



ISSN 1710-9442

**Legislative Assembly
of Ontario**

First Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Première session, 40^e législature

**Official Report
of Debates
(Hansard)**

Thursday 17 May 2012

**Journal
des débats
(Hansard)**

Jeudi 17 mai 2012

**Standing Committee on
Justice Policy**

Security for Courts, Electricity
Generating Facilities
and Nuclear Facilities Act, 2012

**Comité permanent
de la justice**

Loi de 2012 sur la sécurité
des tribunaux, des centrales
électriques et des installations
nucléaires

Chair: Laura Albanese
Clerk: William Short

Présidente : Laura Albanese
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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 17 May 2012

Jeudi 17 mai 2012

The committee met at 0915 in committee room 1.

**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**

Consideration 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 Chair (Mrs. Laura Albanese): Good morning, everyone. We hope it's going to be a good morning. We are here to resume the debate on Bill 34. We had motions on the table filed by Mr. Yakabuski and Ms. Wong. I believe that the first item that we're dealing with is the amendment to the main motion by Ms. Wong that Mr. Yakabuski moved, and it reads as follows:

"Once the committee has heard from ministry counsel on the independence of the judiciary, and had the opportunity to question both ministry counsel and legislative research, and is duly satisfied that Bill 34 does not threaten this independence."

I guess this needs to be read as a consequence to the main motion that was moved by Ms. Wong.

Any further discussion on that?

Mr. John Yakabuski: I move an amendment to that motion.

Interjection: An amendment to the amendment.

Mr. John Yakabuski: An amendment to the amendment, Madam Chair. I'll read it, only because I'm the only one who can because I'm the one who wrote it and nobody else would be able to read it: And the committee thoroughly reviews the report of the Office of the Independent Police Review Director released May 17, 2012, on the G20 entitled Policing the Right to Protest: G20 Systemic Review Report.

The Chair (Mrs. Laura Albanese): The clerk will need to give each committee member a copy of that motion, so we shall recess until he can do so. Since we do have a vote in the House in 23 minutes, we'll come back right after that vote in the House.

The committee recessed from 0916 to 0948.

The Chair (Mrs. Laura Albanese): We're back.

Mr. John Yakabuski: I don't think for long. I suspect a malfunction.

The Chair (Mrs. Laura Albanese): Well, we'll see. For now, we're back and we're dealing with an amendment to the amendment on the main motion by Ms. Wong. Mr. Yakabuski has read it into the record just before we recessed. Everybody has received a copy of the report that is mentioned at the end of the motion. Any discussion?

Mr. John Yakabuski: Pardon me. May I?

The Chair (Mrs. Laura Albanese): You may.

Mr. John Yakabuski: Seeing as I proposed the amendment, I want to thank my colleague Mr. MacLaren for bringing forth this issue. He could have just as easily proposed the amendment, but he passed it to me and I'm thankful for that. But I'm sure he will want to speak at length to this as well.

It's 260-some-odd pages, Madam Speaker, of a report from Gerry McNeilly, the independent police review director. Let's be clear: The reason we're here, no longer debating, but in committee for Bill 34, which was tabled by the government, is quite simply to try to address the absolute mess that was perpetrated on the G20 back in 2010, and how the government failed so miserably to carry out its responsibility to keep the peace and order, which we accept is part of their responsibility, to pass that task on to the rightful agencies. But of course, they passed this regulation in secret, behind closed doors, hidden from the view of not only the public but, of course, the members of the Legislature. That is in fact the real travesty, that they felt they needed to pass this law in secret, not in the Legislature. The Legislature—I think you might recall, Madam Chair, because you were a member of the Legislature at the time—was sitting when they actually passed this regulation, basically taking out of the dustbin what was known as the Public Works Protection Act, a law that was passed in 1939, at the outbreak of the Second World War. No one at this table would recall the circumstances at the time, but we're all capable of reading history. We should also all be capable

of learning from history. So they brought in this law, which was an absolutely inappropriate piece of legislation with respect to policing the G20.

This report is an evaluation of what may have gone wrong. I'm not stating anything to do with any conclusions on this report, because I haven't read it, but I'm pretty comfortable in saying that no one else at this table has read it either. We only heard about it yesterday. It was released yesterday. It is a comprehensive report, as you can see. I mean, it's significant in volume. Madam Speaker, when I say 260-some-odd pages, that's a printing that—there's no way on God's green earth that I can read it without at least two helpers, you know?

The Chair (Mrs. Laura Albanese): It's good that the long weekend is coming. We'll have some free time to—

Mr. John Yakabuski: Well, I was hoping not to have to read it on the long weekend, but perhaps I would have some time—

The Chair (Mrs. Laura Albanese): It's also constituency week.

Mr. John Yakabuski: —before we return on the Thursday. This committee would, of course, return the Thursday after constituency week, so hopefully I would have time during that period, and my colleagues and certainly my friends on the other side and my dear friends to the left of me. Then we would also have the opportunity, individually, to draw our own conclusions. But also, I think our own researchers, our own staff in our offices who are policy advisers etc., would also have the opportunity to read this report.

I'm not even going to begin to comment on anything in it, because I've only read the first page, and that's just the title page. All I've done other than that, Madam Speaker, is we got a little snippet yesterday, Madam Speaker—I'm sorry, Madam Chair. Maybe I'm predicting the future here. You never know. I'm looking forward to the day, because if it happens, maybe it means I'm still here.

So I'm not even purporting to think about any conclusions. There was some discussion in the press yesterday. The news media ran a story on it. Mr. McNeilly was on the news last night. I did see part of that press conference. It was on the CBC national news. It was the second story maybe on the national news last night, so clearly it's an issue of substantial gravity here in the province of Ontario and obviously across Canada. This was an international conference. The most powerful world leaders were there, so this is not something that was a weekend festival. It was a meeting of the leaders of the 20 most significant nations in the world, and high-level and huge, huge security, of course, was part of that.

So this report talks about, presumably, the role of the police and if, in fact, that needs to be chastised, challenged, questioned, whatever. We did hear some of the things in there, and there was some criticism of the police—significant criticism of the police—in the news reports. Are we to simply accept the conclusions of the page or so in the Toronto Star, the Globe and Mail or the Sun? Or are we, as members of this committee—who are here because of this.

The only reason we're here is because of the introduction of Bill 34. Of course, after the G20 issues, the massive protests and the number of arrests that took place—over 1,000 arrests, I believe it was—some soul-searching went on. The government then went into its circle-the-wagons protection mode: deny, dither, delay and try to deflect, which is the pattern of them to do. It did cost Rick Bartolucci his job—not completely; he got demoted to a lower-level ministry. So he did get his wrist slapped. He was the Minister of Community Safety and Correctional Services at the time, if that was the title at the time; they change it all the time just so that people don't catch wind of them, you know? So he got a significant beat-down from the Premier for his role in it. Then, as part of their defence mechanism, they were going to look at it.

But thank goodness for André Marin, the provincial Ombudsman. He said, "You know what? I'm taking a look at this too. I'm taking a look at this too." He released a report called Caught in the Act. That was one scathing report.

As part of our deliberations here, if I could ask the clerk, Madam Chair: Have the members of the committee been furnished with a copy of Caught in the Act, the Ombudsman's report?

The Clerk of the Committee (Mr. William Short): All members of the assembly are given a copy of the Ombudsman's report when it's tabled.

Mr. John Yakabuski: Okay, that's great. Now, it was compulsory reading in the Conservative caucus. It may have been put on the banned book list in the Liberal caucus, because they may not have wanted their members to read it, but we certainly did, and boy, that was one—I know my close friends from the NDP here, they read that report in detail. They were pretty concerned about the findings of the Ombudsman's report as well, but I'll let them speak for themselves. I never pretend to speak for them; I'm just supportive whenever I can be.

So the Ombudsman releases his report. It just rips these folks apart on the handling of the G20. You know what we have yet to hear? It's not for my benefit; I can live with it. I'm not going to fret if I don't receive an apology from the Liberals—it should start with the Premier. If I don't receive an apology from the Liberals with respect to their role in that debacle, I'm okay. But certainly, the citizens of this province deserve that apology. It has yet to materialize. We have not heard a word of contrition from this government whatsoever on the role they played and the mess they made of it.

You know, there is a tacit admission, I suppose, that they, after the Ombudsman's report—what I love about André Marin is that he doesn't pull punches. That's the role of the Ombudsman. His job is not to salve the government and admonish them in a gentle way. His job is to point out in very, very clear ways how a government fails its citizens. That's the role of the Ombudsman.

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When government doesn't do its job, it's the job of the Ombudsman to step in and direct—he cannot direct the

government, but the moral suasion that he or she, whoever would hold the office, would have is quite significant. When he sees an injustice—that's the one thing I really appreciate about Mr. Marin—he goes at it and he comes up with something that is really significant. He doesn't beat around the bush. He really does his job. We're fortunate to have André Marin as an Ombudsman.

I recall, Madam Chair, when the time came for his reappointment, this government did everything it could to try to get away from reappointing him. They did not want to reappoint Mr. Marin because they knew that he does the job. His role is not to chastise the opposition, his role is not to go out and find problems on the street by some non-governmental agency and chastise them. His role is a watchdog. He's a watchdog on the government, and he does it extremely well.

But you'll recall—because I sat on that committee that was involved in the short-listing of the candidates for the Ombudsman—it was just ridiculous how badly they did not want to have André Marin reappointed as Ombudsman. But at the end of the day—the public pressures and the fact that he was quite simply, without any question, the best candidate for the job to be reappointed—they had to relent because it would have been absolutely embarrassing for them to continue with their silly charade of trying to discredit him. Even in the House they tried to discredit him on different issues. That was quite regrettable.

As I say—and I know I've drifted a bit away from the motion at this point, but it is important to talk about Mr. Marin and the role that he plays. Let's just try to move forward a little bit.

As a result of the Caught in the Act report, the government then commissioned a former Chief Justice of the Ontario superior court—I'm sure the record will correct me when I'm wrong; I don't have the exact information—a former Attorney General, tremendous parliamentarian—then, of course, he was appointed to the bench. He's been called upon on more than one occasion to advise the government on what they might do when the government messes up. Did you ever notice that? That the government—it's happening a little too often, I might point out, Madam Chair, where the government is calling on someone to find them a way out of something because they've messed up. You know what would be a really good thing for the government to practice? Messing up less. If you messed up less, you wouldn't have to be dealing with these kinds of things, and we wouldn't be sitting here today; we'd actually be in the Legislature involved in the debate.

Anyway, they called on Roy McMurtry to kind of track them a course out of this malaise. He gave them some advice on what they might put into a new act, a new law, to replace the Public Works Protection Act. If you just let me go back for a second, that was the one I talked about that was introduced in 1939. That was so woefully inappropriate as a piece of legislation to police the G20, yet they went ahead and did it anyway. So Roy McMurtry was then tasked with the job of finding a way

out of it and helping them to navigate their way into something new and better. This is where Bill 34, government order G34, I guess we'd call it—is that the way they do it here? I think something like that—that's where Bill 34 came forward. So now we're through second reading debate, we're through the depositions and we're into the clause-by-clause portion of the bill—well, we're getting there. We're getting there. But one of the things, obviously, we need to do before we get into clause-by-clause—and you see the picture I'm painting is everything that was done wrong, Madam Chair. I haven't got it all; I'm sure I'll speak more. You just can't get it all in at one time. To talk about all the wrongs is almost too emotional to do in one 20-minute snippet because it gets to you to think that this is how we've gotten here.

Boy, we don't want to repeat those mistakes, do we? That was a sad time in Ontario's history. I know I'm not asking you for comment, Madam Chair; I'm just asking the question in a rhetorical way, I suppose, and I just shake my head.

So what do we do from here? Well, we've got to get it right this time. I say that respectfully to my colleague across the way—is it Scarborough–Agincourt? I'm very good at those ridings, you know. If she doesn't get the job as Speaker, maybe I'll get it.

Ms. Soo Wong: We'll see.

Mr. John Yakabuski: But I don't know, I wouldn't be able to vote then, eh? Gosh.

So we've got to get it right. We've got a piece of paper. Whoa, we've got lots of pieces of paper here, Chair. If I was to hold this and read it and not put it down, I would be building muscles. Of course, I might want to be moving it a bit to get those muscles moving as well—and probably having a healthy diet, maybe more vegetarian. My friend from Bramalea–Gore–Malton would agree.

Do we really want to proceed before we read this report? Do we really want to send this bill back to the Legislature without the benefit of having read, digested, analyzed and drawn conclusions from this report? Because as we have learned, we have a deadline that exists with respect to amendments to the bill, and that deadline has passed. We also find that that is not an absolutely deadline, because amendments have been tabled since that deadline. So I don't know if an amendment will come out of this report.

The Chair (Mrs. Laura Albanese): And with that thought, I will thank you for your comments. Your 20 minutes have expired and I have to give—Ms. Wong has asked to speak.

Ms. Soo Wong: Thank you, Madam Chair. Okay, a couple of things: Given my colleague opposite is putting before us an amendment to the amendment to his motion, let me just remind our colleagues here that the bill is about court security and about nuclear safety and nuclear security. It's not about policing. It's right there, policing the right way to protest. Let me remind you about that. It's not about public order and policing and not about this report, okay?

The other thing is, right at the beginning of the report, I want to remind my colleague opposite, it is your PC cousins who started all this trouble. It said right here in the report: “No Canadian location for the G20 was set until December 7, 2009.

“In addition, it was unprecedented for one nation to host both the G8 and G20 summits back to back.”

Then the report also said, “This left little time to plan and execute the event,” and it created unique challenges in security. So at the end of the day you can argue, and whatever it is, Mr. McNeilly wrote in his report right at the beginning what some of the concerns are.

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So let me remind my colleague also about—Madam Chair, through you to my colleague opposite, this is now four consecutive weeks. We have new members of my colleagues coming to meetings—that’s fine. The other thing here is, I want to question and challenge the sincerity of my PC colleague opposite to move this bill forward and get this done. I also want to be reminding my colleague for this piece, I need us to vote on an amendment to the amendment to Mr. Yakabuski’s motion. But we’re here to do a job, and I think my colleague from the NDP is also here to do a job, to get this thing done.

Every week, for the last four weeks—and I want to be on record—there’s been delay tactics after delay tactics and not getting back to clause-by-clause. And if we’re here to talk about another issue dealing with policing, that’s another matter. This particular bill is talking about court security, it’s talking about nuclear security, and we must stay focused.

I do respect Mr. Yakabuski’s concern about that report, but at the end of the day, we’ve got to go back to what was the original purpose of this bill and we need to get back down to business, to review it clause-by-clause and do what Ontarians have voted for us to do. Not only is it about getting things done, Madam Chair, it’s the fact that we’re here to respect the taxpayer. The last four weeks—I want to find out—I don’t know who has the data, Madam Chair—how much it costs the taxpayer to have, every week, these kind of delay tactics. It would be in the thousands of dollars.

Mr. John Yakabuski: It was \$750 million at Ornge.

Ms. Soo Wong: It doesn’t really matter. Okay?

The fact of the matter here is there’s a delay tactic—for you, for your party, to consistently, every week, do amendment after amendment when we’ve already moved forward to do clause-by-clause.

So Madam Chair, I move again that we vote on this amendment to the amendment to Mr. Yakabuski’s motion and that we go back to my original motion to go clause-by-clause, because that’s what Ontarians want us to do: to address the court security concerns as well as the nuclear safety concerns. Thank you. Maybe my colleague wants to say anything.

Mr. John Yakabuski: Does it go in rotation?

Ms. Soo Wong: I took less than 20 minutes.

The Chair (Mrs. Laura Albanese): It’s up to the Chair, and I am just trying to give the members who are

putting their hands up and indicating that they want to speak a chance to give their opinion. Mr. MacLaren? Sorry about that. Mr. Yakabuski had indicated before you. Sorry.

Mr. Jack MacLaren: That’s fine.

Mr. John Yakabuski: Of course, I wasn’t finished; I’m actually going to come back to that. But I do want to address a couple of the things that Ms. Wong did say. She said—I don’t understand sometimes her argument—“It’s not about policing,” but then she quotes from the report; “It’s not about the report,” but she quotes from the report.

It’s a dangerous thing, sort of like you read the inside cover, the foreword, of a book, and then maybe read the back inside cover, and figure you’ve got the book. It’s bad practice. A good practice is to read the book and then to draw your conclusions, not take a snippet off the front page and figure you’ve got it all mapped out—bad practice. That’s how bad laws get passed and that’s how bad decisions get made in cabinet. Do you remember that decision? “Oh, let’s use the Public Works Protection Act to police the G20.” Of course, she sees one little word that might turn some of the attention to the federal government, and the Liberals go right back into their deny-delay-deflect mode and see if they can’t make it a Stephen Harper issue. Anyway, Stephen Harper is not here. We’re passing the provincial law.

Then she says it’s not a police matter, but I want to read what it says here. It says, “Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act....” It’s not about policing? We’re amending the Police Services Act. This is news to me that the Police Services Act is not about policing, because, you know what? I thought all along it was. So this is news to me.

It is very much about policing. You can spin this any way you want, but this is about policing. We’re amending the Police Services Act. When you take a report and throw a little bit out off the first page, because you’re being intensely partisan, that’s a concern.

You folks created this mess. It wasn’t us. We didn’t pass the law. We didn’t go tell the police, “We’ve been digging through the old archives and we found this dusty old law here. Go use it and we’ll deal with the fallout after.” That’s the same kind of practice that you want us to conduct by reading the first page and saying, “No need to go any further. No need to go any further. We’ve got it all taken care of. People will be happy with that. We’ve passed a new law.”

As I said, the law has been around since 1939. It was the wrong piece of legislation to use to police the G20, but it’s still in effect and it will be in effect until such time as Bill 34 is passed. So it’s not like the sky is falling. We’ve had court security since 1939—we had it before that but we certainly didn’t lose it in 1939. We have security around our nuclear plants.

In the interim, I would ask—I mean, she represents Scarborough—Agincourt; she’s not too far from the Pickering plant, she’s not too far from Darlington—from

the day this new act was tabled in the Legislature at first reading till today, have there been widespread reports of “We’ve gone into limbo here. Security at Pickering or Darlington is now jeopardized because we don’t have this law passed”? No.

She’ll have a chance to speak again, and if she has a report, the committee would love to hear of it. If she has evidence that says that security around those plants is in jeopardy, we’d love to hear from her, we’d love to have the report. I think it’s important that the committee sees these kinds of things, if they exist. But if they don’t exist—and I’m not drawing any conclusion here at all, but if they don’t exist, I would also love to hear that from the member. We shouldn’t be fearmongering about what may or may not take place in the time between tabling of Bill 34 and its passage into law, if there’s no justification for doing so.

You can put things on the record if you want. I know you’ve got your marching orders. I know you’ve been told by the folks up in the corner office, “This is what we want. This is what we expect.” You’re doing your job, and I respect that and I respect you for that. However, I suspect somebody thought they were doing their job when they rolled into that cabinet meeting in 2010—I don’t have the exact date in front of me; the House was in session, so we know it wasn’t too late in the spring or summer. I suppose someone felt they were doing their job when they walked into that cabinet meeting and said, “This is the one. This is the one we’ll go with,” and the minister spoke to his colleagues—of course, I’m only hypothesizing here. I want the public, the people in the room today to know that I’m not speaking factually; I’m only surmising or hypothesizing what may have happened. I’m trying to draw a picture. If my friends across want to challenge me on that, that’s fine. I don’t know if any one of them was in the room.

1020

But I think we can kind of picture how it might have happened. They walk in and they said—you know, it’s sort of like, who was it? Was it Socrates or who was it who was in the bathtub when it overflowed?

Mr. Shafiq Qadri: Archimedes.

Mr. John Yakabuski: Who was it?

Mr. Shafiq Qadri: Archimedes.

Mr. John Yakabuski: Archimedes. Thank you very much.

Interjection: He said, “Eureka.”

Mr. John Yakabuski: He said, “Eureka”—you know, when the bath overflowed. Things are overflowing in Greece today, that’s for sure, and we want to make sure they don’t overflow here in Ontario. But I digress.

So it was like whoever walked into the room that day, and it was like, “Eureka, we’ve got the answer. We’re going to save the G20. We’re going to be a hero.” And the minister said, “Yes, yes. Maybe I’ll get a promotion to a higher-level cabinet post.”

Well, it didn’t work out, because, as I said last week, instead of measuring twice and cutting once, they

brought in the plank and he couldn’t get the Skil saw out fast enough to cut that thing up, and he made a mistake.

I’m not trying to be harsh, because that’s not my nature at all, but I’m trying to be thorough, and I’m trying to make sure that we don’t mess this up. So 1939—that is 73 years, eh?

Mr. Lorenzo Berardinetti: It’s 72 and a half.

Mr. John Yakabuski: Well, I don’t know what date it passed on—you’re right. You know, Mr. Berardinetti is on the ball today, because obviously, at this time of year in 1939, they wouldn’t have passed the law, because the Second World War hadn’t begun. It didn’t begin until September, when Nazi Germany, under Adolf Hitler, invaded Poland. I appreciate that help.

So it wouldn’t be quite 73 years old, but you know what? It’s pretty darn old. It’s pretty darn old. It has been around for a while. Is there that big of a rush to get this through and maybe we’ll be back here next year dealing with amendments to the act because we didn’t get it right? I’d hate to say—can I ask a question of the clerk while I’m in my 20 minutes without losing my time?

The Chair (Mrs. Laura Albanese): Sure.

Mr. John Yakabuski: Of course, I can always come back, right?

The Chair (Mrs. Laura Albanese): Absolutely.

Mr. John Yakabuski: I don’t pretend to be an expert—

The Chair (Mrs. Laura Albanese): You have only about 20 seconds before we recess. It is 10:25, and we’ll have to be up for question period.

Mr. John Yakabuski: Oh, my goodness gracious, where does it go? Are we coming back today, then?

The Chair (Mrs. Laura Albanese): At 2 o’clock sharp. You can continue. You’ll still have the floor at 2 o’clock.

Mr. John Yakabuski: Well, I guess we’re going to recess, then.

The Chair (Mrs. Laura Albanese): Yes, we’re going to recess right now. Thank you.

Mr. John Yakabuski: I’ll see you this afternoon.

The committee recessed from 1025 to 1408.

The Chair (Mrs. Laura Albanese): Okay, it seems like we have a quorum—

Mr. John Yakabuski: What is a quorum, Madam Chair? We can change that—

The Chair (Mrs. Laura Albanese): It’s five. Mr. Yakabuski, you had the floor. You had nine minutes still to speak but were being delayed. I’m afraid I’m going to start docking minutes off your nine minutes if you—or you may not wish to speak for the full 20. I’m not sure.

Mr. John Yakabuski: What do you think?

The Chair (Mrs. Laura Albanese): Well, then, at least proceed, because the clock is ticking.

Mr. John Yakabuski: Well, the clock is ticking. I’m just going to pull up my socks, both literally and figuratively, Madam Chair, and get down to brass tacks, however we can—

The Chair (Mrs. Laura Albanese): The time is already calculated, even the pulling up of the socks.

Mr. John Yakabuski: Oh, I know. It looks like we're going to be here till suppertime. I'm just trying to remember exactly where I was, because that was, it seems, eons ago.

The Chair (Mrs. Laura Albanese): Well, you were talking about your amendment to the motion and therefore—

Mr. John Yakabuski: Yeah, my amendment with respect to the G20 systemic review report. But what I did bring this afternoon too, Madam Chair, for the benefit of the committee, is Caught in the Act. She's a thick one, too. It is not a small report.

The Chair (Mrs. Laura Albanese): This morning, all members of the Legislature received that. They received that some time ago, and some of us have read it thoroughly.

Mr. John Yakabuski: Yes, you did point that out, and I also registered my suspicion that it was on the banned book list of the Liberal caucus.

The Chair (Mrs. Laura Albanese): I'm sorry to disappoint you.

Mr. John Yakabuski: Oh, the Chair is engaging. That's good; we could have a fun afternoon.

Well, I know it was compulsory reading in ours, as I said this morning, because there was nothing in this report that caused us any concern—the Caught in the Act—but there was a fair bit in this report that would have caused the government caucus concern.

I'll be perfectly honest with you, Chair. I don't hold the individual members of the Liberal caucus at the time responsible for what happened. I believe they knew about as much of that secret law as we did. That's what has got to be really tough for the members of the caucus who sit in the Legislature, knowing that they were as well-informed as to what was going on behind the doors of cabinet as we were. I would hope—and I don't have a spy in the Liberal caucus room, but I'll bet you if there was a fly on the wall there was some pretty hot discussion over the issue of informing the backbench members of the party in the Legislature on the bringing in of the Public Works Protection Act to manage the security at G20.

Every one of us is elected by our constituents to do the very same job. We're all MPPs. Some, if you're on the government side, get elevated to the executive council, you become a member of the cabinet. One person, obviously, gets to be the Premier. Whoever is the leader of the party that wins the most seats is the Premier, and then other members could be parliamentary assistants, like we have a parliamentary assistant here today, the member for Scarborough—Agincourt, Ms. Wong. Some people have additional roles, but we're all MPPs.

I think we feel like we're cheated a little bit when we're kept out of the conversation. I'm sure that members of the Liberal caucus felt that way, especially when the proverbial stuff hit the fan, as they say, Chair, during that summer when all of those troubles were going on here in Toronto during the G20.

As I say, I don't hold members of the Liberal caucus individually responsible because I don't think they had

any input into the decision. They were simply pawns in the political game that was being played by the McGuinty cabinet, the game being played with the rights of citizens here in the province of Ontario. Of course, that's Caught in the Act.

We had a chance to talk about Caught in the Act in the Legislature. We talked about that during the second reading debate on Bill 34. There was an opportunity to discuss some of the recommendations and the challenges, and I may get into that a little later today, reading some of the passages from Mr. Marin. I think that's part of what I was speaking about this morning, too, the quality of André Marin's work, which is second to none. Boy, we're lucky to have someone like that as our provincial Ombudsman.

We've got this report, Caught in the Act, and now, to the amendment to the motion, yesterday we got this. I had no time to read this during lunch either, and I'm not one of those speed-readers, you know. I can't quite do it that fast. I didn't take that—was it Evelyn Woodhead course there, you know? Speed-reading.

Mr. Shafiq Qadri: But you can read them?

Mr. John Yakabuski: Oh, I believe I can, yes. The member for Etobicoke North is questioning—I can assure him that I can read.

Mr. Shafiq Qadri: It's a faculty you seem to exercise so infrequently.

Mr. John Yakabuski: Yes. Well, I do from time to time. Sometimes there's a good comic book out there that I pick up and see if I can get through it, provided none of the words are too challenging, I say to the doctor.

Mr. Lorenzo Berardinetti: John Kennedy was a speed-reader.

Mr. John Yakabuski: John Kennedy was a speed-reader? Yes, but he's dead. Maybe it's not a good idea to read too fast, eh?

So I didn't have time to read the report, but I don't think anybody else did either, because we all have things to do between question period and now. One of them was eat lunch, and we had a House leaders' meeting and stuff like that. I even had to read a schedule there, but I just read it to myself. But I would never have had the time, anyway.

So to the issue at hand: Of course, the question is, we need some time to read the report and I know my colleagues from Bruce—Grey—Owen Sound and Carleton—Mississippi Mills haven't read the report either.

Mr. Bill Walker: Definitely, we haven't had time, and I need to; I'm the new guy.

Mr. John Yakabuski: Well, sure, exactly.

So what we've asked for—and I can confirm that not only can both of my colleagues on this committee read, I just got an email that confirms that all members of our caucus can read, a great news flash there for the member from Etobicoke North.

Mr. Shafiq Qadri: But do they?

The Chair (Mrs. Laura Albanese): You have a minute and a half to wrap up.

Mr. John Yakabuski: Well, I'm not going to be able to read it in that minute and a half, Madam Chair. I swear to God on that one. But I will get down to it at some point.

So I'm asking for the committee to consider my amendment to my amendment, which is to give us some time, perhaps adjourn the committee until such time as we can digest the report. Am I just about out of time?

The Chair (Mrs. Laura Albanese): Yeah, just about out of time—

Mr. John Yakabuski: I don't want to begin a thought and then not be able to finish it.

The Chair (Mrs. Laura Albanese): There's 45 seconds left, if you wish to add something.

Mr. John Yakabuski: Well, I could just say what a lovely day it is out there. It would be wonderful to adjourn this committee and—

The Chair (Mrs. Laura Albanese): So just to confirm, you have moved to adjourn the committee—

Mr. John Yakabuski: Until such time as we—and I could further—

The Chair (Mrs. Laura Albanese): All you could do right now is move to adjourn the committee.

Mr. John Yakabuski: I have moved to adjourn the committee. We're on further debate for that.

Interjection.

The Chair (Mrs. Laura Albanese): A 20-minute recess. We're recessed.

The committee recessed from 1417 to 1437.

The Chair (Mrs. Laura Albanese): So recess is over. Members should be ready to vote. Mr. Yakabuski has moved committee adjournment, so we'll proceed. I want to remind members to please give me a show of hands.

All those in favour? All those opposed? That being a tie vote, the Chair needs to vote, and the Chair always votes for the extension of debate, maintaining the status quo. So, in this case, the motion is accordingly lost.

Further debate? So it's Mr. MacLaren who wishes to speak on the amendment to the amendment on the motion moved by Ms. Wong in response to the motion moved by Mr. Hillier.

Mr. Jack MacLaren: I would speak in favour of Mr. Yakabuski's motion, that we be given time to review this report on the G20 by the Office of the Independent Police Review Director. I think it's a very important document. I've read many press articles talking glowingly about it, about how it's such a significant document, and I think—

Ms. Soo Wong: Jack, speak into the mike.

Mr. Jack MacLaren: Oh, sorry. Is that a little better? All right.

Mr. John Yakabuski: I know you don't want to miss a word.

Mr. Jack MacLaren: All righty.

Mr. Shafiq Qaadri: Anything you say—

Mr. John Yakabuski: Can be held against you.

Mr. Jack MacLaren: I have the floor, and he still talks.

Interjections.

Mr. John Yakabuski: Sorry. Nobody has unplugged me yet.

Mr. Jack MacLaren: Sorry, John. If I make any mistakes, you'll point them out, right? Okay.

I speak in support of having the time to review this document because I think it is very important; a lot of work has gone into it. It's not the only document that has been made available for this committee's review. There's another one here from the Royal Canadian Mounted Police. I think they're pretty much just reviewing their performance during the G20 and G8 summits. This report isn't saying a heck of a lot except the review comes to the conclusion that, more or less, what they did was okay. That may or may not give us much to chew on or consider for our deliberations over Bill 34. This report from the Office of the Independent Police Review Director, I believe, does.

I think we all take this Bill 34 very seriously, as we should. It basically amounts to a small thing that is the foundation of everything that is good about this country, I believe, and that is our constitutional rights for freedom—freedom of speech, freedom of assembly; the things that define what makes Canada such a great place to be, why we have so many people from various nations come to this land and want to come to this land. We're one of the most stable countries in the world, but basically the foundation of everything that's good here is our democracy, based on the British parliamentary system. You could stretch it right back to the Magna Carta, which isn't a stretch at all—that's exactly where it all started—and with our own constitutional documents, the Charter of Rights and Freedoms. I think sometimes we speak not often of them, and we should. I think we should speak more often of them and learn to have regard for how important they are and how they are the foundation of everything good that is here, and not take that point too lightly, because it is so important.

How that relates to Bill 34, as I see it, is a very direct and obvious relationship, because we're talking about a courtroom. I believe there's the security of a courtroom, but more than that, I think the foundational constitutional freedoms that a courtroom offers and defines: A court or a trial is supposed to be an open, public display of justice, as has been said in a number of documents. I think we've mentioned here already that justice must not only be done but must be seen to be done. So a trial is a public event, as it should be, so that there's nothing behind closed doors, so that everybody can see that justice was done and they can see how it was done, and we need a courtroom as the place for justice to be done and to be seen to be done. Again, this all relates back to our constitutional rights to freedom of assembly.

Now we're talking in Bill 34 about, how do we make the courtroom secure? So I think we've all agreed and understand that it has been defined very clearly that it's a public place for a public event, which is a trial. We want the public to come, to attend and to see justice done. They are invited, they are welcome, and we must be careful as lawmakers—because that's why we are here in this

wonderful institution of the Legislative Assembly of Ontario. It is a great honour to be here. When I was elected last fall, many times it was mentioned to me as we were being introduced to this place and went through the formal steps that go along with becoming an MPP, about what a great honour and a great privilege it is. Really, we are here as nothing but the voice of the people from our ridings and everything we do should be a reflection of their wants and needs, nothing more and nothing less. So we have to keep those kinds of things in mind.

Getting back to courtroom security, this bill calls for what I consider to be some potential infringements on our constitutional rights and our Charter of Rights and Freedoms, where it would say things like, “What is your name? Give us your identification. Tell us why you’re here. Let us search your person, your body etc. and your automobile.” They sound very simple and could easily be taken as unintrusive, and as I’ve read through all the documents that were presented to us before this committee started, I started to realize that something that could be viewed as simple, not a particularly big issue or important issue, that in fact it is an extremely important issue and, again, is the very foundation of everything that’s good about this country.

So really what we’re talking about is the maintenance, understanding and integrity of our rights and freedoms in this country. We want to do that right. I think it’s very, very important that we take whatever time is required to do the job right on behalf of our constituents and make sure that in Ontario our constitutional rights and freedoms are held in high regard, that we abide by everything that our forefathers—going back even before Canada—held in regard are abided by and the true nature and intent of everything that was done in 1867 and 1982, 1215, is considered when we make our decisions here on this bill.

This document is something, I believe, that if we do not consider it and take the time to consider it, we are not doing our job completely and comprehensively, and that would be a great mistake and I think we would not be doing our jobs properly or serving the people we represent properly.

As John has mentioned, none of us have had time to go through this in any detail except maybe to read the table of contents, and even if you do that you see there’s background; there’s the G20 security structure; protests and responses, Saturday, June 26 to early Sunday, June 27; stop and search; Queen’s Park activities; arrests on the Esplanade; University of Toronto arrests; Queen and Spadina—I think that’s where they did kettling. Can you imagine doing kettling? Isn’t that what they did in the Culloden war, John?

The prisoner processing centre, which was very overcrowded, as I understand it; aftermath and reflections; public and the media; training. Those are pretty ominous subtitles: Arrests, arrest, kettling.

I think when we consider that those kind of things happened only two years ago, they happened here in this city, in this country where people’s constitutional rights

and freedoms were infringed upon in a huge way, which we have never experienced in this country and which we are used to seeing in headlines for other Third World countries—how far are we from being a Third World country? Not far if we make the wrong decisions and we don’t do our job right.

We have to be careful to maintain our freedoms. That’s what the whole purpose of this committee is: to ensure that we do Bill 34 right, that we provide for securities, security of people in a public place, a courtroom, for the public institution of a trial and that we not infringe upon any of those kinds of freedoms.

A pile of work has gone into this document by the Office of the Independent Police Review Director and I think it would be a grave error on our part if we don’t take the time to read that document and see if there’s a paragraph, a sentence or a page that would have an impact on what our decision might be, something we haven’t thought of. A lot of people have done a lot of work. It took two years to get to the point where they published this document yesterday. Are we going to say we’re too far along with our process to take a break, study one more document and make sure we do things right? If we find it doesn’t make a difference, at least we can feel good that we took the time to consider what Mr.—

Mr. John Yakabuski: McNeilly.

Mr. Jack MacLaren:—McNeilly did.

Mr. John Yakabuski: Not Phil McNeilly.

Mr. Jack MacLaren: Gerry McNeilly. I think for us to not take the time to consider that would really be a bit of a slap in the face for him and the body that he represents and is director of.

The RCMP document: I think we should have a look at that, too. Although I expect, from what I hear, it would be less likely we’d find something that would be of significance there.

Mr. John Yakabuski: On a point of order, Madam Chair.

The Chair (Mrs. Laura Albanese): Yes?

Mr. John Yakabuski: Standing order 23(g): As this bill that we’re debating here would replace or nullify—“repeal” would be the word—repeal the Public Works Protection Act, I believe we’re in contravention of orders 23(g)(i) and (ii). The fact that a number of people have been charged under this act—those cases are before the courts, there are still some of those cases before the courts. As 23(g)(i) and (g)(ii)—and I’ll read them:

“23. In debate, a member shall be called to order by the Speaker if he or she...

“(g) Refers to any matter that is the subject of a proceeding,

“(i) that is pending in a court or before a judge for judicial determination; or

“(ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of the Legislature.”

We know that the PWPA was an act of the Legislature. Therefore, I request that this committee seek legal

opinion as to whether or not we can be discussing these until such time as those cases have been dealt with by the courts and are no longer the subject of a proceeding, because right now they are. I'd like a view on this, and perhaps we need to get it from some other authority, as to whether or not these proceedings are not in fact in contravention of standing orders 23(g)(i) and (ii).

The Chair (Mrs. Laura Albanese): We'll take a five-minute recess to consider what he just said.

The committee recessed from 1451 to 1501.

The Chair (Mrs. Laura Albanese): I'm ready to rule on the point of order, that is not a point of order, that was brought forward by Mr. Yakabuski. I will say that O'Brien and Bosc, on page 628, states that the sub judice convention "does not apply to legislation or to the legislative process as the right of Parliament to legislate may not be limited."

1500

Mr. John Yakabuski: Where did this come from, Madam Chair?

The Chair (Mrs. Laura Albanese): O'Brien and Bosc. It's not a point of order and there's no debate, so we'll go back to Mr. MacLaren, who was speaking.

Mr. John Yakabuski: Wow. No debate.

The Chair (Mrs. Laura Albanese): There's no debate when it's not a point of order. Mr. MacLaren, would you like to resume?

Mr. Jack MacLaren: Thank you, Madam Chair.

Mr. Lorenzo Berardinetti: Point of order: With the greatest respect, we'd like to have an opportunity—at least I would—to speak to this motion, because it's been mostly—

The Chair (Mrs. Laura Albanese): To which motion?

Mr. John Yakabuski: Well, he's not done his 20 minutes.

Mr. Lorenzo Berardinetti: No, to Mr. Yakabuski's motion. I think it was Mr. Yakabuski's motion.

The Chair (Mrs. Laura Albanese): It wasn't a motion. It was supposedly a point of order.

Mr. Lorenzo Berardinetti: No, his amendment that he introduced today.

The Chair (Mrs. Laura Albanese): Oh, the amendment.

Mr. Lorenzo Berardinetti: We have yet to really talk about the amendment.

The Chair (Mrs. Laura Albanese): Mr. MacLaren had the floor. He had asked for the floor before we even resumed at 2 o'clock, and he should be done momentarily.

Mr. Lorenzo Berardinetti: Chair, another point of order to the clerk: Is it appropriate to go from one member of a party to another member of the same party? Or should rotation allow at least the other parties to speak a little bit to the motion?

The Chair (Mrs. Laura Albanese): No one else had asked for the floor at that time, and Mr. MacLaren had asked for the floor. You can have the floor right after Mr. MacLaren.

Mr. Lorenzo Berardinetti: I honestly thought I did request that earlier, but if not, I'll request it now. I would ask that they let me speak for a bit.

The Chair (Mrs. Laura Albanese): Yes, that's fine.

Mr. John Yakabuski: I'm looking forward to it.

The Chair (Mrs. Laura Albanese): Mr. MacLaren?

Mr. Jack MacLaren: I'm willing to let Mr. Berardinetti have the floor now, if it could come back to me.

The Chair (Mrs. Laura Albanese): Sure, we could do it that way. Okay, Mr. Berardinetti, please proceed. Thank you, Mr. MacLaren.

Mr. Lorenzo Berardinetti: I appreciate the opportunity to speak. I appreciate that the other party, the opposition, was willing to allow me to speak. I just want to go through what's going on here so that—we understand it here, but I want to make sure that it's understood by those that may be watching; there's not many left.

Mr. Jack MacLaren: Could you speak up?

Mr. Lorenzo Berardinetti: I'm sorry. These microphones—

Mr. John Yakabuski: I haven't checked the Neilsen rating, but I doubt that there are millions watching.

Mr. Lorenzo Berardinetti: I don't know how many are watching.

Just to go through this quickly—I'm stuck with a lot of paperwork here, but today's agenda started with Bill 34, which is in front of us today, 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. At 9 a.m., a motion was filed by Mr. Yakabuski—I hope I pronounced that properly—and Ms. Wong, MPP, on May 10, 2012.

Today, an additional motion was filed and I believe that's what we're debating right now. I just want to go—Ms. Wong, do you have a copy of your motion? I'm just looking for it right here, because I had the other motions in front of me. Thank you.

The first motion that was moved on May 10, 2012, moved by Soo Wong, MPP, Scarborough—Agincourt, moved that the committee cease further deliberation of the issue and immediately commence clause-by-clause consideration of Bill 34. That was amended last meeting, last week—seven days ago, I believe it was—by Mr. Yakabuski, and the motion was, I believe, "Once the committee has heard from ministry counsel on the independence of the judiciary, and had the opportunity to question both ministry counsel and legislative research, and is duly satisfied that Bill 34 does not threaten this independence." That motion is an amendment to Ms. Wong's motion, I believe, and that's still on the floor to be debated.

But this morning, we had an additional amendment moved by Mr. Yakabuski—is it Yakabuski or Yakabooski in pure, native language?

Mr. John Yakabuski: Listen, you people have me so confused I'm not sure anymore, but my dad used to say Yakabuski.

Mr. Lorenzo Berardinetti: Yakabuski.

Mr. John Yakabuski: You know those three letters in the middle there, that b-u-s? I don't know if you've ever ridden on a "boose", but I've certainly ridden on a bus.

Mr. Lorenzo Berardinetti: It's important, because I must be the only elected politician in Ontario who gets elected and no constituents in my riding can pronounce my last name.

Mr. John Yakabuski: Berardinetti.

Mr. Lorenzo Berardinetti: You can. So it's Yakabuski?

Mr. John Yakabuski: Yakabuski.

Mr. Lorenzo Berardinetti: Yakabuski, and I think we put that on the record because—

Mr. John Yakabuski: It's the last name on the ballot.

Mr. Lorenzo Berardinetti: I know, and mine is usually the first on the ballot, so we share opposite ends on there, Mr. Yakabuski.

Mr. John Yakabuski: That's not the only thing that we're at opposite ends on.

Mr. Lorenzo Berardinetti: But we get along.

I apologize, but I think it was important to put that on the record, because when Mel Lastman was mayor, he never pronounced my name properly for six years. So I have a record of no one being able to pronounce it, and I don't mind. It's Berardinetti.

So today, respectfully, Mr. Yakabuski moved a motion to further—

Mr. Bill Walker: An amendment.

Mr. Lorenzo Berardinetti: I'm sorry, an amendment. It says right here, amendment. An amendment to the amendment—no, an amendment to the amendment—

The Chair (Mrs. Laura Albanese): An amendment to the amendment to the motion by Ms. Wong.

Mr. Lorenzo Berardinetti: "And the committee thoroughly reviews the report of the Office of the Independent Police Review Director released May 17, 2012, on the G20 entitled Policing the Right to Protest: G20 Systemic Review Report." We have it in front of us.

I think it was this morning—and I was listening, Mr. Yakabuski—when he stated that this report just came out very recently. Sorry, it's so many pages, I can't even—

Mr. John Yakabuski: It's a very large document.

Mr. Lorenzo Berardinetti: A very large document. As someone who needs reading glasses, I can't read this unless it's made larger for me, but I can do that on my computer at home. I'll just search the item and then ask for larger print type on there.

But I think I understand where he's going on this, and where the others who have spoken to this are going. The bill in front of us is important. The previous act has been in place a long time, and it's worth debating the merits of the previous bill and the merits of the present bill.

Also, regarding Bill 34, there are a number of other motions—they keep growing every time. Some are from the NDP, and I think they're supportable, some are from our party and some are from the Conservative Party.

My wish, and I think the wish of the majority of people here, will be to start working our way through

these motions, one by one, and then debating it and voting on them.

As a former Chair of justice policy, I used to have people on the committee like Peter Kormos and a few others who would keep me in place and say, "Let's get to business," and we would get to business quite often. If I strayed as Chair, he'd go "Ahem"—I don't know how Hansard is going to be able to do that—but he used to go, "Ahem. Mr. Chair, you're straying. Let's get down to business." So I'm not accusing anyone—

Interjections.

Mr. Lorenzo Berardinetti: Well, I wanted to speak to Mr. Yakabuski.

The Chair (Mrs. Laura Albanese): Order.

Mr. Lorenzo Berardinetti: I just want to say something.

Mr. John Yakabuski: I apologize. I wasn't interrupting you. I was having a conversation with Ms. Armstrong.

Mr. Lorenzo Berardinetti: It's okay. But I just wanted to say that I think it's important to note that the amendments need to be debated; I agree. The motion by Ms. Wong needs to be debated. They need to be voted on, as well. Then, I hope we can move to Bill 34, because the number of amendments are growing. There are quite a few of them. I've read them. As I said earlier, I think some are supportable, and with the greatest respect to the Conservatives, I like some of the NDP motions. I honestly think they're genuine, good motions, and they improve the bill in front of us today.

Perhaps, if we debate—

Interjection.

Mr. Lorenzo Berardinetti: No, no. I'm speaking objectively and honestly. I've heard good comments, from Mr. MacLaren, I think from last week and from the previous meeting, that make sense, and my colleagues agree here, that perhaps some of the motions from the Conservative Party are supportable, and I'm putting this on the record. So these are worth debating. During each one of them, all parties have a chance to move a 20-minute recess to consider the amendment to the bill and decide which way to vote.

Again, make no mistake, this is an incredibly important piece of legislation. I think Mr. Singh and I—I don't know if anyone else around here is a lawyer, but we've been in court. We've been in and seen situations—

Mr. John Yakabuski: I've been in court.

1510

Mr. Lorenzo Berardinetti: As lawyers representing clients. Our experiences are a bit different. For some reason, whenever I go with a client, they search me as well; maybe they think I'm a criminal. But in any case, I've had experiences. I think we need to talk about that in the course of this debate. I don't think it's going to take one hour to go through this—or two hours or three. It's going to take a long time to go through all the amendments that are in front of us—the amendments to the bill, and the bill itself is a very important piece of legislation.

I understand the reason for the amendments in front of us today. I'm not going to mention Ornge, but I understand the reason for these motions in front of us today, and they are here to make sure that we get this right. I've heard that from the opposition. I've heard it from Mr. MacLaren and from Mr. Yakabuski as well. Maybe, if Mr. Walker speaks, I'm sure we'll hear it from him as well. But we want to get it right because we don't want to be coming back a year later or a year and a half later, having to go through and review a different bill.

All this stems back to the G20 and the incidents that occurred back in Toronto last year. We don't want to see that happening again. The next time, it may not be the G20. It may be the G8 conference, or maybe the meeting of the finance ministers, or maybe the IMF will decide to meet here. I know that people strongly protested when the IMF met. In this day and age, things are different than they were 20 years ago.

The bill that we're debating is a very old bill. It goes back to the 1930s—it was 1939. But we live in an age—10 years ago, there wasn't Facebook. Ten years ago, Yahoo was small. Ten years ago, emails were not what they are today. Ten years ago, Google didn't exist. Twitter didn't exist very long ago. Let's say the IMF comes to Toronto or any part in Ontario. Let's say it comes to Ottawa or even to Mr. Yakabuski's riding, or they decide to hold the G20 at some location there, or the IMF decides to meet there. Someone can show up and say, "These guys, the IMF, have decided to meet here," and just tweet out and say, "Guys, come to Mr. Yakabuski's riding." There must be a location where you could hold a conference in Mr. Yakabuski's riding—

Mr. John Yakabuski: Lots.

Mr. Lorenzo Berardinetti: Yeah. No, but seriously, there must be a location. Sometimes they use good locations that are a bit more remote and that aren't accessible by plane, and they may decide to have it there. So it's tweeted out by someone who doesn't like the IMF: "The IMF is meeting here. We should protest it." It won't take long; the tweet will be re-tweeted—I don't use Twitter but I think I know how it works. So you just re-tweet something again and again. Within a matter of a few minutes, it could reach around the world, and people will start coming to that event. We want the proper rules in place if that event takes place. Back in 1939, when the other bill was introduced—the old bill that is in front of us today—you couldn't do those kind of things. Social media has changed the world drastically. We may have to come back a few years from now if something new comes out—Facebook, Twitter and Google came out recently, and everyone has got some kind of smart phone or an iPhone or a BlackBerry or some kind of device to be able to communicate with not one person but several people. There are many ways to do it. Just imagine, 10 years from now, how many other things will exist that we don't know yet. Who would have thought that you could just send out a message around the world using Twitter? Anyone who's following you can pick that tweet up and then re-tweet it to their contacts, and so on and so forth. That didn't exist in 1939. No one would have believed—

probably believed—that we'd have what we have now in place for communications purposes.

Ten years from now, there may be a whole new system in place where more people are notified. The world is changing also—not just the social media. It's also changing with the way it views the World Bank, with the way it views the G20, with the way it views the G8, with the way it views all sorts of organizations. Just say the words "World Bank" and people go crazy over that.

All this is important that's in front of us. But my point is that I think we need to make a start—just to make a start and work through some of the issues here, the constitutional issues that have been mentioned quite well. Mr. MacLaren and Mr. Yakabuski have mentioned them very well, about the constitutional issues, and they're important. But I think we also need to look at other potential issues that can arise.

That being said, I think we need to sink our teeth into this bill and start working on it, get something better than we presently have. We went through second reading debate in the Legislature, then it was referred to the appropriate committee, which is justice policy, where we are today. The job of the standing committee, from what I know, is to review legislation. This is our only chance to make changes to the bill, right here. Then it's sent back to the Legislature for third reading.

I haven't seen very often, during third reading, bills getting amended. However, the House leaders meet and may come to an agreement to send it back to us to continue to debate this issue or to make further amendments. Rarely have I seen a bill come to committee and not be amended.

We know there are going to be changes. I think everyone around this table knows that this bill is going to be changed or amended to some extent. Whether they be minor amendments or major amendments, we don't know. We'll find out during the course of our clause-by-clause reading.

I think it's important to go through the amendments. I don't know how long we're going to talk about the amendments to the amendments that are in front of us today, but my sense is that we need to go forward.

I'm not going to use up the whole time, I just want to make a point today and put it on the record that we want to—I think we want to; I can't speak for all my colleagues, my Liberal colleagues or anyone else here—sink our teeth into this and start working on it. It's not going to be done in an hour; I don't even think it's going to be done in a day. But the amendments should be looked at. They were prepared by all three parties.

If the official opposition is concerned that we're rushing this through and sending it back to the Legislature, I don't think that's the case. We want to go through the amendments, and I can see the other pre-amendments that have been added here and I think—the point I want to make is, let's sink our teeth into the bill and look at the amendments in front of us. That's all I wanted to say. Thank you.

The Chair (Mrs. Laura Albanese): Thank you, Mr. Berardinetti. I will now give the floor back to Mr. MacLaren and, after that, just so that committee members know, Ms. Wong has asked to speak and now Mr. Singh. Mr. MacLaren?

Mr. John Yakabuski: You may never come back to me again.

The Chair (Mrs. Laura Albanese): You'll have to wait your turn, I guess.

Mr. Jack MacLaren: Thank you, Madam Chair. I forget exactly where I left off, but—

Mr. John Yakabuski: Go right back to the start.

Mr. Jack MacLaren: Back to the start. Oh, page 1?

Mr. Shafiq Qaadri: To 1215, the Magna Carta.

Mr. Jack MacLaren: So we're talking about whether we should be reviewing this document. We'll keep our attentions focused on this document from the Office of the Independent Police Review Director, because that is the subject of the amendment to the amendment by Mr. Yakabuski.

I think we could consider that the G20 problem, which highlighted the problem with the legislation, which is the reason why Bill 34 was drafted, was the G20 event two years ago in Toronto. But there could be many areas of concern, especially now that we're talking about courthouses. We have to consider that the security of a courthouse is what we're concerned about, and we have about 140 courthouses around the province of Ontario.

I think it would put us in good stead if we were to consider a courthouse in Alexandria, for instance—very different than kettling at the corner of Spadina and whatever street it was in Toronto where they did the kettlings.
1520

Mr. John Yakabuski: Do you think any of these folks have even been to Alexandria?

Mr. Jack MacLaren: Alexandria's a fairly multicultural place. They're either Scottish or French.

Interjection.

Mr. Jack MacLaren: Sorry, what's that?

The Vice-Chair (Mr. Shafiq Qaadri): Alexandria, Egypt, also.

Mr. Jack MacLaren: Yes, right. Well, that's a different Alexandria. I don't think we—

The Vice-Chair (Mr. Shafiq Qaadri): It's the original one, actually.

Mr. Jack MacLaren: We can't consider that, though.

Mr. John Yakabuski: —jurisdiction there, do we?

Mr. Jack MacLaren: No, we don't. The one in Glangarry is different. But they do have a courthouse there, and there are 140 other courtrooms around the province.

I think we should just think for a second, a moment or even longer about how would Bill 34 work in the courtroom in Alexandria? Would the freedoms and constitutional rights of Canadians in the courtroom in Alexandria be impacted by Bill 34? Of course, the answer is yes, they would. Actually, the answer for a courtroom in Walkerton would also be yes, they would.

Mr. Bill Walker: Owen Sound?

Mr. Jack MacLaren: And Owen Sound. So we have to think of all those things, which only amplifies that we must always consider, first and foremost, that our job here, our great responsibility as MPPs representing the people of our riding, the people of Ontario, in this case in Alexandria and—what was that other place? Not Walkerton—

Mr. Bill Walker: Owen Sound.

Mr. Jack MacLaren: —Owen Sound—that we must consider how these things would impact the rights and freedoms for those people. Therefore, how must we do it right, not just with regard to what happened on the streets of the biggest city in Canada, Toronto, the kettling at the corner of Spadina and that other street—and we're not likely to get kettling in Alexandria or Owen Sound—

Mr. Bill Walker: Or Owen Sound. I hope not.

Mr. Jack MacLaren: No, but people's rights are just as important in Alexandria and Owen Sound as they are at Spadina and that other street.

So in that context, again, we want to get this right. We've got to consider all things important. All things important are not always big, like Spadina and that other street; they could be small, like Alexandria and Owen Sound. A person's constitutional rights to freedom are just as important in Alexandria as they are in Owen Sound, as they are at the corner of Spadina and that other street. For that reason, we cannot assume that if we do it right at the corner of Spadina and that other street, it's going to be right in Alexandria, Owen Sound, Huntsville or any other community across the province of Ontario.

In the interest of making our decisions complete, thorough and correct, I think we are obliged to consider the necessity of considering this document that this amendment is about, which is Policing the Right to Protest: G20 Systemic Review Report done by the Office of the Independent Police Review Director. Actually, I hadn't thoroughly looked at the title of this report, and it's called Policing the Right to Protest. People do have that constitutional right to public assembly and freedom of speech.

Actually, I've had the opportunity in past years with my time with the Ontario Landowners Association to participate in many protests, and we always claimed that we had the constitutional right to protest. In fact, I've been out in front of this very building quite a number of times on my John Deere tractor and in buses and in trucks. Although there was an intimidating foray of horses and police that had their effect on us for sure—and this place, I assure you, is most secure because none of us were going to take on the horses or the policemen.

The key to the title of this report is "the right." Canadians have certain constitutional rights, and one of them is to assemble, to speak and to protest. G20 was an infringement on people's rights and just an amazingly wrongful example of how, even in a wonderful country like Canada, like Ontario, like Toronto, the most advanced city in the country, we can slip into Third-World tactics on the words of a few people: Bill Blair, the chief of police of Toronto's police force, and a handful of three

or four people who were leading the government of the day and made the decision that they should enforce the Public Works Protection Act for that weekend in June 2010. People's rights were gone at the stroke of a pen because of this wrongful legislation enforced with a few wrongful decision-makers who forget the very basic fact and reality, the basis of this great country, that we have constitutional rights and freedom to assemble and speak and, in this case protest, and those people's rights were taken away from them and they were arrested without warrants, held overnight in inappropriate facilities, and there was abuse of law and privilege and people and our constitutional rights.

There are quite a number of articles in the local papers resulting from this document being made public yesterday. There are seven articles in this package that we all got as MPPs this morning, and I think they're quite interesting. "Blindly Following Orders": the Toronto Star. I'd like to read a few words, because it sums things up very appropriately. Here are the first couple of sentences:

"Unlawful arrests. Excessive force. Charter rights infringements. 'Gross violations' of prisoner rights.

"All of these things happened during the G20 two years ago, according to a sweeping new report by the province's police complaints watchdog"—which is this report right here. Contained in here is a summary of what went wrong, and I think this just reinforces the need for this amendment to be passed, that we need to have time to study this report, and in detail, not just a few paragraphs and some newspaper articles; for ourselves, go through here and become aware. This report by Gerry McNeilly took two years to put together. It's very complete, it's very long, and it's focused strictly on the G20 problem on a weekend in Toronto two years ago.

Over 1,100 people were arrested and only 32 have ever been found guilty—so 1,100 people picked up and arrested without warrant because one man with the Toronto police force talked to a couple of people with the government and decided that this was the right thing to do. That's Third-World stuff, and we just can't have that here. I think it's just atrocious. They talk about kettling at the corner of Queen and Spadina. There's that other street.

Mr. Bill Walker: Can we go back and change that record?

Mr. Jack MacLaren: No. I liked it the way it was. Kettling at Queen and Spadina: a mass detention of people held out in the rain for hours without good reason and without warrants.

Here's the Canadian Civil Liberties Association. "The OIPRD report substantiates much of what the Canadian Civil Liberties Association has been alleging for the past two years, said spokesperson Abby Descher." Abby Descher was one of the presenters here about two weeks ago—maybe three weeks ago. I have the highest regard for that organization called the Canadian Civil Liberties Association. They stand up and fight for people's constitutional rights when nobody else will and when

often people don't have the financial resources to do so. It's unfortunate that we need to have an organization like that, where people have constitutional rights and we have to have lawyers and courts to fight for them. That should never happen.

Here are a couple of other interesting points that I think are really important, and I'd like to read them very briefly. "In his 300-page report, Gerry McNeilly makes 42 recommendations, including changes in police procedure and tactics and amendments to the Police Services Act." I think that addresses Ms. Wong's comments about the Police Services Act not being involved in this. It certainly is, of course.

Here's a man on the Police Services Board, Alok Mukherjee: "Mukherjee said he did not want to comment on any specific findings" in this report "because he is still awaiting a report from retired judge John W. Morden, who is leading the independent civilian review of the G20." There's another report that's going to be coming out in the very near future, and that's going to be June, so that's only a month away—maybe three weeks. I would say: Why would we not wait for that report? Here is a retired justice who has been hired and is putting out this report, conducted by former Ontario Court of Appeal judge John Morden, by the civilian Toronto Police Services Board.

1530

So we have yet another report coming out that has taken two years to be compiled. This one came out yesterday; we have another one coming out in June, specifically on the very event that triggered Bill 34 to be drafted up and written, and we're going to go ahead because we're in too big a hurry to wait for these reports even when they're sitting on our desks to read them.

Mr. Bill Walker: That wouldn't be responsible, Jack.

Mr. Jack MacLaren: I don't think it would. I think it would be quite embarrassing if it ever became public that these reports were here or coming and we decided that we didn't have the time to consider them and to read them in our deliberations over what is the right thing to do here.

Mr. Bill Walker: Perhaps an amendment to the amendment to the amendment to review that other report would be in order.

Mr. Jack MacLaren: Some of the highlights from this report are—and I'll just read them because this is about the quickest little synopsis of information that's contained in this report that we have.

Planning was incomplete and inadequate, with officer training largely delivered electronically. Out-of-town officers struggled to navigate the city—in other words, they don't know their way around—with one officer resorting to a subway map.

Officers told the Office of the Independent Police Review Director that they were ordered to investigate anyone carrying backpacks, wearing gas masks, balaclavas or bandanas. I didn't realize a backpack could be such a threatening thing.

Though most officers carried out duties in a professional way, numerous others used excessive force, send-

ing a message that violence would be met with violence. At Queen's Park, police used a level of force higher than anything the public had witnessed in Toronto before. That's a pretty powerful statement—never before in Toronto.

So we have our constitutional rights wiped away; so we have police using a level of force never being used in this country before; we have kettling at the corner of Spadina and Queen. That's actually the next comment a little further on: Containment was used as a tactic at least 10 times during G20. On the Esplanade and at Queen and Spadina, the police kettled protesters; in other words, blockaded them into an intersection or an area where they couldn't move, specifically to arrest them, a violation of police policy. High-ranking officers overreacted to riots, viewed protesters as terrorists, were ordered to take back the streets, prompting an almost complete clampdown on all protesters and the massive arrests; in other words, a complete removal of people's constitutional rights.

The prisoner processing centre on Eastern Avenue was poorly planned, designed and operated. This makeshift jail was not prepared for the mass arrests that took place, which led to gross violations of prisoners' rights. Planning gaps were obvious and brought forward to senior management before the summit.

Here's the number of reviews done on the G20: In December 2010, the Ombudsman, André Marin, released a scathing report on the secret fence law, quietly passed using archaic wartime legislation—that would be the Public Works Protection Act. Marin condemned “the ‘illegal’ regulation as causing the most massive compromise of civil liberties in Canadian history.” That is a huge statement: “the most massive compromise of civil liberties in Canadian history.” That's got to be an embarrassment to all of us as Canadians, especially to us as legislators and some of us who are part of government, and certainly to those of us in opposition.

In June 2011, the Toronto Police Service's 70-page internal report released by Police Chief Bill Blair showed police were overwhelmed and underprepared to respond to the dynamic situations at the G20.

On May 14, 2012, a long-awaited report from the watchdog of the RCMP concluded that the national police force acted in a “reasonable and appropriate” fashion during G20. That would be this report we have right here. So basically what they're saying is that the RCMP operated in a reasonable and appropriate fashion.

On May 16—which was yesterday—2012, the Office of the Independent Police Review Director released a scathing 300-page report that found police made unlawful arrests, used excessive force and violated protesters' Charter of Rights.

So, even with the Public Works Protection Act in place, which gave them more powers, they even went beyond that and violated their powers, even that, and made illegal arrests. And then finally, coming up in June, we're going to have another report, the final G20 review ordered by the civilian Toronto Police Services Board, conducted by former Ontario Court of Appeal judge John

W. Morden, and it's expected towards the end of June. I would suggest that these reports—and that's the final report.

For the sake of a bit of time, we could have all this information that all these very worthy and capable people have taken two years to put together for the consideration of somebody. And who would the somebodies be? I would suggest that that is us. We are the people who should be considering these reports because we're in the process of drafting up a new law that would replace what we considered to be a wrongful law, that being the Public Works Protection Act. For us to say, “Well, gee, you know, we'd like to have something passed by the end of the first week of June,” or “We need to move a little quicker,” or “We think we need to hurry up”—I would say that we don't need to hurry up. We need to hurry up and do it right, we need to hurry up and make the right decisions, we need to hurry up and consider these reports that were drafted up by the Office of the Independent Police Review Director that came out yesterday, and we need to be waiting for Mr. Morden's report that's going to come out in June. To not do that, I would say, we're just going with as much evidence as we can collect now, and that's good enough for us. I would say that's a bad decision and that's not good enough for the people who we represent. We can't be doing that kind of thing.

I think, on that note, I will quit. How many more minutes have I got, Madam Chair?

The Chair (Mrs. Laura Albanese): You have less than two.

Mr. Jack MacLaren: Less than two.

Interjection.

Mr. Jack MacLaren: Well, just a minute. Bill, don't interrupt me. This is important.

The Chair (Mrs. Laura Albanese): The member doesn't need to speak for 20 minutes. It's up to 20 minutes.

Interjection: I think he should, though.

Mr. Jack MacLaren: Thank you for those comments, but there are a couple of things I could say.

There are other articles here from the Toronto Star on this G20. Here's the National Post: “No Excuse for Police Breaking the Law.” I would agree with that 100%.

Steve Paikin, the reporter from TVO's The Agenda TV show, was arrested and carted away. He watched one of his fellow journalists being held by two policemen by the arms, then punched in the stomach and then elbowed in the back. The policemen said, “Well, he got a little bit lippy”—not good enough.

National Post, the G20 Report: “Two years ago, the streets of Toronto descended into chaos as a small group of ... protesters” were confronted by police, and tremendous aggressions were going on. Here are some of the subtitles: “Rights Violations,” “Call for Change,” “Unlawful Detentions,” “Poor Planning,” top orders.

Here's another article by the Globe and Mail: “Scathing Report Brings Out Defensive Police Chief.” That is this report, and the police chief is trying to defend his way. I would suggest the police chief hasn't got a leg

to stand on. I would wonder why the powers that be saw fit to leave a man who would do those kinds of unconstitutional things in the top position where he is. I think that's absolutely unacceptable. Kettling: arresting people and putting them in jails that are makeshift jails, that are inadequate, taking away their constitutional rights. None of those things are acceptable in this country.

Here is another article: "Police Not the Only Ones to Blame for Debacle"—

The Chair (Mrs. Laura Albanese): Mr. MacLaren, you have now spoken for 20 minutes, so I'm going to give the floor to Ms. Wong.

Ms. Soo Wong: Thank you, Madam Chair. I'm hearing again what the PC opposition are doing. This is now four consecutive weeks, Madam Chair, that we have one delay strategy after another. I asked the question last week, and Mr. Yakabuski could say that while you have a new sub member—and I was right again: For the last four consecutive weeks, we have a new sub member to this committee from your party. This week, now, we have a new delay tactic, an amendment to an amendment to my original motion with regard to Bill 34 in terms of clause-by-clause review.

Now the delay this week is to review the police review director's report that was released yesterday. I also heard Mr. MacLaren's comment just now: "Let's wait until the end of June because there will be another report."

Last week, the delay was that we didn't receive the sub member. Mr. Clark was here and he indicated that he didn't get a chance or an opportunity to read Ms. Hindle's report, if my recollection is correct. So there is a consistent pattern of the opposition members to use this kind of strategy to delay the process of this committee.

1540

I do respect the comment Mr. MacLaren made about the timeliness and the careful review of the law, which is absolutely correct. I'd certainly value your comments, Mr. MacLaren. I also heard you very clearly about the value of and respect for the federal Charter of Rights, and that is absolutely correct. As a new Canadian, one of the reasons my family came to Canada is the Charter of Rights. It's unfortunate that your party, both federally and provincially, is not acknowledging this charter and what it means to new Canadians like my family. That charter is what we all must protect every step of the way.

I certainly respect the ability for all of us to have a timely review. But there comes a point when all of us have to do the right thing to make sure to pass this bill, whatever the bill looks like, to do the right thing to address those concerns raised by the Honourable Mr. McMurtry. The question that has to be asked, Madam Chair, is: When will that time be?

I could tell you right now, this fall there are a couple of very large conferences in Toronto. I'm not sure my colleagues from the opposite parties have spoken to those who came to visit us recently from the tourism industry. A big conference from Microsoft is going to be here this fall. Any of these big, international conferences can go astray, as you all can imagine.

Where I come from in the health care sector—and Dr. Qaadri can say the same thing—we must make sure of timeliness, Madam Chair.

At the end of the day, while I respect Mr. Yakabuski's amendment to the amendment motion, there comes a point that we must serve this Ontarian family; the taxpayers must be respected. I'm continuously hearing the tactics and frustration of this committee by using this amendment to the amendment, and when we adjourn next week for our constituency week, someone's going to come back with another amendment to the amendment of the amendment.

So the question has to be asked: What is the intent of the PC Party? Do they really, sincerely believe in having this bill before this committee? Do they really respect the taxpayers of Ontario? And most importantly, do they really want to have this Bill 34 pass in this lifetime?

So again, Madam Chair, I am going to move my motion that was already tabled, and I would like to ask for the question to be voted on. So one way or the other—

Mr. John Yakabuski: That would be out of order.

Ms. Soo Wong: I'm happy to re-record it. But the key piece here is, I do understand the concern about these reports coming forward, but there comes a point that I need to hear from my colleague opposite: When do you prepare—because, where I come from in the health care sector, the eight rights in terms of patient care must include timeliness.

You can delay and delay, but I need to report back to my constituents and the people of Ontario. When does this government, when does the Parliament, want to pass Bill 34? We've now been delayed four consecutive weeks, Madam Chair. So I need to hear, through you to my colleague opposite: When are we going to have this thing forward? Because very clearly it's not going forward because there are these tactics.

So I'm going to ask the question, Madam Chair—I want my motion to be put forth, and if there's going to be an amendment to the amendment to my main motion, let's call the question.

The Chair (Mrs. Laura Albanese): I appreciate your comments and your frustration. However, I do have members that have not had the opportunity to comment on the amendment to the amendment to the main motion that has been put forth by Mr. Yakabuski. I will give the floor to Mr. Singh right now.

Mr. Jagmeet Singh: I just wanted to touch on a couple of points that came up in the report and just to voice some issues that might give us—

The Chair (Mrs. Laura Albanese): Excuse me, Mr. Singh. Could you please speak a little louder, or maybe a little closer to the microphone?

Mr. Jagmeet Singh: Sure. I can speak loud enough without the mike.

I wanted to add my voice to some of the issues that came up in the report very briefly, just to show how some of the issues in the report may assist us. I have the report here on my PlayBook, to plug BlackBerry a little bit.

One of the issues that came up that is very relevant to our discussion is that some of the powers that already exist that are given to police are founded on the Criminal Code of Canada in the common law, as well as the Police Services Act. So we have three different acts at the minimum. There's more. There's also the Trespass to Property Act, which provides some powers to the police. So there's legislation and there's common law that give powers to the police.

Now, in the report, police powers are used—police powers that exist that the report indicates very clearly, and just to cite the report, I'm referring to the Office of the Independent Police Review Director. Police powers that exist were used incorrectly, improperly, and that resulted in violation. In addition to the Public Works Protection Act, in which the province had played a role, there were a number of other factors. And when we talk about giving police additional powers, the trouble is, the report makes it clear that the existing powers are quite broad, and if those powers are used incorrectly, it will result in some serious violations.

Just to give you some specific examples, I'm going to highlight on page 16 of the report, there is a "Framework for Public Protests: Police Powers and Individual Rights." The report goes through the fact that we have a legal authority which comes through such things as the Police Services Act and the Criminal Code, as well as the common law. They talk about the police already having a significant amount of power to prevent—proactive or preventive powers.

My colleague sometimes addresses the issue that we want to give police or security officials the ability to prevent something from happening. Mr. Yakabuski has often indicated his concern about police or security officers preventing a crime before it happens. There is a concept which exists in the Criminal Code which is "preventing breach of the peace." It's cited at page 16 and indicates, "The concept of 'breach of the peace' tends to involve some disturbance or threat or tumultuous riotous activity. The common law also provides a police officer, if he or she honestly and reasonably believes there is a risk of imminent harm, with the power to arrest a person in order to prevent an apprehended breach of the peace."

For example, this could apply in a courthouse without any additional powers, without the PWPA, without the powers that we're proposing; that under the existing framework, the existing powers the police have, if a police officer has reasonable grounds to believe that there is a breach of peace that may occur, he or she can use this power to arrest that individual in reasonable circumstances.

Now, the concern is that if we give an additional power to police officers or security officers to prevent someone from even entering a courthouse based on information they provide, if they provide the information, "I am a member of Greenpeace," and Greenpeace is viewed as an issue to that police officer; if they indicate, "I am a member of the society of people who enjoy protesting," you know, just a make-believe society—the issue is that

that organization or that membership in that organization could result in a police officer or a security officer exercising his or her rights in an unfair manner and precluding that person's entry.

So to give that additional power is unnecessary if our goal is proactive for preventive powers. They exist already. They exist in the form of the Criminal Code of Canada, the common law powers, as well as the Trespass to Property Act, as well as the Police Services Act.

The report has 42 recommendations in total. In the recommendations, one of the issues that comes up is that recommendation 12 is training. The report indicates very clearly, police "were not properly trained," police who have already gone through their training, have gone through their licensing, have become police officers. On a systemic level, not one or two bad apples but on a police-force-wide level, there was such a number of violations that it wasn't just one or two police officers who were acting rogue; there was a systematic problem with knowing what the proper powers were and how to execute those powers.

1550

Number 12 indicates that "Police services should review and revise specific training regarding the policing of large protests and applicable police powers. This training should be implemented as part of the general continuing education of officers. The training should include a clear understanding of parameters of a legal protest and the rights of protesters. Although police must train and be prepared for possible violence, training should not depict all protesters as violent and confrontational."

So, the police, in the report, basically took upon themselves to use excessive force, to use unlawful detention and unlawful arrest, issues that they should already have known, as a part of their training—that that's simply unlawful, that it's simply excessive to use that much force. Again, it ties into the fact that we're now giving—we're at the precipice of allowing some serious increases in power of security guards and security officers at court facilities that would give them more powers or the same power as a police officer, and we already have examples of police officers misusing their power at the level that it's at. It's very clear in the report that the police officers were—there were numerous examples of unlawful detention and unlawful arrest as well as excessive force being used. So they're breaching charter rights by searching and detaining people for no cause or not a reasonable cause, and they were using excessive force in striking or arresting the protesters.

In the case at hand, the issue is that we don't want to create a climate in the courthouses which reflects all the same problems that occurred during the G20. If we give such a heightened set of powers to security officers who are implementing security at a courthouse and they go beyond searching for weapons and they go beyond the existing police powers, which are preventive—in the fact that if there is someone who is exhibiting threatening or violent behaviour, there are police powers that exist to protect that. If we go beyond that, we create a climate

where people will not feel comfortable going to court-houses, and that will undermine the concept of a free and democratic society where there are open, transparent and public courthouses.

So we should be cognizant of some of these recommendations which apply very well to the case at hand.

The Chair (Mrs. Laura Albanese): Well, thank you very much, Mr. Singh. I now have Mr. MacLaren who has asked to—

Mr. Jack MacLaren: Madam Chair, I think I'll pass on my comments. I've rethought my situation. We'll just pass it over to Mr. Walker.

The Chair (Mrs. Laura Albanese): Okay. Mr. Walker had asked to speak. Please proceed.

Mr. Bill Walker: Thank you, Madam Chair. It's a pleasure to actually speak to this committee. As a new member just elected in October, everything I'm doing is a brand new learning experience, and I think it's a great opportunity—

Mr. John Yakabuski: You're doing a great job.

Mr. Bill Walker: Thank you very much, Mr. Yakabuski.

I think it's great to be able to be here and learn, and I take those responsibilities very, very responsibly. Looking at what we're doing today, it would not be responsible to make decisions, particularly as a new member, without reading all of the available documentation. In fact, it would be incomprehensible for me, I think, to have commissioned such a study—a 300-page study—and then not even take the time to read it before we move on to have true deliberation and debate on such an item.

I'm a person who believes, when I came to these very hallowed halls of the Legislature of Ontario, that I have to come prepared and I have to understand the facts before I would make any kind of judgment on such a significant change. I remember debating this in the House a little bit. When you invoke the War Measures Act for something such as the G20, I can just not fathom that—that you could even put those two things in the same mindset.

When I read the title of this, this is to amend the Police Services Act. My colleague Ms. Wong suggested earlier that the police services was kind of separate from this. Well, I find it hard to separate them. I think we need to really look at this in depth and ensure that we do understand all of the information. Mr. MacLaren, my colleague, suggested there is this RCMP study; we now have this study. Why would we waste the resources of Ontario taxpayers? Listen, I don't want to get into an overly partisan thing and bring up things like the gas plants in Oakville and Mississauga. I don't want to bring up eHealth. I don't want to bring up Ornge or any of those type of things, but there's a significant amount of waste out there—billions and billions of dollars that are being wasted, that could be going into what they always purport to be health care and education.

Here's yet another study—and I can only dream what the cost of this 300-page study is. Just the photocopying

today alone for this is a significant cost. I think we need to make sure that we always take time—and I am filling in. Ms. Wong suggested that maybe—I don't think she was implying that as a subbed committee member, I was coming here to subvert these proceedings. In fact, I hope not because I came here filling in for a colleague who had another legislative duty. I thought it was my responsibility to sit in and learn more about this because we are here and we're charged with governing, to put in good legislation; that we're not going to have to come back and be embarrassed like we were with this G20 summit.

I have to say that it's very staggering to feel that we are in a country such as Canada and people's constitutional rights and freedoms would be trampled by the very police that we believe are there to protect and keep us safe.

We've talked a little bit in this bill about the Police Services Act and the court security and, again, to my colleague Mr. Singh's recent comments, people need to feel comfortable that they're walking into a court of law and have those rights and freedoms. We have to be very cautious, otherwise we'll be putting in legislation like the Green Energy Act, which we can all see now has been nothing but a nightmare for the people of Ontario and is not producing the things that they suggested it would.

Mr. MacLaren, my colleague, spoke very eloquently and I would suggest to him that perhaps the parable of the tortoise and the hare is appropriate. We can't rush headlong into these things just because there's a deadline, just because we want to be able to run out and say we got this bill passed and that was a ticking-box exercise so I can run back to my constituents and say—no, folks, we have to do this with a very measured, deliberate thought process. We have to take the time and do due diligence. We have to make sure that we utilize every asset available to us to make the legislation so we don't come back in a year and have to rewrite it and spend more and more time wasting time and the very precious human resources that we all bring to this table.

I've got some experience working in a nuclear facility. Again, I think we have to be very, very cautious there. Definitely, you need the safety aspect. Definitely, you need to ensure that those facilities have some parameters and some guidelines. But we can't overburden and regulate so heavily that we impede progress. Again, as a new member of this Legislature, I'm seeing that there's more regulation and more regulation and more regulation. We've almost put businesses out of business because they have to stop and be regulated so much. When we're doing this, we have to use a lot of deliberate conscience and we have to take time to—and I think the more people around the table—I think that it's good that you've had some subbed committee members each week because then you're getting a divergent thought process brought to the table, new ideas—

Mr. John Yakabuski: I'm a sub myself.

Mr. Bill Walker: You're a sub yourself, Mr. Yak, and a fine sub at that, I would suggest.

Mr. John Yakabuski: I appreciate the comment.

Mr. Bill Walker: My mother always taught me the principle of learning from your mistakes, and you need to know what the mistake was and learn from your past.

We've sent out Mr. Gerry McNeilly, the independent police review director, to create what I trust will be a comprehensive document—the Office of the Independent Police Review Director, Policing the Right to Protest: G20 Systemic Review Report. I think it's only good due diligence.

Mr. Jagmeet Singh: I apologize. I don't mean to interrupt my colleague; I just, for personal reasons, need to take a 20-minute recess. Is that okay at this point?

Mr. Bill Walker: I'm fine with that, Mr. Singh.

Mr. Jagmeet Singh: I just have to deal with something very briefly. A little situation came up. My apologies.

Mr. Bill Walker: We're good with that. We work in the spirit of co-operation.

The Chair (Mrs. Laura Albanese): Is there agreement?

Ms. Soo Wong: We'll be supportive.

Mr. Shafiq Qaadri: You don't need agreement.

The Chair (Mrs. Laura Albanese): I'm told by the clerk that we do. Thank you. We will recess for 20 minutes.

The committee recessed from 1600 to 1622.

The Chair (Mrs. Laura Albanese): So we are back.

Mr. John Yakabuski: Madam Chair—

The Chair (Mrs. Laura Albanese): Yes?

Mr. John Yakabuski: I would seek unanimous consent to withdraw my amendment to the amendment.

The Chair (Mrs. Laura Albanese): Is that agreed? Agreed. So that motion is withdrawn.

Mr. John Yakabuski: Chair, I would further seek unanimous consent to withdraw my amendment to the motion.

The Chair (Mrs. Laura Albanese): Your amendment to the main motion. Is that agreed? So the amendment to the main motion is withdrawn.

Mr. John Yakabuski: Chair, I would move adjournment of the committee.

Ms. Soo Wong: Before we do, can I—

Mr. John Yakabuski: No, I don't think you can—

The Chair (Mrs. Laura Albanese): There's no comment when there is a motion to adjourn.

Mr. John Yakabuski: It's not allowed.

The Chair (Mrs. Laura Albanese): So is that agreed?

Interjection: Agreed.

Mr. Lorenzo Berardinetti: But the motion moved by—

The Chair (Mrs. Laura Albanese): The original motion is still on the floor. It still stands.

Ms. Soo Wong: Are we going to vote on that?

The Chair (Mrs. Laura Albanese): On the adjournment? No. Either you are in favour of the adjournment or you're opposed. All those in favour? It carries.

The committee is adjourned, and we're back on Thursday after constituency week.

The committee adjourned at 1624.

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