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**Official Report  
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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 5 March 2012**

**Lundi 5 mars 2012**

Speaker  
Honourable Dave Levac

Président  
L'honorable Dave Levac

Clerk  
Deborah Deller

Greffière  
Deborah Deller

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 5 March 2012

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 5 mars 2012

*The House met at 1030.*

**The Speaker (Hon. Dave Levac):** Please join us in prayer.

*Prayers.*

INTRODUCTION OF VISITORS

**Mr. Monte McNaughton:** I would like to welcome back to this Legislature my wife, Kate Bartz, and our family friend and former page of the Legislature, Anthony Boland. Welcome.

**The Speaker (Hon. Dave Levac):** Further introductions? The member from—Timmins—James Bay.

**Mr. Gilles Bisson:** There is no way I'm going to tell you, Speaker; no way I'm going to tell you.

I'd like to welcome our guests who are just arriving from the CAA. They're here today on their lobby day, and they're meeting with members from all three political parties to talk about the importance of road safety and other issues. Welcome to the assembly.

**Mr. Peter Shurman:** It's my pleasure to introduce representatives from the Canadian Automobile Association's three Ontario clubs, collectively representing over 2.2 million Ontarians. The CAA is here today as part of their advocacy day. Guests include president and CEO Nick Parks and chair Dina Palozzi from CAA South Central Ontario, president Tim Georgeoff and chair Frances Mannarino from CAA North and East Ontario, and president Pat Nielsen and chair Bruno Iafraite from CAA Niagara. Please welcome them to Queen's Park.

**Hon. Brad Duguid:** It's my pleasure to introduce the Automotive Industries Association of Canada, including president Marc Brazeau and manager of policy and communications Jason Kerr, here promoting their Be Car Care Aware campaign. They're joined by some of their members who are leaders in the aftermarket automotive industry, an \$18.2-billion industry that employs more than 420,200 Canadians. I'd like to welcome them to the Legislature today.

**Mr. Reza Moridi:** It's my pleasure to introduce Ms. Vijaya Narayan, mother of page Kriti Ravindran, from Richmond Hill, sitting in the public gallery here.

**Hon. Glen R. Murray:** We have a guest in the House today all the way from Uganda. Adrian Jjuuko is a human rights lawyer. He is here with York University. This is a very courageous young man who is not gay, who is a lawyer and a human rights activist in Uganda. Within the next month or 60 days a law will likely be

introduced in the Uganda Legislature making being gay or lesbian subject to the death penalty or being HIV-positive subject to the death penalty. Adrian is here with my friend Doug Elliott. I would like you to recognize him.

There are many reasons I'm a little emotional, Speaker. To be a friend of the gay and lesbian community, Adrian is risking personal death and at least seven years in prison simply for speaking out on behalf of gay and lesbian human rights. As you know, many gay and lesbian people have been beaten and killed.

**Mr. Kim Craiton:** I'm really pleased to introduce Rick Mauro. He's the vice-president of marketing and public relations for CAA Niagara from the great riding of Niagara Falls.

**Mr. Bob Delaney:** On behalf of my colleague the member from Brampton West, I'm pleased to recognize a group from Nigeria Customs attending the Canadian Training Institute in Brampton. I'm pleased to introduce, in the members' east gallery, instructor Samuel Amoah and Lesley Anne Amoah, Mustapha Mohammed Munir, Nuruddeen Musa, Birdling Bubwa Abasiryu, Njoku Emmanuel Ifeanyi, Ayawa Danladi, Heme Howell Ndukwe, Chibuike Chinaka and Awogbemi Petson Olanrewaju. Please welcome them to the Ontario Legislative Assembly.

**Mr. Jagmeet Singh:** I'd like to introduce to the House—they were here briefly, and I think they might have stepped out—the family of page Sophia: mother, Jakai Shwe; father, Sai Shwe; and sister, Grace. They're all here to see page Sophia, so I'd like to welcome them.

**The Speaker (Hon. Dave Levac):** Further introductions?

We have two introductions in the Speaker's gallery. We have in the Speaker's gallery someone who is probably going to take notes about how well I do, former Speaker David Warner, the former MPP from Scarborough—Ellesmere in the 30th, 31st, 33rd and 35th Parliaments, and Speaker from 1990 to 1995. Welcome.

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As well, we have with us today in the Speaker's gallery the ambassador of the Portuguese republic to Canada, His Excellency Pedro Moitinho de Almeida, accompanied by the consul general of Portugal to Toronto, Mr. Júlio Vilela. We welcome them with warm feelings. Thank you very much, gentlemen, for being here.

It is now time for oral questions.

## ORAL QUESTIONS

### RENEWABLE ENERGY

**Mr. Tim Hudak:** Thank you, Speaker; my question is to the Deputy Premier.

Any good jobs strategy, a jobs plan, will involve reliable and affordable energy in the province of Ontario. The McGuinty government has taken us down a very expensive path in the feed-in tariff program that is driving up our rates. In fact, you've created a bit of a gold rush, with tens of thousands of applications already in the kitty for these expensive subsidies, and you're going to continue down that path.

Deputy Premier, given that every other country that tried this, even 10 years ago, is backing away or ending these programs altogether, if we want to create jobs in Ontario, shouldn't we do the same and have reliable and affordable energy to attract investment and job creation here?

**Hon. Dwight Duncan:** To the Minister of Energy.

**Hon. Christopher Bentley:** I thank the leader for the question. We are committed to clean energy, to clean energy jobs and to reliable power. Over the last eight years, the people of the province of Ontario have done a lot of work fixing a power system that was left in some state of disrepair, bringing on new generation and eliminating coal, which, although it looks cheap, is very, very expensive and bad for the health of the province of Ontario.

We're committed to a reliable system, a clean system and an affordable system, and we're committed to the opportunities that clean, green energy jobs present for the people of the province of Ontario.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Tim Hudak:** Back, then, to the minister, Speaker. Minister, as our energy rates have gone up, our job creation has gone in the opposite direction. The higher the energy rates, the less attractive Ontario is for investment and job creation; the things are obviously very related.

So I think it's important now to take a step back, to pause and to chart a different course to reliable, affordable energy that will help create jobs in the province again; to make us robust in job creation, not at the back of the pack. The important part of doing this, when you look at the Auditor General's report, for example, is to end your feed-in tariff program that is driving up rates.

Let me ask you, Minister, directly: Will you end this feed-in tariff program that Ontario families simply can't afford?

**Hon. Christopher Bentley:** No. We are committed to clean energy. We're committed to clean energy jobs. In the last two years, we have over 20,000 jobs in the province of Ontario, we have over \$27 billion of investment that's come in to support those jobs and jobs to come, and in the course of developing clean, green energy, we're saving the lives and the health of thousands of Ontarians and we're getting out of the 18th-century technology that the party opposite seems to be committed

to. Coal does not have a future in the health or the lives of the people of this province. Clean, green energy does, and I'd call upon the leader opposite to support clean air, clean energy and the thousands of jobs that go with it.

**The Speaker (Hon. Dave Levac):** Final supplementary?

**Mr. Tim Hudak:** Back to the minister: It is disappointing that on a very serious policy issue, the minister engages in these specious arguments that aren't related to the matter at hand.

Your program has become increasingly expensive. There was a devastating report by the Auditor General this past December that indicated, for the jobs that you brag about, he felt that three quarters were in fact not full-time, permanent jobs, as you argue. In fact, the Auditor General says that for every job you create through big subsidies, you lose two to four jobs in the broader economy.

Minister, the answer, when you're heading down the wrong road and over a cliff with higher energy prices, is not to simply slow down; the answer should be to turn the car around, head in the opposite direction to make Ontario open for investment again.

Minister, I'll press: Will you do the right thing and support a private member's bill that I'll bring in to end the feed-in tariff program that is chasing jobs out of the province?

**Hon. Christopher Bentley:** Speaker, no matter where you go in this province, you can see those jobs. I was in Welland just the other week at OSM Solar. OSM Solar has come out of an old plant that closed years ago.

*Interjections.*

**The Speaker (Hon. Dave Levac):** Order. It's Monday morning. Thank you.

Minister?

**Hon. Christopher Bentley:** OSM Solar has come out of a facility that was closed years ago. It has 60 workers now; they're targeting for 100. It doesn't matter where you go in this province. You see the people who are manufacturing. You see the businesses that support the manufacturing. You see the investments through steel, whether they're electricians or plumbers. There are over 20,000. We're going to 50,000. Why won't the member support the jobs and apprentices that he talks so much about—

**The Speaker (Hon. Dave Levac):** Thank you. New question.

### AIR AMBULANCE SERVICE

**Mr. Tim Hudak:** Back to the Deputy Premier: An important thing happened on Thursday last week where my colleague the member from Newmarket–Aurora, Mr. Klees, and the member for Nickel Belt, Ms. Gélinas, brought forward a bipartisan effort to get to the bottom of the Ornge scandal, and I congratulate those members on working together to address this important issue.

The health minister seemed to indicate that she would support such a select committee to get to the bottom of

the Ornge scandal. Speaking in your capacity as Deputy Premier, will you support the call standing in the name of Mr. Klees and Ms. Gélinas?

**Hon. Dwight Duncan:** The Minister of Health.

**Hon. Deborah Matthews:** Thank you for the question. Once again, my answer remains the same as it was on Thursday. If it is the will of this Legislature that there be a select committee—I would not presume the will of the Legislature—I will, of course, be fully supportive of that.

There will be, for sure, opportunities for the Legislature to have robust conversations about Ornge. I suspect public accounts will want to have this conversation, as will the committee reviewing the legislation that I hope to introduce in coming weeks.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Tim Hudak:** Speaker, if I could redirect my question to the Deputy Premier: The Minister of Health basically gave the same answer she did on Thursday with respect to the will of the Legislature. You are the spokesperson for the Liberal side as a whole today during question period. I would ask you directly in your capacity as Deputy Premier to indicate your view on the will of the Legislature from the Minister of Health. Clearly, the Ontario PC caucus and the Ontario NDP caucus support this bipartisan idea for a select committee. Your Minister of Health seems to feel the same. Could you actually speak clearly on behalf of the Ontario Liberal caucus to say: Will you support this select committee to get to the bottom of the Ornge scandal?

**The Speaker (Hon. Dave Levac):** Thank you. Minister?

**Hon. Deborah Matthews:** My focus is on fixing the problems that have been revealed at Ornge. We are taking decisive action to address the issues that are, frankly, of real concern to the people of this province.

We're fixing the problems that have been identified. We're also moving forward with new legislation that will strengthen the transparency and the oversight of the Ministry of Health at Ornge. These are important changes that we're making at Ornge, and I look forward to the support of the members opposite when that legislation does come before the House.

**The Speaker (Hon. Dave Levac):** Final supplementary?

**Mr. Tim Hudak:** Speaker, I'll try for a third time to speak to the Deputy Premier in his capacity as Deputy Premier in the province of Ontario to indicate the will of the Ontario Liberals. Clearly, the Ontario PCs and the Ontario NDP have suggested that this is the right thing to do. These types of bipartisan efforts are uncommon, I think you'd agree, and now we need to move forward. We could table a motion in the Legislature or committee to do this at the express will of the Legislature. I think we could just cut to the chase today, Deputy Premier, with all due respect, if you speak on behalf of the Liberal caucus and indicate clearly: Do you support the select committee to get to the bottom of the Ornge scandal or do you oppose it? Please let us know which it is.

**The Speaker (Hon. Dave Levac):** Minister?

**Hon. Deborah Matthews:** I would like to take this opportunity to review some of the steps that we have taken to actually get to the bottom of this issue. There were concerns raised. We did our best, within the ministry, to get answers to questions. The Auditor General was stonewalled in getting answers to questions he was raising. When that came to light, we took swift action: a completely new leadership at Ornge, we sent in a forensic audit team, and now the Ontario Provincial Police is doing a thorough investigation.

I think it's important that we let the OPP do their work, that they can do their work so that justice can be done.

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#### JOB CREATION

**Ms. Andrea Horwath:** My first question is to the Acting Premier. Apex Fund Services is a global hedge fund based offshore, in Barbados. Last October, the government announced plans to give this offshore hedge fund, with \$20 billion in assets, \$350,000 as a job creation measure. My question is: How many jobs have been created at Apex?

**Hon. Dwight Duncan:** To the Minister of Economic Development and Innovation.

**Hon. Brad Duguid:** I appreciate the question from the member opposite.

Mr. Speaker, we have invested hundreds of millions of dollars over the years in trying to build an economy here that's creating jobs, that's helping to transition our economy from the old manufacturing jobs to next-generation jobs. The investments we've made have leveraged billions of dollars in private sector investment in Ontario and created tens of thousands of jobs for Ontarians.

I appreciate the fact that the NDP may not understand or appreciate the importance of restructuring our economy, but that's something the people of this province are counting on us to do, and we will continue to make those investments.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Ms. Andrea Horwath:** Well, Speaker, maybe I can help the minister out a little bit. When we called the office, we were told that there were five employees at Apex. Now, using the freedom of information act, we requested the agreement that the government had with Apex, but of course the jobs clause was blacked out.

Given that your government refused to release the complete agreement with job targets, can we assume that five jobs is the target that you set for a \$350,000 handout to a \$20-billion hedge fund?

**Hon. Brad Duguid:** In all of these investments there are very stringent job targets that are there. There are very stringent investments that have to come from the private sector so that every dollar we invest is leveraged. It's leveraged two times, three times, sometimes up to eight times, depending on the fund and the investment.

It's very important, Mr. Speaker, that we invest in these sectors.

I think what the leader of the third party needs to know is that here in Ontario we have the third-largest life sciences sector in all of North America. That's something we're very proud of. It's something that has not happened—

*Interjections.*

**The Speaker (Hon. Dave Levac):** Order.

**Hon. Brad Duguid:** —it's something that's coming about because we're attracting innovation. We're attracting innovative companies to invest here in this province. It's not by accident that we're the second most desirable location in all of North America when it comes to foreign direct investment. It's because of the investments we're making—

**The Speaker (Hon. Dave Levac):** Thank you. Final supplementary.

**Ms. Andrea Horwath:** Speaker, the contract with Apex funds has a clawback provision in it, in case they don't meet their targeted job creation numbers. When we called Apex, as I said before, they said they had five employees. Now, my question to the minister is: Has Apex actually met its targets, and if not, how much money has the government successfully clawed back from this \$20-billion hedge fund company?

**Hon. Brad Duguid:** Mr. Speaker, of course we have accountability mechanisms in these programs, and indeed they're enforced, and enforced very readily. Companies that do not meet their job targets will see dollars clawed back on most of these programs.

One of the things we're working very hard on, and I think it follows in line with the Drummond commission, is that we're looking at these investments to look at ways to consolidate and get a one-window approach so that these programs are easier to access for businesses that want to invest in Ontario. So rather than standing in the way of attracting this investment, Mr. Speaker, the NDP should be supporting our efforts to create jobs in Ontario, to attract investors to Ontario and to grow a global leading economy here in this province. That's where we're going—

**The Speaker (Hon. Dave Levac):** Thank you. New question.

#### JOB CREATION

**Ms. Andrea Horwath:** Thank you, Speaker; my next question is to the Acting Premier as well. You know, sadly, Ontario families have seen this movie before. They saw it last month in St. Catharines, when New Food Classics took a government grant of \$1 million and then closed up shop. London families saw it when Caterpillar took their corporate tax giveaways and repaid Ontario by shipping the jobs south of the border.

Families have a pretty simple question, Speaker: Why is public money going to companies that aren't creating jobs, that are laying off workers and that are shipping our jobs somewhere else?

**Hon. Dwight Duncan:** Mr. Speaker, I thought the investment in Chrysler and General Motors was very important and is an example of how jobs work. The investment in Linamar, which is creating jobs, was an important investment.

**Interjection:** Ken Lewenza.

**Hon. Dwight Duncan:** I want to thank Ken Lewenza, the CAW, Chrysler and General Motors for that.

I thought the investments in the Essex engine plant in Windsor, which are protecting 800 jobs, were the right investments.

That leader and her party are shipping jobs everywhere but Ontario. They want to raise the HST. They want to raise taxes. They have no answers to tough questions. We have accountability mechanisms in all these agreements.

**The Speaker (Hon. Dave Levac):** Answer?

**Hon. Dwight Duncan:** I wish you would have supported us at Chrysler. Ask your members from Brampton and Essex how important those jobs are. Shame on you—

**The Speaker (Hon. Dave Levac):** Thank you. Just a small reminder that when I say "question" or I say "answer," you do the wrap-up within a 10-second period, please.

Supplementary?

**Ms. Andrea Horwath:** I think the shame should be on a government that gives \$350,000 to a \$20-billion hedge fund.

But nonetheless, for families who are struggling with tough times, it's pretty hard to take. Money that could be used for nurses, for example, to be hired to help with our health care system or to create long-term-care beds is handed to companies who don't create jobs.

Isn't it time for tax measures that actually do start rewarding the job creators in this province?

**Hon. Dwight Duncan:** Mr. Speaker, this government has eliminated the capital tax, which every major business organization called for. She opposed that. We cut the small business rate. It's now one of the lowest in Canada. That member and her party voted against it. We have harmonized the collection of corporate taxes, which is saving businesses half the cost associated with compliance of tax. That was an important initiative that that member and her party voted against.

She didn't support us when we supported Valiant in Windsor, which continues to employ people right across the city—hundreds of them—as they service a variety of industries. She didn't support us when we invested in a variety of high-tech industries in Waterloo, a key part of our economy.

She wants to have it both ways. She demands help over here and opposes it over there. She needs to be consistent. She needs to understand the economy—

**The Speaker (Hon. Dave Levac):** Thank you. Final supplementary?

**Ms. Andrea Horwath:** Well gee, Speaker, I may be mistaken, but I think the minister was actually agreeing with me: All of this largesse that he rails off hasn't

created jobs in Ontario. Hundreds of thousands of jobs are still gone in this province.

In these tough times, what families really want to see is a real plan to create jobs, not no-strings-attached giveaways, like the minister just railed off, to companies that take the money and run—or line their pockets without creating any jobs whatsoever.

Is the minister really finally ready to start taking a look at a real plan to reward the companies that are the job creators by targeting tax relief to companies that are creating jobs, that are making investments, that are training workers in this province?

**Hon. Dwight Duncan:** In fact, Mr. Speaker, 121,000 net new jobs in the last year. The member opposite doesn't want to acknowledge that. She doesn't want to acknowledge that in spite of a challenge with unemployment that remains, not only here in Ontario but right throughout North America and western Europe, we now have more jobs than we did prior to the downturn.

These are all difficult choices. The member opposite wants to have it both ways. She wants to raise taxes on small business, then she talks about targeting tax cuts to—what about the apprenticeship tax credit? We do that, Mr. Speaker. There are a variety of other initiatives of that nature that we look at all the time.

**1100**

I can assure the member that we will continue to build on our record of job creation, recognizing the enormous challenge in the economy for those families who still struggle to find work. Mr. Speaker, these are difficult choices that we make. We still haven't heard what that member and her party would do to help create jobs.

#### AIR AMBULANCE SERVICE

**Mr. Frank Klees:** Speaker, to the Minister of Health: We know that the \$144-million deal for the Ornge AW139 AgustaWestland helicopters was manipulated. We also know that there is a criminal investigation of that deal and the minister insists on hiding behind that investigation. But the minister can't hide from this: namely, the safety record of those helicopters that the minister now owns and for which she has direct control.

Can the minister tell us if she is aware of the latest airworthiness directive issued on February 17, 2012, by the European Aviation Safety Agency concerning the Agusta AW139 helicopter?

**Hon. Deborah Matthews:** As the member opposite knows, there is an OPP investigation under way right now as relates to irregular financial arrangements at Ornge. It's vitally important that those of us in this House, if we have information, share that information with the OPP. It's important that we do not jeopardize that investigation.

Speaker, I have put in strong new leadership at Ornge. The new interim CEO, Ron McKerlie, a former deputy minister, is doing his job. We have put in place a very strong board of directors—a very strong board of directors—under the leadership of Ian Delaney, and with

excellent members of that. Patient safety is their number one consideration and they are taking appropriate steps.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Frank Klees:** Apparently, the minister didn't get this memo either. The airworthiness directive issued just days ago by the EASA warns the owners of the AW139—the minister is one of those—that they are required to conduct repetitive inspections and maintenance of the tail rotors every 25 flight hours and orders to replace them every 600 hours. The reason? They fall off.

In 2009, the tail rotor detached from an AW139 while taxiing for takeoff. Tail rotor detachments were the cause of the following crashes of AW139s: July 2010 in Hong Kong; May 2011 in Qatar; August 2011 in Rio De Janeiro. And now we have 10 of those same helicopters shuttling patients in Ontario.

This has nothing to do with a police investigation. What will the minister do to ensure safety of our air ambulance—

**The Speaker (Hon. Dave Levac):** Thank you. Minister of Health.

**Hon. Deborah Matthews:** Speaker, I can tell you that—

*Interjections.*

**The Speaker (Hon. Dave Levac):** Be seated, please. Thank you.

Minister?

**Hon. Deborah Matthews:** Nothing is more important than patient safety, and I think the new board is very much focused on that issue.

We also have excellent engineers and mechanics who work at Ornge and who are very much on top of all of the communiqués that come from the manufacturer. I myself have spoken with some of these mechanics, and I have every confidence that they are doing absolutely everything to keep Ontarians safe.

#### AIR AMBULANCE SERVICE

**M<sup>me</sup> France Gélinas:** My question is for the Acting Premier. Fourteen months ago, in January 2011, at least three staff in the Premier's office were copied on Ornge's briefing note describing the web of for-profit companies connected to the organization and its executives. Jamison Steeve, the Premier's principal secretary, was one of them. As former chief of staff to George Smitherman, he would have had in-depth knowledge of the Ornge file.

Can the Acting Premier explain why Ornge's proposal did not raise alarm bells back then?

**Hon. Dwight Duncan:** To the Minister of Health.

**Hon. Deborah Matthews:** I think it's very important that the people in this House understand the steps that we have taken to address concerns that have been raised. I don't think there's any question that the steps we have taken enjoy the support, frankly, of the people opposite.

So what have we done, Speaker? Because we were being stonewalled and because the Auditor General was being stonewalled, we were unable to get answers to questions that the people of this province deserve to have. That is why I have taken the action that I have

taken. I called in the forensic audit team. They put a very robust team in Ornge for several weeks. At the end of that process, I felt I had no choice but to call in the Ontario Provincial Police.

We have replaced the leadership at Ornge. We have a very strong new leadership and they are making changes.

**The Speaker (Hon. Dave Levac):** Supplementary?

**M<sup>me</sup> France G elinas:** Back to the Deputy Premier: The briefing note was given to three members of the Premier's office and it explained the web of for-profit corporations as well as founders' shares for management, complete with performance incentivization, long-term incentive plans, the 3% solution—and it goes on and on.

Deputy Premier, there is no way those top bureaucrats could have looked at a document like this and not reacted. I don't believe the force of inertia was enough to keep this quiet for 12 months.

Is the reason the Ornge briefing did not raise alarm bells back in January 2011 because they already knew what was going on at Ornge, they supported it and they agreed with it?

**Hon. Deborah Matthews:** Speaker, the issues that have been raised regarding Ornge are serious issues. We have taken them very seriously. We have gone step by step in a deliberate strategy to get answers to questions. We could not get those answers, and in hindsight we all believe, Speaker, that the original performance agreement that limited our ability to get information was not strong enough. That's why we're moving forward, not just with a new performance agreement that will have much tighter oversight; it will allow us, for example, to send in a special investigator or even a supervisor if we feel that it is appropriate, just as we do in hospitals.

The new performance agreement will require patient advocates, so that patients will have a voice—

**The Speaker (Hon. Dave Levac):** Thank you.

#### IMMIGRATION POLICY

**Ms. Dipika Damerla:** My question this morning is for the Minister of Citizenship and Immigration.

Speaker, as we all know, newcomers play a really vital role in Ontario's economy, but not just the economy. They bring their skills and experience to bear on all aspects of Ontario, thereby contributing to one of our biggest assets: our diversity.

Immigrants like Srikanth Danthala, who came to Ontario 10 years ago and today runs a company out of North York and Mississauga and employs 150 people, have the world to choose from, so Ontario is in a race against the rest of Canada and the rest of the world to attract the best and the brightest in the world and ensure that they're integrated into our economy.

To this end, I know that the minister announced on March 2 that he's going to be developing a new long-term immigration policy for Ontario. Can the minister—

**The Speaker (Hon. Dave Levac):** Thank you, Minister?

**Hon. Charles Sousa:** Thank you, Mr. Speaker, and thank you to the member for the question. The member

makes a very important point: Immigrants are key to Ontario's future economic growth and prosperity. By 2014, immigrants will account for all of Ontario's net labour growth. At the same time, the federal government's selection system doesn't meet Ontario's needs and they continue to make decisions unilaterally.

The time has come for a made-in-Ontario immigration strategy, and that's why we've created this expert roundtable on immigration. They will examine a range of immigrant issues, including recruitment, selection, integration and retention.

I look forward to their findings and recommendations, which will contribute to the development of our long-term immigration strategy, a strategy that will outline how immigrants and immigration can best support Ontario's economic development while improving the economic and social prospects of new immigrants.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Ms. Dipika Damerla:** This is very good news. I know that newcomers and businesses in my riding of Mississauga East–Cooksville will be very pleased to hear about Ontario's made-in-Ontario immigration strategy.

It's troubling, however, to hear that the federal government is still refusing to negotiate a new agreement with Ontario. The federal government is responsible for determining who enters the country and in what numbers, but Ontario is in a better position to decide which kind of immigrants are best for our own labour market needs.

Mr. Speaker, through you to the minister: What effect are federal immigration policies having in Ontario?

1110

**Hon. Charles Sousa:** I was pleased that in a recent speech, the federal Minister of Immigration recognized what we've been saying for a long time: The federal immigration policies are hurting Ontario, and changes must be made.

Ontario remains the number one destination for newcomers in Canada. Over 200,000 people destined for Ontario are stuck in huge application backlogs in the federal skilled workers program. At the same time, the provincial nominee program only allows our province to nominate 1,000 individuals per year, a very small number compared to other provinces.

It's unacceptable, Mr. Speaker, that Ontario is the only province that does not have an immigration agreement with the federal government. I continue to encourage the federal government to work with the province instead of unilaterally taking steps that determine Ontario's economic recovery and economic future.

Ontario needs to have a greater say in the immigration selection to ensure the province has an immigration mix that supports our economic—

**The Speaker (Hon. Dave Levac):** Thank you. New question.

#### AIR AMBULANCE SERVICE

**Mr. Frank Klees:** To the Minister of Health: Speaker, airworthiness directives are not a common occurrence.



The minister knew nothing about the airworthiness directive related to the helicopter she now owns. It is clear that the minister must acknowledge her responsibility for the safety of our air ambulance fleet.

I want to ask the minister this question. Knowing what she knows about how that original purchase deal was manipulated, and given that there is, in fact, a criminal investigation around it, and the fact that she now knows that safety was obviously trumped by the kickback related to that deal, I want to know this: Will the minister agree, knowing what she knows, to take the steps necessary to cancel that agreement, demand our money back and tell them to take their helicopters back—

**The Speaker (Hon. Dave Levac):** Thank you. Minister of Health?

**Hon. Deborah Matthews:** Speaker, I take my responsibility as Minister of Health extremely seriously. That is why I have taken the steps that I have taken to fix the problems at Ornge and to make sure they don't happen again.

As I said earlier, it is vitally important that the OPP investigation not be jeopardized. We need to let that process unfold.

I also have a very real responsibility to make sure that this doesn't happen again, and that is why I am bringing forth legislation that will entrench in law the transparency and oversight of Ornge that I believe the people of this province expect.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Frank Klees:** If the minister could depart from her briefing notes just for one question, it may indicate that she actually understands this file.

My question is not related to the financial scandal. It is related directly to the operational scandal over which this minister has direct control and for which she has responsibility.

She now knows that our air ambulance fleet is in serious trouble because of the safety records of that helicopter. This is important for the minister to understand. Those helicopters are at risk, as are the crews and patients who will be flying in them. Why will she not agree to do the responsible thing, cancel this flawed agreement, recover the multi-millions of dollars that paid for those aircraft and ensure that our crews and our—

**The Speaker (Hon. Dave Levac):** Thank you. Minister?

**Hon. Deborah Matthews:** Speaker, I think it's very important that the people in this province know that Ornge is there for them when they need it. Air ambulance is a vitally important link in our health care system. It transports patients to get the care they need as quickly as possible.

It's also important that the people of this province understand that we have a very strong new leadership team at Ornge. I will let them do their work, Speaker.

Under the leadership of Dr. Barry McLellan, they have put in place a special committee to look at patient safety issues. This new leadership team at Ornge is absolutely

committed to the same goal that the member opposite has, and that is excellent—

**The Speaker (Hon. Dave Levac):** Thank you. New question.

#### AIR AMBULANCE SERVICE

**Mr. Taras Natyshak:** Merci, monsieur le Président. Ma question est dirigée au ministre des Finances.

In 2008, salary disclosures with Ornge CEO Chris Mazza appeared on the public sector disclosure list, more commonly known as the sunshine list, at just under \$300,000 per year. In 2009 and 2010, Chris Mazza's name had suddenly disappeared from this list. We now know that Mazza's salary had ballooned to over \$1.4 million per year, plus extravagant benefits that he was awarded.

Mr. Speaker, why didn't Chris Mazza's exclusion from this list raise any red flags for the minister responsible for the Public Sector Salary Disclosure Act?

**Hon. Dwight Duncan:** To the Minister of Health.

**Hon. Deborah Matthews:** Well, Speaker, it was exactly that exclusion from the sunshine list that first alerted me and my ministry to the fact that there was something happening at Ornge that ought not to have been happening.

We made several attempts to untangle the for-profit from the not-for-profit and, ultimately, Speaker, it came to the point where I had to send in a forensic audit team from the Ministry of Finance with the very clear instructions to follow the public money. It was only after a meeting that I had with the then-chair and then—COO of Ornge that they did disclose the salaries, and it was then that I knew we had to take further steps.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Taras Natyshak:** Reports indicate that senior officials with the Ministry of Finance were briefed on the web of for-profit companies encircling Ornge: Ornge Global, Ornge Real Estate, Ornge Global Brazil—the list goes on and on.

Will the minister confirm that his senior officials received a separate briefing on Ornge? Why didn't they raise alarms about public money being used to fund private for-profit schemes?

**Hon. Deborah Matthews:** It was exactly because of that sort of example that we have taken the action we have taken. It's exactly because of situations that the member opposite has raised that we are bringing in much tighter, stricter oversight of Ornge.

Under the new performance agreement, any changes to the corporate structure will require the minister's approval. Ornge will be required to have a patient advocate, just like our hospitals do. There will be much more oversight on the financial planning and monitoring so that this will not happen again.

I don't think there's anyone in this House who doesn't think a stronger performance agreement is the right thing to do.

## PRESCRIPTION DRUG ABUSE

**Mr. Jeff Leal:** Mr. Speaker, through you, my question is to the Minister of Health and Long-Term Care. The abuse of prescription narcotic drugs or pain-killers has emerged as a public health and safety issue in jurisdictions around the world, including here in Ontario. This government has developed a comprehensive mental health and addictions strategy, as well as a narcotics strategy to help address the ongoing issue of drug abuse.

I also understand that there have been important changes regarding a particular drug on the market. Effective March 1, Purdue Pharma withdrew OxyContin from the market and introduced OxyNEO. OxyNEO is reported to be a more tamper-resistant tablet than OxyContin, to prevent misuse.

Through you, Mr. Speaker, to the minister: Given the changes made by the pharmaceutical company in producing this drug, what changes has the ministry made in regard to access to this new drug called OxyNEO?

**Hon. Deborah Matthews:** This is indeed a very important issue in Ontario. There are important changes in how Oxy is prescribed in Ontario.

Firstly, Ontario Drug Benefit recipients who are currently receiving OxyContin will be automatically transitioned to OxyNEO for a period of up to one year. However, for Ontario Drug Benefit recipients requiring a new OxyNEO prescription, that prescription will be funded through the Exceptional Access Program for chronic pain patients and through the palliative care facilitated access list for palliative care patients.

OxyNEO will not be available for general prescribing through the ODB formulary. Many jurisdictions have made similar changes. These changes are based on the best possible evidence and recommendations from the—

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**The Speaker (Hon. Dave Levac):** Thank you. Supplementary.

**Mr. Jeff Leal:** Speaker, the issue of abuse of prescription narcotics such as OxyContin is a very serious issue particularly in some communities, for example in northern, remote communities. We have heard from First Nations leaders that up to 70% of the adults in those communities are addicted to OxyContin. We also know that there are also people in urban areas who are addicted.

We need to make sure that our government is taking strong action to save lives and improve health outcomes for Ontarians by stopping abuse, addiction and the diversion of narcotics and controlled substances while ensuring that patients who need the pain treatment get it.

Through you, Speaker, to the minister: What is being done to help those addicted to narcotics and, specifically, OxyContin?

**Hon. Deborah Matthews:** We expect a number of consequences from this change. It could be an important turning point for people with opioid addictions and it is expected that some will seek supports to take this opportunity to kick their habit.

I've called together an expert working group on narcotics addiction. They will provide advice on short- and medium-term responses as OxyContin is coming off the market.

I met with this group last week. They are front-line people, they are academics, they are extremely knowledgeable and are providing very good advice. Work will also continue through the Trilateral First Nations Health Senior Officials committee, co-chaired by Grand Chief Stan Beardy, from the Chiefs of Ontario. They have identified addiction to prescription narcotics as their number one issue.

## AIR AMBULANCE SERVICE

**Mrs. Elizabeth Witmer:** My question is for the Minister of Health. The minister will know that all Ornge dispatch calls are recorded. I assume that the emergency health services branch has made her aware of this particular call.

On July 10, 2010, a call was made to Ornge to request the transfer of a stroke patient from Sault Ste. Marie to a Toronto hospital for surgery. The patient's doctor was told that Ornge was sending someone for the patient only to be told in a subsequent call that the transfer was being delayed from the helicopter to a fixed-wing because it would save \$9,000. The doctor is heard on the tape saying, "Is this what it comes down to, that we're making decisions based on money?"

Has the minister been told about this case and is she aware that the ministry is in possession of the tape?

**Hon. Deborah Matthews:** What I can tell the member opposite is that I have been briefed on the process by which complaints are investigated. I've had a thorough briefing on that issue.

What I can also tell you, Speaker, is that every single complaint is investigated. It doesn't matter whether it comes from a member of the public, a patient, a family member, a physician or from any other ambulance service. No matter where a complaint comes from, that investigation is done. It is done thoroughly and it is done in a timely manner. There is a process whereby complaints result in action and the file is not closed until that work is completed.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mrs. Elizabeth Witmer:** Well, Mr. Speaker, through you to the minister: This is an issue of patient safety. According to reliable sources, the helicopter that was originally to go was at the Sudbury base, staffed with critical care medics and ready to launch. Then it was told to stand down and that a fixed-wing plane would be used later that night. Then, that plane had to fly back to Timmins to get fuel, fly to Sudbury to pick up the critical care medics and then to Sault Ste. Marie for the patient. When the doctor went to Toronto the next day to see his patient, he was shocked to be referred to the morgue.

Was this intentional delay a contributing factor to the patient's death? This is the type of issue that we need to get to the bottom of. That's why we need a select committee. Will the minister agree to a select committee?

**Hon. Deborah Matthews:** Speaker, people who work in the health care system are making life-and-death decisions every day, and I have confidence that the system that is in place to review complaints is a very strong system. The issue, when appropriate, is referred to the coroner. The coroner's office and my ministry work very closely together.

The people in health care are professionals. They're in the world of health care because they care about the patients. They want to learn from mistakes and they are very focused on improving safety every step of the way.

There is a process in place, and that process works.

#### DARLINGTON NUCLEAR GENERATING STATION

**Mr. Peter Tabuns:** My question is to the Minister of Energy. Why is the minister allowing Ontario Power Generation to spend \$600 million of Ontarians' money to start the refurbishment of the Darlington nuclear reactors without a completed environmental assessment and before the final cost of the project is known?

**Hon. Christopher Bentley:** Nuclear has been a part of our baseload generation for decades. It's safe, it's reliable and it's clean.

After 25 or 30 years, you need to refurbish the generators and the fuel rods so that you can continue using them for another 30 years. OPG has conducted a competitive approach, and, unlike the world's approach to refurbishment, they're taking a different approach here. The \$600-million contract is called the definition phase, so they can plan, down to 30-minute increments, to make sure that when the actual refurbishment work starts, they have the right project at the right price according to the right specifications—a responsible approach.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Peter Tabuns:** Well, Speaker, this government does not have a particularly good record on these matters. It is trying its best to hide the real cost of power from the families in Ontario. They refuse to reveal the potential cost of cancelled gas plants in Oakville and Mississauga, estimated at hundreds of millions, if not billions, of dollars. Now the government is committing to a massive contract at Darlington. Will the minister tell us now if the contractor will absorb the risk for all potential overruns?

**Hon. Christopher Bentley:** Maybe the NDP wants to shut off all the nukes—that's half our power—so turn off half the lights everywhere. Maybe the NDP don't support the 80,000 jobs in the province of Ontario that are tied to the nuclear industry. Maybe the NDP don't support an appropriate and responsible approach to renewing our power generation fleet. That's what this is.

They're taking an entirely different approach. They've learned; they've studied. This contract is the first part of the refurbishment phase, and will enable us to better identify the full cost. It will plan the refurbishment into 30-minute increments, 30-minute periods of time, and transfer the cost of any overruns fully to the contractor. A responsible approach, a responsible—

**The Speaker (Hon. Dave Levac):** Thank you. New question.

#### SENIOR CITIZENS

**Mr. Michael Coteau:** My question is to the minister responsible for seniors. According to statistics I've seen, Ontario is home to approximately 1.8 million people over the age of 65—that's 13.9% of the entire population of Ontario, and it's growing. Experts are predicting that by 2036, the number of people over the age of 65 in Ontario will be 4.2 million people.

Minister, I'm not the only one who's aware of these statistics. These numbers are often quoted to me by my constituents in Don Valley East. They want to make sure that this government is taking the necessary steps to protect and look after our senior population. They want to make sure that their grandparents and their parents will enjoy their senior years of life in comfort. And they want to make sure that when their time comes, they'll be looked after.

Minister, I don't have to tell you that the decisions we make today as a government will affect the 4.2 million seniors that will be living in the province by 2036. My question to you is, what is this government doing to protect seniors in the province of Ontario?

**Hon. Linda Jeffrey:** The protection and the well-being of our seniors is a top priority for this government, so I want to thank the member from Don Valley East for the question. After all, as he stated, they're our parents, our grandparents and the people who worked hard to help make the Ontario we live in today.

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Our government is working hard to ensure that Ontario seniors continue to get the support that they need to live active, healthy lives. As a government, we are committed to providing income support for seniors through tax credits and the Ontario pension system; our home renovation tax credit; making health care services accessible to seniors at home; making affordable housing available to seniors; and protecting seniors from abuse, neglect and harm.

I'm also proud to mention that for the first time in Ontario's history, the care provided to retirement home residents will be regulated under provincial legislation, the Retirement Homes Act, 2010.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Michael Coteau:** I thank the minister for the response. My constituents will be happy to know that our government is addressing our province's aging situation head-on, and I'll be proud to tell them that our government is the first in Ontario's history to regulate the province's retirement homes. I agree: There are much-needed safeguards to protect our seniors from abuse and neglect, although, Minister, I feel compelled to mention that we are in difficult economic times, and taking on the regulation of retirement homes across the province sounds costly. How will retirement homes be inspected in an efficient and cost-effective manner? More important—

ly, how will the government fund retirement home regulation authorities? Can we really afford this essential action at this time?

**Hon. Linda Jeffrey:** As I stated earlier, the safety and the well-being of seniors who live in retirement homes is a top priority for this government, and that's why we created the Retirement Homes Act. We're proposing that retirement homes across the province be inspected on a risk-based approach. It will enable the Retirement Homes Regulatory Authority to focus its resources on ensuring the requirements for higher-risk homes. This balanced approach, we believe, will ensure appropriate safety and consumer protections for the most vulnerable seniors in Ontario. The regular inspections will be conducted at least once every three years, but higher-risk homes will be inspected as often as necessary to keep our seniors safe. The operators not in compliance with the RHRA regulations could face fines or be shut down. Once fully established, the RHRA will not receive any more government funding. It's a small, reasonable fee that we believe is reasonable to protect our seniors.

#### RENEWABLE ENERGY

**Mr. Victor Fedeli:** Speaker, my question is for the Minister of Energy. Minister, let me read you recent worldwide headlines: "Arrivederci Solare: Italy Cuts Solar Subsidy"; "Dutch Pull the Plug on Wind Subsidies"; "UK Solar Subsidies Slashed"; "Germany Slashes FIT"; and "Spain Halts Renewable Subsidies to Curb \$31 Billion of Debts." Minister, when is the Liberal government going to learn what the rest of the world already knows?

**Hon. Christopher Bentley:** We are committed to clean air. We're committed to the clean energy jobs. We've taken an approach in the province of Ontario that both brings in clean—

*Interjections.*

**The Speaker (Hon. Dave Levac):** Order. Merci beaucoup.

**Hon. Christopher Bentley:** We've also taken an approach in Ontario that not only enables us to bring on the clean energy and clean up the air, but with our requirement of Ontario-based content we've made sure that we've grown a clean energy industry here.

My friend will know that in all parts of this province there are thousands of clean energy jobs and billions of dollars of investment specifically tied to the feed-in tariff approach we've taken in Ontario.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Victor Fedeli:** Our party believes in clean energy, but at a price that seniors can afford. Under the Liberals' failed energy plan, bills rose 26% in the last two years and are expected to rise 46% in the next three years. Thousands of jobs are leaving Ontario for cheaper energy in Quebec and the US. The Auditor General told us that we lose two to four jobs for any green job created.

Minister, how many more jobs are you going to be prepared to lose before you cancel the FIT program and fix this disastrous energy plan?

**Hon. Christopher Bentley:** Well, I know the honourable member believes in green energy because he put solar panels on the roof of the city hall. But his party, I think, is very much the party of coal. The world is going greener. We've got thousands of green energy jobs.

This morning, we met with the international press, who are here to celebrate and observe what we're doing in terms of the smart grid.

It's time the party opposite recognizes the world is going green. We're determined to be leaders. There are no jobs for followers. Join us. I say to the honourable member, get your—

*Interjections.*

**The Speaker (Hon. Dave Levac):** Contrary to what some people might believe, this isn't a competition as to who can yell the loudest. Just a thought.

New question.

#### ONTARIO NORTHLAND TRANSPORTATION COMMISSION

**Mr. Gilles Bisson:** The question is to the Deputy Premier: Premier, in the Drummond report, under page 324, there is a mention here that says, "Studies and reviews conducted over the past several years in Ontario and other provinces illustrate how its services"—and we're talking about the Ontario Northland—"could be provided more effectively and efficiently" through targeted privatization of that particular company.

You stood with us, sir, in opposition to the Mike Harris government, opposing privatization of ONR. Is it still your position today?

**Hon. Dwight Duncan:** To the Minister of Northern Development and Mines.

**Hon. Rick Bartolucci:** Listen, let's look at the history. The Tories wanted to privatize this. In 2003, we ran and we said we would be as creative as possible to try to make the ONTC a very viable entity. Our government has long supported the ONTC, providing almost \$490 million in funding since 2003.

The reality is, we will continue to look, through the Grow North initiative, at a multimodal transportation system that suits the needs of northerners, that ensures that there will be a modern transportation system in northern Ontario.

**The Speaker (Hon. Dave Levac):** Supplementary?

**Mr. Gilles Bisson:** Minister, this agency reports to you, and my question was very simple. While we were in opposition together to the Mike Harris government, you stood with me in this House and you went to the rallies. You opposed the privatization, in whole or in part, of the ONTC. My question to you is simple: Do you still maintain that you will not privatize, in part or in whole, the Ontario Northland commission? Yes or no?

**Hon. Rick Bartolucci:** Listen, I will match our government's record with regard to the ONTC against anybody or any party's record with regard to the ONTC.

The Drummond report asked us to ensure that we have a very productive, modern transportation system in place that meets the needs of northerners. We're ensuring that

that takes place. We're doing that through a multimodal transportation study, which is being headed by the Ministry of Transportation and the Ministry of Innovation. We will continue to ensure that northerners always have a very, very modern, multimodal transportation—

**The Speaker (Hon. Dave Levac):** Thank you. New question.

#### TRANSPORTATION INFRASTRUCTURE

**Mrs. Teresa Piruzza:** Speaker, my question is to the Minister of Transportation and Infrastructure. Earlier this year, ReNew Canada came out with their annual list of the biggest infrastructure projects in Canada. I was not surprised to see the Windsor-Essex Parkway on that list at number 22, ahead of the Bruce-to-Milton transmission corridor and the Calgary International Airport development. The parkway is practically in my backyard, and it's amazing to see the amount of work that's occurring. It looks different every day I drive it.

This project is creating thousands of jobs in the area, and we want assurances that the Ministry of Transportation will see this vital project through and do so on an aggressive schedule. Can the minister commit to that for the residents of Windsor-Essex?

**Hon. Bob Chiarelli:** I want to wholeheartedly assure the member for Windsor West that the building of the Windsor-Essex Parkway to connect Highway 401 with the new Canadian international plaza remains at the top of our infrastructure and economic priorities. It is a \$1.4-billion investment that's creating about 12,000 jobs. We view this scale of investment as a necessity for Ontario's future economic prosperity.

More than \$100 billion a year in trade flows between Canada and the US through the Windsor-Detroit border, and much of that trade happens over infrastructure that's almost 100 years old. This project is critically important, not just for Ontario but for Canada and North America as a whole.

I can tell the member that over the next few months, various aspects of the parkway construction will be going out for subcontracting, and that will mean jobs and job opportunities for families in Windsor-Essex.

#### PRIVATE MEMBERS' MOTIONS

**The Speaker (Hon. Dave Levac):** The member for Cambridge has given notice of his intention to raise a point of privilege. The member's point relates to a passage on November 24, 2011, of his private member's motion calling on the government to table a detailed plan relating to hospital expansion projects by March 1, 2012. The member alleges that, since this plan was not tabled by that date, Thursday of last week, this represents a contempt of the Legislature.

I am prepared to rule on this point of privilege without hearing further from the member for Cambridge or anyone, as standing order 21(d) permits me to do.

As is the case with all private members' notices of motion, the one put forward last fall by the member for

Cambridge was preceded by the words, "In the opinion of this House."

As the member noted in his written submission, House of Commons Procedure and Practice states:

"Hence, such motions which simply suggest that the government initiate a certain measure are generally phrased as follows: 'That, in the opinion of this House, the government should consider....' The government is not bound to adopt a specific policy or course of action as a result of the adoption of such a resolution since the House is only stating an opinion or making a declaration of purpose. This is in contrast to those motions whose object is to give a direction to committees, members or officers of the House or to regulate House proceedings and, as such, are considered orders once adopted by the House."

It is settled in the Ontario Legislature that private members' motions may only have the effect of stating an opinion of the House. In an October 24, 2001, ruling, Speaker Carr ruled that:

"As members well know, private members' motions are typically framed so that if and when they carry, they constitute expressions of the opinion of the House; in other words, they are said to be non-binding. This same principle has been applied on several occasions during the time allotted to consideration of private members' public business when the Speaker has denied requests for unanimous consent to give third reading to a bill or to alter some later proceeding of the House. When members are meeting for the purpose of considering private members' business, they cannot bind the House to a final decision on a matter. Were it otherwise, a government could easily take advantage of its majority and a time-limited private members' debate to pass motions which could, for example, amend the standing orders. This is clearly not the intended purpose of private members' public business."

The motion of the member for Cambridge that passed last November was, as mentioned, framed in the typical and acceptable way for private members' motions in this House. It is clear in our practice and precedent that such motions, when passed, serve to express an opinion of the Legislature but are not binding or directive. While one might like or expect requests such as the one embodied in the member's motion to be complied with—and that is all it is, in effect; a request—there is no compulsion to do so.

I therefore find that the member for Cambridge has not made out a prima facie case of privilege.

#### DEFERRED VOTES

##### ATTRACTING INVESTMENT AND CREATING JOBS ACT, 2012

##### LOI DE 2012 VISANT À ATTIRER LES INVESTISSEMENTS ET À CRÉER DES EMPLOIS

Deferred vote on the motion for second reading of the following bill:

Bill 11, An Act respecting the continuation and establishment of development funds in order to promote regional economic development in eastern and southwestern Ontario / Projet de loi 11, Loi concernant la prorogation et la création de fonds de développement pour promouvoir le développement économique régional dans l'Est et le Sud-Ouest de l'Ontario.

**The Speaker (Hon. Dave Levac):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1144 to 1149.*

**The Speaker (Hon. Dave Levac):** Members, take your seats, please.

On December 6, 2011, Mr. Milloy moved second reading of Bill 11.

All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Albanese, Laura	Duguid, Brad	Miller, Paul
Armstrong, Teresa J.	Duncan, Dwight	Milloy, John
Balkissoon, Bas	Flynn, Kevin Daniel	Moridi, Reza
Bartolucci, Rick	Forster, Cindy	Murray, Glen R.
Bentley, Christopher	Gerretsen, John	Naqvi, Yasir
Berardinetti, Lorenzo	Gélinas, France	Natyshak, Taras
Best, Margaret	Gravelle, Michael	Piruzza, Teresa
Bisson, Gilles	Horwath, Andrea	Prue, Michael
Bradley, James J.	Hoskins, Eric	Qaadri, Shafiq
Broten, Laurel C.	Jaczek, Helena	Sandals, Liz
Campbell, Sarah	Jeffrey, Linda	Schein, Jonah
Cansfield, Donna H.	Kwinter, Monte	Sergio, Mario
Chan, Michael	Leal, Jeff	Singh, Jagmeet
Chiarelli, Bob	MacCharles, Tracy	Sorbara, Greg
Colle, Mike	Mangat, Amrit	Sousa, Charles
Coteau, Michael	Mantha, Michael	Tabuns, Peter
Crack, Grant	Marchese, Rosario	Takhar, Harinder S.
Craitor, Kim	Matthews, Deborah	Taylor, Monique
Damerla, Dipika	Mauro, Bill	Vanthof, John
Delaney, Bob	McGuinty, Dalton	Wong, Soo
Dhillon, Vic	McMeekin, Ted	Wynne, Kathleen O.
Dickson, Joe	McNeely, Phil	Zimmer, David
DiNovo, Cheri	Meilleur, Madeleine	

**The Speaker (Hon. Dave Levac):** All those opposed, please rise one at a time and be recognized by the Clerk.

#### Nays

Arnott, Ted	Klees, Frank	Ouellette, Jerry J.
Bailey, Robert	Leone, Rob	Pettapiece, Randy
Barrett, Toby	MacLaren, Jack	Scott, Laurie
Chudleigh, Ted	MacLeod, Lisa	Shurman, Peter
Dunlop, Garfield	McDonell, Jim	Smith, Todd
Elliott, Christine	McKenna, Jane	Thompson, Lisa M.
Fedeli, Victor	McNaughton, Monte	Walker, Bill
Hardeman, Ernie	Miller, Norm	Wilson, Jim
Harris, Michael	Milligan, Rob E.	Witmer, Elizabeth
Hudak, Tim	Munro, Julia	Yakabuski, John
Jackson, Rod	Nicholls, Rick	Yurek, Jeff
Jones, Sylvia	O'Toole, John	

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 68; the nays are 35.

**The Speaker (Hon. Dave Levac):** I declare the motion carried.

*Second reading agreed to.*

**The Speaker (Hon. Dave Levac):** Shall the bill be ordered for third reading?

**Hon. Brad Duguid:** I ask, Mr. Speaker, that the bill be referred to the Standing Committee on General Government.

**The Speaker (Hon. Dave Levac):** So ordered.

**Mr. Jim Wilson:** Point of order, Mr. Speaker.

**The Speaker (Hon. Dave Levac):** Point of order for the member from Simcoe–Grey.

**Mr. Jim Wilson:** We appreciate that we can't challenge your ruling on the member from Cambridge's point of privilege, but I would ask the government, then: Please change your arrogant behaviour. Listen to the will of this House and—

*Interjections.*

**The Speaker (Hon. Dave Levac):** There being no further business, this House stands recessed until 1 p.m. this afternoon.

*The House recessed from 1154 to 1300.*

## INTRODUCTION OF VISITORS

**Mr. Jagmeet Singh:** I earlier introduced the family of page Sophia Sengfah, but the family wasn't in the room at the time. Now the family is in the room, so I'd like to take this opportunity to introduce mother and father Sai Shwe and Jakai Shwe, as well as sister Grace Sengfah. I would welcome everyone to welcome them together.

## MEMBERS' STATEMENTS

### HIGHWAY ACCIDENT

**Mr. Randy Pettapiece:** On Monday, February 6, a beautiful day in Hampstead was shattered by tragedy. On that day, a tragic accident killed 11 people, including 10 farm workers from Peru and the driver of a transport truck. Three others were injured.

But in the face of tragedy, we saw the true character of our community. From the professional, dedicated first responders to the neighbours who took action, to those who donated to the community trust fund, and to the many who simply said a prayer, we know the character of our community is strong.

I saw that again on February 10 at a community prayer vigil held at St. Joseph's Catholic church in Stratford. I saw that again on February 25, at an auction and evening of live entertainment. That event raised \$15,000 for the families of the victims and survivors. I want to thank event organizers Sue Dunfield and Stewart Reynolds.

Finally, I want to recognize another constituent, who represents the very best of our community's character. After reading about the Hampstead tragedy, 11-year-old Kiarra Wells of Listowel took action. Hoping to raise \$100 for the victims' families, Kiarra started a penny drive. She called it Pennies for Peru. So far, Kiarra has passed her goal of \$100, raising over \$400. Kiarra, thank you. May all of us follow your example of character and service.

Let's also remember, Speaker, that we are not in that much of a hurry that we cannot take the time to drive safely.

### UNIVERSITY OF WATERLOO DIRECTIONS PROGRAM

**Ms. Sarah Campbell:** On Saturday evening, I was fortunate to meet with six students from Dryden High School—Tara, Darren, Kayla, Clarissa, and Conan—and their teacher, Sherry Ambridge. These students are among 13 from across my riding who are taking part in the University of Waterloo's annual DIRECTIONS program for aboriginal youth. The program provides First Nations students with the opportunity to travel to Waterloo and take part in a number of workshops that showcase their post-secondary options. The program also focuses on increasing their academic self-confidence, thereby increasing the likelihood of their success.

Programs like this serve as very important ways to show our First Nations students that there are many opportunities for them out there if they dedicate themselves and work hard to succeed.

I would like to congratulate these students and all of the participants of the program, as well as the University of Waterloo for creating an affordable program that makes a real difference in the lives of First Nations students. I would also like to thank Keewatin-Patricia District School Board for being a leader and encouraging their students to succeed.

I would particularly like to recognize Sherry Ambridge for her commitment to this program and her dedication to her students.

### GLOBAL COMMUNITY ALLIANCE

**Mr. Phil McNeely:** One week ago Saturday, the Global Community Alliance held their annual gala dinner marking Black History Month at the Sheraton Hotel in Ottawa. During the gala, several deserving individuals were presented with community service awards.

Reverend Anthony Bailey received his award for the work he has done in rebuilding the congregation at Parkdale United Church, which is now one of the most culturally diverse congregations in the city of Ottawa.

Suzan Lavertu is the founder of the School of Afro-Caribbean Dance, which is committed to preserving and sharing Afro-Caribbean culture through dance. The school has a performing company and focuses on various forms of African and Caribbean dance for youth and adults.

Finally, the Young Black Professionals of Ottawa also received an award for helping young people of colour make the transition from college and university into the business world by providing mentoring, social networking and professional development. The keynote speaker of the event was Adrian Harewood, who is the co-host of CBC News in Ottawa and a bright young star in the broadcasting industry.

The gala evening was organized by Ottawa-Orléans resident Moses Pratt, his wife Kelly and their children Tembeka and Lanre, with the help of Zybina Richards and Bertillia Christian.

The Global Community Alliance was formed in 2009 to help highlight the diversity that fosters unity within the

Ottawa community, raise awareness of some of the issues in the community and recognize the efforts of individuals, associations, business and organizations that make a significant difference within Ottawa's global community.

I would once again like to congratulate Moses Pratt and his family for putting on another wonderful event to celebrate and honour the black community in Ottawa.

### RENEWABLE ENERGY

**Mr. Bill Walker:** This Liberal government has ignored the people in rural Ontario by not answering our repeated call for a moratorium on industrial wind industry. Yet, when it came to the health concerns of people in Scarborough, Oakville and Mississauga, this Liberal government responded by instantly bringing in moratoriums on offshore wind and gas plant projects. Clearly, this is a double standard.

It seems there are two sets of rules where, one could argue, the voice, concerns and wishes of vote-rich cities command this government, while rural Ontario is ignored. The Liberal government does so at a great expense to the entire province.

Contrary to the advice of the Auditor General, contrary to the advice of energy, health and economic experts who warned against the coming crisis—a surplus of energy and paying others billions of dollars to take it, driving energy bills through the roof and losing jobs due to high electricity prices—the Premier steamrolled ahead anyway.

As it stands, this government is clearly broke, financially and democratically. But the government's ignorance came to a grinding halt just recently when Ornge was officially added to the list of spending scandals, along with eHealth, OLG and the cancelled gas plants. With billions of precious tax dollars wasted and no new jobs created, this government is clearly out of control. The question now becomes: Just who is calling the shots in this government?

To my fellow backbenchers on that side of the House I say this: When you vote on Lisa Thompson's moratorium motion this Thursday, vote according to your conscience, according to your beliefs and those of your constituents, not your party. Please do the right thing and vote for a moratorium.

### NATIONAL FARMERS UNION

**Mr. Taras Natyshak:** It is a pleasure to rise today to acknowledge the work of the National Farmers Union Local 353 in my riding, who held their annual general meeting this past Saturday.

I was fortunate enough to be invited as their guest speaker and had the opportunity to talk to the members of the NFU in Essex county about issues regarding regional concern and, of course, provincial concern, and we also addressed some of our national issues.

Mr. Speaker, the NFU has long provided a progressive voice for farmers across this country. They promote sustainability, equality and the security and sovereignty

of our food system in a whole host of ways. They bring about a wide variety of ideas when it comes to energy efficiency and the safeguarding of our environment; they are the stewards of our land. It was really a pleasure to be able to discuss some of those issues with them.

They're certainly concerned about the economic aspects of our province, but yet they feel that farmers can play a really vital role in that, and indeed they have. They've provided the backstop for our economic downturn. When times were tough, farmers were there, still providing us with a safe, reliable source of food and regional job creation. That's something we often forget. These are local jobs that provide local food. It's something that the NFU promotes, something I certainly promote as an associate member of the NFU, as I rejoined this past Saturday, and I urge all members to contact their local chapter of the NFU, become aware of the policies they promote and support them in this House and across the province at large.

#### DARLINGTON NUCLEAR GENERATING STATION

**Mr. Joe Dickson:** I rise today to mark a significant milestone in Ontario Power Generation's refurbishment project at Darlington nuclear. OPG has awarded a two-phase contract to plan for and then replace major components of the four reactors at Darlington. The contract for more than \$600 million to a joint venture of SNC-Lavalin Nuclear and Aecon Construction is one of several that will be awarded for the refurbishment of the facility.

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Mr. Speaker, the good news in this announcement is twofold: One, the refurbishment, once complete, will allow Darlington to produce safe, clean, reliable nuclear energy for another 25 to 30 years; two, the project will create 6,000 jobs, and most of them will be in Durham region, including my communities of Ajax and Pickering. This is an investment in nuclear energy and in Durham region. We expect the project to inject approximately \$800 million into our local economy.

I thank the Ontario government and Ontario Power Generation for its commitment to a balanced electricity supply mix in the province, maintaining nuclear energy as 50% of our baseload instead of dirty coal, and for once again investing in my Durham region. I also pay tribute to regional council and chair Roger Anderson and Clarington council and Mayor Adrian Foster.

Thank you very much, Mr. Speaker. It's wonderful being here again today, especially with that trimmed moustache.

#### DURHAM COLLEGE

**Mrs. Christine Elliott:** In a recent meeting, members from Durham College relayed their disappointment that this government had overlooked their application to

pursue a jointly funded phase 3 development of their campus. This proposal would see 900 new post-secondary spaces created in some of the fastest-growing fields of study in the province, including the culinary, hospitality and urban agriculture programs.

Members of Durham College are concerned that despite the clear economic imperative for this development, the Ministry of Training, Colleges and Universities did not include Durham College's proposal on a list of 20 projects that will receive provincial funding. In other words, of the almost \$600 million spent on new infrastructure projects, not a single dollar was allocated to one of the province's fastest-growing colleges in one of the province's fastest-growing regions.

What's more troubling is the fact that 18 of the 20 post-secondary projects were awarded to colleges in Liberal ridings, despite the fact that many of those colleges have seen declining enrolment numbers.

Mr. Speaker, given the fact that Durham region is one of the fastest-growing regions in the province, given the fact that Durham College has a distinguished record of delivering its knowledge infrastructure programs on time and on budget, and given the fact that the college planned to fundraise a significant part of this project, not just depending on a government handout, I would respectfully request that Durham College be given due and fair consideration in future development applications.

#### EDUCATION

**Mr. Bas Balkissoon:** Mr. Speaker, faced with tough economic times, our government is making thoughtful choices to build a better Ontario. We're watching our finances just as families watch theirs. We are making sure services we all rely on are even better.

Nothing is more important than quality education. That's why we have worked so hard with parents and teachers to reduce class sizes, improve quality, and see hundreds of thousands more students through to graduation and beyond. That's why we're protecting the investments we have made in our children in full-day kindergarten. Mr. Speaker, this is very important to parents and children in my riding.

McKinsey has measured Ontario schools against the rest of the world and says that, together, we have created one of the best education systems in the world. Just last week, I was pleased to see that the Organisation for Economic Co-operation and Development recognized Ontario as a "world leader in its sustained strategy of professionally driven education reform." The OECD highlighted the innovative strategies our government has adopted to increase our students' success. They have recognized how successful we have been at increasing literacy and numeracy results and improving graduation rates. They single out our Equity and Inclusive Education strategy for helping schools reduce discrimination.

We are building on that great foundation with the Accepting Schools Act, and we're making the choices that will continue the progress we've made in our education together.



## LAUREN HANNA

**Ms. Lisa M. Thompson:** I rise today to give recognition to the Ontario legislative internship program and particularly the intern whom I have had the pleasure of hosting in my office: Lauren Hanna.

What is unique about this program is that the interns choose the MPPs and not the other way around. I feel honoured as a new MPP to have been selected by Lauren as her host office. Lauren recognized that Huron–Bruce matters and, for that matter, rural Ontario matters.

Lauren is from Aurora and has recently completed her honours bachelor of arts in political science from Acadia University in Nova Scotia. She has been a great help in our office, writing speeches and statements and doing much research on renewable, affordable energy in Ontario.

Lauren visited the great riding of Huron–Bruce on a few occasions, got behind the scenes in terms of a tour of Bruce Power, climbed inside a wind turbine, and was instrumental in the grand opening of two of my constituency offices in Kincardine and Blyth. Lauren's energy and keen interest in rural Ontario made her a perfect fit in our office.

I recommend the internship program not only to other graduates interested in pursuing a career in the political world, but to my colleagues here in the Legislature.

Lauren departs our office at the end of this week, but I wanted to take a moment and to thank her in the Legislature for all of her hard work, especially her work in advance of my second reading of my private member's motion on Thursday. Thank you, Lauren, and best wishes.

## PRIVATE MEMBERS' PUBLIC BUSINESS

**The Speaker (Hon. Dave Levac):** I beg to inform the House of the following exchange in the order of precedence for private members' public business: Mr. Yakabuski assumes ballot item number 23 and Ms. Scott assumes ballot item number 37.

## INTRODUCTION OF BILLS

HIGHWAY TRAFFIC  
AMENDMENT ACT  
(ROADSIDE ASSISTANCE  
VEHICLES), 2012

LOI DE 2012 MODIFIANT  
LE CODE DE LA ROUTE  
(VÉHICULES D'ASSISTANCE  
ROUTIÈRE)

Mr. Dunlop moved first reading of the following bill:

Bill 38, An Act to amend the Highway Traffic Act with respect to safety precautions to take when approaching roadside assistance vehicles / Projet de loi 38, Loi modifiant le Code de la route en ce qui concerne

les mesures de sécurité à prendre à l'approche de véhicules d'assistance routière.

**The Speaker (Hon. Dave Levac):** Is it the pleasure of the House that the motion carry? Carried.

*First reading agreed to.*

**The Speaker (Hon. Dave Levac):** The member for a short statement.

**Mr. Garfield Dunlop:** The bill amends the Highway Traffic Act. At present, the driver of a motor vehicle is required to slow down upon approaching an emergency vehicle that is stopped on the same side of a highway as that on which the driver is travelling. The bill extends the requirement to cover cases where a driver approaches a roadside assistance vehicle that is stopped on that side.

Mr. Speaker, with your indulgence, could I read the names of people who are here today? Because they weren't here earlier.

There are a number of people here today from the CAA. They're slowly working their way into the room. I would like to acknowledge John Ennis, Frances Mannarino, Ms. Pat Nielson, Anna Halkidis, Bruno Iafrate, Christine Alum, Tony Salerno, Phil Wilson, Rick Mauro, Teresa Di Felice and Henry Westenbrink. I'd like to welcome them here to Queen's Park on their advocacy day.

**The Speaker (Hon. Dave Levac):** We welcome our guests. That wouldn't be a point of order, but I'm glad they're here.

## PETITIONS

## RENEWABLE ENERGY

**Mr. John O'Toole:** I'm pleased to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

"Whereas Solray Energy Corp. has given notice of its proposal for a class 3 solar power facility known as Epsom Solar Farm to be located in the township of Scugog; and

"Whereas the site is on"—this is the issue here—"prime" agricultural land "that has been in production for many generations; and

"Whereas we consider productive farmland to be of vital importance to farm and rural communities by providing healthy, locally grown food and ensuring the sustainability of Canada's food supply; and

"Whereas class 1 to 5 farmland ... that is zoned rural or agricultural should be protected from" McGuinty's "current proposal and similar projects that may be considered in the future; and

"Whereas other sites of less" valuable agricultural land "are better locations for solar power developments"—if at all, at 80 cents a kilowatt hour;

**1320**

"Therefore we, the undersigned, petition the Ontario Legislature not to allow large, industrial solar farms on prime agricultural land, and we further express our

support for giving local communities, through their elected municipal” officials, “the power to control and approve large-scale renewable energy developments” in their municipalities.

I sign this and give it to Katelyn, one of the taller pages here today.

#### DOG OWNERSHIP

**Ms. Cheri DiNovo:** This is a petition to the Legislative Assembly of Ontario.

“Whereas currently the law takes the onus off of owners that raise violent dogs by making it appear that violence is a matter of genetics; and

“Whereas the Dog Owners’ Liability Act does not clearly define a pit bull, nor is it enforced equally across the province, as pit bulls are not an acknowledged breed;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Legislative Assembly passes Bill 16, the Public Safety Related to Dogs Statute Law Amendment Act, 2011, into law.”

I couldn’t agree more. I’m going to give it to Patrick to be delivered to the table, and sign my name.

#### SCHOOL CLOSURES

**Ms. Lisa M. Thompson:** It’s my pleasure to present this petition with respect to the decision to close Blyth Public School by the Avon Maitland District School Board.

“Whereas the pupil accommodation review states that an ARC committee is required, among other things, to determine the value of a school to the local economy, yet in the case of the Blyth Public School, there is in the minutes of the ARC committee not a single reference to any discussion of the effects of school closure on the local economy; and

“Whereas the same guideline states that the ARC, which is appointed by the board, must include membership drawn from the school community and the broader community, including, among others, business and municipal leaders, yet the ARC meetings considering the Blyth Public School included no Blyth business or municipal leaders; and

“Whereas the only invitations to public meetings in Blyth regarding the accommodation review were taken home by students to their parents, with the result that the broader community were not represented in the discussions; and

“Whereas many other communities across Ontario are now encountering very similar behaviours by their school boards; and

“Whereas single-school communities across Ontario are being permanently damaged economically and socially by the closure of their only school, which is, according to Premier McGuinty, the heart and soul of these communities; and

“Whereas the current Education Act of Ontario very undemocratically provides school boards with the absolute power to close any school they choose, with no avenue of appeal available to anyone, not even members of their own communities;

“Therefore, we, the residents of Ontario who have signed our names below, do hereby petition the Legislative Assembly of Ontario to adopt and enact the following measures:

“(1) An immediate moratorium on all disputed school closures resulting from the accommodation review process and continuing until June 30, 2015; and

“(2) The immediate striking of a truly independent third party body with the authority to review and reverse all disputed school closures found to be detrimental to the community or in conflict with other provincial programs or regulations; and

“(3) Revision of the Education Act to require school boards to work with their municipalities and communities to ensure school closures comply with the principles and practices of sound community and educational planning.”

I agree with this petition, and I affix my signature and I will give it to David to give to the Clerk.

#### DIAGNOSTIC SERVICES

**M<sup>me</sup> France Gélinas:** I have these petitions from the people of northeastern Ontario, and they read as follows:

“Whereas the Ontario government” is making PET scanning “a publicly insured health service available to cancer and cardiac patients...; and

“Whereas,” since October 2009, “insured PET scans” are performed “in Ottawa, London, Toronto, Hamilton and Thunder Bay; and

“Whereas the city of Greater Sudbury is a hub for health care in northeastern Ontario, with” Health Sciences North, its regional cancer program “and the Northern Ontario School of Medicine;

“We ... petition the Legislative Assembly of Ontario to make PET scans available through” Health Sciences North, “thereby serving and providing equitable access to the citizens of northeastern Ontario.”

I fully support this petition, Mr. Speaker, and will affix my name to it and ask page Judy to bring it to the clerks’ table.

#### WIND TURBINES

**Mr. Bill Walker:** “To the Legislative Assembly of Ontario:

“Whereas residents of Ontario want a moratorium on all further industrial wind turbine development until a third party health and environmental study has been completed; and

“Whereas people in Ontario living within close proximity to industrial wind turbines have reported negative health effects; we need to study the physical, social, economic and environmental impacts of wind turbines; and

“Whereas Ontario’s largest farm organization, the Ontario Federation of Agriculture, and the Christian Farmers Federation of Ontario have called for a suspension of industrial wind turbine development until the serious shortcomings can be addressed, and the Auditor General confirmed wind farms were created in haste and with no planning; and

“Whereas there has been no third party health and environmental studies done on industrial wind turbines, and the Auditor General confirmed there was no real plan for green energy in Ontario and wind farms were constructed in haste;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Liberal government support Huron–Bruce MPP Lisa Thompson’s private member’s motion which calls for a moratorium on all industrial wind turbine development until a third party health and environmental study has been completed.”

I affix my seal to this and give it to Adrian to present to the House on my behalf.

#### BAITFISH INDUSTRY

**Ms. Sarah Campbell:** I am pleased to present a petition on behalf of the live bait industry. It reads as follows:

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ministry of Natural Resources recognize and work with the live baitfish industry to ensure a viable, quality baitfish product for the anglers of Ontario.”

I support this petition and will affix my signature.

#### EDUCATION FUNDING

**Mr. Phil McNeely:** My petition is from the parents and children of Avalon Public School in Ottawa–Orleans.

“To the Legislature of Ontario:

“Whereas the current enrolment of Avalon Public School is 687 students;

“Whereas the student capacity of the school is 495 students, as determined by the Ministry of Education’s own occupancy formula;

“Whereas the issue of overcrowding and lack of space makes it impossible for Avalon Public School to offer full-day kindergarten until the overcrowding issue is addressed;

“Whereas Avalon Public School is located in a high-growth community;

“Whereas the enrolment at Avalon Public School is expected to continue rising at a rate of 10% to 15% a year for the foreseeable future;

“Whereas the Ottawa–Carleton District School Board has made building a new school in Avalon a top capital priority;

“We, the undersigned, call on the province of Ontario and Ministry of Education to provide the Ottawa–Carleton District School Board with the necessary

funding to build an additional school in Avalon, to open no later than September 2014.”

I send this to the desk with Samantha.

#### WIND TURBINES

**Mr. John O’Toole:** This was on wind turbines as opposed to solar, which was my previous one.

“Whereas there is a growing body of evidence confirming industrial wind development has serious adverse effects on host communities;

“Whereas over 135 people in Ontario have reported serious negative health effects from industrial wind development, and at least a dozen families have been bought out of their homes” to avoid controversy;

“Whereas Ontario’s Green Energy Act has ended local planning control by stripping municipal councils of their rights;

“Whereas 80 municipal councils, representing two million Ontarians, called on the government to put in place a full moratorium on industrial wind development until an independent epidemiological health study is completed, proper environmental regulations and protections are put in place, and local democracy is restored;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Immediately put a moratorium on all industrial wind proposals; fund an independent epidemiological health study to develop safe setbacks; legislate those findings; develop stringent environmental protection standards for natural areas; and require all projects to comply with regulations based on science,” not on politics.

I’m pleased to sign and support this and present it to Sophia.

#### HYDRO RATES

**Mr. Michael Mantha:** I’d like to present this petition on behalf of residents in Algoma–Manitoulin.

“To the Legislative Assembly of Ontario:

“Whereas Ontario taxpayers have been paying over millions in extra charges on their hydro bills to help retire the debt. The amount collected to date as per the Auditor General’s report is \$8.7 billion, but the amount owing was \$7.8 billion;

“Whereas Ontario taxpayers are asking, where is the money being invested?

“Whereas Ontario taxpayers are asking why this was not addressed at the time the debt was paid;

“Whereas electrical rates have increased with the new creation of green energy coming online to include solar and wind, refurbishment of nuclear plants and deregulation of Hydro One;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows to obtain answers to the following questions:

**1330**

“How much of the debt remains?

“When will it be eliminated from Ontario taxpayers’ hydro bills?”

On behalf of the residents of Algoma–Manitoulin, I will be signing this petition and presenting it to Mackenzie, who is also from Algoma–Manitoulin.

### RENEWABLE ENERGY

**Mr. Jeff Yurek:** A petition to the Legislative Assembly of Ontario:

“Whereas the residents of Elgin–Middlesex–London are concerned about the sacrifice of 400 acres of prime agricultural land in the town of Belmont to the development of a solar farm despite the Green Energy Act’s prohibition of building on such high-grade agricultural land;

“Whereas the company First Solar” Inc. “claims their use of such valuable land is justified under the older renewable energy framework that was in place when the company received its OPA contracts;

“Whereas the government has grandfathered the project into the new Green Energy Act, thereby allowing the company to circumvent any municipal opinion and review;

“Whereas the government has effectively allowed this project to use favourable aspects of two separate regulatory frameworks while avoiding aspects of those same frameworks that are meant to protect one of Ontario’s most vital finite resources: its world-class agricultural land;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To put a moratorium on the” First Solar “development in Belmont until the province decides by which set of regulations First Solar is to abide.”

I agree with this petition and I affix my signature.

### WIND TURBINES

**Mr. Michael Harris:** I’m happy to read a petition on behalf of residents in some beautiful communities next door to us: Bayfield, Goderich etc.

“To the Legislative Assembly of Ontario:

“Whereas residents of Ontario want a moratorium on all further industrial wind turbine development until a third party health and environmental study has been completed; and

“Whereas people in Ontario living within close proximity to industrial wind turbines have reported negative health effects; we need to study the physical, social, economic and environmental impacts of” such “wind turbines; and

“Whereas Ontario’s largest farm organization, the Ontario Federation of Agriculture, and the Christian Farmers Federation of Ontario have called for a suspension of industrial wind turbine development until the serious shortcomings can be addressed, and the Auditor General confirmed wind farms were created in haste and with no planning; and

“Whereas there have been no third party health and environmental studies done on industrial wind turbines, and the Auditor General confirmed there was no real plan

for green energy in Ontario and wind farms were constructed in haste;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Liberal government support Huron–Bruce MPP Lisa Thompson’s private member’s motion which calls for a moratorium on all industrial wind turbine development until a third party health and environmental study has been completed.”

I affix my name to this petition and send it down with David to the table.

### EYE EXAMINATIONS

**Mr. Victor Fedeli:** “To the Legislative Assembly of Ontario:

“Whereas it is unmistakable that clear and pain-free eyesight is a crucial factor in enabling Ontarians, young and old, to go about their daily lives and fully participate in democratic society;

“Whereas the Ontario Ministry of Health and Long-Term Care clearly states that ‘OHIP coverage includes the lens that the patient’s physician determines is medically necessary for the individual patient at the time of (cataract) surgery ... No amount may be charged to the patient for the medically necessary lens or eye tests, or for other necessary add-ons to the insured services, such as premises, equipment, supplies and personnel that are required to provide the service;’

“Whereas the government of Ontario is demanding that its citizens pay a \$300 fee for a mandatory eye exam prior to having cataract surgery;

“Whereas it is contradictory and disingenuous for the government of Ontario to cover the costs of cataract surgery while at the same time subjecting recipients of the surgery to a \$300 eye exam in order to receive the surgery;

“We, the undersigned”—the hundreds of undersigned—“do hereby petition the government of Ontario to cover the costs of citizens required to undergo an eye exam for Ontarians prior to having cataract surgery.”

I agree with this, sign my name and will pass it on to page Adrian.

### ORDERS OF THE DAY

#### SECURITY FOR COURTS, ELECTRICITY GENERATING FACILITIES AND NUCLEAR FACILITIES ACT, 2012 LOI DE 2012 SUR LA SÉCURITÉ DES TRIBUNAUX, DES CENTRALES ÉLECTRIQUES ET DES INSTALLATIONS NUCLÉAIRES

Resuming the debate adjourned on March 1, 2012, on the motion for second reading of the following bill:

Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court

security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012 / Projet de loi 34, Loi abrogeant la Loi sur la protection des ouvrages publics, modifiant la Loi sur les services policiers en ce qui concerne la sécurité des tribunaux et édictant la Loi de 2012 sur la sécurité des centrales électriques et des installations nucléaires.

**The Acting Speaker (Mr. Ted Arnott):** Further debate on second reading of Bill 34? I recognize the member for Ottawa–Orléans.

**Mr. Phil McNeely:** Thank you, Speaker. I'm pleased to rise today to speak on An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012.

This is a response to the Public Works Protection Act legislation which was passed in 1939 when the Second World War was raging and I was all of one year old. It was intended to protect power plants, dams, bridges and other critical infrastructure from sabotage during the war. While its powers have not been used extensively, it does serve two main purposes: court security, allowing peace officers to request identification from and search a person, vehicle or property entering or on court premises; and the security of power generating facilities.

The use of the Public Works Protection Act during the G20 summit in downtown Toronto showed the need to protect civil rights in Ontario. The legislation was used in a way that many individuals lost the protection of their rights to protest peacefully in their own city, in their own province.

These are two legitimate uses of this legislation, but over 70 years later, it is time to modernize the legislation to be more in line with current realities. It is clear that the security concerns of today are different from those of the Second World War era when the Public Works Protection Act was adopted.

In light of the transpiration of events during the federal G20 event and the application of the Public Works Protection Act, our government took action to evaluate the use of this legislation and ensure it fit with modern-day applications.

The use of the Public Works Protection Act—the need to safeguard public works and the need to protect civil rights of all Ontarians—does not strike the right balance, and therefore will be replaced by the new bill.

There was significant concern amongst the public that the civil rights of many were ignored on the basis of the old bill at the 2010 G20 summit. The G20 was a federal event held in Toronto. The G20 was led by the Harper Conservatives through the direction of the Prime Minister's office. After considering other sites, including Exhibition Place, the location preferred by the city of Toronto, the federal government decided the G20 summit would be held in the downtown. The Harper Conservatives gave Huntsville two years to prepare security for the G8, but only gave Toronto four months to come up with a security plan.

When you're bringing in that many foreign heads of state and trying to ensure their safety, there are some distinct challenges. G8s and G20s typically attract a high level of attention from individuals and groups lobbying to have their issues heard. The heart of the downtown core of Toronto is home to many businesses, large companies and individuals who call it home. There is a definite challenge, not only to ensure civil order, but also to properly control and contain all activities taking place, whether legal or illegal.

These summits are accompanied by significant groups of protesters, as well as many people who do not agree with the way our governments are acting, and protests against these summits is a healthy occurrence. In addition to the normal protests are criminal elements who are organized to cause damage.

The Canadian Civil Liberties Association has said that the federal government is responsible for the G20 problems. They were quoted as saying, "What is needed is a comprehensive review that can examine the decisions and policies of all of the actors involved in the G20. The G20 was a federal summit, hosted by the federal government, policed by a federal security agency and paid for by federal funds."

The federal government, in allowing insufficient preparation and time for an event which historically results in hoodlum-type demonstrations and damages, placed our police forces in a difficult situation, and the PWPA resulted in a mass overriding of peaceful protesters' civil rights. I think there's agreement on all sides on that.

Shortly after the G20, our government tasked former Chief Justice Roy McMurtry to provide a report on the scope and appropriateness of the PWPA. Justice McMurtry recommended the repeal of the PWPA after potential security gaps were considered. Justice McMurtry was requested to review the PWPA legislation and arrived at the conclusion that there was no need for general purpose public order policing legislation.

Civil liberties groups, municipalities, justice officials, police, power generation stakeholders and the public were all consulted in drafting this legislation. Justice McMurtry's recommendation to repeal the PWPA focused on balancing personal liberties and public safety.

#### 1340

In its current form, the PWPA provides a broad definition of public works, including:

- railways and other transportation infrastructure, public buildings, electricity generating facilities etc., and the ability to designate additional works as public works;
- the ability to appoint guards with the powers of a peace officer for the purpose of protecting a public work;
- additional powers for guards or peace officers to demand identification, conduct warrantless searches and refuse permission to a public work;
- the use of force to exclude a person from public works;
- that it is an offence to refuse to comply with a request or direction of a guard or peace officer under the act.

The PWPA has not been used extensively, and the act is relied on only in limited circumstances. It provides a legal foundation for enhanced security measures without a warrant, particularly routine searches at courthouses. This is a widely recognized and accepted security practice based on known risks that are associated with court proceedings.

The Public Works Protection Act is also used by security personnel at nuclear facilities. The peace officer status conferred on security personnel under the PWPA supports their authority to carry firearms and is used as authority for providing security in the controlled area of a nuclear facility premises. Other power facilities, the Ontario Legislature and other government buildings sometimes rely on the PWPA to empower guards to perform searches without a warrant.

Introducing modern, focused rules for protecting courts, nuclear and other power facilities, while also protecting the civil rights of all Ontarians, is what we are focused on with this new legislation. The Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act repeals the PWPA. The proposed legislation amends the Police Services Act to provide for court security. It will require any person entering or inside a courthouse to produce identification and provide information to assess their security risk. It allows for search, without a warrant, of any person, property or vehicle entering or attempting to enter premises where court proceedings are conducted.

It allows peace officers to search without a warrant, and use reasonable force if necessary, any person who is in custody where court proceedings are conducted or who is being transported to or from such premises, or any property in the custody/care of that person. It does not compel a person attempting to enter a courthouse to a search, to produce identification or to provide information. They can simply choose to walk away. In this way, we are giving citizens a choice if they want to have their personal information shared.

If they persist in entering the courthouse after refusing to provide information or submit to a search, court security personnel can refuse entry and/or demand that a person leave the premises. They may also use reasonable force, if necessary, to exclude or remove a person. If a person tries to enter and/or refuses to leave, they could be arrested. It establishes offences and penalties for those breaking laws or creating an issue. It is important for court security guards to have these types of laws to support them. This will help ensure the safety and security of courthouses and those who attend them.

Violent incidents, including murder, have occurred in Ontario courthouses in the past. The proposed measures will help to prevent these kinds of incidents in the future. When Ontarians enter our courthouses, there is an implicit sense that they will be safe and protected, and this legislation will ensure that that level of safety and security can be maintained.

Searches at courthouses undertaken pursuant to the PWPA were upheld as constitutional by the Ontario Court of Appeal in 2005, in the case of Campanella.

In terms of electricity generating facilities and nuclear facilities, the legislation applies to prescribed electricity generation facilities and nuclear facilities. It designates security personnel at these facilities as peace officers with a specific set of powers. They can request any person who wishes to enter or who is on their premises to produce identification and provide information for the purposes of assessing the person's security risk. It grants them the power to search, upon consent, any person, property or vehicle entering or on the premises.

The legislation does not replicate the power in the Public Works Protection Act that gives guards the authority to exercise their power in the approaches to the public work. Mr. McMurtry and civil liberties groups identified this language as too vague and too hard to define. This proposed legislation will only allow the specified powers to be exercised on the premises.

We are proposing specific authorities to secure Ontario's power plants based on the unique nature of these facilities in Ontario. Ontario nuclear plants are generally located closer to populated areas, and they therefore need a different measure of protection. Ontarians living near these plants expect to be protected.

Should an emergency occur and public safety and security could potentially be compromised, residents need to be assured that their homes and communities will not be endangered. We have developed this approach based on in-depth discussion and consultation with the nuclear industry, law enforcement and civil liberties groups, all of whom recognize the need for measures to ensure the security of Ontario's nuclear facilities.

If other infrastructure is identified in the future that should be included in the act, it would require a legislative amendment, consistent with Justice McMurtry's recommendations and with what we have heard from civil liberties groups.

Because the list of infrastructure is quite limited and the content of any proposed amendments is subject to public debate, we are working to ensure transparency in the use and scope of this act.

The ministry has also implemented a public notification protocol when police powers are amended by regulation, to ensure adequate time for public review and input prior to passage.

While Mr. McMurtry suggested that the federal government should regulate security at nuclear facilities, and we agree with him that that would be the ideal solution, we have not had a comprehensive federal response as yet. We have approached the federal government to determine its interest in creating the appropriate legislation or regulatory authority for security measures. However, they are unable at this time to fully address these issues in federal statute.

We have therefore developed legislation that proposes a made-in-Ontario solution. We will maintain open channels of communication with the federal government and look forward to working with them to develop a federal solution in the future.

Justice McMurtry reported that there is no need for general-purpose public order policing legislation—the

way police manage mass demonstrations and protests. Common law police powers are based on case law and provide police with sufficient authorities if a breach of the peace is imminent.

This government is committed to addressing security needs for an event like the G20 and will work with others to ensure that appropriate measures are in place if another event like this is arranged in Ontario.

The police have the required powers to manage mass demonstrations. Common law police powers are based in case law and provide police with sufficient authorities if a breach of the peace is imminent.

We're the first Canadian jurisdiction to put in place specific legislation, but following discussions and consultation with the nuclear industry, law enforcement and civil liberties groups, all recognized the need for measures to ensure the security of Ontario's nuclear facilities.

This legislation will ensure that Ontario's nuclear facilities, electricity generating plants and courthouses will be better protected. It is more modernized, transparent and focused on security that is necessary.

As Minister Meilleur stated when this new legislation was proposed, it will "achieve the important balance between protecting critical facilities and civil liberties."

Many people contacted my office after the G20 mess, concerned about the trampling of civil rights. I'm sure most members of this Legislature received those complaints. It was recognized that we had to do things differently, and this is what this bill is all about. It will protect people's civil rights. When these leaders come to our cities, or other cities in the world, there are always many people who are against globalization or are against many of the issues that these leaders bring along with them. So we have to make sure those peaceful protests can occur, and we have to protect the civil rights of people who just want to protest.

Ontario does not wish to see a similar situation arise in the future where people expressing their views in a proper manner are subjected to an obvious overreaction from police and the loss of their civil rights.

The PWPA was enacted over 70 years ago, in a war against the Nazis. The legislation was used in a different era, when it was not needed. The new legislation is very specific to a few situations. It is important to safeguard our courts and our electricity generating stations, and will not be used again where our policing powers are sufficient to protect property and people.

Mr. Speaker, I too believe that this legislation will allow for better safety and security for our courts and nuclear and electricity-generating facilities while balancing the important rights and responsibilities of the public.

I thank you, Speaker, for this. I'd just like to quote from the statement made by Madame Meilleur when she was bringing this bill in: "Our government recognizes that we have a responsibility to ensure that our courts and critical infrastructure are protected; however, we must always balance the need for security with a respect for

civil liberties like the freedom of assembly and the principles of an open and transparent justice system. I believe that this legislation does indeed strike that necessary balance."

**1350**

I urge all my colleagues in the House to support this legislation.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Mr. Bill Walker:** I'm pleased to stand and comment after my colleague across the floor, Mr. McNeely from Ottawa-Orléans

I'm very pleased, as I have Bruce Power in my backyard, to support the safety and security of such a significant facility in my riding.

It's unfortunate, though, that Bruce Power actually felt the need to put their own security system in to ensure that that system was there in place. I'm also pleased to say that they are international award-winning with their security services.

I also proudly and equally support the need for security in courts in Owen Sound, where a good friend of mine, Clayton Conlan, was just appointed to the bench. This is notwithstanding, though, that the Liberals have closed both of our jail facilities in Owen Sound and neighbouring Walkerton, and we still wait for facts and figures that will support that this decision is going to be to the benefit of the Ontario taxpayer. They continue to tell us that there are savings associated and this was a necessity, but we get no answers when we ask the question: "Show us the numbers, show us the savings and that this will provide better service." It was hastily executed and poorly planned.

Mr. Speaker, my colleague across said that we need to respect civil rights and democracy. I would suggest that it's confusing, because when we come to the Green Energy Act, they do not listen to the people of Ontario. They have resoundingly, in fact, not listened to the people of Ontario who have stood up and said, "We do not want wind energy to go through at this current time. We want a moratorium. All we're asking is to hold the line and allow us to go there."

Mr. Speaker, it's imperative that a sound security program is delivered in a cost-effective manner. We cannot have endless administration and bureaucracy that's going to add to the cost, like many of the other things that the Liberals on the other side of the House have done of recent. I would suggest to you the arbitration laws that they have invoked—it's something that we cannot afford; the taxpayer of Ontario cannot afford to pay. However, we do support good security in these vital facilities.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Taras Natyshak:** I'll speak directly to the bill at hand, as I have, as well as my colleagues on our side of the benches. I've spoken with some measure of hesitation and offered some suggestions about how this bill may indeed be better or actually may impact some of the more fundamental aspects of our legal system, particularly

when it comes to presenting the powers under the PWPA to security guards in courtrooms. We question some of the extensions of those powers and the limits to which security officers will be able to go to retrieve information, to demand identification, to impede upon the public and their access to our provincial courts, all in the name of security.

As my colleague from Bramalea–Gore–Malton rightly pointed out, it is under the auspices of security and terrorism that typically our rights begin to be infringed upon. Of course, we know that this bill comes about—we think—from a black mark on this government's history in dealing with the G20 here in Toronto, where rights were infringed. Democratic rights to assemble and to protest were infringed upon by this government under the cloak of secrecy, in the dark of night, where a secret aspect of this bill was passed without the knowledge of the broader public and really without knowledge to those police forces that had the responsibility to enact it or to enforce it.

So we hope that some of those concerns will be highlighted and, of course, addressed by this government, but we are thankful that we are in a position where the majority of this House has the ability to provide that insight and oversight so that we don't make the same mistakes twice.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mrs. Liz Sandals:** I'm pleased to speak in support of Bill 34, the Public Works Protection Act, and I guess to thank former Chief Justice Roy McMurtry for the work that he did looking into the whole issue around the G20 and the Public Works Protection Act and how we modernize that, how we provide for better, more current security regulations, and also to thank Madeleine Meilleur, the Minister of Community Safety and Correctional Services, who has brought us the act and done the follow-up work on following along after Mr. McMurtry's advice.

I think this has been a really, really difficult issue, because there is no doubt that there were legitimate security concerns. In fact, I happen to come from a city where one of the people who actually ended up in jail as a result of behaviour at the G20 lives, and there's another person awaiting sentencing who also, from time to time, lives in my riding. So we have seen in my riding that end of it where there have been legitimate concerns, and we do need to have law that will take care of those legitimate security concerns. But I also have constituents who are at the other end of the spectrum, who were wanting to legitimately engage in political protests and were not looking to engage in acts of vandalism.

So it's finding that proper balance between those who are engaging in deliberate thuggery and those who are engaging in political protest, and being able to better sort out those two. I think, with this bill, we have obtained a better balance.

**The Acting Speaker (Mr. Ted Arnott):** We have time for one last question and comment. I recognize the member for Stormont–Dundas–South Glengarry.

**Mr. Jim McDonell:** Thank you, Mr. Speaker. Back as a summer job, I had the benefit of working at the Bruce Power facility and saw just how immense it was and the issues that of course have been changed over the day. I realize that there is a critical importance to make sure legislation deals with the security around these normal power stations and, of course, our courts that are there to guarantee our rights. But, of course, the courts are there to protect us and not to allow legislation like this that is set there to sometimes squash the people it's there to protect.

I look at what happened at the G20, and I don't think there's any excuse. This legislation must balance, of course, the needs of looking after the critical infrastructure of Ontario, but it also has to balance the rights of people. It must be clear and it must be well-known just what those rules are. They can't be secret, as we saw in that legislation where legislation is enacted behind closed doors, published so basically it becomes known to the public after the event itself. There were people who were there to do the right thing—in fact didn't know what rules they were actually trying to voice their displeasure with what was going on.

I would ask that the government opposite be careful with their legislation. Of course, there is a need to protect public infrastructure. But, more importantly in a democracy like our own it's very important to look after the needs of its people to ensure that democracy survives a millennium and not be squashed with the simple excuse that was used that day. Thank you for that.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for questions and comments. I'll return now to the member for Ottawa–Orléans, if he chooses to reply.

**Mr. Phil McNeely:** Thank you, Speaker. I want to thank the members from Bruce–Grey–Owen Sound, Essex, Guelph and Stormont–Dundas–South Glengarry for their comments on this legislation.

We are all in this House in agreement that the use of the Public Works Protection Act, which is an old act, resulted in a lot that happened that was against the civil rights of a lot of individuals in this province during the G20 conference. We all knew that something had gone wrong. It was important for our government to bring in Mr. McMurtry to review the PWP Act and look at it. He has come through with a good balance between civil rights and protecting our courts, our nuclear facilities, our electrical-generating facilities. Other issues, through legislation, can be added to the list.

**1400**

We had to move forward with changes. I had a lot of calls in my community of Ottawa–Orléans. One of the members of my association, Lorraine DeVanthey, was after me for several weeks to get some answers for her, and the answers weren't coming quickly because we were looking for what the solutions should be. I think we found the proper balance, we found the proper solution, with the assistance of Mr. McMurtry and discussions with many of the civil rights groups and the operators of the facilities.



I hope that all members of this House are in agreement that this legislation should be brought forward and we will be protecting all Ontarians.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Jim McDonell:** It is with interest that I read the report from André Marin, the Ontario Ombudsman, called *Caught in the Act*. I think the report talks about the secretive and unparliamentary actions of this Liberal government concerning the G20. I submit that these issues are not restricted to just this event but can be seen in other events across the province, and I'll get back to those later on.

Originally, "liberal" was used to describe a person who was committed to individual liberty and economic freedom. How things have changed under this government, when the vocal civil liberty advocates sit on the PC side of the House, as you see here. The party opposite has forgotten its mandate and has forgotten the very people it has been charged to protect.

The effect of regulation 233/10, now expired, was to infringe on freedom of expression in ways that do not seem justifiable in a free and democratic society. It was an example of extravagant police authority, powers that are unfamiliar in a free and democratic society. These problems should have been apparent. Given the tremendous power that regulation 233/10 conferred on the police, sober and considered reflection should have been given to whether it was appropriate to arm officers with such authority, but this was not done. The passage of the regulation should have been aggressively publicized, not disclosed only through obscure information channels and publicly disclosed after the event happened. The government passed regulation 233/10 in a closed-door session and only published it on e-Laws, where only a few lawyers and researchers and political assistants go. The Ontario Gazette would have come out only in early July with the regulation. In this case, although it received formal approval on June 3, it was not filed with the registrar until June 14. It took two more days for the regulations to be posted on these sites, clearly in the interests of not letting the public know what laws they would be under during this major event in Ontario, an event that should have been a highlight in our history.

It acted as a trap for responsible people. Those who took the time to educate themselves about police powers before setting out to express legitimate public dissent were caught in the trap. This is not an isolated case of citizens, sometimes well versed in lawyer-speak, being one-upped by the same laws that are there to protect them. Look at similar talk that is only there to mislead the public: things such as tuition cuts are promoted to help all students but in fact only are available to less than 10% of the student population in many universities such as Western and Queen's; the Green Energy Act, which is being promoted as a way of sponsoring tens of thousands of jobs, but as the Auditor General reports, the government must tell the people the real cost to Ontario, a cost that has made our manufacturers leave this province, a

cost that has made Ontario uncompetitive, a cost that is forcing our seniors from their homes, a cost that the auditor reports will increase over 40% over the next five years, and a cost that, the Financial Post stated just last week, at the end of next year will be the highest in North America. This is particularly sad when you consider that not too many years ago we were one of the lowest in North America. I think it's time for information to be out there so that people actually know, when they're voting the next time, the real cost this is to the public.

So the question comes, why did the government pass such a law? The Public Works Protection Act was a war-measures-designed act to protect infrastructure, not provide security to individuals. This is an act that was not required, as common law and the statutory authority of police officers would have been ample to screen and prevent entry to those who might pose a threat to G20 participants. Simply put, regulation 233/10 was of dubious legality and was not required.

Over 1,000 arrests were made during the G20 protests. Fewer than 100 charges were filed under the Police Services Act, and only two under the Public Works Protection Act itself, a clear indication that it was not needed.

Dalton McGuinty was asked by Toronto's police chief for powers under the Public Works Protection Act, and he simply handed over everything to them and went on vacation. The Premier folded on the issue of liberty as easily as he had in labour bargaining in the past. He's folded so much that he's the political equivalent of an origami paper swan.

John Yakabuski insisted there was no such request, but the police chief did ask for support in ensuring order and security, in which case the government made an attempt at being seen to be doing something—something they're very good at—but gave no thought to the potential consequences, the reasonableness or the actual need for the law, just as they did with the pit bull law, where they came out to look at quieting a few and put in a law that really was not fair to the masses.

This government lets itself be manipulated by everyone's priorities. The Premier watched the sitcom *Yes Minister* and made his motto, "I am their leader; I must follow them." It's no leadership if the government can't exercise moderation or soberly reflect on the need for or consequences of legislation they enact. A true leader doesn't pass the buck and blame somebody else for their own mistakes. They accept responsibility, express contrition and take action to right what's wrong.

This isn't the first time this government has played around with police powers—the power of the state to enforce the laws of the land. They hand it out to anyone who isn't too lazy to ask. Look at the OSPCA act, where we have untrained people going into agricultural areas, where they have no training and should not have jurisdiction, and enforcing huge fines.

The government has laudable intentions in passing this regulation. We are talking much about a wartime act. Neville Chamberlain had good intentions too, and it turned into a disaster.

There are many consequences. Police exercised their rights under the act well beyond the limits of the security perimeter, even after the misinterpretation on the part of the chief of the Toronto Police had been corrected. Apart from the insiders of the government of Ontario, only members of the Toronto Police Services knew that the rules of the game had changed, and they were the ones holding the deck of go-to-jail cards.

By noon on Saturday, June 26, communications between the integrated security unit in Barrie—which was in charge of overall security—and Toronto Police Services had broken down, so those messages did not get to people who were actually in charge of security.

If we were to believe the allegations and witness accounts in the Toronto Star, officers may have been under the impression that marshal law had been declared and the breadth of powers conferred in the act could quite fit the description of marshal law.

The five-metre rule had been clarified—it applied to a patch of land and a parking lot—and this clarification was lost in communications. So police were arresting people on streets that were not designated as public works.

The government hid the regulation from the Legislature while the assembly was in session. The government made every effort to keep the regulation out of public view and submitted it late for publication in the gazette. The government did not inform stakeholders about the regulation. When pressed for details, the government went AWOL, hoping the problem would go away. No one accepted responsibility.

#### 1410

But sadly, these abuses aren't limited to things such as the G20 summit. I would like to highlight some of the issues that I have seen as abuse of civil liberties.

For years, I've been travelling to Queen's University for a yearly homecoming, and I'd like to highlight some of the issues I've seen there. I've seen police enter private residences and make arrests and confiscate alcohol without warrants. I have a son who attended university there who told me that they can no longer post their gatherings on Facebook because they are reviewed by the police and, again, they show up.

I could talk about one event we planned as an alumni group going back after 30 years. We had planned a party one Saturday morning at 9 o'clock to meet with upperclassmen. When we arrived, the police had already been there, had charged them and had confiscated some alcohol that we had bought for the event. I mean, this is something they saw because we had handed out letters inviting our upperclassmen. These are people, like myself, over 50 years old, and I just wonder what threat we would be, that these are the things that go on.

Travelling down streets, I've seen vans pull up to the sidewalk, pull somebody into them and leave—unmarked police vans.

Students are learning that this is an area where the laws can be interpreted and misused. They've resorted now to public gatherings in the streets that have caused

huge issues. I've been there to see riot police trying to take on 2,000 or 3,000 students who are unarmed, sitting there, and, of course, by their assembly, being man-handled, forced to the ground and pulled away.

These are things that can happen when we let the authority go awry, and I think it's time for this government to look at some of the things going on in the province. These things are well documented. In this case here, it's turned the university and the students to cancel their homecoming.

I bring this up because it's areas where, over the years, I've seen the laws get progressively worse, where you walk down the street—I know that maybe I look like a threat, but three people of my age being told that if we don't move along, we'll be arrested. This is just an example of some of the things that we see in Toronto, but on a much greater scale.

I think it's time—

*Interjections.*

**Mr. Jim McDonell:** Actually, I'd like to say that possibly the Attorney General wasn't aware, but he was there very publicly one night, handing out water, so I know that he's aware of what's going on there.

But as I say, going back to some of the events I've seen, I also was involved in the War Measures Act in 1970, growing up along the border. I know it was federally enacted legislation, where, in a simple act of 16-year-olds going to play hockey, they were forced to stop twice each way, going and coming home, just to have their hockey bags searched. These were liberties at the time—there's some merit in them, but you've got to look at the overall, what it's doing. For the local people who lived along the border, it was a huge impediment to our ability to act and function in a normal manner. In those days, we were just trying to live and, I guess, as I said, go and play hockey.

I think that it's time for this government to come clean and tell the people of Ontario just what it needs to hear. I commend my seatmate from Cambridge today, Rob Leone, when he was attempting to get some direction on just where our hospital spending is going, something that I've heard for the past three elections—commitments. People who in 2003 were promised hospitals are still, in 2012, today, asking, "When? Where?" I see the resistance from the government here to actually answer that question. How long does it take to get those answers?

I brought up the tuition that the students of Ontario are fighting for. They wanted this cut because we were the highest tuition rates, in Ontario, only to be promised—this legislation comes back and we see the results, where less than 10% of the students actually qualify, for one reason or another. It's something that I get questioned on almost daily from students in our riding. They come forth and say, "Look, I read about this application but I don't qualify. Why? I'm a student from your riding," but maybe they go to McGill. There just seems to be too many reasons. "I didn't complete my undergrad in the minimum number of years." We're looking for reasons not to give out the grants, instead of, you know—open,

transparent legislation that everybody was supporting gone awry.

It's time for the government to come clean, and it's time to look at what they're trying to do. There are admirable reasons to protect our infrastructure. We've all seen cases in other countries that we don't want to see here, where infrastructure is severely impacted and destroyed because legislation is not there, but it is not an excuse to trample the rights of the individual. I implore the government to work with us and come up with a happy mix, look at the legislation that exists today where it's being abused and look for ways that we can actually improve and make a difference going forward and make living in Ontario just like it used to be.

We look at the cover-ups that we see or the incidents with Ornge where we're hoping the party opposite will join the opposition that has shown solidarity in trying to get to the bottom of this and protecting the employees who have been threatened with jail time if they come to us with information. We don't feel that's in the interests of the public of Ontario. We've heard some of the abuses, whether it be today with the rotors on these aircraft that are falling off, but this should not be something that comes across to us in a sealed envelope with no name on it because people are afraid to really do their part in this democracy and give us the tools we need. We haven't got a commitment, but we're looking forward to this government trying to get to the bottom of this and for it to come out.

Sure, there's some bad news in it, but that bad news needs to be put out and the right people need to go to jail. The public is asking for these scandals to be behind us, and I think this is an opportunity for us to show the public just how serious we are. We all know that some serious wrongdoing occurred here. It was identified more than a year ago, and I guess at that time—it wouldn't be the scandal it is today if it had been acted upon.

One has to wonder about the merits. Why was this suppressed for so long? Why was the Auditor General barred from finding out information until only after the election? I have my feelings on it, and I think the public do. Perception is everything, and I think it's our job now to come through and show the public that we're serious, whether it be on this or just the civil liberties that we saw in Toronto, and come back afterwards on this incident in Toronto where we say, "Well, obviously the legislation was misunderstood."

I guess it's no wonder when legislation is passed and not vetted and people have not had the chance to look at it. As to the timeliness of it, I don't believe the Toronto police had time to really look at it and absorb what was being done here. Obviously there were misinterpretations. It's interesting to note that the group that was in charge of overall security was not aware of it as well. We're lucky nothing happened, but there was a lot that happened in the realm of civil liberties. I think Canada, which likes to be out in the forefront and promote itself as being somebody that's a leader in democracies around the world, is embarrassed by this, and I don't think we want to see this happen again.

We're looking forward to seeing this legislation actually take steps to make sure that some of the acts that we see where people are dressed up and go and do damage—those are the people we really want to get, but we don't want to get the people who are standing by or, in one case, somebody going down to purchase some milk who didn't have their wallet or ID on them and was arrested. These are cases where it's almost too embarrassing to bring it up here—or the amputee, where his leg was removed and he was charged. There has to be some common sense applied to this. I would hope that the people of Ontario are quite embarrassed by those events, because they truly are something to be embarrassed about. I truly hope that there was an apology sent to the amputee who was put through that. I know mistakes can be made, but when things got that far into that arrest, surely cooler heads should have prevailed. People should have realized that he was not a threat, helped the person and, I would think, called paramedics in to help him out. No, we called in the paddy wagon and sent him to jail. It's truly the wrong message to send out.

Now that we have a good mix from the three parties here to review this, I would hope the government would listen to all sides. I want to thank the Legislature for listening today.

1420

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much for those remarks. Questions and comments?

**Mr. Paul Miller:** Yes, I'd like to commend the member from Stormont–Dundas–South Glengarry: good presentation, some genuine concerns that we share with the official opposition.

We are concerned about schedule 2, which gives too much power to court security officers that they don't need. Why should security have the power to ask any individual who wants to enter the courthouse, "Why are you here?" Do they have the power to search their cars in the parking lot? That's a question too.

Schedule 3 has the potential to be misinterpreted by untrained private security officers. Where would the limits of a nuclear facility be made? Would the police be allowed to go into the parking lots or beyond the fences as private security officers to confront possible protesters? We have some concerns there too.

I mean, I saw the pictures of what happened at the G20, and I do believe that the police should have moved in on the people that had the black hoodies and the black handkerchiefs across their face, the ones that were jumping on police cars and setting police cars on fire. They should have moved quickly on Saturday to curtail that. Their built-up frustration showed up on Sunday when they started going after quiet protesters that weren't really the ones that were doing the damage.

It only takes a couple of hundred bad apples to escalate a riot and that's exactly what happened. I do believe the police could have cracked down immediately on those guys. Anyone who had a covering on their face was not there for good deeds; they were there to cause trouble. I think they could have centred some of the

leaders out and got them and put the run to the ones that were supporting those types of individuals.

You know that tempers do flare in these situations, and this situation puts more emphasis on the fact that government needs to be cautious on the curtailment of civil rights and the powers it gives police officers. They certainly have to keep an eye on this because we're very concerned that they will have too much power and more individuals will be injured.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. John Milloy:** I listened with interest to the member from Stormont–Dundas–South Glengarry's presentation. What I failed to hear him acknowledge in his remarks is the fact that the G20 and the security around the G20 was a federal responsibility. We're talking about an instance where the government of Canada and the people of Canada were welcoming leaders from around the world, 20 leaders, including the President of the United States, and other targets, which I think we would all realize create a real need for very, very complex security. That security was undertaken by the federal government.

Where I do agree with my honourable friend is in his concluding remarks, where he did acknowledge the fact that the Public Works Protection Act, which we're talking about, is an outmoded act, is one that goes back to the time of the Second World War, and I think all members of this House realize needs to be updated, needs to reflect the modern time.

I want to take a minute and pay tribute to former Chief Justice Roy McMurtry, an outstanding Ontarian, an outstanding Canadian who we asked to take a look at the law. He came forward with a very thoughtful report. Based on that report, based on the consultations that were undertaken by both the present minister and previous minister, we have a piece of legislation before us which balances the needs of security with those of freedom and I think is a very good balance and will go a long way in addressing some of the shortfalls that we saw under the Public Works Protection Act.

Mr. Speaker, I'm pleased that this legislation has come forward. I'm pleased with the fact that we've heard some positive things from all sides of this House. I think we have to look at an act which is going to meet our security needs and reflect the values of this day and age as we move forward with this piece of legislation.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Toby Barrett:** The member for Stormont–Dundas–South Glengarry did make it clear that it was the McGuinty Liberals that secretly revived Ontario's version of the War Measures Act, and I know André Marin made that clear, as was mentioned in his report Caught in the Act. It was another Liberal, Trudeau—we remember that era; some of us do—who in 1970 brought in the War Measures Act. I was living in Simcoe, Ontario, at the time, and a good friend of mine immediately got thrown in jail. This is in Simcoe,

Ontario. I don't think he had ever been to Quebec. This happened to my friend. He was thrown into our local jail because the police had the power to do that—again, courtesy of another Liberal. I think we can probably—

**Mr. Robert Bailey:** At least the jails were open, still.

**Mr. Toby Barrett:** Yeah, at least we had a jail then.

Again, the police have the power, courtesy of Liberals. Here again, after all these years, another Liberal brought in the G20 law, and they kept it secret. We didn't know about this particular law.

So I welcome the comments from the member for Stormont–Dundas–South Glengarry. He has done an excellent job in explaining what's going on. This is not surprising. He has a wealth of municipal experience. He just joined this Legislature in the last election. He got something like 54% of the vote, Speaker. I've got the numbers here: 21,615 votes. He beat two people named "MacDonald," carrying on now the good work of Noble Villeneuve, a former Ag minister for that area. He's in there with federal MP Guy Lauzon. So there's a riding down in that part of Ontario that will be looked after very well in the future.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Michael Prue:** I rise to commend the member from Stormont–Dundas–South Glengarry for his contribution to this debate. He spoke throughout in a somewhat measured tone, which was a good thing to hear, because there were no histrionics, there was no yelling or anything else. It was just an absolutely measured tone.

He put the blame absolutely where it should have been, and that was on the secrecy of the Liberal government, the secrecy that was there. They went into closed session; they passed a law. We know who was present: not only the cabinet, but a few others I like to call the "hangers-on" around the cabinet, who were also there and who did not voice any displeasure on the passing of this act.

He brought the entire thing back to himself, to his own personal experience, to his days at Queen's University, his returning there as an alumnus and what happened with the university police. Wherever you get an opportunity where power is not measured out wisely and justly, there is always this risk, and he brought it back in very personal terms.

He also concluded by talking about the timeliness of the reports. And one has to ask that selfsame question. There were multiple arrests—I think 1,100 arrests—made during that couple-of-days period here in Toronto. There were stories in the press. There were allegations. There were counter-allegations. There was this government not really knowing what they were saying. There was the police chief of Toronto, who I believe honestly was misinformed about the authorities, and yet it took months and months after the election until pen was actually put to paper to put this all in perspective.

Again, I commend the member for what he brought out today.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for questions and comments. I'll return to the member for Stormont–Dundas–South Glengarry for his reply.

**Mr. Jim McDonell:** Thank you, Mr. Speaker. I'd like to thank the honourable member who commented on my speech—from Hamilton East–Stoney Creek—talking about the people dressed in black. We see this over and over and over again, whether it be in Vancouver during the Stanley Cup riots or whether it be in Ottawa a few years ago with the last summit that was there, and this week here. We get people who go into these areas dressed in black, cover their faces, and then go in and trash the place. Not only are they the real culprits of the security issue, but they're an embarrassment to the public, and I think we need legislation that looks after those. Truly, if you're in a place like that and you've covered your face, I think your intent is clear.

I think the comment from the House leader—he failed to acknowledge their government's role in this. It is they who enacted the regulation that resulted in these police measures. I think that, from what I hear around the table, everybody can see it was overbearing and inappropriate.

1430

We must not lose sight, as we're saying, of what we're there to do: the security required around that event and not wanting to have a mishap here. But again, there were people there, some of them to protest peacefully, and some of them who just happened to be curious, walking by, and who were caught up in the arrests as well.

The member from Haldimand–Norfolk talked of my predecessor in the riding, Noble Villeneuve, a great member from our riding who went on to be Minister of Agriculture and who provided help to me in my quest for this position.

For Beaches–East York, it's the responsibility of the cabinet to stand up, because that's something that we didn't see here. We didn't see people on that side of the government stand up and say, "We made a mistake." I think that's what we're looking for, and we're looking for things to be addressed, as with many of the other issues around the province.

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. Further debate?

**Mr. Michael Prue:** It is my pleasure and my opportunity here to talk about this bill.

You know, I have been in this Legislature now—this is my eleventh year, and I have heard a great many discussions on a great many bills. It was a surprise to me, coming here every day for the last 11 years, to find out that, in fact, Ontario had a Public Works Protection Act. I thought this was a vestige of the Second World War. I had no idea that it still existed, and I think most Ontarians and most members of this Legislature had no idea that we had such a draconian act that was still on the books. Here it is, an act 70 years old that is suddenly brought forward in a kind of secret way—not a "kind of"; a totally secret way—and enacted upon the people of Ontario.

A few people have already commented that this was Ontario's version of the War Measures Act, and it probably pretty closely approximates exactly that. They're both about the same age; they were both intended for the same purpose. One was designed federally and would take effect all across Canada; the other one was more specific to this province. But the intent was exactly the same. The intent at the time, in 1939, was to make sure that Canada did not find itself in a situation where its infrastructure could be harmed, bombed or destroyed. People in their good judgment in those days did what they thought was necessary to protect this great country.

But I remember—I guess I'm old enough to remember—the War Measures Act. I remember when it was enacted in 1970. I remember where I was and what was happening. I remember looking in horror at the death of Pierre Laporte on the television and the kidnappings, and what was happening in Quebec and in Montreal, with the tanks going up and down the streets and the armed guards and the army that were called in. But I also remember in horror when our Prime Minister, the Right Honourable Pierre Elliott Trudeau, when questioned about this, said, "Just watch me." Then he brought forward a draconian act and saw the civil liberties of thousands of people compromised.

The reason it all comes home to me, Mr. Speaker, is because I was a university student at that time. I was very involved in political life, both on the campus and in the broader society, both municipally and provincially—and federally as well. I was involved in all of those things, and I was very curious as to why the War Measures Act would be invoked.

I went to a public lecture at the University of Toronto. One of the speakers at the University of Toronto was the principal of Scarborough College. His name was Wynne Plumptre. He has been deceased for many years, but Wynne Plumptre was a wonderful man. I knew him fairly well, and he was one of the key speakers talking about the War Measures Act because he had first-hand knowledge. During the Second World War, as a senior federal bureaucrat, part of the job that he did was to invoke the War Measures Act. Part of the job that he was responsible for was taking those poor Japanese Canadians away from their livelihoods, their boats and their homes in British Columbia, and moving them inland into Ontario, Manitoba and other places. For what purpose?

I remember when he stood there in front of the lectern and talked to a packed audience of maybe 1,000 University of Toronto students—some of whom supported the War Measures Act, some of whom did not—and how he spoke to us about how this was a blunt tool and a blunt instrument and it ought not to be taking place.

He spoke with such eloquence and such passion that he convinced me. But he didn't convince everyone in the room, because, Mr. Speaker, in that room taking the pictures of every single one of the 1,000 students who were there for a learning exercise, to hear the pros and cons of the War Measures Act, were police officers, taking all of our pictures. I remember that. I remember

downtown Toronto, having my picture taken for being at a public lecture theatre listening to the pros and cons of the War Measures Act. That never, ever has escaped my mind, because to this day, I know how easy it is for someone's civil liberties to be taken away.

I knew even more a couple of nights later, when I was having a beer with my friends, and one of my friends drank a little bit too much and I was telling her why I thought Wynne Plumptre was right. When I left that night, the newsflash came across the radio and the television that they had found the body of Pierre Laporte. She phoned the police on me. Luckily, luckily, her friend hung it up just before she had to give all the pertinent details. I guess I was saved from being arrested, because that's all it took; somebody drinking a little bit too much and my defence of civil liberties would have caused that.

So when I see what this government did around G20, I have to ask: What was this cabinet thinking? What were the cabinet and the hanger's on around the cabinet table thinking when they invoked the equivalent of the War Measures Act? Anybody in this country, anybody of any renown—Roy McMurtry, any civil rights official, any lawyer—will tell you that what happened in 1970 was way overblown for what was necessary. Yes, we needed to call in the army; yes, we needed to ensure that people's lives were not compromised, but we did not have to throw hundreds and thousands of people in jail then, nor did we have to throw the 1,100 in jail in this past year.

There is no rational reason why such an act would have been used. There were other instruments available to this government, even if it was on short notice. There were other things that could have been done. There were other warnings that could have been made to make sure that innocent people were not caught up in what happened in downtown Toronto.

This government is absolutely complicit in its own passing of this regulation. They did so in private. They did so without consulting the people of Ontario. They did so without notifying the people of Ontario. They did so without detailing the provisions. Some 1,100 people were arrested, most without cause, and most of those charges have been withdrawn.

There were 20,000 police officers in the downtown core during these couple of days, and those officers, in and of themselves, should have been sufficient. Now, it's just not me who thinks this, Mr. Speaker. I would just like to make two quotes—they may have been quoted before, but I think they need to be quoted again.

The first is from the Canadian Civil Liberties Association. They had this to say about government action during the G20: "The conditions for some of the policing problems that were experienced during the summit were set during the preparatory stage.... For example, the lack of transparency surrounding the designation of the security perimeter as a 'public work' led to misunderstandings as to the scope of search and seizure powers and, in our view, to an inappropriate use of these powers. The large number of police officers during the week

leading to the G20 generated both a suspicion of wasted resources and a sentiment of potential intimidation. June 26 represents a turning point. Widespread property damage was committed by a cohort of vandals in the downtown of Toronto on that day. We condemn this criminal activity and acknowledge that it warranted a response by police. The response police provided, however, was unprecedented, disproportionate and, at times, unconstitutional."

#### 1440

The Ombudsman, André Marin, in his report, stated, "Regulation 233/10, passed to enhance security during the G20 summit, should never have been enacted. It was likely unconstitutional. The effect of regulation 233/10, now expired, was to infringe on freedom of expression in ways that do not seem justifiable in a free and democratic society. Specifically, the passage of the regulation triggered the extravagant police authority found in the Public Works Protection Act, including the power to arbitrarily arrest and detain people and to engage in unreasonable searches and seizures. Even apart from the Charter of Rights and Freedoms, the legality of regulation 233/10 is doubtful. The Public Works Protection Act under which it was proclaimed authorizes regulations to be created to protect infrastructure, not to provide security to people during events. Regulation 233/10 was therefore probably invalid for having exceeded the authority of the enactment under which it was passed. These problems should have been apparent, and given the tremendous power regulation 233/10 conferred on the police, sober and considered reflection should have been given to whether it was appropriate to arm officers with such authority. This was not done. The decision of the Ministry of Community Safety and Correctional Services to sponsor...."

Mr. Speaker, the bill before us is better than the bill it's replacing. If for that reason and only that reason, I would find it hard not to support it, because I do not want to leave a bill such as the 1939 act, which was invoked by this government in its last session, to be used ever again upon the people of this province. It was untoward, it was unnecessary, and it was brutal.

Having said that, there are some problems even with this bill. As a person who takes his civil liberties very seriously and who wants civil liberties for all of the citizens of this province and of this country, I think we need to look very carefully at any bill that will impinge upon any of those—violations of those rights which Canadians believe they inherently have.

The first section is that of the courts. You look upon what can happen—and it doesn't say this is going to happen in any courtroom, but it says it can happen any time the government invokes this act. So any time the government feels that things are looking a little nasty or that a circumstance might warrant it and invokes any portion of this act, then in the courts, any person entering a court must produce identification.

Now, I know that a great many people attend courts. I used to work in the immigration department; I used to

attend court, too. We used to attend court if there was a foreign national who was facing a criminal charge to see whether or not they pled guilty or whether, in fact, they were convicted. I don't remember ever once being asked in the courtroom to produce identification as to who I was and why I was there. I'm wondering: Is this now going to be the norm when one goes into a courtroom, to produce identification? Is it going to be the norm that if you are going down to watch a trial, you have to produce identification to get into the courtroom? I hope not because this is a public place, and citizens should have an unfettered right to attend courts. That is what makes them open and transparent, and the intimidation of being forced to show identification may deter some from doing what has been taken as a right until this point.

The second point is that any person must provide information and be questioned as to the purpose of their being there. They could be there as moral support for an accused. They could be there as friends or family of the victim. They could be there purely out of interest. They could be there for any number of reasons. But if this passes, then there is always the possibility that people will be asked any number of questions—anything from their political activities to their religion, to their knowledge of the accused or of the families or of the victims, and I'm not sure that that is something that we should be impinging upon.

The next thing that would happen, or could potentially happen, is that they could be searched without warrant; that is, any person can be searched without warrant, as, as well, can the property or vehicle of any person who seeks to enter a courtroom. I wonder if this is something that this government intends to do, because although this is better than the blunt instrument of the 1939 law, it still goes further than I think we expect in a free and democratic society.

I note as well that any person who is in custody can be searched without warrant. Any person in custody at all, when they come from the jail, can be searched without warrant. Although there may not be a great public appetite for people who have been charged with an offence to be given any kind of fair treatment at all, I think when their civil liberties are most at risk is when they are in custody facing a trial and are about to be searched. I can imagine there may be some considerable ill feeling when that takes place.

Those are the things in court. I don't know whether they're going to pass, and I hope that they will be subject to amendment when and if this goes to committee, because this needs to be looked at. I acknowledge that this will not happen in every court proceeding; it will not even happen in every court. But it will happen from time to time when those powers are invoked for whatever reason. And we, in a free and democratic society, ought to make sure that this is exercised with the utmost of care or not at all, and it should be the exception rather than the rule. We do not need to go down that particular path.

The only thing I would agree with—and I think most sensible people would—is the right of search or at least the right of going through a metal detector. I do know, in

this very building—and all the members and anybody who has ever been in the back room or sat up on this particular section of the Legislature behind me knows—that there is a metal detector similar to what one would find often in a courthouse, in a Parliament building, in any kind of police station, in an airport; sometimes in some train stations around the world you go through a metal detector. I would have no real umbrage with that. I think that that's important, given sometimes the emotions of the day. You don't want people coming in taking justice or the law into their own hands, and so passing through a metal detector, that kind of search, seems eminently reasonable to me. All the others seem just a little bit far-fetched—patting down the person to see what they have with them.

In terms of the electricity and nuclear, this doesn't seem to me to be so onerous, and I can understand being very careful around nuclear establishments. They can be and are dangerous places if someone seeks to do harm to them. Perhaps that's why so many in the NDP think that nuclear stations and nuclear energy is not the way to go. It's just one of many, many reasons. To me, mostly it's the cost. They're all overrun; they all cost so much, it hardly makes it worthwhile. But there is always that possibility as well.

If you go in or near any place that's producing electricity—it's not clear whether this involves a windmill; it's not clear to me whether it involves a solar farm; it's not clear to me whether it involves a generator, be it a gas generator or just a little private generator that produces a few kilowatts of power. If you go anywhere where electricity is being produced, then you can be searched upon consent. You have to give your consent, which is a good thing. So I guess you could just leave—"You're not going to search me," and I leave. But anyone can be refused entry or be forcibly removed if they refuse to submit to a search from any of these facilities.

I do know there was a time when people went to electrical facilities—I went to a few myself, where electricity was being produced. I went down to Niagara Falls to see how it was produced there; I went to the nuclear facility at Pickering to see how it was produced there. Certainly, nobody searched me, and no one suggested that I should be searched. In fact, in the nuclear facilities, as you drive along the 401, you'll see signs up that say that they are open for public inspection, and the public is invited to come and see them, I suppose, to see how safe and modern they are.

#### 1450

I would also suggest to this government and to all the members of this House, when it does go to committee, that if we are going to go down this path, either to the courts or to the electricity or nuclear facilities, that there should be written notices leading up to the front doors, explaining the rights of the security personnel, so that people are not taken aback when their constitutional rights are somehow impinged.

Mr. Speaker, those are the comments I have for today. I reluctantly will be supporting this bill because it's better than the old one, but I still think we're going too far.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jeff Yurek:** Just to comment on the comments from the member from the NDP: The reason the government has to do this law is not because they want to, or to do the right thing. It's because the Ombudsman pointed it out and embarrassed them. They had to do it.

There is a danger when the government starts making laws behind closed doors that start removing our freedoms, and there's no excuse for a government to do this at any time. My grandparents left Europe because of that reason. They lost too many freedoms from secretive governments. They wanted something that was better for their lives and, of course, it was coming to Ontario.

The government also isn't taking responsibility for this. They're blaming others. I've already heard today they're blaming Stephen Harper. I'm sure Alberta's on the blame, and if we listen long enough, Newfoundland probably has a problem with it.

I quote from Andrea Horwath, from the newspaper here: "NDP leader Andrea Horwath said the new law is an 'admission' of failure on the part of the Liberal government.

"They made a big mistake when they were preparing for the G20 and they're ignoring the fact that mistake trampled people's civil rights, civil liberties...."

It's time this government started taking responsibility for their actions. Say you're sorry and start being accountable and governing this province with pride and not being secretive.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Paul Miller:** I was glad to hear the member from Beaches–East York go down memory lane. It reminds me of the days of the 1960s, and Woodstock, and all the days when people actually got out en masse to protest what was going on in the world. That was the start of civil liberties, in my opinion, when people met by the thousands to voice their opinion on things that weren't right. That was the start of it all.

When these situations are created, tempers flare as the situation escalates, and both sides have a tendency to overreact. But this situation put more emphasis on the fact that the government needs to be cautious of the curtailment of civil rights and of the powers it gives to the police officers. It should be also careful so that it can justify such powers. This was not the case at the G20.

Since Minister Meilleur herself admitted that it was an issue of miscommunication, I would look forward to seeing the Ministry of Community Safety and Correctional Services develop a protocol that would call for public information campaigns when police powers are extended. I would also like to see written notices at the entrances of courthouses and nuclear facilities listing the possible requirements for entry and the consequences of disobeying those requirements.

There also needs to be an accountability mechanism in those instances where things do not go as planned. Security guards and police forces need to fully under-

stand what they can and cannot do. They also need to know the consequences that their actions could elicit.

We have to be extremely careful about what powers we give to the police forces and the private security firms. On the other hand, we have to be extremely careful that the civil rights of the people of this province are protected and innocent people are not retained or held in custody for things that are simply an expression of their feelings and their thoughts about the way government should run.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. David Zimmer:** I'll be speaking to this matter at length for about 20 minutes in the next go-round. But just by way of a two-minuter, I can tell you that I think I'm the only member of this Legislature who actually participated in the G20 demonstrations, albeit I participated by way of observer. I was driving in my car—it was a Saturday afternoon, and I was up around Bloor and Avenue Road—and I heard on the radio about a demonstration in front of Queen's Park. So I slipped down, pulled into my parking spot at the back here and walked around to the front. I was with someone, a guest from out of town whom I was, interestingly enough, showing around the city of Toronto that afternoon.

I walked down close to College, where the police line was, and my sense of the demonstration was—it was really scary at times, and at times peaceful—that there was a hard core of 30 or 40 demonstrators, all dressed in black, and they were creating real chaos at the front of the police lines. Then the vast majority, the rest of us, myself included—they were all ages; there were parents there with young children; there were senior citizens—were watching this, just for same reason I was, to see how this was unfolding—

**Mrs. Liz Sandals:** Curiosity.

**Mr. David Zimmer:** —a mix of curiosity; they might have gone out to actually demonstrate, but in a very peaceful way.

But it was very evident that it was the very small group that was causing the difficulty at the police lines, and they were reacting to that. Of course, it was only a few minutes till everybody got caught up in the chaos, myself included. Fortunately, I beat a hasty retreat back to the parking lot and went home for the afternoon.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Ms. Lisa MacLeod:** It was a real pleasure to hear from my colleague from Beaches–East York. I think he always contributes a great deal to the debate in this chamber. We may not always agree, but he and I respect one another, to accept what the other is saying. I must say that I was quite compelled to hear the story about him and his friend, and I think it's really valuable that we share those stories about legislation that we have in this chamber from time to time.

Last week, I was in the chamber, as was my colleague from Beaches–East York, when my seatmate, the member from Renfrew–Nipissing–Pembroke, added his



father's experience of having fought in the world war and what the genesis for the previous legislation was and why we needed to change this. I must say that one of my constituents, actually, is the Ombudsman for Ontario, André Marin, and we were talking on Friday, over lunch, about the member from Renfrew–Nipissing–Pembroke's speech, because obviously he had cited the Ombudsman's work at that period of time.

All this is to say that I think this piece of legislation actually signifies why we are here: to debate the big issues of the day and to respond. The benefit of this piece of legislation being brought before the House right now in a minority Parliament is that those experiences that our colleagues have felt, or others have felt, can be brought to light to talk about the significance of this legislation.

So I do want to commend my colleague from Beaches–East York for once again bringing some very relevant information to the floor of this chamber. I always really appreciate listening to some of the stories he has to tell, but particularly in the context of the bill that is before us. Thank you, Mr. Prue, from Beaches–East York.

**The Acting Speaker (Mr. Ted Arnott):** I'll now return to the member for Beaches–East York for his reply.

**Mr. Michael Prue:** I'd like to thank my colleagues from Elgin–Middlesex–London, Hamilton East–Stoney Creek, Willowdale and Nepean–Carleton for their kind words and their contributions.

I think I should correct the record, though, for the member from Willowdale: He may have happened upon this particular demonstration and stood well back from it, but I do know that my colleague from Parkdale–High Park was there all three days, was actually part of the demonstration, and led, on Sunday, a prayer for those victims. So I think her contribution to what was happening that day far outweighed your own, although I am impressed that you ventured close. It was my own decision not to go down there because I fully expected what was going to happen did happen.

**1500**

As you may have heard from my own story, just attending a meeting to hear the merits or the demerits of the War Measures Act, I had my picture taken and it almost caused me to be arrested. It was not something that I would lightly attend because of the difficulties.

I do commend my colleague from Parkdale–High Park and I think perhaps other members of the—was Mr. Kormos there, as well? Mr. Kormos was there, as well.

**Ms. Cheri DiNovo:** The member from Davenport, as well.

**Mr. Michael Prue:** Yes, Jonah Schein from Davenport was there. He wasn't an MPP at that time, but he was there, as well.

This was a protest against some of the things that are happening in the world, of which people ought to protest. Remember, this was taking place at a time when the banks were collapsing in some countries, when the economic situation was getting horrendous for ordinary

people, when people were looking around the world and looking for solutions and were not seeing it in the G8 or G20 summit. This was a legitimate opportunity for ordinary people to pass comment on this.

I thank the four who passed comment on what I had to say, and I'm looking forward to the member from Willowdale's speech.

**The Acting Speaker (Mr. Ted Arnott):** Further debate on second reading of Bill 34?

**Mr. David Zimmer:** Let me start off with an apology to my colleague from Parkdale–High Park. Had I known that you were at the demonstration, I would have referenced you in my remarks, and I also would have referenced former MPP for Welland Peter Kormos, who was there. I didn't see them. They were there. It's probably because either I was hiding behind the bushes or perhaps they were hiding behind the bushes. I can say I was being very careful—because I remember I did get right up to the police line. I thought, I'm an MPP, and this is happening in the precinct here, on the grounds.

I have to say I was cautioned by the legislative security here, who were immediately in front of the building where the steps are, watching it. I went down, and they offered me some advice and said, "Mr. Zimmer, I don't think you should go beyond this point. Don't go down there." I think I said, "Well, I want to go down and see what's going on. I'm the MPP." I got right up to the police line, within arm's-length, when I got a poke in the chest with one of those black things, just making it quite clear that I should not come any closer. That's when I backed up.

Having said that, this is a very, very serious matter for civil rights here in Ontario. The great challenge that any government has that is responsible for the well-being, in this case, of 13 million citizens, responsible for the infrastructure and responsible for facilities and so on, is to strike the right balance between those people who want to wreak havoc on our institutions, our buildings, our way of life here in Ontario, and those people who, while they may be critical—and they're well within their rights to be critical. In fact, they're encouraged to be critical, in a constructive way, of actions that governments take or don't take. The point is, there is a proper way to bring forth that criticism. Our citizens in our democratic system are entitled and, indeed, expected—indeed, it is good for the society as a whole when they can forcefully bring forward their criticisms.

Unfortunately, what happens—often there is a minority of people who play on that right, that we all expect, to criticize, to demonstrate forcefully and vocally, and they push it too far. We have to ask ourselves, why do they push it as far as they do? Why do they go beyond the bounds of legality? Why do they go beyond the bounds of what's acceptable? Why, in fact, do they want to go beyond the bounds of what's acceptable? Why, in fact, do they want to go beyond the bounds of what is persuasive? Because sometimes a demonstration, like the issues we had of people burning police cars and so on, is so far over the top that it's counterproductive. Reason-

able people who are following the debate and who want to hear what the demonstrators have to legitimately say, those who are critical of government for this or that or the other thing—and that's fair; they should be heard and they should be listened to. The irony is that people who push it too far shut down the ability of governments or make it impossible for the governments, or make it impossible for the legitimate demonstrators, to get their points across. So they create this chaotic situation which sort of implodes on itself and nobody hears the legitimate criticisms that the reasonable demonstrators want to put forward. That in itself is not good for our democratic model.

Now, the legislation which caused the difficulties during the G20 here, the old PWPA, the Public Works Protection Act, was something that was set in place in 1939. That's 80-plus years ago. That is a long time ago. Things have changed. Society's expectation has changed. People have become more cognizant of their rights and how they can legitimately go about making their points. So it's clear that a review of that legislation which was introduced in the most severe of times here in Canada and in Ontario—it was the beginning of the Second World War, that horrific wartime experience. The legislation was quickly enacted to provide some protection for critical facilities here in Ontario. Other jurisdictions in Canada did the same thing.

After the war ended in 1945, we had a period—1945 right up to the current—where we haven't had that sort of dramatic assault on our rights and freedoms as was caused by the Second World War. So the legislation sat there dormant, if you will. Fortunately, no one had to access it, because to the extent that we were having demonstrations and the like, they were forceful and clear, but they were peaceful.

The situation changed during the G20 because there were issues that Ontario was facing, but there were also global issues around the world that each of the G20 countries was dealing with. And over the number of years, whether it was in London a few years ago or Seattle a few years before that, a hardcore element of folks have organized themselves around these G20 summits and other kinds of summits to create not constructive criticism, not constructive demonstration, but chaos, to create anarchy.

This legislation, the new piece of legislation, was then brought in to ensure three things: to protect our infrastructure and protect the rights of people who want to demonstrate reasonably and so on; to deal with the anarchists, if you will, who were causing all the grief within these demonstrations; and, let's not forget, to protect the rights of those people who want to forcefully, vigorously, enthusiastically, colourfully and constructively demonstrate against a government policy, because they have that right to do that. Indeed, we're all the better for it, that we have these forceful debates out there. But the point is, we want to protect their rights to do it, we want to protect against the anarchists, if I can use that expression, and we want to protect our in-

stitutional assets. So the whole question is, how do you get that balance right so you achieve those three goods, if you will?

Well, we've had a lot of talk about the legislation, about why it was brought in. We've heard stories and concerns and so forth and so on. But I think it's important to take a look now at what the legislation actually says, what it does and what it does not do, because one of the reasons that we fell into the difficulty with this last piece of legislation is, it was brought forward, and I think it's fair to say that nobody really sort of sat down at the table and got the act out and went through it in some detail to see exactly what it said, what it didn't say, what it required police to do, what it said police couldn't do, what it required of demonstrators, and so on.

#### 1510

What does this act actually say? To the extent that we all, in this body, that the media knows and the public knows exactly what this act says, then we will know if it has struck the right balance between protection and ensuring lively debates and lively demonstrations.

This is generally what the act said. First, the act was initially designed to protect power plants and dams and bridges and other critical infrastructure from sabotage in the context of the Second World War. The powers, fortunately, at the time, from 1935 to 1945, did not have to be extensively used, but they were there to be used for court security. The PWPA legislation allowed peace officers to request identification and search a person, a vehicle or property on entering a premises. Power generating facilities: The PWPA legislation allowed security personnel to refuse entry or demand a person to leave the site or the approach to a site, to use reasonable force and so on.

The PWPA's application during the recent G20 event, as I've said, led to a lot of criticism from civil liberties groups and the media and the Ombudsman's report. The government reacted to that criticism and asked former Chief Justice Roy McMurtry to report on the scope of that old act, the PWPA, and its appropriateness in today's time.

Justice McMurtry was a very distinguished Ontario Attorney General, a distinguished leader in our community. He was a trial judge of the Superior Court of Ontario, then he joined the Court of Appeal, and then he became the Chief Justice of Ontario. He has, over the years, established a stellar record as a human rights activist. In fact, the Attorney General's office at 720 Bay Street is named after him, the Roy McMurtry building—and Ian Scott, who was an equally distinguished Liberal Attorney General also very concerned with human rights.

What did Justice McMurtry recommend? First, right off the top he recommended the repeal of the PWPA and that a new piece of legislation be brought in to fill in the gaps and so on. What did we do with his report? We've all had a chance to read his report. The government, after receiving his report, consulted with all the civil liberties groups, municipalities, and power generation stakeholders. It took advice from Justice McMurtry and it took

the Ombudsman's report into consideration when it drafted the legislation, and it came up with the piece of legislation. I'm going to highlight what that legislation actually says because we should know what's in it to the extent that it can never be used to control a situation as we had in the recent G20.

The old PWPA is repealed. The Police Services Act is amended to provide for court security in the following ways—because the anarchists were attacking court security: It requires any person entering or inside a courthouse to produce identification and provide information to assess their security risk. That's not unreasonable. It allows for a search without a warrant of any person, property or vehicle entering or attempting to enter premises where court proceedings are conducted; search, without a warrant and using reasonable force if necessary, of any person who is in custody where court proceedings are conducted or who is being transported to or from such premises, or any property in the custody or care of that person.

This is important: It does not compel a person attempting to enter a courthouse to a search, to produce identification or to provide information. They can walk away. So you can be asked for that information. If you want to get into a court facility, which is a secure facility, if you are provided to give some explanation about who you are and ID, then by all means come in. If you choose not to, then you can walk away, and that's the end of the day.

If they persist in entering the courthouse after refusing to provide information or submit to a search, the court security can do the following: It can refuse entry or demand that a person leave the premises; it can use reasonable force, if necessary, to exclude or remove a person if they won't leave and won't give any information, ID, about who they are.

If a person does try to enter—so they have three levels of warning:

“Give us some ID.”

“No.”

“Okay, leave.”

If they persist in trying to get in, you can force them to leave, ask them to leave. If they still persist and won't identify themselves and so on, then they can be arrested. Then there is a penalty schedule, fines and so on that are attached to that conduct.

The electricity generating facilities and nuclear facilities: The legislation applies to prescribed electricity and generation facilities and nuclear facilities. Those are certainly facilities that we do not want to expose to a mob taking over and doing damage.

The act designates security personnel at these facilities as peace officers with a specific set of powers. They can request any person who wishes to enter or is on the premises to produce ID and provide information about why they're there. That information is necessary so those peace officers or those security persons can identify whether the person presents a security risk. They provide the information and answer those questions. The decision

then will be, “You're not a security risk. Come on in,” or, “You are a security risk. You can't come in.”

The legislation allows for a search upon consent. Upon consent, they can search any person, property or vehicle entering those premises. If the person says, “I don't want you to search my vehicle,” or a woman says, “I don't want you to search my handbag,” that's fine; that's the end of the matter. But the quid pro quo is that you can't come into the facility. What could be more reasonable than that?

The new legislation does not in any way replicate the power in the old PWPA that gives guards the authority to exercise their power in the approaches to the public work or the facility. That was one of the issues at the G20: As the people were coming down the street—and they might have been blocks away—police officers were stopping them and saying, “That's as close as you can get.”

That idea of blocking off facilities blocks and blocks away, the approaches to the facility, was a real concern to Justice McMurtry and to civil liberties groups. It was a concern because it was vague and very hard to define. I suppose you could have the nuclear plant at Darlington here on the outskirts of Toronto in the east end of the GTA—under the old legislation, it said that the authorities could stop anybody from approaching Darlington. Well, does “approaching Darlington” mean coming in from 10 or 15 miles down the 401, or maybe coming down the Don Valley Parkway or going along the old Highway 2? It was a pretty vague sort of thing, and that led to a lot of problems. So the legislation has really, really tightened up on that.

Under the new legislation, as a result of the tightening up, guards can exercise specific powers only—and this is important—on the premises, and if the approach falls outside the premises of the facilities, any issues that arise on those approaches will be addressed in partnership with local police, traffic coordinators or the like. But we've defined when security officials can get into this thing of, “You can't come any closer.” “Can't come any closer” means you can't get into the premise. It doesn't mean that you can't be a few miles away or a few blocks away.

#### 1520

If other infrastructure is identified in the future that should be included in the act—we've very specifically set out that couple of institutions that I've just referred to, the electrical facilities and the nuclear facilities, so we don't have the sort of blanket thing that, for instance, you have under the old legislation where arguably the police could say, “Well, the university or the hospital is a public facility that needs protection,” and the old law would apply to the hospital or the university setting.

In future, if somebody wants to include a site, it can be included in the act, but it's going to require a legislative amendment, which means it comes back here and we, as legislators, all get a chance to look at it and say, “Well, in addition to these rules that apply with respect to demonstrating at nuclear plants or electrical facilities, we are now including this institution.” We'll have a chance in this chamber to debate whether that should be heard.

That was one of Roy McMurtry's recommendations. That's what we also heard from the civil liberties group, and we are pleased to include that in the legislation.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Michael Harris:** I am pleased to take this opportunity to speak to Bill 34. I would like to begin by saying that I will be supporting this piece of legislation because it accepts both the findings of the Ontario Ombudsman and former Chief Justice Roy McMurtry.

It's clear that the illegal G20 law this government implemented using wartime measures contained in the Public Works Protection Act could have led to even more abuses than those that were witnessed on the streets of Toronto nearly two years ago. That's what I'd like to address first: Why was the law secret?

I'll remind the members present that this government invoked regulation 233/10 behind the closed doors of cabinet while this Legislature was sitting. There was no emergency, no imminent threat and, more importantly, no reason to bypass the duly elected representatives within this House, but that's exactly what this government did. It passed a secret law that greatly restricted civil liberties and then conspired to keep the details from the public. In fact, the Ombudsman called it a "pre-meditated, conscious ... decision not to announce the existence of the regulation."

This deliberate move to bypass the Legislature and public scrutiny created widespread confusion leading up to and during the G20 summit. People simply didn't know where the special powers of arrest were in effect. It wasn't until the G20 summit had ended that this government publicly acknowledged that the police did not have special powers to detain protestors within the area designated a public work under the regulation.

So I have to ask: If the police never did have any of these powers, why not be honest and tell Ontarians that it was so in the first place? I think it's clear from the Ombudsperson's findings that this government deliberately hid the details of this regulation from the public.

Ontarians want to believe their political representatives will be open, transparent and clear with them about matters that directly affect their rights. They don't want to read a scathing report from the Ombudsman that the government has greatly infringed on those rights and then conspired to keep it hidden. Because this bill will prevent a similar episode from happening in the future, I will be supporting it in second reading.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Taras Natyshak:** I'm pleased to respond to the comments by the member from Willowdale. I wish he was in his seat to hear what I was about to say. Here he comes.

The member raises some really integral points as to the necessity of the reforms of this bill, or the elimination of this bill, actually. I did catch a couple of references that the requirement of this bill—the previous Public Works Protection Act was enacted to provide security for

those wishing to exercise their rights, and I think that's misguided because in fact that act, again, strictly lays out that it is for the enforcement or protection of facilities, not of persons. It explicitly does not provide mechanisms for protection for any persons. So again, why was it enacted? Why was it brought about under this guise of security and providing security and safety to residents? Big questions that need to be answered.

We are happy to see it go. We do question the extension of some of these rights to security officers within our court system. We do question whether it will prohibit the public from actually playing a part in terms of the oversight and observation of how our court system works. We think that's an important aspect, that the public should be able to access court proceedings and judge those who are contributing and actually making our system work—again, in regard to our provincial courts.

But all told, Mr. Speaker, I think we look forward to debating this within committee and finding a good, comprehensive solution to the problem at hand.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. Christopher Bentley:** I'm pleased to add a few comments following the very thoughtful review and comments by the member from Willowdale. This is a necessary legislative enactment that updates some very important protections—protections for institutions that we all hold as central to our democracy, namely, our courts; and the power facilities that we all rely on every single day, but that need the appropriate degree of protections because of their nature, because of their importance to our everyday life. We want to make sure that not only our nuclear facilities but our power generating facilities generally have the appropriate degree of protection so that we can continue to rely upon them. They are part of our foundation, part of the foundation of our lives and economy.

This bill captures not only the need but the appropriate degree of protection that they can have. This legislation came out of a very thoughtful and thorough review by former Chief Justice McMurtry—very helpful—to take a 70-year-old piece of legislation, which really had been around, some would say, beyond its appropriate term, update it, taking the best out of it, and making sure that it's fit for the time, not just today but in the future.

The legislative approach is a thoughtful one, and I thought the comments of my colleague from Willowdale really hit the nail on the head. It is the appropriate degree of protection for our facilities, our courts, and respecting civil liberties, the rights of all of us to be able to function and work, live and play in our society, knowing that our democratic institutions in the courts are protected and knowing that our essential power facilities and our rights are protected at the same time.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Garfield Dunlop:** I'm pleased to respond to comments made by the member from Willowdale. We went through the André Marin report with the Ombudsman,

Caught in the Act, and we listened to Justice McMurtry's report.

I thank the minister for bringing the bill forward. Obviously, it's something that we have to have resolved for future events that happen in our province as well as protecting the power plants and the courts.

We can finger-point forever. I did want to say, thought that I thought—I was a critic for Community Safety and Correctional Services at the time and had an opportunity, prior to the G20, to talk to a lot of the police officers. If you'll recall, two or three weeks before the actual event, there were a number of police officers stationed around the Parliament buildings here. I remember one day that I talked to a lot of the police officers that were here, basically in riot gear and prepared to go out, but it was a really, really hot day. I'm sure if you're a police officer, the last place you want to be is in Toronto on a hot summer day in the middle of the summer when you could be home with your family and having a barbecue and this sort of thing.

1530

I applaud the police for the job they did. Not everyone knew about the rules and laws and all that sort of thing, and we've talked about that 100 times over. I talked to a number of people from police services from across the province, including the Barrie police service; the OPP had folks here, and, of course, the Toronto police service had a lot of people here. I just want to say that, overall, I thought they did a pretty spectacular job. It got out of control, there's no question, but in the end, you know what? We learn lessons from these kinds of events that cause us so much trouble.

Thank you very much.

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. That concludes the time for questions and comments.

I will return to the member for Willowdale if he wishes to reply.

**Mr. David Zimmer:** Just in conclusion, the old act was vague, it was overly comprehensive, it lacked definition, and, really, nobody knew what should be protected, how it should be protected and who it could be protected from.

The new act is limited, it's very precise, it's very defined, and it speaks to protecting two facilities: the court system—the courts—and the electricity-producing stations. So that's where the new act applies.

Then the act goes on, and it's very clear in how the protections develop. It gives the police, if you will, the authority to do a couple of things. First, if someone comes to a facility, there's a process of asking them to identify themselves and finding out why they're there—not unreasonable. The second step is, the person can comply with the request or not. If they don't comply with the request, they're not given entry. If they continue to persist to enter the facility, then, and only then, can the action be taken to arrest them and charge them and so on. That's a very graduated response, unlike what happened here in the past summer.

And the third thing: The bill makes it very clear that we're talking about the court facility, right at the facility, not in the blocks and blocks surrounding it or the approaches; the electricity-generating facility is at the facility, not the blocks and blocks and the miles leading to it, which caused the problem in the past summer.

Most importantly of all—or one of the most important things—is that if there's going to be any inclusions into those two sites, the courthouses or the electrical facilities, that request has to come back and be dealt with by way of an amendment by this Legislature so we all get to debate the inclusion.

Thank you.

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. Further debate?

**Mr. Norm Miller:** It's my pleasure to have the opportunity this Monday afternoon to be debating Bill 34, which is An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012. It could have been named creatively, something like the "We screwed up last time; let's protect our backside" bill, but that's not the name of this particular bill, Mr. Speaker.

I would like to give a little bit of history as to how we got to the point of debating this bill.

As we know, it's come about because of what happened when the G20 was hosted here in Toronto in 2010. The McGuinty government, in its wisdom, decided to pass on powers which they didn't communicate well. They actually passed, through order in council, on—I believe they had a cabinet meeting, a secret meeting, and passed a secret law in early June. Then they posted it to the e-Laws website June 16, just days before the G20, which was June 21 to 28. Actually, the printed edition of the new rules came out in the Ontario Gazette on July 3, after the fact. So they had a secret meeting to make these order-in-council changes to the Public Works Protection Act, and then didn't promote what they were trying to achieve. So the result was a lot of confusion, really.

You look at the reports from the time—the National Post, Wednesday, June 30, right at the time. The article states: "The province insists that no one was arrested or detained under the act, but criminal lawyer Howard Morton says such an assertion is incorrect. He says his client, 31-year-old Dave Vasey, has been charged under the act after being arrested last Thursday while walking near the outside of the security perimeter" at York Street and Bremner Boulevard. That's because this secret law made the perimeter of the area where the G20 was going to be held into this protected zone, and there was some confusion as to whether it applied to five metres within the fence that was put up in downtown Toronto or whether it was just the area within the fence. The police seemed to think that it was within five metres of the fence, and it was not promoted at all. The changes were passed by the McGuinty cabinet in secret, they just put it on the e-Laws website and it didn't actually get printed until the G20 actually happened.

The article goes on to say, “How can they not know my client was charged under the act? Do they not even know that?” Morton said, noting that he finds it a mystery as to why the Liberal cabinet extended the act behind closed doors if they wanted people to abide by the new measures. “This is why they kept it secret: so they could posture it as applying outside (the security perimeter)” — don’t you want people to obey a penal statute?”

“A conviction under the act could result in a \$500 fine or two months in jail.”

So there was certainly a lot of confusion at the time. It was pointed out also that this was not debated in the Legislature at the time. It was done very much in secret and was not published. You look at some of the reaction in the *Toronto Star* on June 25, and from people who were just trying to be about in downtown Toronto: “It’s just unbelievable that you would have this kind of abuse of power where the cabinet can create this offence without having it debated in the Legislature,” said Howard Morton, the lawyer representing Dave Vasey, who was arrested Thursday under the ... police powers.

“It was just done surreptitiously, like a mushroom growing under a rock at night.”

Another lawyer said, “It reminds me a little bit of the War Measures Act,” said lawyer Nathalie Des Rosiers of the new regulation. Des Rosiers is a lawyer with the Canadian Civil Liberties Association, which has been working to monitor arrests during the summit. “This is highly unusual to have this declaration done by order in council without many people knowing about it.”

They go on to quote Mr. Morton: “They don’t even have signs up saying you can’t be within five metres or you’re subject to the following,” Morton said. “If they really wanted to keep the peace, they would have announced the regulation.”

So, you know, if you have laws and then you don’t tell anybody, you pass them the week before the G20 and then you don’t tell people about it, how can you expect people to actually know about it? This Public Works Protection Act, 1990, actually came from a 1939 bill that was enacted to do with World War II for protection of Ontario at that time.

From the actual act happening and the G20, then we had a lot of public concern, of course, about it. The Ombudsman looked at it. His report was called *Caught in the Act*. In his summary he states that regulation 233/10, the regulation passed in secret by the McGuinty government “to enhance security during the G20 summit, should never have been enacted. It was likely unconstitutional. The effect of Regulation 233/10, now expired, was to infringe on freedom of expression in ways that do not seem justifiable in a free and democratic society. Specifically, the passage of the regulation triggered the extravagant police authority found in the Public Works Protection Act, including the power to arbitrarily arrest and detain people and to engage in unreasonable searches and seizures.”

He goes on to say, “Even had regulation 233/10 been valid, the government should have handled its passage

better. Regulation 233/10 changed the rules of the game. It gave police powers that are unfamiliar in a free and democratic society. Steps should have been taken to ensure that the Toronto Police Service understood what they were getting. More importantly, the passage of the regulation should have been aggressively publicized, not disclosed only through obscure official information channels.”

#### 1540

He goes on to say, “All of this makes for a sorry legacy. The value in hosting international summits is that it permits the host nation to primp and pose before the eyes of the world. Ordinarily, Ontario and Canada could proudly showcase the majesty of a free and democratic society. The legacy of the passage and administration of regulation 233/10 is that we failed to do that well.”

It seems to me, Mr. Speaker, this demonstrates very much a poor judgment on the part of the McGuinty government to do with how to handle security, so we had the Ombudsman make a number of recommendations.

We’ve seen lots of other examples of bad judgment on the part of the McGuinty government, whether it’s their spending that has got us into this \$30-billion hole that we now see Mr. Drummond predicting, or the FIT program, which has driven up energy prices, or, most recently, now we have, of course, the Ornge helicopter affair that seems to be dominating question period on a daily basis—more examples of bad judgment on the part of the McGuinty government, as were the rules passed before the G20 another example of bad judgment.

And then, I believe, at the same time as the Ombudsman’s report, there was also another report, done by the Honourable Roy McMurtry, past Chief Justice, looking into the whole situation. His terms of reference were that he look at the definition of a public work; the scope of authority conferred to a law enforcement official for the purpose of protecting a public work; public notice requirements relating to the designation of a public work; and the application of the PWPA to significant public events, such as major national or international conferences and sporting events. He has made a number of recommendations from looking at this particular situation.

That’s where we get to today, Mr. Speaker, where we have a bill before the Legislature that now would provide for the repeal of the Public Works Protection Act—that’s the bill from 1939 and 1990—but bringing in some new powers to protect public works and to protect courts as well. So that’s where we are today.

I think we would all agree that, certainly, the court system requires protection to keep all the people involved in the justice system safe. I think that’s rational. I would say that in terms of other public works, like our nuclear generating stations, particularly, or other generating stations—certainly, in the world we live in today, where we have terrorists, obviously a nuclear generating station is something that could be a target and could cause grave damage if it is not protected. In many cases, nuclear generating stations are close to population areas, so I

think we'd all agree that it makes sense to protect those areas.

Whether we've got everything perfect in this bill—I'm not sure about that. I think we need to look at it in great detail. I heard the member, the other Mr. Miller, the member from Hamilton East–Stoney Creek, doing a comment earlier in the day, talking about the NDP having some concerns with schedule 2 of the bill. Schedule 2 amends the Police Services Act and creates a new subsection, 138(1), that “sets out powers that may be exercised by a person who is authorized by a municipal police services board or by the commissioner to act in relation to court security under part X of the act.”

It goes through very specifically in the bill outlining what those powers are:

“(a) requiring a person who is entering or attempting to enter premises where court proceedings are conducted...;

“(b) searching a person who is entering or attempting to enter premises where court proceedings are conducted...;

“(c) searching, using reasonable force if necessary, a person in custody who is on premises where court proceedings are conducted...;

“(d) refusing to allow a person to enter premises where court proceedings are conducted, and using reasonable force if necessary to prevent the person's entry; and

“(e) demanding that a person immediately leave premises where court proceedings are conducted, and using reasonable force if necessary....”

That's schedule 2 of the bill. I didn't read the whole thing, just the highlights.

I note that the third party has some questions about that, or at least the member from Hamilton East–Stoney Creek.

I would say that with this bill, as with most bills, it would be a good thing that it go to committee. It would be a good thing that those who are more intimately involved in the justice system—perhaps the police and others who are concerned about civil liberties—would be given the opportunity to go to the committee and work more carefully and exactly at what has been set out in the bill to make sure the government has indeed got it right. If they haven't got it right, then I would hope the government would be open to amendments to make sure that it is not another mess-up, as we've seen with some other legislation and some of the other ideas that the government has brought forward. I would certainly hope that this is going to go to committee, so that we'll be able to get a chance to look at it in more depth.

I heard the Minister of Community and Social Services speak in a two-minute hit a little earlier in the day, and he seemed to be shifting all the blame to the federal government, saying that the mess that happened at the G20 was all their fault. But I would simply ask: Who passed the secret act? It certainly wasn't the federal government; it was the McGuinty government that met in secret, passed the changes, didn't publicize it and then

created the confusion that certainly added to all the problems of the G20. That seems to me not to be a good shift of responsibility.

Earlier in the day, we heard the member from Hamilton East talk about what could have been done better at the G20. He, and the member from Willowdale who also spoke, talked about it being a relatively small group that were really the hardcore troublemakers. Unlike the member from Willowdale, I was up in my riding at the time, so I wasn't on-site. But certainly from watching the media coverage of the event, that's what it appeared: that there were these people who were intent on just creating bedlam and doing things like burning police cars etc., and they were covered up.

The question I asked myself was: Why would they be covering their identity unless they were planning on doing something illegal or creating problems? So it seems to me the police could have targeted those who were covering their identity. It might have been a good way of trying to deal with the problems as they were arising.

We also heard from the member from Simcoe North, who is a great supporter of the police and always has been. He said he felt that, given the challenging circumstances the police found themselves in—summertime, a hot summer day, big crowds, some pretty terrible things going on—he thought they did a pretty good job.

There's no doubt that this old law needs to change. It has been recommended in the Ombudsman's report, in the Report of the Review of the Public Works Protection Act from Mr. McMurtry that was submitted in April 2011, and that's really where this bill comes from, which would repeal the Public Works Protection Act and take another stab at providing security for our courts, electricity generating stations and nuclear facilities but not infringe on civil liberties.

On the surface, I certainly support the bill. But I do listen to the questions that have been raised by the third party and would simply say that I do believe that some of their concerns may be valid, so we need to take a look at them and weigh them all carefully through the processes of the committee so that the legislation is the best it can be.

#### 1550

Too often we've seen in the past eight years where the McGuinty government, for whatever reason, either goes through the motions or just doesn't—often they'll have decided what they want to do ahead of time and it's usually more about spin than anything else and what the public thinks about a bill, and doesn't necessarily listen to what the public says.

I know I had the experience of sitting in on the changes to the Dog Owners' Liability Act—the pit bull ban bill—without knowing a lot about pit bulls at the time. We travelled around the province and listened to hundreds and hundreds of experts who do: veterinarians, people with the OSPCA, dog owners, experts in dog training who came before that committee, and we heard from all of them. I learned a lot about pit bulls: (a) that

they're not a breed, and that one of the breeds that the McGuinty government, in its wisdom, decided to consider a pit bull, the Staffordshire bull terrier, was actually the nanny dog in England; a very small dog of which there are thousands and thousands and they're very highly thought of.

My point is that the McGuinty government went through the motions of having committee, travelled all around the province, heard from hundreds of experts but didn't listen to them at all, because it had decided ahead of time that it was about the optics of looking like it was dealing with these vicious dogs, pit bulls. Now we have a private member's bill in the Legislature, sponsored by all three parties, to repeal that bill. I hope that doesn't happen this time, and that they listen to the experts about any concerns there might be with the fine print in this bill.

Certainly the outdated Public Works Protection Act included wartime powers for the protection of public works but relied too much on the discretion of the minister, and that's something that I believe is changed in the new legislation.

The former Minister of Public Safety and Correctional Services in the McGuinty cabinet used that discretion to secretly introduce special powers for police and foster the widespread confusion that followed by abdicating any responsibility to clarify what the law said.

Mr. Speaker, I'm pleased to have had a chance to speak to the bill today, and I look forward to comments and further debate on this, this afternoon.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jagmeet Singh:** Mr. Speaker, when debating the proposed bill, it's important to stress this point—I want to stress it again—that, while I applaud the government for correcting a mistake, the mistake was one that this government wilfully made. This government utilized the Public Works Protection Act to create circumstances which resulted in the worst civil rights violations in the history of Ontario, the largest mass arrests of people in Ontario and a complete violation of our civil rights and liberties.

This was, again, no simple accident; this was not a mistake. This was a choice made by this government to enact special laws, secret laws that gave the police far too much power. This power was abused, and the fault lies clearly at the feet of this government.

There has been much talk about who is to blame and finger pointing. It's this government that enacted this law, it's this government that should be responsible and it's this government that should apologize for violating the thousands of people who were kept in temporary holding cells for three days and released with no charges whatsoever. Some 90% of the thousand people that were arrested were released with no charges. In fact, to date there have been only 24 convictions out of those 1,100 arrests—simply unacceptable.

Now, the new proposal, which is similar in schedules 2 and 3, has a dangerous clause—I stress this; it's very

dangerous. They require those who are attempting to attend our public courthouses to provide information to assess their security risk.

This is unacceptable. Courtrooms are public places. We should encourage the public, not create another obstacle, or another burden, for them to pass through to be able to access a public institution.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jim McDonell:** It was with great zeal that I listened to the member from Parry Sound–Muskoka as he talked about some of the issues that revolve around the horrific event that happened in Toronto, something we should have been able to sit back and be proud of, that, in turn, because of the secretive rules—from the information that I've heard today and what I've read from the different reports, the crux of the problem is the secrecy around it. People did not know what laws they had to abide by.

It's a scary thought that a country that's very proud of being a leader in democracy does not have these rules clearer. It leads to problems. It leads to the ability of police to come up—and I'm sure from what I've read—to the crowds. If people knew there was a five-metre perimeter, they probably would have respected it. We have people living downtown, just going about their ordinary business, coming into conflict with police. It should never have happened, and it wouldn't have happened if they'd known what the rules were. To find out afterwards that the rules are first published a week after or a couple of weeks after the event is held is not something that I think we want to tell the public and something we're very proud of. And then to see the reaction, blaming the federal government, as they are responsible—but it's clear that, in this case, the Toronto police were very much aware of it. I question just how much they knew about the rules that they were given in this case, as they seemed to change partway through.

So let's learn from this lesson. As a party, we're supporting this bill, but we're looking forward that, in the end, it makes a difference and it doesn't happen again.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Ms. Teresa J. Armstrong:** I wanted to have a comment on this bill with respect to some of the debates that happened this afternoon. The member opposite from Stormont–Dundas–South Glengarry had mentioned that the mistakes that were made during the G20—the Liberal government, the provincial government, should have some role to play in those civil liberties that were violated at the time of the protest. Then the member opposite for the Ministry of Community and Social Services stood up and said, “No, the federal government is the one that was responsible for security,” and basically was giving the impression that it's their fault or their mistake. I think the lesson that we have to learn is that both levels of government had a role to play in the civil liberties violations of these citizens. It's just not one or the other.



This government, under this bill, has basically said, in a way, that we're going to take responsibility for it because we want to fix the problem, and I'm glad to hear that. The problem needs to certainly be addressed. Protesters who want to have a peaceful demonstration should not be afraid that they're going to be arrested and detained for expressing their opinions opposite to what is going on in the city.

When I watched that on TV, after the news-breaking stories, I was really embarrassed. I was embarrassed and ashamed that I actually live in a country that allows regular citizens who went there peacefully to be treated that way, and I hope that this bill will make a difference so that this won't happen ever again.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Hon. Christopher Bentley:** I just wanted to comment on a few of the words spoken by my colleague from Bramalea–Gore–Malton. The whole issue about the openness of the courts—we absolutely need our courts to be open. We absolutely need our public institutions to be available to the public. We need the public to be able to come in and watch, monitor, observe and help uphold the standards of justice that we hold so dear. We have a very strong system of justice, and as part of that free and open judicial system, we make sure that all those who are coming to observe and coming to participate have the requisite degree of protection. We make sure that the proceedings are themselves protected. Of course, for those in security, there are extensive protections. For the members of the public who want to come and observe, they have the right to be protected as well, as do the participants, some of whom are popular, some of whom are not.

**1600**

That's why, in virtually every court now, or fast extending to all courts, there are security measures at the perimeter to make sure that those who come in are not bringing in items of contraband, such as weapons, they should not; and for those who are not subject to the searches—the lawyers, the judges and the others—there is the appropriate identification that they produce. That's already in place right now.

So what we're really accomplishing through this particular piece of legislation is just to make sure that in our courts, our foundational institution for a democracy, we can have fair, open proceedings to the greatest extent possible. The way to guarantee those is to make sure that they can be conducted in a fair and open manner and that all those who are coming to watch are coming to watch, and nothing else.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for questions and comments. I return to the member for Parry Sound–Muskoka to respond.

**Mr. Norm Miller:** Thank you, Speaker, and thank you to the members who commented: the member from Bramalea–Gore–Malton, who pointed out that the order in council passed by the government was a mistake—in his words, “mistakes wilfully made”—and there were

some significant civil rights violations in Ontario. A time that should have been a good time for us was not, necessarily.

I also appreciate the comments from the member from Stormont–Dundas–South Glengarry, who talked about the confusion about the five-metre perimeter around the fenced zone in downtown Toronto; and the member from London–Fanshawe and the Minister of Energy, who did talk about the need for court security. I would certainly agree. I think all those people who go to courts expect them to be secure. Especially in light of the sorts of things going on at a court, checking for weapons is the rational thing to do. I personally don't have a problem with ID being checked to enter a courtroom as well, because I think it is important that our courts be secure.

On the broader question of G20s being held and where they should be held and the security costs, which are outside the parameters of this bill, I certainly wonder whether downtown in a big city is really the best location for something like a G20, especially with the huge security costs we're talking about nowadays. It seems to me that maybe they should be holding them on a military base, where there's already security built in, saving significant money in terms of the cost of providing the security required.

Anyway, thank you, Mr. Speaker, for the opportunity to speak this afternoon.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Peter Tabuns:** It's a pleasure and a privilege to be able to speak today about the repeal of the Public Works Protection Act, the proposed amendments to the Police Services Act in relation to court security and the new Security for Electricity Generating Facilities and Nuclear Facilities Act.

I think it's important to touch on some of the issues that came about during the application of the Public Works Protection Act which have led to this debate about its repeal. It's also important to discuss what happened in 2010, because these amendments are meant to ensure that it never happens again and that this government has learned its lesson.

This bill is a direct result of the issues that many citizens' groups have raised in response to the government of Ontario during the G20 events in 2010. More than 1,100 arrests were made—the largest mass arrest in Canadian history. There was widespread denial of democratic rights and freedoms. A secret law was enacted, and there were—and let's be generous—less-than-transparent decision-making processes between government and law enforcement.

As a result, six separate reviews took place around G20 security, yet none had the mandate or the jurisdiction to ask the most fundamental questions or provide Ontarians with the answers that they were asking. Andrea Horwath introduced a private member's bill, the G20 Public Inquiry Act. This bill would have established an independent commission that would have carried out a full public review.

Despite all the other reviews that took place, a public inquiry is the missing and essential piece of the G20 puzzle. The public inquiry would have reported on the decisions and actions of the McGuinty government and law enforcement during the G20. It would have provided a fuller accounting of taxpayer dollars. However, this bill did not pass. This bill, which would have given us that inquiry, did not pass, and Ontarians never got the answers that were owed to them from this failed security policy during the G20. It comes as no surprise to any of us, then, when I say that there were serious issues with security during the G20. Civil liberties were trampled. We all saw it on TV, many of us in person, while it happened. The Canadian Civil Liberties Association had this to say about government actions during the G20:

“The conditions for some of the policing problems that were experienced during the summit were set during the preparatory stage.... For example, the lack of transparency surrounding the designation of the security perimeter as a ‘public work’ led to misunderstandings as to the scope of search and seizure powers and, in our view, to an inappropriate use of these powers. The large number of police officers during the week leading to the G20 generated both a suspicion of wasted resources and a sentiment of potential intimidation. June 26 represents a turning point. Widespread property damage was committed by a cohort of vandals in the downtown of Toronto on that day. We condemn this criminal activity and acknowledge that it warranted a response by police. The response which police provided, however, was unprecedented, disproportionate and, at times, unconstitutional.”

From the many reports it emerged that government had enacted regulations that increased the powers of police, except that nobody knew about that until people started getting arrested. The Canadian Civil Liberties Association asked for an apology from the government of Ontario on the way it handled G20 security, but that was never received.

As reports surfaced with their recommendations, it became clear there was considerable reason for concern in the way that the government had handled the period before the G20 and the events themselves. Stories circulated throughout the G20 weekend of citizens being stopped and searched at various locations in the downtown core only because they were wearing an item of black clothing. A number of people also reported that the police cited the Public Works Protection Act as authority to conduct searches and require identification, despite the fact they were nowhere near the security fence. Most importantly, regulation 233/10, passed to enhance security during the G20 summit, was viewed by many as an issue itself. Ombudsman André Marin stated that:

“Regulation 233/10, passed to enhance security during the G20 summit, should never have been enacted. It was likely unconstitutional. The effect of regulation 233/10, now expired, was to infringe on freedom of expression in ways that do not seem justifiable in a free and democratic society. Specifically, the passage of the regulation

triggered the extravagant police authority found in the Public Works Protection Act, including the power to arbitrarily arrest and detain people and to engage in unreasonable searches and seizures. Even apart from the Charter of Rights and Freedoms, the legality of regulation 233/10 is doubtful. The Public Works Protection Act under which it was proclaimed authorizes regulations to be created to protect infrastructure, not to provide security to people during events. Regulation 233/10 was therefore probably invalid for having exceeded the authority of the enactment under which it was passed. These problems should have been apparent, and given the tremendous power regulation 233/10 conferred on the police, sober and considered reflection should have been given to whether it was appropriate to arm officers with such authority. This was not done. The decision of the Ministry of Community Safety and Correctional Services to sponsor.... ”

#### 1610

Speaker, it is very clear from the observations of the Canadian Civil Liberties Association and the Ombudsman that the powers that were used at the G20 against the public, against people from all over Ontario, exceeded what we would consider to be normal democratic and constitutional powers. In fact, it said that they were used in an unconstitutional way.

What we saw, Speaker, was an abuse of power that was aided and abetted by this government and that, as my colleague from Brampton has said, was done consciously, not accidentally. A law was passed; it was not announced. It was acted upon. People were arrested and jailed. And only after the events were over was there any public statement about what was really going on. Speaker, that’s not the way things should be operating in this country and in this province.

Having said all that, let us assume just for a second that regulation 233/10 was indeed appropriate for the circumstances involved. Since the regulation significantly changes the rules of the game, it would only be appropriate that the government would have done whatever was in its power to publicize the fact that the rules had changed. Speaker, you can go around this city and you can go around cities and towns all over Ontario where signs are posted informing people of laws that are relevant to their activity with regard to traffic. When laws change around drunk driving, there are advertising campaigns. When laws change protecting consumers, the public is informed. When the laws change in a fundamental way that affects people’s rights, their liberties, their ability to express themselves, their ability to move freely on the streets and assemble—rights that were fought for in wars, rights that people died for—and then are just casually thrown away by a government that takes advantage of some dusty rules on the books that should have been withdrawn decades ago, what you have is irresponsibility. What you have is an ignoring of our democratic rights and our democratic traditions.

Why didn’t the government notify citizens and groups involved in the protests of the extra requirements? Had

people been properly notified, groups would have known their rights and what was required of them; their actions could have been different, and many of the police confrontations would not have occurred. The government failed in providing not enough public information. In fact, I might argue that the government failed to provide any real information. Of the notices that were placed in newspapers about the G20 and about steps being taken to provide security, none of them mentioned the Public Works Protection Act. What was the great secret? What had to be withheld from the public? What had to be kept from the heart of the public such that no enemies of the state could be made aware of these deep, dark secrets? Speaker, what was kept from the public was a law passed in secret, exercised against the public with no prior notice and against the interests of our democracy.

Full notification of citizens and groups involved in protests was not pursued by the ministry. Even worse, the police themselves were not fully briefed on the extended powers that they really possessed. Minister Meilleur herself said recently that it was a problem of communication. While communication was definitely one of the things that went severely wrong with the way the government handled the G20 security, it certainly was not the only issue.

David Vasey, a York University environmental science master student, had probably never heard of the Public Works Protection Act before June 24, 2010. I can tell you myself, Speaker, I hadn't heard of it. Curious about the fence, which isn't a normal sight in downtown Toronto, Mr. Vasey stepped too close to it to see what was on the inside. This was enough to make police officers suspicious and, armed with rights that nobody knew about, they stopped Mr. Vasey and asked for identification. Without knowing about the passing of regulation 233/10, Mr. Vasey refused to provide identification. He would have been within his rights had the circumstances been different.

I was down at the security fence the Thursday before that weekend. There was no information saying, "This fence is a public works. Do not approach, don't come close, don't ask questions. Be prepared to identify yourself"—none of that. But the situation was now changed and Mr. Vasey found himself under arrest by authority of the Public Works Protection Act.

At least one other person was detained and charged under the act in connection with G20 summit security.

Like many of those stopped, Mr. Vasey was involved in peaceful protest, but the arrests were not just confined to protestors. They included people who were just walking by or who had legitimate business close to the secure perimeter. The examples are many: like Rob Kittredge, a lawyer who worked just outside of the security perimeter and whose photographs were confiscated and who was banned from coming close to the security zone under this same act.

Nobody knew about the regulation until after Mr. Vasey was arrested—well, really, Speaker, after the protests had started. A number of complainants approached

the Office of the Ombudsman afterwards, after over 1,000 people were arrested. These complainants gave first-hand accounts of the experience with police officers during the G20 weekend.

A 57-year-old from Thorold, Ontario, who was also an amputee, came down to participate on the labour march and rally. Now, my colleague the member of provincial Parliament from Welland will speak to this case in far greater detail when it's her turn to speak later today. That said, this story is horrendous. The story is indefensible. The story is an inevitable outcome of secret laws, of the provision of authority unexplained to police. That story which you will hear is an example of how badly things can go wrong when laws are written improperly and governments act in secret.

Speaker, the process used by the Ontario government to pass regulation 233/10 under the Public Works Protection Act, including the absence of public debate, transparency and consultation, was a major problem that led to many violations during the G20.

Speaker, you were here in the last Parliament. I assume, Speaker, that you were never consulted. Reach into your memory. At any point was there a statement by a minister in this House saying, "Members of provincial Parliament, those who represent the people of Ontario, in the coming month, in the coming week, we will pass a regulation that will allow the police to arrest anyone who comes within the perimeter of this fence we're putting up"? Mr. Speaker, you have no memory of that because that did not happen. You and the other members of this House who were elected prior to the last election were not consulted as lawmakers. I can well imagine that you, your party, our party and many of the backbenchers of the government party would have spoken up and said, "Are you crazy? You're actually proposing to do this? Do you understand what you're unleashing?" But we didn't get an opportunity to speak. We're only lawmakers. We're only legislators. We don't need to be consulted on these matters, Speaker. It's best left in the hands of the cabinet, in quiet, in secrecy, with information passed on to the public only as they're arrested and carted off.

**1620**

Speaker, citizens were stripped of rights they possessed, and police officers believed they had powers they did not actually have. The Ministry of Community Safety was left to try and mitigate the vacuum. We've all seen what happened then.

Now, how is the government proposing to prevent this from happening again? The proposed bill before us today contains three schedules that I will discuss in order. One, it would repeal the Public Works Protection Act, an act that was enacted in 1939, which gave police wartime powers. It should never have been used to deal with security during the G20 summit in 2010. It was an act that was taken under extreme emergency measures and, quite frankly, belongs in 1939, not 2010 in downtown Toronto, in downtown Welland, in downtown Brampton or London, or anywhere in this province.

Security or peace officers were given the kind of power and authority that would be expected during an

emergency circumstance, which certainly stretches to the point of transgression of constitutional rights for citizens. The G20 did not warrant that kind of response.

It's only normal that during an event of such importance as the G20, security concerns might go against civil liberties, but the task of the government and the police involved in providing security is finding a balance between those liberties that so many have fought for and that security that's needed at a given point. We didn't have that balance during that event, Speaker. What we had was catastrophically tilted against the public.

As the Ombudsman noted, regulation 233/10 worked to trip the powers of the Public Works Protection Act, thereby enabling the arrest and muting of protesters and others who had done nothing wrong. The impact of regulation 233/10 on freedom of expression was therefore almost certainly disproportionate. So we should all strive to ensure that there's no repeat of trampling of civil rights that happened during the G20.

Security during the G20 could have been handled under different legislation. The Public Works Protection Act only dealt with structures, not people. Calling on this particular act to address the issues related to the security of foreign heads of state does not make any sense.

Just a simple quote from the PWPA is indicative of the scope and historically reality that the government was faced with in 1939. I believe, given my time, this may be the last thing I get to say:

"We meet today under circumstances of the utmost gravity. The possibility of war, in which we are now engaged, was fully realized and debated by you at the last session, when you passed unanimously a resolution calling, in such event, for the complete mobilization of all our resources.

"Legislation calculated to give effect to the determination then expressed will be immediately submitted to you. You will be asked to pass measures designed to increase agricultural and industrial production, and for the protection of our vital public works and services."

Speaker, that was quite appropriate during that war and that emergency. It is not appropriate now. It was not appropriate during the G20 weekend. Thank you, Speaker.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Kevin Daniel Flynn:** It's a pleasure to join the debate and to follow the remarks from the member of Toronto–Danforth, who I've come to believe is a very sincere member of this House, and I think he brings forward his opinions in a very logical and ordered way. Many of the things he said I agreed with.

I think if we take a look at some of the facts that led to today, we'll have to realize—I don't think there's any argument that a G20 summit was held in Toronto. Whether it should have been held in Toronto is, I think, open for debate. Nevertheless, it was held in Toronto, and it did attract people who are attracted to G20 summits. It attracted some reasonable, ordinary citizens who wanted to express their dissatisfaction with various

things that were happening around the world involving some of the leaders who were represented at the G20 summit. It also attracted some individuals who are attracted to these types of summits whose intent was one of violence and was one of exhibiting their protest in a way that is not accepted by our society. That obviously led to a police involvement in those situations. That's not been unusual in any jurisdiction that has been chosen to host a G20 summit in the past.

I think the facts that led to the event are ones that can't be argued with. What I think is the measure, though, is that when our method of dealing with that protest was, in the fullness of time, examined, it was found lacking; it was found wanting. What we have put before us today as a result of Chief Justice McMurtry's report are some things to improve that situation.

I think we could spend the next two weeks assigning blame. What I see this as is a way of moving forward. I think everybody shares, perhaps, some of the blame on this. It's important, though, that the House come together, I think, and move forward with legislation that is going to work better in the future.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jerry J. Ouellette:** I appreciate the opportunity to comment on the member from Toronto–Danforth's remarks regarding Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012.

There were many things that were talked about in the focus on the G20 and what took place there. As the member from Oakville mentioned, there was certainly an attraction of individuals who are not necessarily the ones that we would like to bring into our jurisdiction in the province of Ontario for events like this. You only had to look at the CBC or the media reports recently on what's taken place, and Chief Blair was questioning as to how it was handled. Certainly, the member from Toronto–Danforth mentioned the fact that they didn't have all the details about what their actual boundaries were and what took place.

Mr. Speaker, having come from a policing family—my mother's father, my grandfather, was a chief constable, and my father was the chief of police in Thunder Bay—you gain a different perspective from the policing community on what to expect or not to expect. There are some questions that this brings forward that are more concerning to me. What information did the government receive that gave them the belief that it was warranted to move forward with this? What is out there now that said, "We need to do this, and here are the reasons why"?

The government was obviously acting with some information that was leading them to believe it was in the best interests of the public at that time. I think that we, as members of this Legislature, would certainly like to know where that information is, how it was verified, and what was the intent of it.

Certainly, we saw the actions of individuals who we don't want to see operating in the province of Ontario, but more concerning are the implications of where the information came from and what led them to the belief that it was necessary to move forward with the act in the first place.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. John Vanthof:** I'd like to take this opportunity to speak on Bill 34, the Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2012. I'd like to thank the speakers before; they had really good points.

I wasn't a member of this House when this all happened. I was a farmer—still am—but I was watching on TV, and the first thought that came to my mind was, "This can't be my Ontario. How could this happen?"

Police have to do their job to protect people, but now I realize that in this, my Ontario, this House never even knew; it didn't really know what was approved or what wasn't, and that's even more concerning.

As others have said in this House, my parents also fled places where they thought their rights were being trampled on, and they came to a place where they were sure that that would never happen to them. And now I hear that there are occasions in this province where this has happened.

To me, one of the ways that you use police action is that people know what the consequences of doing something are, and the threat of those consequences is one of the things that deters people from doing things. But if you never tell them what the consequences are, you never develop a deterrent, so it snowballs into something much worse. That's what happened here, in my opinion.

There's lots of blame to go around. I agree we have to move on, and what is proposed here is better than what we had, but what we had obviously wasn't very good.

1630

**The Acting Speaker (Mr. Ted Arnott):** We have time for one last question and comment.

**Mr. Jeff Leal:** I do appreciate the comments made by the member from Toronto–Danforth.

This is a very serious discussion—a serious discussion that this Legislature needs to have. But to put it somewhat in the historical context, of course, there were two measures that were brought in: in September 1939, the government of Canada invoked the War Measures Act and the province of Ontario brought in the Public Works Protection Act. Both acts at that particular time gave extraordinary powers to law enforcement agencies and brought in—basically there was a threat of sabotage prior to the United States entering the war in December 1941.

Subsequently, in October 1970 the government of Mr. Trudeau invoked the War Measures Act to deal with situations in the province of Quebec: the murder of Pierre Laporte and the kidnapping of James Cross.

After that rather tragic incident in Canadian history, there was a review and revision, substantially, of the War

Measures Act and a piece of replacement legislation brought in. Subsequently, after the proclamation of the Public Works Act, we're doing the same thing here in the province of Ontario.

The real issue that came out of that, of course, was the enforcement of this five-foot-rule issue. Was it five feet outside the perimeter or five feet inside the perimeter? Certainly, when you look at the Public Works Protection Act of 1939, the intent was sort of five feet within the security perimeter, giving police authority for someone who would have penetrated fencing around a public utility site, and indeed that was the gist of the act.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time we have for questions and comments.

I now return to the member for Toronto–Danforth, who has two minutes to reply.

**Mr. Peter Tabuns:** Thank you, Speaker, and my thanks to the members from Oakville, Oshawa, Timiskaming–Cochrane and Peterborough for their commentary.

To the member from Oakville, you were quite correct in stating that there were people who came to that demonstration whose interest was far beyond simply protesting the policies of the G20. Certainly the response of many of my constituents was that it looked as though the police were not dealing with those people when they were attacking small businesses but were spending all their time down at the perimeter fence arresting people who were protesting against the G20. The priorities seemed very skewed to many constituents of mine that I talked to.

I think, Speaker—and others will enlarge on this as the debate continues—that in this bill, the protections for courthouses are ones that are going to have to be reconsidered by legislators. I think it's critical in a democracy that people be allowed to go into courts, sit in on trials and see that justice—to the extent that it can be served in an imperfect world—is served. It's something, again, that in our democratic tradition has been critical.

As a high school student, I remember reading about the Court of Star Chamber in Britain—medieval times—the closing off of court decisions from the public. Many regimes that we can think of that we've been critical of are ones that have closed courtrooms; people can't enter, can't witness what really goes on.

I'm worried, Speaker, and this House should be worried, about unreasonable restrictions on the access of the public to courts, because if we don't have open courts, we are going to have profound problems with the administration of justice.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Lorenzo Berardinetti:** Thank you, Mr. Speaker. I'm pleased to have an opportunity to speak today to Bill 34. I just wanted to start with some comments.

The foundation of Bill 34 is the Report of the Review of the Public Works Protection Act, which was prepared by the Honourable Roy McMurtry. His report came out in April 2011. Our government asked for this report to be

prepared, and the Honourable Roy McMurtry was kind enough to prepare a very thorough 55-page report. I have read the report and I just want to read a little bit of the conclusion of this report, because it forms the basis of Bill 34. At the very end of the report, the Honourable Roy McMurtry states as follows:

“The PWPA”—otherwise known as the Public Works Protection Act—“was enacted in 1939 to support the war effort. At the time, the protection of Ontario’s hydro-electric facilities from sabotage was of particular concern. Since then, the PWPA has been used to provide the legal foundation for the powers exercised by the police in providing court security and, even more recently, by the OPG”—Ontario Power Generation—“in securing nuclear power facilities. In June 2010 the PWPA was used to provide powers to secure intergovernmental conferences. The vagueness of the PWPA permits it to be used in situations when it is arguably not necessary and potentially abusive. In my view, the PWPA has been used for purposes beyond its original intent.

“The time for the PWPA seems to have passed. If the government of Ontario enacts, as I have suggested, specific legislation to provide for courthouse security and power generating infrastructure security, it would appear that there is no longer a need for the PWPA. I am also mindful of the existence of counter-terrorism and emergencies legislation to deal with these situations as they arise.

“In determining the boundaries of police powers, caution is required to ensure the proper balance between preventing excessive intrusions on an individual’s liberty and privacy, and enabling the police to do what is reasonably necessary to perform their duties in protecting the public.’ The overly broad and vague language of the PWPA does not strike this required balance with individual rights and freedoms.

“The late Justice Jackson, of the United States Supreme Court, stated that every emergency power, once conferred, ‘lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.’ The need to protect the public must be balanced with the requirement to preserve fundamental rights and freedoms.

“Yet, at the same time, ‘Canadians are entitled to demand the best public order policing possible from their government.’ There is no question that we live in a different world post 9/11. We live in difficult times with constant threats both domestically and from abroad. The police clearly need to be given adequate powers to carry out their duties. The police use their expertise on a daily basis to assess the powers they require. In instances where they take action that exceeds their powers, their actions are examined by various mandated bodies. This process, I believe, results in the proper balance between police powers and individual rights and freedoms. Therefore, any legislation that purports to grant special police powers must be specific and direct and developed in consultation with stakeholders and tested through thorough debate in our transparent democratic system.”

Mr. Speaker, we did what the Honourable Roy McMurtry asked us to do. We consulted with stakeholders and then we asked Mr. McMurtry to prepare a report. As a result of that report, we have in front of us today and are debating Bill 34. I’ll just read what it does: An act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electrical Generating Facilities and Nuclear Facilities Act, 2012. In other words, it does three things. First of all, the bill in front of us repeals the Public Works Protection Act. Secondly, it basically lays out proper court security. Thirdly, it provides for security for electricity generating facilities and nuclear facilities as well. I’ll basically go through each one of those sections very quickly and just comment on some of these recommendations in front of us.

#### 1640

The Public Works Protection Act, which we’ve talked about in this chamber today, was enacted in 1939. It was enacted at that time because there was a concern about the protection of certain electrical facilities at the start of the war, World War II. Actually, the Ontario government asked for this legislation to be passed. The federal government said, “No, we’re not going to do it,” and passed it back to Ontario to pass this bill.

The bill was in place and was enacted to protect hydroelectric facilities against what they called “enemy saboteurs” during World War II. It still is used on a daily basis to provide security at electrical generating places and court facilities. So this bill is still being used, and the problem with the bill is that it is interpreted in a very broad sense.

We, in this new piece of legislation, are repealing that piece of legislation and replacing it with the new bill in front of us. The new bill will cover two specific areas. It will cover court security, and it will cover protection for electrical and nuclear facilities that we have in Ontario.

The second point that I wanted to make here today is that we’re amending the Police Services Act. Security is enhanced for court security. The world has changed, as Mr. McMurtry pointed out. I remember, many years ago, back in the nearly 1980s, here in Toronto’s Osgoode courthouse, someone entered the courtroom—I think there was a family law trial going on. There was no security at that time, back in 1982, which wasn’t too long ago. At some point, when the verdict was read, a gentleman pulled out a gun, shot and killed two lawyers, paralyzed another lawyer and then ran out of the court. No one stopped him, and he made his way back to India. It took over 10 years to extradite this gentleman back to Canada and put him on trial. That’s the way things were back then.

I remember as a lawyer, when I was practising law, entering a courthouse—and this was back in my days in Scarborough. It was one at Eglinton and Warden, a pretty large facility, and I would have to always show my lawyer’s card in order to enter. Sometimes, even when I showed my lawyer’s card, they still wanted me to go through a metal detector as well as a body search to make sure that nothing would happen there.

A few years ago—I don't remember the exact date—in a courthouse here in Ontario, someone was stabbed in the neck while trying to get into a courthouse. So there are needs nowadays to enhance security in courthouses.

The new subsection in front of us today amends the previous act that we had regarding court facilities and sets out the powers that may be exercised regarding court security. These requests that are in the act today are reasonable: The person coming in has to produce ID and information, if requested by the court official or the court security guard; a person can be searched who tries to enter a court; someone in custody can be searched; someone who enters a courthouse can be refused entry to that courthouse in various circumstances; and also, fifthly, court security can demand that a person leave the courtroom. There's also a new section created that sets out the offences for breaching or not following or carrying through on these five different items that I just mentioned.

I think it's important to have these court security services laid out clearly in the new act in front of us today.

Thirdly, the act in front of us provides for security for electricity generating facilities and nuclear facilities here in Ontario. Again, right now, there is no particular act in place—this will be a brand new act that we'll create—that security officials at these locations can rely upon. They were relying upon old legislation that had been enacted back in 1939 to justify protecting an electrical generating facility or a nuclear facility.

So the new legislation in front of us restricts access to a facility and it defines the reasons why the access to the facility would be denied to someone, or restricted; and it provides for persons to be appointed to provide security services, because right now, what these electrical or nuclear generating locations do is either hire security guards or rely upon other services, perhaps even the police, to guard their locations.

I remember one day I walked right by the Pickering nuclear plant one evening. There was no security outside. I got very close to the front door. I just went down there to check out the windmill that they had outside the Pickering nuclear facility. It almost seemed like I could walk in the front door. I think we wanted to find exactly what you can and cannot do when you enter, or someone tries to enter, a nuclear facility.

Also in this new bill regarding nuclear and electricity generating facilities, the appointees are peace officers. If my understanding of the law is correct, peace officers are usually police officers. They can be beyond police officers, but I always remember peace officers being described as police officers. So the appointees that could be placed in front of a nuclear plant or an electricity generating plant are basically laid out here as being peace officers.

Section 4 of the bill in front of us sets out the powers that may be exercised by appointees and other peace officers. Basically, it explains the new bill—something that's very important. It says what you can and cannot do as a peace officer when you're guarding one of these

facilities. You can ask, again, for someone who wants to enter the facility to produce ID, and that's clearly stated. If someone wants to come in, show your ID. Secondly, you can search a person who wants to enter—that's the second requirement; thirdly, refuse to allow a person to enter, so that power is also laid out; and fourthly, demand that a person immediately leave, and that's also laid out in part 4 of this bill.

Here's an important part of the new bill. Under subsection 7(1), it authorizes regulations. For those who don't know outside of here, who would be watching on television, regulations are produced by cabinet or the executive council and basically are add-ons to the law or to the bill in front of us. So if there's a situation that arises regarding security, executive council or cabinet can authorize regulations. It also sets out the offences that may be imposed on someone who tries to break one of these rules.

Fifthly, it provides power to arrest a person committing an offence. So everything is laid out clearly now in the new act.

Previously, as I mentioned, these facilities relied upon the Public Works Protection Act, or PWPA, which wasn't that specific. It basically set out how to make sure that electricity facilities back in 1939 were well protected and prevented saboteurs—whatever that means; “saboteurs” is a nice term to use—from entering these facilities, taking over these facilities or perhaps even destroying these facilities during time of war. So now the new act in front of us that's being recommended in Bill 34 sets out exactly what can and cannot be done.

I think it's important to recognize the most important thing—and this is why I support the bill. I think it's a good bill to put forward, and I'm glad the government and the minister have put this bill forward. We live in a different world. We don't live in 1939 any more. Times have changed now. We live in a completely different time period. For example, if you wanted to go into an airport many, many years ago, you just walked through the terminal, checked in your luggage and went and sat down inside the plane. I remember that when I was very young. My parents took me—actually, the whole family—on a trip. Security was extremely light, if not non-existent.

**1650**

Go to the airport now and it has completely changed. There's at least one metal detector. They have these new facilities at the airport where they actually blow air to find out if you're wearing a weapon inside of you, or perhaps even inside your body. It's very strange. It's like perhaps someone does an operation and puts some kind of weapon inside of you. That was unthinkable back in the 1930s, 1940s and 1950s, or even the 1960s.

I remember, Mr. Speaker, entering this Legislature myself as a student—I went to the University of Toronto. I just walked in. I don't remember any security at that time. I just walked in. I'm trying to find out when they brought security into this building. The best recollection I have is that after the protests began in 1995 and 1996

outside on the front lawn here, they began putting security guards at the entrances, and if you wanted to enter, you had to say who you were seeing and the reason why you were coming in here, and also keep a name badge on your jacket, your shirt, your sweater or whatever you were wearing at that time, and that exists today.

Back then, in the 1930s and 1940s, there weren't cameras around. People were able to do things without thinking, "There's a camera watching me. I had better think twice before I commit some act." Nowadays, people have to think twice, because there are more cameras around and there are more guards around and there are more measures in place to prevent someone from committing a crime, especially in an important place like an electricity generating facility or a nuclear facility here in Ontario.

The world has changed, as Mr. McMurtry points out. He says in his report that the old act, the Public Works Protection Act, has to be repealed and replaced with something new. We're following his recommendations. We listened to what he had to say, we listened to the stakeholders and we came forward with a bill that is not too broad and is very specific to what we have to do to protect our facilities nowadays.

The other point I want to make—we've heard this around the room today—is the importance of striking a balance. People have mentioned the fact that you don't want to restrict a person's freedoms, and I agree with that. I think this bill allows people to express their freedoms but also protects the public in general so that someone is still allowed to express their freedom, which is enshrined in our Constitution—the freedom to express oneself—but at the same time doesn't allow someone in the public to be endangered.

I honestly believe that what happened—everyone in the room here today has talked about the G20, and I'm not defending the police here and I'm not defending anyone else who was involved in riots. But there wasn't a defined regulation in place or defined rule in place to say what can be done and what can't be done. Whether or not the police overreacted, many people think so. I'm not saying they didn't, but on the other hand, they had a situation on hand that was unprecedented, unheard of, where they had to protect people here in Toronto, in downtown Toronto, and they tried their best, using the Public Works Protection Act and some other legislation to justify what they were doing but not having anything specific.

Cabinet can now, under the new legislation, sit down and create a regulation to ensure that if a particular incident takes place—for example, here in Toronto when the G20 was held—the rules are laid out clearly. It was a unique situation, and we are responding by putting forward a piece of legislation that makes very clear what we want to do.

To strike that balance is very difficult at times, Mr. Speaker. People want to express their rights. We've seen that in other incidents—Occupy Toronto or Occupy in

various cities in the United States—they have the right to express themselves. But on the other hand, the owners of the property—for example, I think it was the Anglican church in downtown Toronto—also had their concerns about the grass and the property there, and they have a right as well for their place to be protected.

In closing, Mr. Speaker, I support the new bill in front of us. It's a very good bill that defines certain rules and regulations, and I think it's appropriate to pass it today.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mrs. Christine Elliott:** This is an important topic that we're discussing this afternoon. The protection of civil liberties, of course, is very important in our society, and we need to be vigilant that we don't restrict civil liberties, except where absolutely necessary.

As you've heard from the comments that have been made by my colleagues on the PC side of things, we are in support of the new bill, the Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, but I think we need to take a look at the reason behind the bill, why it came into play. Of course, that's because of the mess that the McGuinty Liberals made with respect to certain police powers during the G20 summit in Toronto in 2010. That's the real heart of what we're talking about here.

As the member from Scarborough Southwest indicated, Bill 34, the new act, repeals the old Public Works Protection Act. As has been noted, this was a statute that was enacted in 1939 to secure against Nazi saboteurs early on in World War II. Clearly, this is not a statute that this government should have been operating under in 2010; it was intended for very specific purposes which have long passed by us.

In any event, that's what the McGuinty government used in order to bring about, as a result of an order in council that was never communicated until very late on in the game, to allow for special police powers during the period from June 21 through June 28, which was the time of the G20 summit. This is something that was not communicated to the members of the Legislature, Mr. Speaker, and I think it's important to note that. This was not an emergency under which these police powers were brought forward. We knew when the G20 summit was going to be happening. There was no need to not inform the members of this Legislature, or the members of the public, for that matter. So while we applaud the fact that this bill has come forward—we are going to support it—one has to wonder if this government has learned their lesson. Given what's going on with Ornge right now, I would say I doubt it very much.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jagmeet Singh:** Building on some of the comments from my honourable colleague in the opposition, the concerns are exactly that. We're hoping that this government has learned from some of their mistakes, both with the Ornge scandal and with the G20 debacle.

In particular, if you look at some of the troubling portions of this bill, essentially we are giving some



unfettered and extraordinary powers to security personnel at courthouses. In particular, let's evaluate a bit more carefully one of the sections. There's a requirement to "provide information for the purpose of assessing whether the person poses a security risk." That is such a broad use of language that that could encompass anything. We're basically giving court security personnel, police personnel at a courthouse, which is supposed to be a public institution, a wide latitude to ask any sort of question whatsoever. They could ask about political affiliation; they could ask about minor criminal convictions in the past, about family members who have criminal convictions. This bill essentially allows an unfettered access to question and to obtain the information that if they don't provide an answer to, they could be sent out of the courthouse and possibly be arrested.

Furthermore, what's even more troubling is, it provides a right or the ability to "search, without warrant ... any vehicle that the person is driving or in which the person is a passenger..." So that means that if I drop off a friend at the courthouse—I drop them off, I turn the corner, I drive down the road and I stop for a minute and I pull over—a police officer or a security personnel could search my car and would be able to access the privacy of my vehicle for absolutely no reason.

#### *Interjections.*

**Mr. Jagmeet Singh:** It doesn't matter what car it is. It's a bit ridiculous that Madame Meilleur wants to talk about the type of car and not the fact that they're breaching someone's section 8 rights. I think you should look at that instead.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jeff Leal:** I did listen very intently to the remarks of my colleague from Scarborough Southwest. Prior to coming here, of course, he was on city council, indeed a lawyer by profession, and I think he certainly made the case extremely well this afternoon as to why Bill 34, an act to repeal the Public Works Protection Act, is timely, based on the review of Justice McMurtry and the review made by the very distinguished Ombudsman of the province of Ontario, the honourable André Marin.

1700

But specifically, if you look at Ontario today, the three highest security risk targets, I would think, would be our nuclear facilities: one up in Bruce, one in Pickering and one in Darlington. I do know there's lots of chat these days on CBC Newsworld and CNN about the situation in Iran, and we also hear from time to time the activity around the world to acquire technology for dirty bombs. So we do know that our nuclear facilities do need enhanced protection and, certainly, the ability to challenge people that might indeed want to try to get into Ontario's nuclear facilities. I know that is a pressing concern with the members of this Legislature from Durham, and I know certainly for us in Peterborough; we're some 57 kilometres away from Darlington. It's an issue I think that most Ontarians would recognize is a potential security challenge: the need to make sure that we have

adequate provisions in place to provide security for those three nuclear stations that, on any given day, provide about 52% of the generation capacity in the province of Ontario.

So I think all legislators recognize that provisions here are of necessity.

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. We have time for one last question and comment.

**Mr. Jeff Yurek:** Thank you, Speaker. I'm pleased to make a few comments on Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012. I'll pretty much just cover a few points here.

The old Public Works Protection Act included war-time powers for the protection of public works, but it relied too much on the discretion of the minister. The former Minister of Public Safety and Correctional Services in the McGuinty cabinet used that discretion to secretly introduce special powers for police and fostered the widespread confusion that followed by abdicating any responsibility to clarify what the law said.

I think in this day and age, any government that operates in secrecy, especially when removing freedoms from its own citizens, needs to be questioned, as I've said earlier. I think we need to operate a government that's open and transparent. That's what democracy is about. It's not about secretly taking freedoms away from citizens like us.

The legislation also removes the minister's discretion to grant special powers of arrest, but it does not address the lack of sound judgment and finger-pointing demonstrated during the G20 by the McGuinty cabinet. It's basically taking responsibility for your actions, and again, I've called upon the government to sincerely apologize and start acting with reason and accountability.

To further the points from our member Mr. Ouellette: What information did the government get to actually cause them to go ahead with this rule? I think that's the point that we need to find out: What tipoff did they get, either from around the world or from our own federal government, as to why they'd have to proceed to enact this law that violated our freedoms?

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. That concludes the time for questions and comments. We return to the member for Scarborough Southwest, who has two minutes to reply.

**Mr. Lorenzo Berardinetti:** Thank you, Mr. Speaker. I appreciate the comments from the members from Whitby-Oshawa, Bramalea-Gore-Malton, Peterborough and Elgin-Middlesex-London.

If I could make a very quick point in the time remaining, it's that we have struck a very good balance with this bill. I think the criticisms of the bill can be overridden by the fact that we have a Charter of Rights protecting people's liberties and freedom of expression. So we are acting below the Charter of Rights, making sure that our facilities are protected and that old legislation that was

trying to be used, or was used, is repealed and replaced with appropriate legislation regarding our courts and regarding our hydroelectric and nuclear facilities.

I want to just quickly quote something. This is from Minister Meilleur, who introduced the legislation. She said, “We are keeping our commitment to repeal and replace the Public Works Protection Act and adopt a more transparent process. This new, proposed legislation would achieve the important balance between protecting critical facilities and civil liberties.”

I cannot underestimate the importance of that quote, because we have struck a balance between both in this legislation. Whether or not the G20 happened, no other government did this prior to us, going back to 1939. So you can criticize us—the opposition can; it is your job—about the fact that this bill wasn’t changed, but this bill has been around since 1939. It’s a dusty old bill, and it’s time to change it. Whether the other parties could have done it, the end result was that we did it. We did it the right way. We had the former Attorney General, Mr. McMurtry, prepare a report. We acted on that report, and the legislation before us is strong and solid.

**The Acting Speaker (Mr. Ted Arnott):** Pursuant to standing order 47(c), I’m now required to interrupt the proceedings to announce that there has been more than six and a half hours of debate on the motion for second reading of this bill. This debate will therefore be deemed adjourned unless the government House leader or his designate indicates otherwise.

I recognize the Minister of Community Safety.

**Hon. Madeleine Meilleur:** Mr. Speaker, we would like debate to continue.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Robert Bailey:** Thank you to the government for allowing debate to continue. I’m going to have to cut this short. I was planning on 20 minutes. Anyway, we’ll just hit some of the high spots.

As the member from the governing party said, there is a Charter of Rights and Freedoms which they are going to rely on to—

**The Acting Speaker (Mr. Ted Arnott):** I just wish to inform the member that, in fact, he still has 20 minutes for his presentation.

**Mr. Robert Bailey:** Oh, I do? You’ll get the long version, then. It won’t be the Coles Notes.

**Mr. Jim McDonell:** The long form.

**Mr. Robert Bailey:** It will be the long-form census.

Anyway, we do have a Charter of Rights and Freedoms, and they chose to run roughshod over that with the implementation of that act.

A little bit of history on the bill: I’ve been reading a book at home about Mitch Hepburn called *Just Call Me Mitch*.

**Mr. Jeff Yurek:** St. Thomas.

**Mr. Robert Bailey:** Actually, yes, from St. Thomas—Elgin–Middlesex–London.

Anyway, in the heat of the Second World War, just prior to the Second World War, in 1939, when this bill was implemented, it wasn’t implemented without debate.

There was debate in the Legislature by the parties at that time and by all the members who had input. It wasn’t a secret bill that was drafted. People were, as you might say in the spirit of the times, concerned about the safety and security of infrastructure and buildings. As I said, it was to include public works, including, at that time, railways, bridges, highways, courthouses, electrical generating facilities, municipal public works and any public work that would also be included and designated by the Lieutenant Governor in Council at that time.

Mr. McMurtry was charged with defining: what a public work was, the scope of the authority to a law enforcement official, public notice requirements and the application of the Public Works Protection Act to significant public events such as major national and international conferences.

As I say, Mr. Speaker, at that time, that bill, when it was debated and brought in in 1939, received debate in this chamber. That’s the big point that I think both opposition parties, both the third party and the Progressive Conservative Party, have been trying to make: that this bill should have seen the light of day, and we may not have seen some of the alleged abuses that took place during that weekend. The police had a difficult enough job to do. If this would have been all ironed out ahead of time, people would have known what their parameters were.

Also, we have here with us today the Ombudsman’s report on the G20: Caught in the Act—definitely caught in the act.

Chief Justice Roy McMurtry laid out a number of parameters to correct the bill, and I will be supporting this bill, I’d like to say at the outset, at the end of second reading. But I certainly think there are a number of improvements that we could make, and we’d like the minister to address those.

The Public Works Protection Act, which Bill 34 is replacing, served its purpose when it was introduced in 1939, some 71 years ago, like I said, by a Liberal government at that time, the Mitch Hepburn government. We all know by now that the PWPA was introduced during an emergency session of the Ontario Legislative Assembly in response to Canada’s entry into World War II and was considered important in supporting that war effort.

The Lieutenant Governor of the day, Albert Matthews—I think a Londoner by name—described the mood of the times as being weighted by “the utmost gravity.” Our country was being drawn into the second greatest conflict in the lifetime of many individuals, and the members of this Legislature, at that time, saw the need to enact that legislation that would protect our vital public works and services.

*Interjections.*

1710

**Mr. Robert Bailey:** I’m competing with some other members, Speaker.

Fast forward to 2010, and once again the government of Ontario saw the need to enact the Public Works Protection Act; only, this time, they decided to do it

without any debate in the Ontario Legislative Assembly, choosing rather for a disguised decision-making process that had the net effect of leaving the government, the police and the public all tremendously confused about the actual reach of the law and its greater implications.

Ontario's Ombudsman, André Marin, summed it up best on the very first page of his December 2010 report:

"Regulation 233/10, passed to enhance security during the G20 summit, should never have been enacted. It was likely unconstitutional. The effect of regulation 233/10, now expired, was to infringe on freedom of expression in ways that do not seem justifiable in a free and democratic society. Specifically, the passage of the regulation triggered the extravagant police authority found in the Public Works Protection Act, including the power to arbitrarily arrest and detain people and to engage in unreasonable searches and seizures. Even apart from the Charter of Rights and Freedoms, the legality of regulation 233/10 is doubtful. The Public Works Protection Act under which it was proclaimed authorizes regulations to be created to protect infrastructure, not to provide security to people during events. Regulation 233/10 was therefore probably invalid for having exceeded the authority of that enactment under which it was passed. These problems should have been apparent, and given the tremendous power ... conferred on the police, sober and considered reflection should have been given to whether it was appropriate to arm officers with such authority. This was not done. The decision of the Ministry of Community Safety and Correctional Services to sponsor the regulation was unreasonable."

The Ombudsman goes on to say a number other things, but I'm going to cut those short. The Ombudsman summed it up nicely when he said, "All of this makes for a sorry legacy."

I don't want to use all of my time focusing on the use of the Public Works Protection Act at the G20. This government knows that it made a mistake in judgment and have now introduced Bill 34 in response. I'm more interested in how this legislation will impact on my riding of Sarnia-Lambton.

Before the Public Works Protection Act was being used to round up civilians and hold people during international summits, the PWPA was designed to protect public works such as utilities and courthouses. At about the same time that this Legislature was debating and passing the Public Works Protection Act in response to World War II, my riding, Sarnia-Lambton, was becoming a centre for the petrochemical industry for the world.

In 1942, Polymer Corp. opened its doors and became the major producer of synthetic rubber that would assist the successful Allied war effort because of the seizure of the rubber plants and the rubber plantations in the Middle East. That history of leadership and innovation by Sarnia-Lambton in the petrochemical and energy sector continues today.

**Mr. Jeff Leal:** Thank goodness for C.D. Howe.

**Mr. Robert Bailey:** C.D. Howe, the minister of everything. We could use some guys like that today and

get rid of a lot of other ministers. Don't get me started on that. The member from Peterborough and I could have a discussion on that.

**Mr. Jeff Leal:** About C.D. Howe.

**Mr. Robert Bailey:** About C.D. Howe and about getting rid of a lot of ministers.

*Interjection.*

**Mr. Robert Bailey:** Yes.

Sarnia-Lambton, as many of you know, is the home of a major petrochemical production complex, a major crude oil refinery, a growing natural gas facility and other feedstock sectors that produce products and energy serving many businesses and communities throughout this province. There are literally hundreds of millions of dollars of investment and production at risk in my community every day, so we can see the value in a public works service agreement where there's protection for those types of facilities. I worked in the Chemical Valley before I had the honour and privilege of being elected in this place, and I have seen the changes after 9/11 in security, monitoring, cameras and fences, so I certainly understand that

Security and safety processes at these facilities are extremely tight. Management is doing everything it can to keep things running smoothly. Yet, on January 21, in the early morning hours, a 28-year-old man wandered into the Hydro One Scott Road transformer station near Sarnia. Before he was apprehended by police, he managed to cut power to over 20,000 area residents as well as several large industrial customers. Imperial Oil, for one, was forced to issue a notification at 6:30 a.m. that same morning that it had lost complete power, using the Chemical Valley emergency coordinating organization system. Immediately, excess flaring was required as a safety precaution at their over-120,000-barrel-a-day facility.

British Petroleum's gas liquids fractionation plant was also forced offline after the break-in at the Hydro One transmission station.

The mayor of Sarnia wrote to the Minister of Energy at that time to express his concerns, and he said in that letter:

"Dear Minister:

"In the early-morning hours of Saturday, January 21, a major power blackout hit Sarnia-Lambton, leaving over 20,000 residents without power for a three-hour period and a number of major industrial locations here, including Imperial Oil, Suncor and BP, without power and had to shut down their operations when this occurred, which is a time-consuming and very expensive process.

"Sarnia Fire Services stood by because a code 8"—which is power loss—"was called and there was above-normal high flaring occurring. In the past, major blackouts have caused tens of millions of dollars to local industry and to the Ontario economy.

"Hydro One, three days after the incident, has not contacted"—this is at that time—"the city of Sarnia to explain the incident, the lack of security, their handling of the situation or to issue an apology to those who were impacted.

“Preliminary information indicates that an individual obtained access to the Hydro One substation and then took other actions which resulted in the blackout. This is of great concern as there appears to be no security at what is one of the most important substations, feeding the largest industrial complex in Ontario. This community was fortunate that the situation did not deteriorate further with a longer power outage” resulting in losses.

“I am formally requesting an independent review of Hydro One and their security in the Sarnia area and I am asking that it be made a priority”—end of quote from the mayor of Sarnia.

These were very serious concerns raised by the mayor. Remember that our Public Utilities Act is the foundation for many, if not all, of our community’s most important institutions and functions. What if the power had been knocked out to the local hospital, the airport, the local border crossing or the courthouse?

Unfortunately, the Minister of Energy has decided that it is not in his best interest to look into the security at this substation, according to the mayor.

I hope that, going forward, the minister will have the foresight to protect these important substations, along with all electrical generating facilities and our nuclear facilities in Ontario.

Bill 34 also intends to amend the Police Services Act with respect to court security. This is another issue that touches home in Sarnia–Lambton. The province is amending the right of court security and allowing them to engage in many different types of search in order to increase security at these facilities in my riding of Sarnia–Lambton. They are, however, overlooking a glaring opportunity to increase courthouse safety.

Recently, it was reported by the editor of the Sarnia Observer, Mr. Rod Hilts, that the Sarnia police chief, Phil Nelson, says that he has a perfectly functional weapons detector but lacks funding from the province, and it prevents him from turning it on. In his article in the Sarnia Observer, Mr. Hilts reports:

“Last week, Sarnia Police Chief Phil Nelson said he doesn’t have enough funding to staff the weapons detector in the courthouse lobby. This is especially disturbing because shortly before a man had rushed from the public gallery of a courtroom toward a prisoner standing in a box behind a glass barrier. The man had listened while the prisoner” in the box “pleaded guilty to charges of sexual abuse involving a family member, became agitated, and threatened to kill the accused. He was intercepted by officers before reaching the prisoner’s box.

“Justice Mark Hornblower said”—in the same article—“the situation could have been worse if a weapon had been involved. The province installed a magnetometer to detect weapons in the courthouse lobby three years ago, but it isn’t used. When the alleged abuser returns for sentencing in February, the judge ordered weapons screening for anyone entering the courthouse.”

“Once again, Ontario has come up short in its handling of funding for our courthouse”—this is the Observer article. “It would seem obvious that if it’s important

enough to install a weapons detector, there should be funds to operate the device.

“The province has downloaded court security costs onto municipalities. Lambton county already pays \$750,000 a year for Sarnia Police Services to provide security officers for each courtroom when in session. The chief says his priorities are the courtrooms, the hallways and the prisoners. You can’t blame him for not wanting to go hat in hand to Lambton county council asking for more funding when the responsibility should” rightly “be the province’s.

“Sadly, there is insufficient funding for the protection of judges, lawyers and other court staff. While occurrences involving weapons seldom occur here, the fact remains it could happen. There are cases that require a higher level of security, with officers stationed outside the courtroom with hand-held wands to detect weapons...”

**1720**

“What makes the situation even more ludicrous is the fact that millions of provincial dollars have been spent to upgrade the Sarnia courthouse in recent years. In 2004, the provincial government spent \$500,000 to improve the judges’ entrance, install a security card reader, build a fence around the judges’ parking lot and secure an elevator for exclusive use by judges and staff. Construction was completed in 2009 on a \$2.7-million project to improve entrance security in the lobby and add security screening capabilities. Two courtrooms were renovated, and the courthouse’s surveillance systems were upgraded. The province has earmarked \$125 million toward court security costs in 2012; however, it’s not clear how much Sarnia–Lambton will receive.”

A perfectly functioning security scanner, left unused by the ministry, because of its willingness to provide adequate funding seems like a substantial oversight on the part of these ministers.

Mr. Speaker, this issue should be remedied immediately so that these people working in these courthouses—not just in Sarnia–Lambton but across Ontario—or those participating in the legal system, like the judges and their staff and the witnesses, can be assured of their safety and not fearful of attacks or violence. I certainly hope that when this government is faced with future opportunities to increase safety in our communities, they will take that initiative.

The act, as we refer to it, that Mr. McMurtry was asked to look at, would define the definition of a public work, the scope of authority conferred to law enforcement officials for the purpose of protecting a public work, public notice requirements relating to the designation of a public work, and also the application of the Public Works Protection Act to significant public events, such as major, national and international conferences and sporting events.

A number of other points were also raised by the critics when they studied this bill. The outdated Public Works Protection Act included those wartime powers for the protection of public works but relied too much on the discretion of the minister. When you think about it, we

had this law in effect since 1939. We seem to have had no difficulty up until this most recent occurrence. So I don't know whether it was the ministers at the time that were in different governments of all different stripes over those years that were able to live with this rule—it was an act, the law; it was on the books. They were able to use it judiciously if it was ever implemented. So why the McGuinty government couldn't have consulted wider when they implemented this act in response to the G20—perhaps it wouldn't have had this observation that happened when there were so many abuses with the secret law with the G20 conference.

In closing, I believe, like many in this Legislature, that what had transpired in the lead up to and during the G20 with respect to the Public Works Protection Act never should have transpired in the first place. All told, the cabinet and the Minister of Community Safety saw fit to intentionally enact a law in a manner that was secretive in its process and intentionally confusing in its explanation. The minister at the time extended the powers of police officials without truly understanding the implications. As a result, more than 1,000 individuals were arrested during the G20 summit, most for little or no reason, and a number of police officers were injured, as well as onlookers.

As such, I'm satisfied to see the dangerous Public Works Protection Act repealed, while at the same time extending the necessary protections to our important public infrastructure and venues like utilities and community court.

I certainly hope that when the bill does come to committee, there will be recommendations and improvements made to it where there are any gaps in protection. I certainly hope that this bill, Bill 34, marks a turning point for this government in its future interaction with the people of Ontario. Open, honest and direct conversation with our communities will help limit any costly and unnecessary events like what transpired at the G20 from having to happen again.

Like I say, Mr. Speaker, in 1939 when the legislators in this very same room were discussing matters of great importance and world events—World War II—many other important decisions were made; they took the time to consult. They took the time to debate in the open and come up with a law that was able to serve that time.

I think that, going forward, if we have any more opportunities like this, the government needs to do everything they can do to satisfy that public debate, that public input, so that we don't see any more travesties like Caught in the Act.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Ms. Teresa J. Armstrong:** I want to thank the member for Sarnia–Lambton for his presentation. It was very good. I appreciate that.

He mentioned that he's glad to see that the Public Works Protection Act is being repealed. I think that's a consensus in the House; all of us here are glad this act is being repealed. But then the question has to be asked of the new act that's replacing the PWPA: How is that

going to be dissected and looked at with regard to the powers that it's giving court officials as well as the electricity generating facilities and nuclear facilities? We really need to understand the powers that we're giving when we enact this new act, because we don't want the same occurrences happening where people's civil rights are going to be violated.

I want to particularly focus on the court powers. One of the things this act does, in section 2, is that it requires any person entering a courthouse to produce identification and provide information to assess their security risk. I have questions about that. Because if it's open-ended, where do the civil rights of that person come into play and say, "I don't want to answer that question, but I should have the right to come into the courthouse."

What I'd like to know in detail when this act goes to committee is what kind of assessments will be done, what kind of questions will be asked before we give the powers, in this case that I'm talking about, to court security guards. People do have the freedom to enter a courthouse, to be part of the justice system and make sure it's a fair and equitable law.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Kevin Daniel Flynn:** It's a pleasure to join the debate and to pass comments on my colleague, the member from Sarnia. I think he brought a very balanced view to the floor today.

This was an event that took place obviously in 2010, and you have to think that the Public Works Protection Act, which is the act that's being overhauled, was passed some 70 years ago. I think that when you look at those two things together, you realize that something has to change. I think we've all come to the conclusion that this needs to be changed, and we've brought in a process that would allow that change to take place.

The G20 summit was held in Toronto. There were a number of areas that were considered. The amount of time that was given for preparation of the site, in my opinion, was very short. I think that the city of Toronto and the province of Ontario could have been given a lot more lead time to come up with what would have been a better security plan. That didn't happen.

I think that any one of the parties, over the past 70 years when the previous act was in place, could have brought the act to the table and could have amended that act. That didn't take place. What did take place, in the opinion of some, was that the act was brought in to enforce what was an event taking place in Toronto that we hadn't seen the likes of, certainly, since I've lived in the GTA.

I think the image of the burning police car that we all saw on TV was something which certainly, to me, was foreign. It was something that I had seen on TV before but had never seen in my own community, and it was something that we as Ontarians and Canadians thought we didn't want to see anymore.

I want to compliment those members of the police services that did acquit themselves in an honourable way. Within any organization you have good people and bad

people; that goes throughout many organizations. In this case, I think those men and women who do protect us on a daily basis should be praised for their actions in this regard and that this report from Justice McMurtry should move forward, Speaker.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jim McDonell:** Thank you, Mr. Speaker, for letting me address the comments of my colleague from Sarnia–Lambton. I think he brought up some good points when he mentioned that, although this law has been on the books for some 77 years, over all that time we haven't had an issue where this party has seen the need to change the act. I guess it's become clear that you can't trust all governments to use it wisely—and really, that is the question. It's not the fact that the act is old; it's how it was used to enact a situation in this province that we all seem to have a concerted agreement here that it wasn't right. There were civil liberties put down in the back room without public debate.

**1730**

Even in 1939—we talked about different times on the eve of war—even the Legislature at that time saw the need for public and open debate. I think that's really the issue around here. We see now the problems that were caused by making those decisions in the back room. First of all, the public was not aware of it, so they didn't have time to input, and by that time there was no time to have that debate, possibly. But when you don't let people know what the laws are, it's hard for them to follow them. In a lot of cases, that was the real reason behind it.

It is interesting to note some of things that have been forgotten behind this, and that's some of our important infrastructure in this province. We think back to 1939. Certainly, the infrastructure that was around was limited in terms of what we have today. Communications today—it would really cripple the country if we lost some of the networks that really weren't there 70 years ago. But whether it be the network or—as we see some of the impact we had with the hydro station in Sarnia, the economic challenges are there if they're not properly looked after. So we're looking forward to supporting this bill to see some of these changes.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jagmeet Singh:** Rising again to speak to this issue, we've achieved a consensus in the House with respect to the benefit of repealing the outdated Public Works Protection Act. That speaks to a step in the right direction for this House working together and achieving a consensus on a law that was improperly applied and is no longer relevant in this time and day, a law that resulted in egregious human rights violations and civil liberty violations as well.

Moving forward, let's ensure that there is a consensus in this House with respect to how this bill is enacted, with respect to how the regulations or the specific sections of this bill are brought into force and how they're implemented, because there are many concerns

that have been raised in this House, by both the members of the opposition and members of the NDP caucus, that must be implemented for this bill to be a fair bill, to account for the civil liberties and the interests of democracy in Ontario.

I urge the government to heed the warnings on this side of the House to ensure that the bill that will come into force is one that represents Ontarians, that represents democracy, that represents a proper society in Ontario and ensures that there are public courthouses, that people have the right to discourse, the right to dissent, both in courthouses and in and around electricity-producing facilities while maintaining a rational and reasonable limitation for protection.

I stress the fact that whenever we talk about security, we must always apply a rational and reasonable lens.

**The Acting Speaker (Mr. Ted Arnott):** I'll now return to the member for Sarnia–Lambton to respond.

**Mr. Robert Bailey:** Thank you. It has been a pleasure to have an opportunity to address this bill today—an important bill, I think, for public safety across Ontario and especially in my riding of Sarnia–Lambton, as well as many of our facilities across Ontario.

I'd like to thank the member from London–Fanshawe, the member from Oakville, the member from Stormont–Dundas–South Glengarry and also the member for Bramalea–Gore–Malton for their kind and insightful remarks and also for pointing out where, if I might have missed something—they obviously picked up on it.

Just summing up, the outdated Public Works Protection Act, where this all arose from, relied a lot on the discretion of the minister. Obviously, the minister at the time, when we had these issues during the G20, didn't use that type of discretion. Obviously, there was a failure to act, to properly oversee the people who reported to him. Those special powers that were granted to the police—obviously there was a lack of communication.

I think the big point that's been communicated throughout here today is, when you try to do something in secret and behind closed doors and there's not enough public debate—there's nothing like the clear light of day on any issue to bring those types of issues to debate, to bring answers to the floor so people have an opportunity from all three parties and the general public to say, “Well, wait a minute. What about if this happens, how do we react to that?”

I think we're trying to be too smart by half. When they did this, it came back to bite them. As the Ombudsman said, “Caught in the Act.” Those are his words, not mine. What more damning indictment can you get than the well-respected Ombudsman—

**Mr. Toby Barrett:** He does have a way with words.

**Mr. Robert Bailey:** Anyway, we've got air Ornge, too. What's going on there every day? Anyway, it seems like—stay tuned.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Ms. Cindy Forster:** I'm happy to be here today to talk about government Bill 34, the Security for Courts,

Electricity Generating Facilities and Nuclear Facilities Act, 2012.

I, like others here today, am supportive of repealing the PWPA, but I want to spend my time here talking about one of the most shocking examples that happened during the G20 summit to one of my constituents. I'm sure many of you have heard from constituents in your riding, but I think this story is probably one of the most too-shocking events that happened during that time.

This story is about John and Sarah Pruyn. John Pruyn is married to Susan Pruyn. They have a daughter, Sarah, who attended Guelph university at the time. John Pruyn resides in a rural portion of my riding. He's 57 years old. I know the family very well. They're peaceful, law-abiding members of my riding. They're active in the community. Susan Pruyn, the wife, is very active in preserving health care in the Niagara region and across the province. They're hard-working folks who run a part-time Christmas tree farm in the riding. John actually was a federal employee. He worked for Revenue Canada.

He came to Toronto for the G20 summit. He landed up on the lands of Queen's Park, actually right outside of the office that I currently reside in. He thought that that would be a pretty safe place to be. It was outside of the perimeter. Protests happen every day at Queen's Park, seven days a week, 24 hours a day, sometimes when we're here and sometimes when we're not.

He was sitting on the lawn, having some discussions about health care and poverty, those kinds of issues, with his daughter and a couple of young people, when a corral by the police happened around him. He wasn't even standing. Now, John is disabled. He has a prosthesis for his one leg that he lost in a farming accident a number of years ago. He walks with a walking cane.

The police actually basically told him to get up and get moving, and when he wasn't able to do that immediately, the police then took another stance and they actually accused him of resisting arrest. They pulled his walking sticks away from him. They tied his hands behind his back, and they ripped off his prosthetic leg.

Then they told him to get up and hop. When he wasn't able to hop on one leg, they dragged him across the pavement. They tore the skin off his elbows with his hands still tied behind his back. They knocked his glasses off his head. They accused him of spitting, something that John would never do. He spent 27 hours in detention, five without any water in the heat of the day. His daughter, as well, was arrested and detained for that period of time.

It turned out that John and his daughter made a bad assumption because where they thought they would be protected here at Queen's Park, where government happens, it wasn't the case for them.

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The daughter pleaded with the police to give her father a little bit of time so he could get up on his feet and put his prosthesis back on and get out of there, but they refused to do that. One of the police officers used his knee to press down on John's head. Now, here's a man

with a disability who wasn't going anywhere. He said in an interview to Doug Draper, a local reporter in Niagara, that his head hurt for a week.

John's story is, I think, one of the most shocking stories that happened during that period of time, and his nightmare continued for 27 hours. He's not a young man. He's an amputee. He's not a troublemaker. And, you know, it begs the question why he was arrested; why 1,100 people were arrested in the first place.

He was never given a reason for his arrest, and when he was being kicked and handcuffed he asked that, but he never got any answers. The police just continued to yell at him that he was resisting arrest. Then, after 27 hours, a court officer approached him at the detention centre and told him that he should not still be there in that steel cage.

His daughter as well was detained for 24 hours. No one was given the opportunity to make a phone call. I mean, any time someone is arrested, even those of us who aren't lawyers know that you're entitled to a phone call. Should they have not had that opportunity?

He was never read his rights. He never received an answer to his questions. He was never charged with anything.

There was another person, which was I think the second shocking story, who was in a wheelchair and was bound to that wheelchair because he was paralyzed on one side, and he was begging over and over again for a washroom break, which he was denied.

Other people were begging for water and making futile pleas for a phone call to call their parents so they didn't worry. Mrs. Pruyn—Susan—was frantic because her husband and her daughter were supposed to meet her at the subway station and they didn't show up for many, many hours.

So what was this all about and why were John and Sarah Pruyn arrested if they were part of the gathering of a peaceful demonstration at Queen's Park? Was their crime to dare to come to Toronto in the first place and to join with those whose concerns about the G20 were needing to be expressed? Mr. Pruyn wondered if the idea of the crackdown was to send a message to the public at large that gatherings of opposition views won't be tolerated.

Susan Pruyn asked for an inquiry. Andrea Horwath put forward a private member's bill. That hasn't happened at this point in time. Mr. Pruyn wonders if the whole idea was that we don't have the right to assemble anymore here in our great Canadian country. If you don't have the right to assemble, if that assembly is about questioning the policies of our government and a global economy, then it's little use anymore for acts of democracy at a regional or a national level. Why else would riot squads spend more time going after peaceful protesters than they did going after the people who were actually committing crimes? And what happened here? It was excessive police violence, and they didn't try and control the crowd.

The story a year and a half later: Mr. Pruyn is in the final stages of dealing with a human rights complaint. After he filed his complaint asking for settlement for the

pain, suffering and anguish that he incurred during that weekend, he was diagnosed with post-traumatic stress disorder, and he's had to retire from his job at Revenue Canada because of that. But he's not going to give up what he feels is his right as a Canadian to peacefully assemble: "I will still go out [to public demonstrations]. It is part of my charter of rights."

Many of the people who were actually arrested in areas that were supposed to be safe zones, like Queen's Park, were here to talk about how the G20 summit and the gathering of leaders was going to affect issues like health care, jobs and poverty. Unfortunately, this tragedy that happened on this weekend was a shameful abuse of power. There were legal observers that were trained, actually, by the Canadian civil liberties group and by the Movement Defence Committee—hundreds of them trained in a one-day training session—to kind of assist people who may have been detained, who maybe needed a legal hotline number, and to make sure people had the right to express themselves in a peaceful way. One of those legal observers was even arrested when he went to check up on somebody that was reported as kind of being lost to the crowd.

As I say, people have the right to participate. They have the right to demonstrate. They have the right to congregate. What happened that weekend was really just about instilling fear in that whole democratic process.

So I think that we still have concerns about the new bill that's coming forward with respect to some of the same issues around what kind of information will be asked and what kind of search and seizure processes there will be. They need to be very clear. Thank you, Mr. Speaker.

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. Questions and comments?

**Hon. John Milloy:** I'm pleased to continue participating in the debate with some comments in response to the presentation that was made by the member from Welland.

Mr. Speaker, no one in the House, when they heard the story and a number of stories that were shared with us, would in any way want to diminish those stories. Obviously, all of us who, through the media and other reports, learned of some of the events that happened around the G20, recognize the fact that there were some major problems that took place. There have been various investigations and follow-up on some of these incidents.

But Mr. Speaker, I go back to a point that I made earlier when I participating in questions and comments—and I anticipate the heckles that I'll hear—and that is why it is so hard for people to acknowledge the fact that this was a federal conference. It was a conference that was hosted by the government of Canada, with 20 leaders from around the world, including individuals like the President of the United States, the Prime Minister of the United Kingdom, people who are targets of terrorism, who need a fair amount of security—I think we all recognize that—and the federal government put in place a security framework, co-operating with local police

enforcement and co-operating with the province of Ontario. But the federal government is ultimately responsible for what happened with the G20.

Our piece of the puzzle was a small piece that had to do with a piece of legislation, the Public Works Protection Act, which goes back to the Second World War. As a government, we have acknowledged there are flaws with that act. We asked an esteemed jurist, the former Chief Justice of Ontario, the Honourable Roy McMurtry, to look into it, and we are coming forward with a piece of legislation to replace that and to reflect more of the modern balance between security and personal freedom.

But Mr. Speaker, I find it outrageous that somehow, when you stand up and point out that this was a federal conference, the federal government had full responsibility for it, and the federal government was directing security, that somehow you're heckled and people say that there's something wrong with that. That is a statement of fact.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Bill Walker:** It's interesting, the minister, today, again has to stand up and find fault and blame with someone else. It's either Mr. Harper or it's Alberta or I think we even said that maybe Obama was part of the problem now. You know, part of this is just recognizing—you actually finally said that you recognize mistakes were made, so that's a big leap forward, which is really nice to see for a change. But what we'd really like to see is you accept responsibility and put some actions in place to change it. Why are we debating this bill if there's nothing wrong and it's everybody else's fault?

There are obviously challenges. There are issues. In this House, we need to talk about it, we need to have civil debate and we need to get on with making actions that are going to make this better for another time, because you've obviously boondoggled this one as well.

I would like to congratulate my colleague Cindy Forster from Welland, however, in a couple of the comments I think I heard out there: trust; the discretion not to abuse power. Again, I see some themes throughout the whole day today: abuse of power; Ornge; the Green Energy Act. You need to not just ram things through. You need to ask other people. As you collectively always say, we want partnership, we want collaboration. We're here offering it and we're willing to do that.

Poor Mr. Pruyn—27 hours of unnecessary duress. All they needed was a smidgen—a little smidgen—of common sense to say, "This is abusing our power. We're taking this way to the extreme." We do not and cannot accept that, Mr. Speaker. We need to always have balance when it comes to safety and security. We need to ensure that certainly our courts, our nuclear facilities and other facilities that we provide as government are safe and secure, but there's a modicum of balance here. It's like regulation. We put abattoirs out of business because of overregulation. This is another indictment of a government that's lost touch. They want to talk all the time but they don't want to do it.



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You've asked Mr. Drummond for a report, and you're not going to put his recommendations in. You've asked Mr. McMurtry his recommendations. One of these times I just wish you'd step up, admit your guilt and say, "We will do the right thing," and remove the discretion from the minister.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Jagmeet Singh:** I was struck with the details of the story shared by the member from Welland, the painful story of an individual who was already facing special needs in terms of mobility restrictions. The fact that this individual was treated with such disrespect, treated as if he was inhuman, is utterly deplorable and is despicable and is a disgrace. It's an embarrassment on this province. It's an embarrassment on this city. It's an embarrassment to be in Canada when such actions happen.

But let's speak about the trend here. There is a trend in this government with an attempt to either not take responsibility or to discourage any attempt to highlight misconduct or misuse of power. In fact, we can tie this in to the Ontario Ombudsman's report, where he made it very clear, in addressing police accountability, that he had previously criticized the SIU director for not taking proper steps. But this time in his report the Ombudsman indicated that it was the Attorney General's office and ministry that discouraged the SIU director from investigating police misconduct. There seems to be a trend in this government that they are not interested in uncovering misconduct, that they're not interested in protecting the rights of Ontarians, that they're not interested in protecting civil liberties.

Why is it the Attorney General discouraged the SIU director from investigating police misconduct? And why is this government not able to accept the responsibility for enacting a law which resulted in mass civil liberty violations?

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Lorenzo Berardinetti:** I think more importantly than anything else, it's important to see that we are acting. We are acting quite strongly today and throughout this debate; we are bringing in a new piece of legislation.

Again, what happened back when the G20 occurred was unexpected. Now, we can put the finger of blame on anyone you want to blame, but the fact is, we acted. We didn't sit back and say, "You know what? Let's just forget about this and move on to other things. Let's deal with the Drummond report and let's deal with the \$16-billion deficit," but are moving with serious changes.

Again, as I stated earlier, when the NDP was in government in the 1990s and when the Conservatives were in power since 1939—they'd been in power a long time, since 1939—they did nothing to change this bill. The bill stood as it was for all this period of time.

We have grasped this old bill that's been around—the Public Works Protection Act—and taken the recommendations of Justice McMurtry, a former Attorney General as well, and are repealing the Public Works Protection Act and amending the act regarding court security and bringing in a whole new bill regarding the protection of nuclear facilities and also other power generating facilities.

So we are modernizing old bills, old acts, and repealing ones that are no longer necessary. We do this on the advice of our stakeholders; we've talked to stakeholders. We do it on the advice of a very well written report by former Chief Justice McMurtry. We've come out with a result. Obviously, this bill will go to committee, where it can be subject to further changes. But we're doing the right thing and I'm proud we're doing that.

**The Acting Speaker (Mr. Ted Arnott):** The member for Welland has two minutes to reply.

**Ms. Cindy Forster:** Thank you, Mr. Speaker. I heard a couple of things from the government members. One was, earlier, there wasn't enough time to properly implement security plans. Well, in fact, there's documentation showing that for 18 months the police were infiltrating agencies and community groups around the plan for the G20 summit.

The other was that other governments have never changed the bill, but there was no need to change the bill because it was actually regulation 233/10 that was enacted that actually caused the issues. So there was no reason to change it before then.

It was that this was a secret was the problem, and that it wasn't communicated to people. This was an intentional, planned abuse of authority and power, a violation of our rights and our freedoms, and was unconstitutional in every way.

So I look forward to actually getting to committee with this bill. We'll be supporting the bill. I look forward to making some changes that we addressed with respect to the courts, in particular, with respect to search and seizure and the information and the identification that you need to provide when you're attending a public building.

Both levels of government hold responsibility for this, because it was the provincial government that actually passed the regulation. It may have been a federal summit, but the provincial government passed it, and they didn't communicate it, not even to the other members of the other parties who are elected to represent people in this province.

Had the information been debated in a thoughtful way, we probably could have avoided many of the actions that happened on that weekend of the G20 summit.

*Second reading debate deemed adjourned.*

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. It being very close to six of the clock, this House stands adjourned until tomorrow at 9 a.m.

*The House adjourned at 1756.*

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Craitor, Kim (LIB)	Niagara Falls	
Damerla, Dipika (LIB)	Mississauga East–Cooksville / Mississauga-Est–Cooksville	
Delaney, Bob (LIB)	Mississauga–Streetsville	
Dhillon, Vic (LIB)	Brampton West / Brampton-Ouest	
Dickson, Joe (LIB)	Ajax–Pickering	
DiNovo, Cheri (NDP)	Parkdale–High Park	
<b>Duguid, Hon. / L'hon. Brad (LIB)</b>	Scarborough Centre / Scarborough-Centre	Minister of Economic Development and Innovation / Ministre du Développement économique et de l'Innovation
<b>Duncan, Hon. / L'hon. Dwight (LIB)</b>	Windsor–Tecumseh	Chair of the Management Board of Cabinet / Président du Conseil de gestion du gouvernement Deputy Premier / Vice-premier ministre Minister of Finance / Ministre des Finances
Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	
Elliott, Christine (PC)	Whitby–Oshawa	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Fedeli, Victor (PC)	Nipissing	
Flynn, Kevin Daniel (LIB)	Oakville	
Forster, Cindy (NDP)	Welland	Deputy House Leader, Recognized Party / Leader parlementaire adjointe de parti reconnu
Gélinas, France (NDP)	Nickel Belt	
<b>Gerretsen, Hon. / L'hon. John (LIB)</b>	Kingston and the Islands / Kingston et les Îles	Attorney General / Procureur général
<b>Gravelle, Hon. / L'hon. Michael (LIB)</b>	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	Minister of Natural Resources / Ministre des Richesses naturelles
Hardeman, Ernie (PC)	Oxford	
Harris, Michael (PC)	Kitchener–Conestoga	
Hillier, Randy (PC)	Lanark–Frontenac–Lennox and Addington	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Recognized Party / Chef de parti reconnu Leader, New Democratic Party of Ontario / Chef du Nouveau parti démocratique de l'Ontario
<b>Hoskins, Hon. / L'hon. Eric (LIB)</b>	St. Paul's	Minister of Children and Youth Services / Ministre des Services à l'enfance et à la jeunesse
Hudak, Tim (PC)	Niagara West–Glanbrook / Niagara-Ouest–Glanbrook	Leader, Official Opposition / Chef de l'opposition officielle Leader, Progressive Conservative Party of Ontario / Chef du Parti progressiste-conservateur de l'Ontario
Jackson, Rod (PC)	Barrie	
Jaczek, Helena (LIB)	Oak Ridges–Markham	
<b>Jeffrey, Hon. / L'hon. Linda (LIB)</b>	Brampton–Springdale	Minister of Labour / Ministre du Travail Minister Responsible for Seniors / Ministre déléguée aux Affaires des personnes âgées
Jones, Sylvia (PC)	Dufferin–Caledon	Deputy Opposition House Leader / Leader parlementaire adjointe de l'opposition officielle
Klees, Frank (PC)	Newmarket–Aurora	
Kwinter, Monte (LIB)	York Centre / York-Centre	
Leal, Jeff (LIB)	Peterborough	
Leone, Rob (PC)	Cambridge	
<b>Levac, Hon. / L'hon. Dave (LIB)</b>	Brant	Speaker / Président de l'Assemblée législative
MacCharles, Tracy (LIB)	Pickering–Scarborough East / Pickering–Scarborough-Est	
MacLaren, Jack (PC)	Carleton–Mississippi Mills	
MacLeod, Lisa (PC)	Nepean–Carleton	
Mangat, Amrit (LIB)	Mississauga–Brampton South / Mississauga–Brampton-Sud	
Mantha, Michael (NDP)	Algoma–Manitoulin	
Marchese, Rosario (NDP)	Trinity–Spadina	
<b>Matthews, Hon. / L'hon. Deborah (LIB)</b>	London North Centre / London-Centre-Nord	Minister of Health and Long-Term Care / Ministre de la Santé et des Soins de longue durée
Mauro, Bill (LIB)	Thunder Bay–Atikokan	
McDonnell, Jim (PC)	Stormont–Dundas–South Glengarry	
<b>McGuinty, Hon. / L'hon. Dalton (LIB)</b>	Ottawa South / Ottawa-Sud	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre Leader, Government / Chef du gouvernement Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
McKenna, Jane (PC)	Burlington	
<b>McMeekin, Hon. / L'hon. Ted (LIB)</b>	Ancaster–Dundas–Flamborough–Westdale	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
McNaughton, Monte (PC)	Lambton–Kent–Middlesex	
McNeely, Phil (LIB)	Ottawa–Orléans	
<b>Meilleur, Hon. / L'hon. Madeleine (LIB)</b>	Ottawa–Vanier	Minister of Community Safety and Correctional Services / Ministre de la Sécurité communautaire et des Services correctionnels Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound–Muskoka	
<b>Miller, Paul (NDP)</b>	Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek	Third Deputy Chair of the Committee of the Whole House / Troisième vice-président du Comité plénier de l'Assemblée législative

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
Milligan, Rob E. (PC) <b>Milloy, Hon. / L'hon. John (LIB)</b>	Northumberland–Quinte West Kitchener Centre / Kitchener-Centre	Minister of Community and Social Services / Ministre des Services sociaux et communautaires Government House Leader / Leader parlementaire du gouvernement
Moridi, Reza (LIB) <b>Munro, Julia (PC)</b>	Richmond Hill York–Simcoe	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-présidente du Comité plénier de l'Assemblée législative
<b>Murray, Hon. / L'hon. Glen R. (LIB)</b>	Toronto Centre / Toronto-Centre	Minister of Training, Colleges and Universities / Ministre de la Formation et des Collèges et Universités
Naqvi, Yasir (LIB)	Ottawa Centre / Ottawa-Centre	
Natyshak, Taras (NDP)	Essex	
Nicholls, Rick (PC)	Chatham–Kent–Essex	
O'Toole, John (PC)	Durham	
Oraziotti, David (LIB)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	
Pettapiece, Randy (PC)	Perth–Wellington	
Piruzza, Teresa (LIB)	Windsor West / Windsor-Ouest	
Prue, Michael (NDP)	Beaches–East York	
Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Sandals, Liz (LIB)	Guelph	
Schein, Jonah (NDP)	Davenport	
Scott, Laurie (PC)	Haliburton–Kawartha Lakes–Brock	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
Singh, Jagmeet (NDP)	Bramalea–Gore–Malton	
Smith, Todd (PC)	Prince Edward–Hastings	
Sorbara, Greg (LIB)	Vaughan	
<b>Sousa, Hon. / L'hon. Charles (LIB)</b>	Mississauga South / Mississauga-Sud	Minister of Citizenship and Immigration / Ministre des Affaires civiques et de l'Immigration
Tabuns, Peter (NDP)	Toronto–Danforth	
<b>Takhar, Hon. / L'hon. Harinder S. (LIB)</b>	Mississauga–Erindale	Minister of Government Services / Ministre des Services gouvernementaux
Taylor, Monique (NDP)	Hamilton Mountain	
Thompson, Lisa M. (PC)	Huron–Bruce	
Vanthof, John (NDP)	Timiskaming–Cochrane	
Walker, Bill (PC)	Bruce–Grey–Owen Sound	
Wilson, Jim (PC)	Simcoe–Grey	Opposition House Leader / Leader parlementaire de l'opposition officielle
Witmer, Elizabeth (PC)	Kitchener–Waterloo	
Wong, Soo (LIB)	Scarborough–Agincourt	
<b>Wynne, Hon. / L'hon. Kathleen O. (LIB)</b>	Don Valley West / Don Valley-Ouest	Minister of Aboriginal Affairs / Ministre des Affaires autochtones Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	
Yurek, Jeff (PC)	Elgin–Middlesex–London	
Zimmer, David (LIB)	Willowdale	

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

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Vice-Chair / Vice-président: Taras Natyshak  
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Rob Leone, Taras Natyshak  
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Cindy Forster, Monte McNaughton  
Yasir Naqvi, Teresa Piruzza  
Michael Prue, Peter Shurman  
Soo Wong  
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**Standing Committee on General Government / Comité permanent des affaires gouvernementales**

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Vice-Chair / Vice-président: David Zimmer  
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Joe Dickson, Rosario Marchese  
David Oraziotti, Laurie Scott  
Todd Smith, Jeff Yurek  
David Zimmer  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Government Agencies / Comité permanent des organismes gouvernementaux**

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Bill Mauro, Jim McDonell  
Phil McNeely, Randy Pettapiece  
Peter Tabuns, Monique Taylor  
Lisa M. Thompson  
Committee Clerk / Greffier: Trevor Day

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Vice-Chair / Vice-président: Shafiq Qaadri  
Laura Albanese, Teresa J. Armstrong  
Lorenzo Berardinetti, Mike Colle  
Frank Klees, Jack MacLaren  
Paul Miller, Rob E. Milligan  
Shafiq Qaadri  
Committee Clerk / Greffier: William Short

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Gilles Bisson, Donna H. Cansfield  
Steve Clark, Garfield Dunlop  
Jeff Leal, Lisa MacLeod  
Jonah Schein  
Committee Clerk / Greffier: Trevor Day

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Chair / Président: Norm Miller  
Vice-Chair / Vice-président: Toby Barrett  
Toby Barrett, France Gélinas  
Phil McNeely, Norm Miller  
Reza Moridi, Jerry J. Ouellette  
Liz Sandals, Jagmeet Singh  
David Zimmer  
Committee Clerk / Greffier: William Short

**Standing Committee on Regulations and Private Bills / Comité permanent des règlements et des projets de loi d'intérêt privé**

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Vice-Chair / Vice-président: John Vanthof  
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Rod Jackson, Mario Sergio  
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Bill Walker  
Committee Clerk / Greffière: Tamara Pomanski

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Chair / Président: Ernie Hardeman  
Vice-Chair / Vice-président: Ted Chudleigh  
Ted Chudleigh, Dipika Damerla  
Cheri DiNovo, Kevin Daniel Flynn  
Ernie Hardeman, Tracy MacCharles  
Amrit Mangat, Michael Mantha  
Jane McKenna  
Committee Clerk / Greffier: Katch Koch

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