. The government should look at this very, very carefully. The government should think twice and this Legislature should think twice about giving any one person or group of people that kind of power. I think it would be wise for people across Ontario to actually look at Mr. Justice Campbell’s comments, because I think they remain germane and relevant to the discussion we’re having here tonight.

One of the other things that has bothered me a bit about this legislation is when the minister introduced it and when the minister’s legislative parliamentary secretary spoke to it. They both wanted to pretend or used language which would suggest that without this bill Ontario has no emergency preparedness or no emergency powers or no emergency authority. Talk about a case of oversell; that was it. I think people need to recognize that we’ve had emergencies in this province before. We’ve had hurricanes. I think it was Hurricane Hazel in the 1950s, where large sections of southern Ontario were flooded and, yes, some people lost their lives. Police, fire services, ambulances services and the province as a whole had emergency powers that they were able to use. I think of some of the electricity blackouts that happened going back to the late 1960s and early 1970s. Once again, the province had emergency powers and different officials in the province had emergency powers. I think of the ice storm, and I think of the Mississauga train derailment, where a number of toxic chemicals were involved in that. I think we all recognize that officials and authorities in the province had emergency powers. So while the minister tries to pretend that without this bill

there would be no emergency power, I think what we need to recognize is that there are really three elements to emergency authority in the province.

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One is the specific statutory powers to deal with specific emergencies, which already exist. For example, there is emergency power to deal with forest fires. The chief medical officer of health has legislation which gives him or her the authority to deal with certain public health and other emergencies. Similarly, chiefs of police and fire chiefs all have emergency powers. Some of them are written down in legislation, some are common law.

Then there is the broad common law, the broad inherent powers not set out in legislation, such as the power used to evacuate 218,000 Mississauga residents after the 1979 Mississauga train derailment. The government wants to say in this presentation of the bill that you don't have the authority to evacuate. I think anyone who was there for the Mississauga train derailment would be scratching their head and saying, "What do you mean you don't have the authority to evacuate? We evacuated 218,000 people, and did it in very short order." The common law provides public authorities and officials with that kind of authority.

Finally, in this province we have the Emergency Management Act—there actually is an act called the Emergency Management Act—which provides no additional emergency powers but concentrates existing powers for effective emergency deployment and provides for emergency plans. I think it's important to keep that in mind. We actually have an infrastructure, a legislative and common law legal jurisprudence that sets out emergency powers and when and how those powers can be used. In fact, those powers have been used repeatedly, either at a local level, at a regional level, or in some cases on an almost province-wide level, and they've been used fairly frequently in this province.

What this debate ought to be about is the specific amendments that are included in this Bill 56 and whether and to what extent those amendments are necessary and whether and to what extent those amendments are advisable. That's where the comments of Mr. Justice Campbell are particularly relevant and germane. In fact, I actually think we should be looking in detail, when we debate this legislation, at the analysis of Mr. Justice Campbell, because Mr. Justice Campbell was dealing with one of the most recent and most serious emergencies. He was looking at how this province responded to SARS and what needed to be done to better respond to that kind of emergency, which was not just a health emergency. Let's face it, that emergency, at its height, bordered in some places on public panic. I remember getting on an airplane and seeing about half the people on the airplane with medical surgical masks, and I thought to myself, "Boy, we're not far short here of people starting to lose control, of people going way over the top."

In looking at this legislation, I think perhaps the most relevant thing we could do, the most important thing we

could do, is actually look at what Mr. Justice Campbell said when he did his review of the SARS crisis and how the province did or did not respond to the SARS crisis. That's why I think Mr. Justice Campbell's comments about the sections that were originally in Bill 138 and are now in Bill 56 are so important, because Mr. Justice Campbell openly and very directly questions whether we should be giving a government—any government—the kind of power that the McGuinty government now wants to have to step all over individual rights, to step over the rights of the Legislature, to step over the rights of the courts, to step over common law rights, to step over the Elections Act. I think we would be wise to listen to Mr. Justice Campbell.

I want to repeat again. He says, "The power that the government seeks to give itself is awesome." He has never in his experience—and I repeat, he is someone who has had great legal experience in this province, who, in fact, as Deputy Attorney General, had to deal with some emergencies in the past. His attitude toward this legislation and this bill is to question it and to question the need for it.

The other thing that I think is quite relevant about Mr. Justice Campbell's comments is that when he looked at SARS he made some recommendations of things that needed to be put in place in order to have good emergency preparedness. I looked for this in the bill, because I would hope that the government would put in place some of the things that Mr. Justice Campbell actually recommended. One of the things that he very specifically recommended as a fundamental inclusion is a section in the bill which would indicate, in his words, that "All health care workers should have whistle-blower protection to report any public health hazards to medical officers of health."

I admit here he's dealing with public health issues, but he's saying specifically what you want to include in emergency measures legislation or emergency management legislation is that health care workers need to have whistle-blower protection. Why did he put that in? Here's the interesting history. During the SARS crisis, when literally dozens of people were coming down with this very serious illness and we were actually seeing this illness jump from hospital to hospital, hospitals in one region to a hospital in another region, it turns out that nurses, front-line health care workers, were actually sounding the alarm bells within hospitals and within the health care system, saying, "Part of the problem here may be that we've got nurses working in this hospital and then they go work in another hospital and then they go work in another hospital, and it may be that those very nurses are actually carrying this virus from one location to another." Nurses were actually ringing the alarm bells within the health care system, saying, "Something is wrong, and this is what we think is wrong," and, in fact, they were told to keep quiet. They were told to keep quiet or risk being fired, risk being disciplined.

I wonder how many lives could have been saved, and how much public stress and worry could have been

saved, if that kind of legislation had been in emergency measures or emergency management legislation, giving front-line health care workers the capacity to blow the whistle and go directly to the chief medical officer of health and say, "This is what we think has gone wrong," or, "This is what we see on the front lines."

Mr. Justice Campbell recommended that this be put in any sort of future emergency management, emergency preparedness legislation. But you know what? It's not in this bill. A very specific example that came out of the most recent crisis the province has had to suffer through, a very specific recommendation of Mr. Justice Campbell, and do we find it in this bill? No, we don't. It's not there.

Again, I go back to the beginning. The government wants us to believe that this is going to be the be-all and the end-all of emergency preparedness in this province. I think Mr. Justice Campbell would look at it and say, "Boy, there's a glaring problem here if you don't give front-line health care workers the legal capacity, the legal protection to go to the chief medical officer of health and say, 'Look, we're on the front line, and we think this is the problem, and we think this is where resources ought to be directed.'" There's a glaring problem here.

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Equally, as Mr. Justice Campbell has pointed out, there's a glaring problem in the powers that the government does seek to give itself, which Mr. Campbell is very wary of. In fact, with respect to Bill 138, he recommended that the Ministry of the Attorney General take a look at the measures that were in Bill 138, which find themselves here again in Bill 56, to look seriously at the constitutionality of them and also to frankly look at to what degree they undercut some of the fundamental underpinnings of our democracy. I think what Mr. Justice Campbell is saying is that the government is going too far, that the government doesn't need this kind of authority; or where the government would seek to have this kind of authority, they need to put better checks and balances in place to ensure that it is not used inappropriately.

A while ago—and I saw some government members rise to the bait when I said this. A few decades ago we had the War Measures Act in effect utilized in this country. People can go back and forth and debate whether the government of the day needed the War Measures Act, if it was necessary—I'm not going to debate that point here tonight—but what I think all people would recognize is that when the War Measures Act was utilized by the then federal government, a whole lot of people were picked up and put in jail who had absolutely no connection whatsoever to the original reason for the War Measures Act being utilized. If we remember the War Measures Act, it was utilized because there was a perceived crisis with the FLQ in Quebec. But, in fact, a whole bunch of people who had no connection—not the remotest connection—to the FLQ were put in jail and held for long periods of time using those emergency powers under the War Measures Act. So trade unionists who had no connection to the FLQ, artists who had no connection

to the FLQ, and people who resided elsewhere in Canada and who had no connection with the FLQ in Quebec were put in jail.

I think what Mr. Justice Campbell is saying is that there is a situation where emergency powers were very seriously abused, and he is urging us as legislators to look at to what degree the government really needs the powers that they claim in this act, and ought there not to be some checks and balances to those powers? On behalf of New Democrats, I agree with Mr. Justice Campbell. There's far more authority in these amendments than the government needs, and there aren't enough checks and balances to protect Ontarians from abuse.

The Acting Speaker: Questions and comments?

Mr. Balkissoon: Again, I want to thank the member from Kenora–Rainy River for his comments. I just want to clarify two of the points he raised. First of all, the Emergency Management Act that we have today has served the government well, but unfortunately, that act deals with the infrastructure of municipalities and the preparedness of municipalities. It does not have the powers the province requires in a provincial emergency. What we're doing here is amending that particular act and giving the government the flexibility and the powers it would need to act in an emergency in the future. This act is very clear. It creates 14 powers that cabinet or the Premier can act upon to make sure that public safety is protected.

To comment on his issue regarding Justice Campbell and civil liberties, the act finds that perfect balance. The powers are given to cabinet and the Premier so that they can act on behalf of the public and protect the public, but at the same time, the act has accountability to the public. In fact, the act clearly states that the Premier has to report to this assembly within 120 days, and that report must include all the orders that have been issued during the emergency and clearly state the justification for those orders. The act has gone one step further also: All the actions of the Commissioner of Emergency Management have to be included in the Premier's report to this assembly.

This is a piece of legislation that, yes, does take away the rights of the public for a small period of time during an emergency, but at the same time, the Premier has to report to the public on a regular basis. It's stated clearly in the act, he has to do that. He has to report to this assembly in 120 days. When we declare an emergency, it's declared for a period of 14 days; that can be extended by an additional 14 days, to 28 days. So the act strikes a real balance between taking away civil liberties and accountability.

The Acting Speaker: Questions and comments? Seeing none, the leader of the third party.

Mr. Hampton: I thank the member for Scarborough–Rouge River for the points that he's made, but I go back again to Mr. Justice Archie Campbell who, as I say, has had experience on more than one side of emergency measures. As a former Deputy Attorney General in the province and someone who worked in the Ministry of the

Attorney General for a long period of time, he's been one of those who has been in a position to exercise emergency powers and to advise governments in the past in the exercise of emergency powers, and he has the specific insights and knowledge that come out of being in the individual commission to look at the SARS crisis and to comment on what went wrong with the SARS crisis and what ought to be in future legislation.

The people in this province would be wise to listen to Mr. Justice Campbell when he points out that this government would give itself the authority in this bill to override the foundational laws that underpin Ontario's democratic legal system, including the Habeas Corpus Act, the Legislative Assembly Act, the Human Rights Code, the Elections Act and the Courts of Justice Act. That's the authority this government seeks in this bill.

Before this Legislature gives any government—not just this particular government but any government—that kind of authority, we ought to heed the advice of someone like Mr. Justice Campbell very carefully. As I read Mr. Justice Campbell, he is advising us not to do this. He says this legislation goes too far.

The Acting Speaker: Are there any other honourable members who wish to participate in the debate? Seeing none, and in the absence of the minister who moved the original motion:

Mr. Kwinter has moved third reading of Bill 56, An Act relating to emergency measures. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

There are a lot more than five members here. Call in the members. There will be a 30-minute bell. No, there won't.

I have here from the chief government whip to the Speaker of the Legislative Assembly: "Pursuant to standing order 28(h), I request that the vote on the motion by Minister Kwinter for the third reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000, and the Workplace Safety and Insurance Act, 1997, be deferred until the time of deferred votes, June 13, 2006." Signed by Dave Levac, MPP, chief government whip. That will be deferred until tomorrow.

Orders of the day.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move adjournment of the House.

The Acting Speaker: The minister has moved adjournment of the House. Shall it carry? Carried.

This House stands adjourned until Tuesday, June 13, at 1:30 of the clock.

The House adjourned at 2040.

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