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Monday 17 October 2005

Lundi 17 octobre 2005

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Monday 17 October 2005

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Lundi 17 octobre 2005

The House met at 1845.

ORDERS OF THE DAY

**PRIVATE SECURITY AND
INVESTIGATIVE SERVICES ACT, 2005
LOI DE 2005 SUR LES SERVICES PRIVÉS
DE SÉCURITÉ ET D'ENQUÊTE**

Mr. Kwinter moved third reading of the following bill:

Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999 /
Projet de loi 159, Loi révisant la Loi sur les enquêteurs privés et les gardiens et apportant une modification corrélative à la Loi de 1999 sur le Tribunal d'appel en matière de permis.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I'll be sharing my time this evening with my parliamentary assistant, the member from Guelph-Wellington, Liz Sandals.

It's with great pleasure that I speak in support of the Private Security and Investigative Services Act, 2005. This bill marks the first significant improvement in 40 years to the legislative framework governing the private security industry in Ontario. As I indicated earlier in this House, this legislation is part of the government's plan to make Ontarians safer. The proposed act will increase the professionalism of the industry by standardizing training and making licensing mandatory for most security practitioners.

Many things have changed since the current Private Investigators and Security Guards Act was enacted in 1966. Our society has changed. The role and importance of the security industry in our daily lives have evolved, and the legislative framework governing the industry must change as well.

There were roughly 4,600 licensed security practitioners 40 years ago. There are now 31,000, and the number keeps growing. We must ensure that those protecting us are properly trained and licensed to do so. That means mandatory licensing, standardized training and new, more up-to-date standards for uniforms, vehicles and equipment.

The regulations that will be developed if the Legislature adopts Bill 159 would better reflect the growing

presence of security guards and private investigators in our society.

The proposed act results from a long series of events and consultations with our partners. First, a 2002 discussion paper from the Law Commission of Canada recommended the professionalization of the security industry. In 2003, a conference organized by the commission looked at the blurring of the role between public policing and the private security industry. Then there was a coroner's inquest held after the death of a Toronto man, following an altercation with grocery store employees and private security practitioners. The inquest resulted in 22 recommendations for the security industry, including those on mandatory licensing, training, licence classifications, portable licensing and an effective enforcement system. I'm pleased to say that the proposed legislation addresses most of the issues raised by the jury's recommendations.

Some of my colleagues in this House have played an important role as well. I'd like to thank Dave Levac, Mario Sergio and Garfield Dunlop in particular. Their respective private members' bills proposed many amendments to the existing act. Bill 159 is more comprehensive than the private members' bills introduced by my colleagues, particularly in the areas of licensing and training requirements. It does, however, include many provisions recommended in those private members' bills.

Other provinces are also moving ahead in modernizing their legislation on the private security industry: Quebec, BC, Manitoba and Nova Scotia, and just coincidentally, today I heard from the Solicitor General of Alberta asking if he can come to see me to talk about different stages of reviewing their legislation and introducing changes similar to Ontario's proposals. So there exists a clear momentum to update the way we legislate and regulate the private security industry.

1850

We are moving ahead because we need to keep up with the times. The existing Private Investigators and Security Guards Act clearly lags behind the times. The current act lacks defined criteria on training, eligibility or competence, and its licensing criteria are mostly limited to criminal records checks. Almost half of those who provide security services are currently exempt from licensing, and these are requirements in the existing legislation.

It became obvious to almost all our stakeholders that we needed to update our legislation. We have worked with our stakeholders throughout the entire process. The ministry's discussion paper on the proposed changes to

the legislation was sent to more than 600 stakeholders and posted on the ministry Web site in June 2003. We received 73 written submissions and responses that assisted in the drafting of the legislation.

We have continued to work with our partners since the Private Security and Investigative Services Act, 2004, was introduced in December of last year. Earlier this year, we held briefings for our key stakeholders to outline the key aspects of the proposed legislation and to listen to their concerns and suggestions. Ministry officials met with representatives from the Association of Professional Security Agencies, the Canadian Society for Industrial Security, the Council of Private Investigators—Ontario, the Commissionaires Canada, and representatives from the retail and hospitality sectors. Officials from my ministry also met with key groups of the policing sector, partners from colleges, universities and municipalities, and with union representatives. The ministry has built strong relationships with its partners in the industry.

The goodwill generated by this positive partnership will help us develop strong and relevant regulations that will help us protect Ontarians. Our work with stakeholders will continue throughout the development of those regulations, and we have also invited key stakeholders to participate in the private security and investigative services advisory committee. The advisory committee's mandate is to provide feedback and advice from all sectors involved in the private security industry. The advisory committee is examining issues such as training and standards for uniforms, vehicles and equipment, and will assist in defining the act's accompanying regulations. The advisory committee is made up of representatives of the Association of Professional Security Agencies, the Council of Private Investigators, the Commissionaires Canada, the Canadian Society for Industrial Security, the Commercial Security Association of Canada, the Ontario Association of College and University Security Administrators, the Retail Council of Canada, the Ontario Restaurant Hotel and Motel Association, the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police, the Police Association of Ontario, the Ontario Provincial Police and the United Steelworkers of America. The advisory committee's members will continue to provide advice and guidance to the ministry with respect to new and emerging issues in the industry.

I'd like to take this opportunity to personally thank them for their contributions. I'd also like to acknowledge the presence in the members' gallery of Marcel St. Jean, representing the Commercial Security Association.

I believe that we have achieved the right balance to reflect the concerns and issues of our partners. The advisory committee has provided key advice on the critical components of the proposed legislation: issues such as setting standards via regulations for training and testing, code of conduct, uniforms, equipment and vehicles. During the legislative committee hearings, many stakeholders provided valuable input into the make-up of the

legislation. That input has led to some changes to the definitions in the bill that spell out more clearly who is required to be licensed under the proposal.

Two things became evident from the hearings: There is overwhelming stakeholder support for the aims and objections of the bill, and the consultations have resulted in a fruitful and productive partnership between the government and stakeholders in equipping the private security sector in Ontario to deal with today's challenges. Bill 159 would make it mandatory for those offering security services to be properly licensed, trained and equipped. The proposed act and its accompanying regulations would make training mandatory to obtain a licence for new security personnel, while existing personnel would be required to pass a standardized test.

The proposed act will also level the playing field. Removing many of the current exemptions in the existing act will help ensure that most individuals who provide direct security or investigative services are regulated by the act and meet the same standards. We will be able to correct the current situation where approximately 20,000 individuals providing security services in Ontario are exempt from the existing legislation. It's fair to all practitioners and will help make Ontarians safer.

If passed, the legislation and its accompanying regulations will come into force in the year 2007. Our goal is to give Ontario the most effective and modern legislation and regulations covering the private security industry in Canada. The public supports this initiative to make the province a safer place, the policing community favours the proposed changes to professionalize the security industry, while the industry itself recognizes the need for change and modernization.

The Private Security and Investigative Services Act, 2005, is the right kind of legislation for today's Ontario. It will help to make Ontario a safer, stronger and more prosperous place for all of us. Thank you.

Mrs. Liz Sandals (Guelph-Wellington): I'm pleased to add my support to this important piece of legislation. The Minister of Community Safety and Correctional Services spoke eloquently about the need for the Private Security and Investigative Services Act, 2005. The changing face of Ontario's society makes the overhaul of the legislative framework of the security industry a necessity. The minister also commented about the great level of support from our stakeholders and the key role they will play in helping us develop effective regulations.

At the very outset, we established a process of consultation with stakeholders, and this has resulted in virtually unanimous support for this legislation from all quarters. We are committed to continuing this process. The private security and investigative services advisory committee will be at the very heart of the process to develop those regulations.

We have addressed the following key areas in this legislation: mandatory licensing for most security practitioners; licence portability; a revised licence appeals process; a new public complaints process; insurance requirements; and increased fines and enforcement

measures, as well as asserting standards, via regulations, for training and testing, code of conduct, uniforms, equipment and vehicles.

On the topic of mandatory licensing, the proposed act will level the playing field. Currently, an estimated 20,000 individuals who provide security services in Ontario are exempt from the existing legislation. The Private Security and Investigative Services Act, 2005, will remove most of these exemptions.

During the legislative committee hearings, some concerns were raised with regard to the definition of a security guard, and specifically, who is or isn't included in the definition. We have clarified the definition by specifying that a security guard is a person who performs work for remuneration that consists primarily of guarding or patrolling for the purpose of protecting persons or property. This also clarifies that volunteers are exempt from the legislation.

Under the proposed act, mandatory licensing would now apply, for example, to the Corps of Commissioners, to in-house security personnel, including the retail sector, and to municipal and other employees who perform security duties.

Secondly, the licence portability element of the proposed act will reduce the administrative burdens on employees, employers and the ministry. Portable licences would allow security practitioners and private investigators to move from one company to the next without having to be relicensed each time. Licence portability would also allow part-time practitioners and investigators to work for more than one company at the same time to earn a decent living.

1900

Third, the act would establish a clear licence appeal process. If the registrar of the private investigators and security guards branch is not going to issue a licence, or revokes or fails to renew one, the licensee would, as he or she can do currently, have the right to request a hearing before the registrar. The licensee would have to show cause why the registrar should not take the proposed action. The same process applies if the registrar has attached conditions to a licence renewal or issuance. If the licensee does not agree with the outcome of the registrar's hearing, the Licence Appeal Tribunal of the Ministry of Government Services would hear appeals of decisions made by the registrar. The appeal tribunal could uphold the registrar's decision, vary, grant or restore a licence, or impose conditions on that licence.

The fourth key aspect of the proposed act is the establishment of a public complaints process. Establishing a mechanism to address public complaints was a key recommendation of a coroner's inquest. Under the proposed act, the registrar would receive all public complaints. The complaint would then be referred to an independent facilitator for resolution if the registrar determined that the complaint was related to a potential breach of the code of conduct. This differs from the current system, under which the registrar receives public complaints against security guards or private investigators

and then will often redirect the complaint to the company which is the subject of the complaint. We are obviously changing that so there is a more independent evaluation of the complaint. Bill 159 would add more objective oversight and third party intervention to the complaints system.

The fifth component of the proposed legislation is a critical one and deals with setting standards, via regulations, for training and testing, code of conduct, uniforms, equipment, vehicles and insurance requirements. Training standards need to be high to protect Ontarians and reflect the changes in our province since the current act was adopted in 1966. Made-in-Ontario training standards will be developed, via regulation, building on the existing Canadian General Standards Board curriculum for security practitioners. Any company or institution will be able to deliver training programs if its curricula meet the standards set out by regulations. This will help make training available and accessible in all areas of the province. New applicants will be required to provide written proof of completion of a training program which meets the standards set in the regulations, and applicants will then have to pass a standardized test.

The coroner's inquest made recommendations around training and made it very clear that for those 30,000 people who are currently licensed and for the 20,000 people who are not—that is, 50,000 people—the training standard is currently very inconsistent. It ranges from no training at all to consistent training. For that reason, in order to ensure that everyone is well qualified, we believe that the testing requirements should apply to everyone and that there will be no grandfathering measure in relation to this requirement. However, current licence holders, those who are already recognized, will have the opportunity to take the standardized test without completing the training if the applicant chooses to go that route.

The regulations that will be developed in partnership with our stakeholders will also introduce the first-ever provincially mandated code of conduct for the industry. Many of our stakeholder groups and private security companies have their own codes of conduct, but there is no legislated code for all security practitioners. Bill 159, if passed, will correct that situation.

For many of our partners and many Ontarians, setting standards for uniforms, equipment and vehicles used by security personnel is a very important issue. Many respondents to the 2003 consultation paper favoured making the uniforms of security practitioners distinctly different from police uniforms. The proposed approach in the Private Security and Investigative Services Act is to develop standards to professionalize the industry. The advisory committee will assist us in developing regulations dealing with uniforms. We do recognize that uniforms and equipment play an important role in company identification, and we will work with our partners in that regard. Again, the advisory committee will assist us in developing regulations dealing with equipment and the training required to use it. The advisory committee will

also help us develop the regulations related to vehicles used by security personnel.

The current outdated requirement for a \$5,000 bond by security companies is simply no longer adequate. Updated insurance requirements will support the professionalization of the industry. The advisory committee will consider commercial liability insurance and other types of insurance that might be necessary to better protect Ontarians.

Bill 159 proposes increased fines for non-compliance with the act. Fines for individuals could go up to \$25,000, and they could reach \$250,000 for companies and agencies.

The proposed act would also give more inspection and investigative powers to the ministry's private investigators and security guards branch.

These measures are necessary to better protect Ontarians. Bill 159 represents a huge leap forward for the security industry in our province. With the help of our partners, we will give the industry and Ontarians one of the most modern legislative frameworks for private security anywhere on this continent. It will further professionalize the industry, make its practitioners better trained and help keep Ontarians safe.

The Acting Speaker (Mr. Michael Prue): Questions and comments?

Mr. Jim Wilson (Simcoe–Grey): It's kind of warm in here, and I can't seem to convince anyone that it's warm in here. You can tell that I was on the barbecue circuit this summer, though, and maybe that's why it's warm in here.

I've listened to the honourable minister's remarks here. I don't know much about this bill. I was more familiar with the member from Simcoe North's bill, Bill 88, which I think was a little more palatable to the restaurant association and the hotels and people who hire security guards, and for the security guards themselves.

I've also listened to comments from my colleagues that weren't addressed in either of the speeches we heard on the government side tonight; that is, that there is no grandfathering or grandparenting here for the over 30,000 security guards who currently hold licences. You shouldn't have to have a Ph.D. to be a security guard, and you shouldn't have to go through reams of testing in order to get your licence.

Mr. Peter Kormos (Niagara Centre): You don't need one to be an MPP.

Mr. Wilson: Mr. Kormos says you certainly don't need a Ph.D. to be an MPP, and some of us are living proof of that, I'm sure.

The fact of the matter is, I have not heard anything, and for the rest of the evening I'll listen carefully if the government wants to try to convince us to support this legislation. There's not much in the legislation, in my cursory reading of it, in terms that you're going to do this through an advisory committee and regulations.

One thing I will say on a partisan note, but also on a factual note, is that you would be ballistic when you were in opposition and we did bills and left the details in

regulations. You hated that, and yet it seems to be exactly what's happening in this legislation. So I'll listen carefully.

I have one question, though, perhaps for when the government gets a chance to respond to my comments: Why didn't you just take Mr. Dunlop's bill? It had lots of discussion. If you were really sincere about doing a good job for the security guard industry, forget about partisanship and forget about whether or not Mr. Dunlop gets credit for the bill. Just steal his idea and implement that, and I think we wouldn't be having this discussion.

1910

Mr. Kormos: It has been a while, hasn't it? It's nice to be back.

I want everybody—the minister, Liberal caucus members, everybody in this chamber—to know that Ms. Sandals did a stellar job of leading this piece of legislation, weak and meagre as it was. Ms. Sandals, the member for Guelph–Wellington, with incredible skill and acumen, did an outstanding bit of work in taking a bill that had so little substance—a sow's ear. And while it's not quite a silk purse or even a Louis Vuitton, she at least got the bill to the point where it is being debated at third reading, and an exciting debate it is as we begin third reading.

It's a debate that could well take a considerable period of time because of the obvious interest that so many members of this assembly have in Bill 159. Why, members of all three parties were riveted during the course of the committee hearings by Ms. Sandals and her stewardship of this bit of major, she would have us believe, policy reform. Ms. Sandals, I tell you, puts David Copperfield to shame in that she, with a little bit of sleight of hand and the classic distraction of the magician, or the court jester, managed to distract most, but not all, of the members of the committee and even had her colleagues in the Liberal caucus vote for it. Well, we didn't, and I'm going to tell you why when we get to our leadoff speech later this evening.

Mr. Peter Fonseca (Mississauga East): It's not often that I would agree with the member from Niagara Centre. But today I would have to, on his glowing remarks on the member for Guelph–Wellington and how she took this piece of legislation out on the road.

As we heard from Minister Kwinter, we can all be very proud that as it went out on the road we were able to bring consensus, transparency, openness and understanding for why this piece of legislation is so needed. Mr. Kwinter mentioned that while in 1966 there were about 4,000 security guards, today we have about 31,000 security guards. We want to make sure, as members of the public, that there is regulation, there are policies and procedures in place, there is a code of conduct. We want to make sure that our security guards have the training and are upholding the highest standards so that they are focused on prevention, so they do know what to do before an incident takes place. We want to make sure they are aware of all the great tools and practices out there so that they can do the best job possible. We also

want to know that our security guards remain licensed. In this bill there would be a mandatory requirement to know if they had ever been convicted of any federal offences for which a pardon had not been granted, so they would not have a licence; also that they are over the age of 18.

There are a number of criteria that we, as the public, want to know are in place. Bill 159, the Private Security and Investigative Services Act, will bring that forward.

Mr. John Yakubski (Renfrew–Nipissing–Pembroke): I was actually going to take the same approach as the member for Niagara Centre about this bill, but, sadly, I could never do it quite as well as him, so I'm going to try something different; I could never be quite as entertaining as he could be.

I certainly have to ask, if the government over there was so excited about this bill, how could they barely use 20 minutes to tell us about all of its good features? They just had to go over and over and regurgitate and rehash and have the parliamentary assistant do it all over again, because they're not that excited about it at all.

However, the member for Simcoe North did introduce a bill in this Parliament—

Mr. Kormos: A good bill.

Mr. Yakubski: —a good bill, Bill 88—that would have accomplished exactly what we needed to do with regard to regulation and changes in the security guard system in the province of Ontario.

So what does this government do? It's typical of what they've been doing, you see. When they latch on to a good Conservative idea, they know that one way or another they're going to work that into the agenda and they're going to work that into the program, but be darned if they're going to let the Tories get any credit for it.

That's what they are doing now with all of these P3s. They're building all of these P3s, and they've entered into a private-public partnership with Bruce Power today with regard to the refurbishment of Units 1 and 2 up at Bruce A. They realize that we seem to come up with the good ideas, and they try to capitalize on them.

We had it in Bill 88, and the member for Guelph–Wellington knows that, but she had to try to spin that bill today as being something concrete. But we know it's only trying to piggyback on the member for Simcoe North.

The Acting Speaker: The member from Guelph–Wellington has two minutes in which to respond.

Mrs. Sandals: I would like to thank everyone for their comments and, in particular, the member—oh dear. For which Niagara are you?

Mr. Yakubski: Centre.

Mrs. Sandals: Niagara Centre. I am sure that there will be another shoe to drop when he comes to his remarks, but having had such Dickensian praise from the member for Niagara Centre, I really can't let it pass, even if it was tongue in cheek, without saying thank you, sir.

I would actually like, however, to comment on one of the many things in this bill that is changing quite significantly, which is the issue of portability of licence.

Right now, what to my mind is a very bizarre situation, where security guards do not hold the licence in their own right. A security card is only licensed by virtue of working for a particular company. If they move to a new company, they have to be relicensed; that is, the security guard can never hold the licence in their own right. They have no recognition of their training if they have it. They are completely at the mercy of the companies for whom they work.

What this bill will do in providing portable licensing is to make sure that people who work in the security industry can have their training recognized in their own right, hold their licence in their own right, keep that licence and take it with them if they wish to work for one employer or another employer or another employer. They will be able to maintain the licence in their own right and not be at the mercy of the employer. I would like to suggest that in fact that is just one of the many significant improvements we are making in this bill.

The Acting Speaker: Further debate?

Mr. Garfield Dunlop (Simcoe North): It's my pleasure to rise tonight on the opposition party's leadoff comments on Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999.

I do appreciate this opportunity, and I'd like to start out this evening by congratulating a lot of people in this room as we enter the second session of this Parliament. First of all, to all you folks who used to sit over here—and now you're able to have a good view of us—I congratulate you on that opportunity. I know that you're very happy to be over there.

1920

I also want to congratulate the people who have been appointed to cabinet: Ms. Broten, and I want to also congratulate her on the arrival of her new twin baby boys; and Mr. Bradley on his appointment as the government House leader. I'm sure it's a wonderful job. But the person I want to congratulate more than anybody is my colleague to the north of me, the good candidate from Parry Sound–Muskoka, Norm Miller, on his appointment as chief opposition whip. I wish Norm all the best in this job. He is a great guy, and he will do a great job of it.

I'm torn on this bill, because there are a lot of things that I don't like about the bill. But I do know that, as Minister Kwinter mentioned, it's 40 years since there have been any kind of amendments to this bill. In fact, as the number of private investigators and security guards rose from 4,000 to 30,000 people in 2004, there's no question that changes are required.

In hindsight, I do want to congratulate Minister Bob Runciman, when he was Solicitor General and minister of community safety, for setting up the task force so that they could actually talk to a lot of people about the requirements. I think there were 600 community groups that were contacted so as to put some of the initial points together—the consultation that was required for this legislation.

I do want to thank you for any of the comments from my private member's Bill 88 that were reflected in Bill 159. I'm going to get into some explanatory notes here in a minute because, as you know, I have an hour to spend tonight, and I know you people are wanting to hear every minute of this one hour. But I can tell you that I do appreciate the fact that as Bill 88 went through the House, it was fully supported by all three parties, including the minister of the time himself. That led us to the government introducing Bill 159.

As I go on in the debate tonight, I want to point out, first of all, why we got to a private member's bill and Bill 159 as a result of the Shand inquiry. I'm going to read the recommendations and those sorts of things in as well. But I wanted to read in the two explanatory notes to the bills and get on to some comments by the PAO, the OPPA and those sorts of folks and go through the bill in a little more detail than what we've heard so far.

By the way, I do also want to congratulate the parliamentary assistant as she guided the bill through the committee hearings and clause-by-clause. I thought she did a stellar performance as well. Although she didn't listen to any of my amendments and she won't bring the regulations back to any kind of committee, I still want to congratulate her on a job well done.

In the explanatory note to Bill 159, it says, "The bill replaces the Private Investigators and Security Guards Act. It regulates private investigators, security guards and those who are in the business of selling the services of private investigators and security guards.

"Licensing requirements are imposed and procedures are put in place for revoking and suspending licences, subject to appeal provisions.

"Offences and regulatory requirements are provided for, as is a process for dealing with complaints from the public.

"The minister may make regulations setting out a code of conduct for private investigators and security guards."

I also wanted to compare it to what we had put in the original Bill 88. I know we're not getting into this, but I want to put it on the record because of looking at Hansard down the road. On Bill 88, the explanatory note—again, the minister did refer to this tonight—says:

"The bill amends the Private Investigators and Security Guards Act.

"It removes the present exemption from the act for members of the Corps of Commissionaires and for private investigators and security guards whose work is confined to acting for only one employer.

"An individual is not eligible for a licence under the act unless the individual has passed the examinations or attained the standards prescribed by the regulations made under the act. A corporation is not eligible for a licence under the act unless a director or officer of the corporation has passed those examinations or attained those standards. The examination and standards must be appropriate for the class of licence for which a person applies and must cover the following areas: the force that a licensee can lawfully use when acting as a private

investigator or security guard and the safe use of firearms and the unlawful means of making arrests, if the licensee is required to use firearms or make arrests, as the case may be, when acting as a private investigator or security guard.

"A licence issued under the act must state the class, if applicable, for which it is issued. The regulations can prescribe terms of a licence, in addition to the terms that the registrar can impose at present."

Just an aside: We're trying to point out here tonight that there's an awful lot left to regulations in Bill 159 that were covered in earlier bills.

"A licence issued or renewed on or after the bill comes into force has a term of no more than one year. The registrar can suspend or cancel the licence under section 14 of the act if the licensee is no longer eligible for the licence. A licence no longer expires when the licensee's employment in respect of which it was issued terminates.

"The bill adds several restrictions for licensees. The uniform that a security guard is required to wear while on duty must not reasonably resemble the uniform of a police officer. The minister responsible for the administration of the act can restrict the markings and colours of a motor vehicle that a security guard uses while on duty, which must not in any event reasonably resemble a marked police vehicle. No licensee while on duty is allowed to wear or use badges or other insignia that reasonably resemble those of a police officer. The regulations can specify restrictions on equipment that a licensee is allowed to use while on duty.

"If the regulations require a licensee to keep books and records, they must include a record of all incidents in which the licensee used force while acting as a private investigator or security guard. The licensee is required to furnish a copy of the record annually to the minister responsible for the administration of the act. The minister is required to make the record available for inspection by the public. The regulations can also set out a code of conduct that licensees are required to comply with when acting as a private investigator or security guard.

"The bill establishes the Private Investigators and Security Guards Complaints Commission composed of members appointed by the Lieutenant Governor in Council who are not and have not been private investigators or security guards. At the direction of the minister responsible for the administration of the act, the commission is required to advise the minister on the enforcement of the act and the regulations. The commission must also submit an annual report to the minister on its activities."

I'm just about done, Mr. Speaker, on Bill 88. I wanted to put it on the record.

"A person can make a written complaint to the commission if the person reasonably believes that an applicant for a licence or a licensee has contravened or is about to contravene the act, the regulations or, in the case of a licensee, a term of the licence of the licensee. Upon receiving a complaint, the commission can require the person about whom the complaint is made or any

licensee to provide information about the complaint. The commission can also appoint inspectors to enter a premises or vehicle in order to investigate the complaint. The commission is required to disclose information that it receives to the registrar if the information relates to the eligibility of an applicant for a licence or a licensee to hold a licence and to the minister responsible for the administration of the act if the information reasonably indicates that a person may be guilty of an offence under the act.

“The penalty for a corporation that is convicted of an offence under the act is increased to a fine of not less than \$50,000 and not more than \$100,000.”

I did want to put that on the record tonight as part of Bill 88, which was passed in this House but not carried forward. I wanted to show the House and the folks at home the differences in the explanatory notes and how I thought Bill 88 was much more complete and did not leave so much to regulation.

We got quick movement of this bill in the Legislature because of the Shand inquiry. You all know that the death of Patrick Shand was a result of being involved in an incident in which he had to deal with a couple of security guards, which led to his death. I wanted, in fact, to put on the record tonight the recommendations—and there were 22 recommendations that led to the Shand inquiry that were the backbone of Bill 88 but were diluted with Bill 159.

1930

Recommendation 1 of the Shand inquiry is an amendment to the Private Investigators and Security Guards Act: “The Private Investigators and Security Guards Act ... should be amended to remove the licensing exemption that presently exists for ‘proprietary’ or in-house security practitioners and members of the Corps of Commissionaires. This amendment will provide for mandatory licensing for all privately employed individuals who, for hire or reward, guard or patrol for the purpose of protecting persons or property in Ontario.... This amendment is not intended to affect the regulation of armoured car companies or armoured car personnel.”

The rationale behind that recommendation from the Shand inquiry is: “The current act was passed in 1966. The world and the security industry have changed dramatically since that time. To illustrate, there are now some 50,000 persons employed in the security industry, half of whom are unregulated. Every person employed as a security professional should be licensed by the province” in some way or another. We’ll hear a lot about that from the New Democratic Party with their leadoff, I believe.

“In 1966 most security practitioners were watchmen; today they provide a wide variety of services with significant interaction with the public, especially in shopping malls, hospitals, entertainment venues and other locales.”

Recommendation 2, on the need for urgent change. As we said, the Shand inquiry came out in April 2004. I followed quickly with Bill 88. I thought it was something

we should deal with very quickly, and I compliment the minister, who brought in his bill, Bill 159, some time later in the fall. I believe he introduced it on December 9, 2004. As a Legislative Assembly, I think we’ve done fairly well in that area in the fact that we’re at least within two years of having this thing passed and implemented—no, three years, if we go right to 2007.

As I said earlier, it had to be implemented as soon as possible, which is the number 2 recommendation. The rationale for it is: “While it is important that all the stakeholders are consulted, the ministry has had many years to consult. When this act was passed in 1966, John Robarts was the Premier of the province and since that time there have been seven more Premiers. Any remaining consultation process should be expedited so that further delays in amendments to the act are avoided. It seems that the issues should already be well known and the ministry should be able to proceed quickly.

“If there are issues that cannot be resolved in the short term, a phased implementation may be appropriate.”

As the minister has spoken, we understand that it should be all together by some time in 2007. As the rationale said: “It is important that the government act quickly, responsibly and diligently.” I’m a little worried about the “responsibly and diligently” portions here.

The third recommendation of the Shand inquiry was on mandatory training: “The Ministry of Community Safety and Correctional Services ... should create a mandatory training program that all security practitioners must complete as a requirement for their licensing.”

The rationale: “Training is the key to providing the necessary skills and knowledge required by security practitioners, especially in use-of-force instances and other areas of interaction with the public. The training is to protect both the security practitioners and the public. If the training is not mandatory for all, some security practitioners may not receive any training or receive sub-standard training and not have the necessary skills and training to reduce risks to the public.”

Recommendation 4, on the training program curriculum: “The ministry should create a curriculum for the mandatory training program, through consultation with stakeholders to create industry standards based on best practices.

“For those security practitioners whose duties may include making arrests or the lawful application of force, the minimum level of training should include first aid, CPR and use-of-force training, which identifies the hazards of restraint asphyxia and excited delirium.

“For a security practitioner to receive a licence allowing them to carry or use handcuffs or expandable batons, they must have received and completed relevant training.”

Again, this is from the Shand inquiry. The rationale behind that: “There should be multiple levels of training for security practitioners in the province, depending upon job requirements, the expectation of the use of force and the use of handcuffs and expandable batons. The system should be transparent in the interest and the safety of the

public. The public should expect a high standard of professionalism by all security practitioners in the province. The curriculum should provide the basis for the professional standards.”

Recommendation 5, licence classification system: “The act should be amended”—in this case, we have a whole new act, but it should be amended—“ to provide for the creation of a licensing classification system in which each level or tier reflects the duties that the security practitioner is competent to perform based on the training he or she has received.”

“The licensing classification system should also reflect the degree to which the security practitioner would be expected to interact with the public.”

“The licensing classification system should ensure that no security practitioner may carry or use handcuffs or expandable batons without completing relevant training.

The rationale is: “One level of licence or training will not meet the demands of all types of security requirements. For example, the requirements for a night watchman are different from the requirements for shopping mall security in that the use of force may be called upon when dealing directly with the public.” This is something that is a very strong concern of ours, the different classifications.

Recommendation 6, training programs and persons with disabilities: “Any certified training program, by way of its physical requirement, should not prevent individuals with disabilities, or any persons incapable of completing physical training from pursuing gainful employment as a licensed security practitioner, if his or her duties do not include making arrests or the lawful application of force.”

The rationale is: “Equal opportunity for all individuals is an important factor in our society.” Of course, that is based again on the Shand inquiry.

Recommendation 7 of the Shand inquiry, recertification: “Those security practitioners whose duties may include making arrests or the lawful application of force should be recertified annually with respect to use-of-force training.

“All security practitioners should be recertified for CPR annually.”

The rationale behind that: “The training regarding use of force is changing constantly and this ensures that security practitioners are up to date with modern training practices across the industry.

“Recertification of CPR is currently a best practice in most industries where CPR training is required.”

Recommendation number 8, licence identification and renewal: “Licences should identify the classification of the security practitioner and what equipment he or she is authorized to use such as handcuffs and expandable batons.

“Licences should be renewed annually.”

The rationale behind that: “Employers, the ministry and the public will know the competency level of the employee.”

Recommendation 9, identification: “Where a security practitioner is in uniform, licensing information should

be visibly displayed on a badge including a photograph, licence number, company name and classification.

“When a security practitioner is not in uniform the identification must be readily available.”

The rationale, and we heard a lot about this during the hearings: “This will provide recognition to the public, avoid confusion with the police and identify the person as a security practitioner.”

Recommendation 10, method of training delivery: “The mode of delivery of the mandatory training regime for security practitioners shall be approved by the ministry, after consultation with stakeholders. A manual or guide to training and requirements should be published and updated regularly by the ministry.”

The rationale behind that is: “There are many possible methods of training including community colleges, in-house training and computer assisted training. Training should be flexible and tailored to meet the needs of the industry throughout the province without reducing quality.” Again, it was mentioned that the training be done in a lot of cases through the community colleges. In the presentations at committee, we had at least two community colleges that wished to provide training. I believe that it was Fanshawe and Georgian that both came forward with some kind of proposal to look at training down the road.

The eleventh recommendation is certified trainers: “Mandatory training should be delivered by qualified trainers certified by the Ministry. There should be an established competency level defined by the ministry.”

Again, the rationale: “The quality and standards of training are vitally important. Trainers and those persons instructing the trainers must meet the highest standards relating to subject matter and adult educational techniques.

“The coroner’s office should be consulted in the development of use-of-force training programs.”

Recommendation number 12, record keeping and evaluation: “The ministry should develop a mode of evaluation and a system of record keeping for the delivery of mandatory training.”

The rationale behind that: “To ensure that the training regime is effective, complete and accurate records of training should be kept and those records and other means used to evaluate the training programs on a regular basis.

“This record could also be used to track the training of an individual security practitioner over the life of their employment as a security practitioner.”

1940

The 13th recommendation is the enforcement system: “The ministry should implement an effective system of enforcement with powers of inspection and audit. Sufficient resources should be made available to ensure compliance with the licensing and training requirements of the act.”

The rationale: “The amended act will only be as effective as the system of enforcement. This will be particularly true in the early stages of implementation.”

The 14th recommendation, the advisory board: "The ministry should create an advisory board or committee comprised of stakeholders to facilitate communication and the exchange of information between the stakeholders, and for the purposes of establishing the curriculum of the mandatory training program."

The rationale behind that: "The advisory board or committee should be constituted as soon as possible to begin their work in conjunction with the ministry prior to the passing of the amended legislation." I understand that there are some advisory boards in place, and they will be there to help draft the regulations as well.

"The purpose of the formation of an advisory board or committee is to provide a breadth of experience and advice to the ministry but the ministry is ultimately responsible and should ensure that it is not used as a mechanism to delay or obstruct the process of implementation."

The 15th recommendation is the oversight body: "The ministry should create an independent oversight body to deal with complaints by members of the public in relation to the provision of security services. Access to this body should be readily available and widely publicized."

The rationale is: "Security practitioners must be held accountable for their actions and the public trust ensured. Publicity should include a 1-800 number and other means of access."

Recommendation 16, the portability of licences: "The act should be amended to provide for the portability of individual licences."

The rationale being: "Presently, licences are obtained through the employer. Portability will allow the movement of personnel within the industry in Ontario and eliminate current delays in obtaining licences for new employees who have been previously licensed."

The 17th recommendation is the funding model: "The funding model for the mandatory training program in British Columbia may be considered as a funding model for Ontario."

The rationale behind that is: "Training programs should be funded from an annual licensing fee charged to companies and individuals and there should be no additional costs to the taxpayers."

Recommendation 18, reporting the use of force: "Licensed security practitioners should be required to report any use of force to their employer. The employer's responsibility should be to report use of force statistics annually to the ministry. The ministry should report the statistics publicly on an annual basis."

The rationale behind that is: "Record-keeping and reporting will identify changing patterns of activity as well as the need for changes in the training, licensing and possibly the act itself.

"This may also identify abuses of the system.

"The statistics should be reported by the ministry to ensure that the public is informed."

I don't think we have that at all, in any way whatsoever, in the updated Bill 159, and how we're going to track that with the public is a little—I'd ask the minister

or the parliamentary assistant to respond to that later, if she could.

Recommendation 19, the excited delirium memorandum: "The coroner's office should update memo number 636, dated June 19, 1995, exhibit 4 at the inquest, for distribution to the security industry."

The rationale: "This is a document that contains vital and possibly life-saving information. It is of the utmost importance that the security industry and all persons dealing with use of force and restraint are aware of its contents."

Recommendation 20, training of persons authorized by an employer to make arrests: "If an employer designates employees to make arrests for property related offences those employees should have the same licence and training as is required of other security practitioners who are authorized to make arrests."

The rationale: "Proper training may reduce the risk of injury to the employee or to the person being arrested."

Recommendation 21, policy communication to employees: "Explicit direction both verbal and written must be communicated to each employee. A sign-off sheet must be filed in his or her personnel file as to their understanding of the expectations of the retailer with respect to the manner in which the apprehension of shop thieves is to be conducted. This communication and sign-off must be communicated on a regular basis, preferably annually."

The rationale: "This ensures compliance and that the employee is aware of and understands the policy and their responsibilities."

Finally, recommendation 22, the compliance: "We recommend that failure to comply with the act and its regulations may incur significant fines and other penalties including loss or suspension of licences to the practitioner and or company.

Rationale: "We feel strongly that the provisions of the act especially with respect to training must be adhered to by all parties."

Those are the Shand recommendations. I wanted to put that on the record. I have a problem in the regulations and I'm worried that down the road some of these may come back to haunt us. I wanted to have clearly identified in the Hansard what the Shand inquiry recommendations were so that we can actually compare that as time goes on. The year 2007 will roll around quickly, and if we do have problems with this bill, then I want to make sure that it's been put on the record what those recommendations were as a result of the Shand inquiry.

I heard some of the comments. The minister made it sound as though everybody was so supportive of this piece of legislation. Generally speaking, as we dealt with the legislation, I think that people wanted to clean up the act; they wanted to get some updated versions, the same as the Shand inquiry reported. But not everybody came out with glowing remarks on this bill. In fact, there are a lot of groups that are hesitant. I know the minister mentioned the support of the OPPA and the PAO and all these different organizations, where certainly they did

come out and they mentioned different times in the announcing of the bill—in some of their reports or some of their deputations to the government, they actually made comments that there were some positive things about it.

But I wanted to put this on the record. This is from the Ontario Provincial Police Association. I wanted to make sure that this was clearly identified in the bill as well. It says here, and I'll read this part:

"It is the position of the Ontario Provincial Police Association that police and private security uniforms should be completely distinct from each other. Security uniforms must not contain any shoulder patches or insignias resembling police uniforms. We do not believe it is in the interest of the community and public safety to arm or equip private security with any type of weapons or use of force articles such as handcuffs and batons." I made that point because the OPPA are saying not even handcuffs and batons. I know we're not going to be listening to them completely, but they did put that on the record.

"The use of canine by security agencies should not be allowed unless there are strict regulations regarding use of canine and certified accredited training for all canine handlers. Vehicles utilized by the industry should not resemble police vehicles in any form. The use of roof bars on private security vehicles should be prohibited unless used in specific locations such as airports or construction sites. This would ensure members of the public are not confused as to whether the vehicles represent police or the private security industry."

I put that on there because, as we talked about the original formation of a new act, it was my understanding that it was really the parapolice that we were more concerned about. One of the problems we've got is that basically it now includes everybody that's got anything whatsoever to do with—a night watchman, a guard in a mall, somebody looking after a construction site. Some of these guys have been working at night watchman-type jobs for many decades, and that's really all the training they have. As we know, there's no grandfathering to that.

As I said before, the difference between Bill 159 and Bill 88 is that so much more will be dealt with by regulation. I've got a problem with regulation. I think someone yelled out earlier about the Nutrient Management Act, and I have a problem with the Nutrient Management Act. I know that if you're in government, you want to do it by regulation.

Mr. Kormos: It doesn't make it right.

Mr. Dunlop: It doesn't make it right; you're right.

The elected officials really are left out of a lot when it comes to regulatory changes or regulations. As you know, a regulation can be changed just by putting it in the Gazette with a 30- or 40-day comment period, and those changes come into effect with a rubber stamp and the general public doesn't know a lot about it.

1950

Why I'm hesitant about the regulations is that I've already been caught in this once on my own private

member's bill, Bill 105. It was dealt with in this House, and I think it was passed by 82 to 2—two people voted against it. At the time, I think the Liberals in opposition all supported the bill, and our party in government, the Progressive Conservatives, supported it as well, and it was passed in this House.

If you remember, Bill 105 was about allowing an individual, who felt he had come in contact with someone with an infectious disease as a result of being a good Samaritan or an emergency service worker—that type of thing—to quickly find out through a blood sample whether or not the person he had come in contact with had any kind of infectious disease.

We had really good public hearings here at the Park. We did a lot of work on the bill and had great support with all the stakeholders. But let me read a letter that I got from a gentleman in my riding. This gentleman's name is Greg Bruce. He's a supervisor of operations with the County of Simcoe Paramedic Services. I want to put this on the record because this is a case of the bill not working as a result of regulations:

"Dear Mr. Dunlop

"I am a supervisor of operations with the County of Simcoe Paramedic Services. I am also an infection control practitioner for the service. In my role I am responsible for ensuring there is proper follow-up to paramedic exposure to disease.

"In the past six months, I have had to deal with a number of staff who have had exposures to blood and as a result needed to use the application for mandatory testing as outlined by Bill 105, the Health Protection and Promotion Act. Each time I have had to deal with it, significant problems have occurred and testing has not been ordered.

"I have discovered many areas where this legislation has failed emergency workers. I am concerned there is nowhere for workers to turn in order to protect them following an occupational exposure to blood.

"I understand you were involved in bringing this bill to Parliament. I have also been informed this bill has fallen short of your intent due to a watering down process as it went through consent. If I am mistaken I apologize. All I am trying to do is have the issues of paramedics addressed so we can maximize their safety when they have an exposure to blood and body fluids.

"I would like to have the chance to meet with you to discuss the problems I have encountered and find out if there is any way these problems can be fixed in the future. Please feel free to contact me at any time to arrange a meeting.

"I look forward to your response."

That's signed by Greg Bruce, a supervisor of operations and an infection control officer with the County of Simcoe Paramedic Services.

All I'm really saying is that you can sometimes get a bill passed in this House and the intent seems great, like the private security guards act here tonight, like the Nutrient Management Act, probably like the bill coming in for water source protection or even Bill 105. But do

you know what? That bill has been held up at the Ministry of Health. There are certain people in the bureaucracy at the Ministry of Health who did not want that bill to pass and they've held it up so that paramedics and emergency service workers in this province cannot take advantage of it. It's very sad that we passed it in this House and it becomes useless to those people down the road, and I feel badly about that. Any letter I've written or any comments I've made to the media, etc., have just fallen on deaf ears. It looks like the ministry does not want that bill to pass; it's as plain and simple as that. They don't care if it passes. They just don't want to ever have it enacted in any way whatsoever, and there's a perfect example of it. I'm very disappointed.

That's why when I talk about regulations or regulatory changes, I'm so concerned about where we go beyond here. As the parliamentary assistant said in the hearings, we won't have another chance to review the regulations. It's going to be done by the expert advisory panel or a body of all these experts who are going to say what's right and what's wrong, that we don't know what we're talking about here. But when there's a problem down the road, we get the letters, the e-mails, the faxes and the phone calls. That's why I wanted to see more detail in the bill itself and less in regulation. As I go to caucus with it, that's why I'm having a hard time saying to our caucus members whether we should or should not support this. We definitely support the intent of the legislation; there is no question there. It's just that I don't want to see it get caught up so that we never get to use it.

Now, a little bit about public safety in general, because there is lots to talk about with this government. I wanted to also put some other things on the record. The throne speech the other day, and the government's commitment to community safety—I've got to tell you, I was disappointed. We had basically nothing in the throne speech on community safety or even on this type of thing today. But what they did put in was this. It's on page 22, and you could just about lose it if you're not careful. It says, "Keeping our people moving is important. Keeping them safe is even more important.

"Your government will work with our municipal partners to ensure there are 1,000 more police officers on the street by 2007." By the way, that's the fifth time that was publicly announced, the 1,000 cops on the street. None of them have been hired yet, but in two years that's the fifth time they've announced it, so congratulations. I suspect it will be announced many more times before we actually have someone, before the government actually pays for a police officer.

"The first Canadian province to require hospitals to report gunshot wounds to the police will continue to urge the federal government to toughen sentences for gun crimes." I'm hoping some of my colleagues will talk about this, as our leader did today. We're going to report gunshot wounds. There were already 45 American states reporting them. I made a number of amendments in that bill as well, so that we could have mandatory reporting of knife wounds as well, not gunshot wounds only. The

second part of that paragraph was that we're going to "urge the federal government to toughen sentences for gun crimes." You know what? That, I think, is not going to happen.

"And your government will expand programs for youth, so there are positive alternatives to guns and gangs and violence.

"Ontario will be tough on crime—and tough on the causes of crime." When they're saying that, they're forgetting that what they're telling the bureaucrats in the justice ministry is, "You can be tough on crime as long as you get rid of \$300 million in your budgets."

So that's the throne speech. I wanted to put that on the record, because I'm not even sure if His Honour read that part in the throne speech the other day. I think he was embarrassed by it, so he maybe skipped that part.

But the really good part is when I go back—we're talking about the government's community safety platform. I don't know if the House leader has a copy or not, but I keep a copy of the Liberal platform handy. I like to refer to it once in a while to see what their platform was in these different areas. I wanted to just say what the government said back in the spring of 2003 and right up to today. In their platform, called "Safe Communities": "More police on the street. We will put 1,000 more cops on the street. The number of police officers per capita in Ontario has dropped more than 8% in the past 10 years. We need more police officers to keep our communities safe. Over the next four years, we will put 1,000 new police officers on the street ... for community policing."

That's over the next four years. You're two years in, and not a soul has been hired. In fact, we've had to pressure the government—I guess we put out, in our caucus, five or six press releases on this to pressure the government to do anything. Finally, they say now that they're in a program where we might see some hired next spring, but they will not be paid for. There won't be one penny coming out of the 2005-06 budget. So that leaves us one year. If they hired all the 1,000 cops for 2006-07, you'd only have one year of the government actually paying for our police officers.

Interjection.

Mr. Dunlop: My understanding is—I hope they don't try to pull that one. We want the government to hire 1,000 new bodies, not replace people who are retiring and try to count those. That may in fact be the case, but that's where we have a problem. I think we'll be keeping a close eye on it.

One of the neat things about being in opposition is that in the first couple of years of the government's mandate, nobody wants to come out against the government and say anything negative because they're afraid of repercussions against them. But after a while—

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): I remember saying that about you guys.

2000

Mr. Dunlop: But now they're all coming forward. The bureaucrats are coming forward, even some of your

staffers are coming forward now, and they're telling us all these little secrets of what you're doing behind the scenes. Even some of the feds are coming forward and telling us some of their stories. There are some neat things happening. It's a great time to be in community safety, because guys are afraid that you're not going to get elected again and they're hoping to get jobs with the next government, which will be John Tory's government, so now they're coming forward with some very positive information for us to look at.

Interjection.

Mr. Dunlop: I won't go there.

Mr. Kormos: You might want to cross over, Marie.

Mr. Dunlop: Yes, come on over.

Hon. Mrs. Bountrogianni: I said, "Go down with your ship, baby."

Mr. Dunlop: OK.

"We will give additional resources to Ontario's police intelligence services.

"The number of dangerous biker gangs in Ontario is increasing, the illegal drug industry is thriving and threats to our communities from organized crime and street gangs are growing.

"Our police forces need the resources to track organized crime activities and keep communities safe. We will provide additional support for police intelligence services to ensure that our various police forces can work together to protect all Ontarians.

"Halting hate crimes

"We will expand the number of hate crime units in the province.

"Since 1996, there has been a 93% increase in the number of hate crimes in Ontario. We will stand up for all Ontarians. We will not tolerate hate crimes.

"We will provide support for dedicated hate crime units across the province."

I wish somebody would announce where some of these things are actually happening. I haven't seen any fancy press announcements on the hate crime units or any of the above, but I'm hoping that before long the minister will get before his red board with the white writing behind it—you know, "Dalton likes safe communities," and that sort of thing—and we can get some of these announced as well, because so far we haven't seen them.

"More prosecutors

"We will put more prosecutors in our courts.

"Catching criminals will do little good if we cannot prosecute them. Huge courtroom backlogs delay and sometimes deny justice.

"We will hire 50 new prosecutors to focus on the most serious cases."

I'm sure it's all cleaned up now; I'm sure all of this has been cleaned up. There are no problems and no backlogs in the court system any more. So congratulations; the court system is now fixed. Did you see the front page of the Toronto Star today?

Hon. Steve Peters (Minister of Labour): That's because of the jokers you guys appointed as JPs.

Mr. Dunlop: Now I'm hearing a comment saying that the JPs who have been appointed are jokers. Isn't it embarrassing that somebody would actually say that in this House? That's what he said: "jokers." It's unbelievable.

Hon. Mr. Peters: You guys appointed them.

Mr. Dunlop: Well, I don't happen to think the JPs are jokers. Maybe the Minister of Labour thinks that JPs are jokers in this province. I'm somebody who doesn't believe that, the same as I don't believe the parole office should be eliminated and put into the hands of the National Parole Board, and you're doing that as we speak too.

"Firm but fair

"We will take a firm but fair approach with young offenders.

"Letting young offenders off lightly only encourages more crime down the road. Treating them as if they are hardened adult criminals, without any attempt at guidance and rehabilitation, has the same result." I guess you're fixing that too.

"We will exercise Ontario's right to transfer dangerous young offenders to adult court and we will demand that the federal government identify dangerous young offenders who pose a threat to their communities."

It would be nice if the minister or the Attorney General would report exactly what they've done in dealing with the federal government on toughening sentences. I understand that according to the platform they were going to do a lot of work in that area, and I don't think they've done anything. But maybe some day the minister will be able to come out with a ministerial statement and really enlighten us on just how well things are going with the relationship. I don't know if that's got anything to do with the \$5.8 billion that they keep talking about, but we definitely have a problem in the federal government tightening the laws.

"We will hire 100 new parole and probation officers to help protect the public.

"The national average caseload for parole and probation officers is one officer for every 70 offenders. In Ontario today, officers handle an average of 121 offenders.

"This overwhelming caseload is putting the public at risk. We will hire an additional 100 officers to reduce caseloads and better protect Ontarians."

I think you've hired 17, and the remaining ones of the 55 you've hired are all on one-year contracts; they're not permanent employees. Is it 17 or 18 you've hired who are permanent, and the rest of the 55 are on one-year contracts. So you haven't done the 100 new officers but you have one-year contracts for around 40, or 38 of them, or something like that.

"We will protect our kids against the dangers of Internet stalkers.

"Police tell us that pedophiles and other criminals increasingly use the Internet to prey on children."

We know about that.

Hon. Mr. Peters: Are you going to get back to—

Mr. Dunlop: I'm talking about your platform and community safety.

We know you're a dismal failure in this area. The only new money that has been put toward child pornography or Internet luring has been money from the victims' justice fund. The Attorney General made a splashy announcement on that; he gave them \$5 million from a fund that already existed. Now we understand from the study they came back with that they need about \$18 million to start on this one. It's my understanding that as we speak right now nothing has been done in that area. So we know that we've got some huge problems in that area as well. I thought that people would like to hear a little bit about the Liberal platform. It's always interesting to go back.

I've only got 11 minutes left. I want to mention a couple of things that we did. The Progressive Conservative Party did in fact put in three amendments, one on subsection 4(2) of the bill:

"Training required

"(2) No licence shall be issued unless the registrar is satisfied that the applicant has passed the prescribed examinations or has attained the prescribed standards of a level of training appropriate to the class of licence being applied for."

I wanted to mention that because we felt that that was an important amendment based on the Shand inquiry. Of course, the ministry refused to listen to that. They say it'll be hidden in the regulations and a little bit further down in some of the finer detail; apparently, it's in there as well. But they turned that down. They passed all their own motions. That was amazing. I thought in this era of democratic renewal they'd listen to everybody's amendments. They didn't.

We also made amendments—section 38.1 of the bill:

"38.1 A licensee shall keep a record, containing all prescribed particulars, of all incidents in which the licensee used force while acting as a private investigator or security guard, and shall furnish a copy of the record annually to the minister on or before the prescribed date."

We thought it was really important that everybody be responsible for keeping a log of anything where there was use of force. The government said that amendment wasn't necessary and they turned that one down as well.

There was one final one on the code of conduct. I'll read that as well:

"(1.1) The code of conduct must include standards respecting,

"(a) when a private investigator or security guard may use force and the level of force that may be used in carrying out his or her work;

"(b) activities, normally performed by a police officer, that may not be performed by a private investigator or security guard; and

"(c) when a private investigator or security guard is obligated to call in the services of either the Ontario Provincial Police or the local municipal police service, or both."

We were told that that wasn't necessary either, that it was all covered in the bill and it would be all covered in

regulations, and we'd take it from there. So all of our amendments were turned down. We were disappointed in that, but we understand as well.

I just have a few minutes left to sum up. I wanted to say that although we—excuse me.

Mr. Yakabuski: Take all the time you want. They'll give us more.

2010

Mr. Dunlop: Thank you, to my colleague.

I wanted to talk a little bit about the government's record on law and order, not only on this bill but on everything they've done to date. I don't think they put it in the throne speech, but certainly bureaucrats and staffers have come forward and mentioned that you're asking them to cut \$300 million from the justice budgets: law and order, community safety, and from Minister Bryant's ministry. We know that's probably true, and we would appreciate knowing just what they are expecting in law and order. If you're trying to cut \$300 million, we want to know where it's coming from.

The 1,000 cops: We've been through that already tonight but, again, you've announced it five times. No police have been hired. We keep talking about it. Everybody is talking about it, but until we actually see new officers in uniform, it will be a high priority for our party, as the opposition, to try to draw attention to that.

In the previous government we had called for \$1 million for a police helicopter for the Metro police service. I guess Mayor Miller doesn't want it. I understand the minister shaved it out of the budget as well. It was in for the 2003-04 budget. But the bottom line is that the next thing they do is turn around and go back to the airplane surveillance of traffic. I've seen a fancy photo op with the minister standing beside—I thought he was going to be Snoopy there for a minute. I thought he was going to hop in the plane and actually take off. But I understand that the airplane surveillance works very well. I can't for the life of me see why they would cut the money for the Toronto Police Service. It's the biggest police service in our country and they don't have a helicopter. They have to borrow Halton region's, I believe it is. By the same token, the minister is out there saying, "Boy, this airplane surveillance is great. It saves having a cop on the ground in a car." So I don't know where they're coming from. Anyhow, I wanted to bring the helicopter to your attention.

Mandatory reporting: Their only bill passed to date on law and order, in two years, is the mandatory reporting of gunshot wounds. I want to go right back to Bob Runciman. The mandatory reporting bill was a decent bill, following on Bob Runciman's resolution that called for mandatory reporting, as well as knife wounds. They went halfway there. They got the mandatory reporting of the gunshot wounds. Every time I hear them talking now—they did a couple of fancy photo ops in front of the hospitals etc. A couple of the members' statements today talked about mandatory reporting and what a great thing that was for gun violence. I wonder how many people reported their gunshot wounds this weekend.

The other bill coming forward—I guess we're going to debate it tomorrow night—is the grow-op bill. It's not a bad bill, in a way, but it doesn't mean an awful lot. It doesn't cover crystal meth or any of those sorts of things. We've got that whole issue of crystal meth. I understand the minister found \$230,000 to build a lab at the police college. That was good. I talked to people who said, "Why do they need a lab? Why don't they just go to an illegal crystal meth lab and show the cops what that's like; keep that around?" Anyhow, it looks good to have an official opening down at the police college so that Dalton and the minister can go down and have a fancy ribbon-cutting of the crystal meth lab at the police college.

Internet luring and child pornography: Not a lot has been done in that area. We know the police need resources in that area. They've been cut in a number of areas, especially the Ontario Provincial Police. They're getting none of the new police officers, if they are hired. Of course, Project P and those areas need a tremendous amount of resources so they can carry forward in that area. It's a very serious area.

There have been cuts to the traffic budgets; we know that. Cardboard cops is what I say. Put a cardboard cop in a cardboard car on the 401 or the 400 and people will slow down because it's a cardboard one, and then surveillance will be done in the air.

CISO cuts: I understand about \$1.7 is million being cut out of the CISO budget. That's the Criminal Intelligence Service of Ontario. Nobody really wants to come forward and tell us that exactly. I think they're trying to upload that to the federal government.

Hon. Mrs. Bountrogianni: That will be a first.

Mr. Dunlop: No, you've got others. You've got the parole board coming to the minister. Anyhow, the CISO cuts are being uploaded.

The parole board: We've got lots more coming on that in the next few days. I'll be interested in that.

The taser cuts: The minister made a promise to help police services with taser guns—not happening.

Of course, the big one is gun violence, which our leader made an announcement on today. He asked a question in the House, and a press release. It's getting worse. We're losing lives in Ontario. We're losing lives right here in Toronto—what is it again?—61 homicides, 41 resulting from shootings. Last year there were 64 murders the entire year, 27 resulting from gun violence. So gun violence is increasing. The government is doing absolutely nothing about it; that's the bottom line here.

They sort of come in waves as far as what I see happening. We had that first wave of gun violence right after the election, and this past summer was just terrible with how many lives were lost. We've got a huge issue in that area. I think it's an issue that the government—I think they mentioned one word about a gun or something in the throne speech, and that's it. So we're ignoring that particular area. I guess we're supposed to shut our mouths and not say anything about it, but the bottom line is that people are losing their lives, and the police don't have the resources to fight this the way they should.

I really appreciate the opportunity to do this lead-off tonight.

Mr. Yakabuski: Tell us a little bit about your bill, Bill 88.

Mr. Dunlop: Well, we've talked about Bill 88 before. It's been a good bill. It should have been passed, but it wasn't.

Our concern here is the regulations around Bill 159. As I mentioned earlier, when you don't know what is coming forward with those regulations, you become very hesitant to support the bill. On the other hand, as I sit here, I appreciate the fact that the bill was brought forward and that we are debating it. It's something that most stakeholders think should have been done at some point. They're not entirely supportive of it, but at the same time, they don't know the end result. The end result could be the loss of a lot of jobs in our province for those companies and businesses. Whether it's a restaurant, the hotel industry or the hospitality industry, we need to know that jobs will not be lost as a result of regulations brought in around the security of their buildings etc. So thank you very much to everyone for allowing me to say a few words tonight.

I'm looking forward to the comments of my colleague from Niagara Centre, in the NDP leadoff, because he had some very strong concerns about the bill and the job losses as well.

With that—I've just got 40 seconds left—I'll pay compliments again to my good friend Minister Kwinter. Although I often criticize him here in this House, in my role as the critic, I do have a great deal of respect for Monty Kwinter and his history in this building. Obviously, he's been doing a fairly decent job as the minister or he would have been replaced. I think he tries to keep things quiet and whack away at the \$300 million in cuts he's supposed to make and try to answer the questions properly.

I thank you again, Mr. Speaker, for this opportunity to speak tonight.

The Acting Speaker: Questions and comments?

Mr. Yakabuski: It is clear that the member for Simcoe North and opposition critic had much more to contribute but he ran out of time. I would like to move unanimous consent that he be granted additional time to debate this issue.

The Acting Speaker: Is there unanimous consent? I heard a no.

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Mr. Kormos: I sat through the course of the comments made by the member for Simcoe North and, once again, when Mr. Dunlop speaks, people in this chamber listen. I was proud to have served with him on the legislative committee that reviewed this legislation. Mr. Dunlop, as usual, brought incredibly skilful analysis to the matter. He displays that once again in his dissection of the bill during the course of his one hour here this evening. I am sure that Mr. Dunlop's constituents in Simcoe North are not only pleased but sleeping easier

tonight, knowing that he is the justice critic for the official opposition, the Conservatives.

It was incredibly valuable for Mr. Dunlop to make reference to portions of the throne speech and create that context in which Bill 159 has to be considered. I'm going to be asking Mr. Dunlop for some of those same portions, especially about expediting cases through the courts, because the Attorney General's comments that were reported in the paper this morning revealed a plan that has as its basis the complete deletion of rules of evidence in the province of Ontario as a way of expediting provincial offences matters, especially in so-called highway traffic courts. It's a good plan and I have no doubt that it will work. The problem is that in places where they have used these tactics, the walls have come down.

Mr. Jeff Leal (Peterborough): I did listen with interest to the member from Simcoe North speaking about Bill 159, the Private Security and Investigative Services Act, 2005.

Mr. Speaker, if I could just share with you a personal experience, I think it was in my third year at university and I was looking for a summer job. There was an opportunity for that summer job to become a security guard. The interesting thing about this was that there were about three or four of us who were hired, all university students. The security agency was run by a retired general from the Canadian Armed Forces, a very nice fellow. We all thought because he was a retired general that he would have a great deal of expertise in the security field.

The only thing that we got—they gave us these uniforms, they gave us a flashlight and several other things, but there was no training. As a university student—and my buddies, who all got hired—I didn't have a clue of what to do. We were given a uniform and told to go to work: "Protect this. Do this."

Mr. Kormos: How did you do?

Mr. Leal: Very well, I say to the member for Niagara Centre. But I thought that for what was expected of us certainly there was a need to provide some framework and training.

I do note that through the Shand inquiry we have removed exemptions, we've brought in mandatory training, and we have developed a standard curriculum which includes use-of-force training if a particular security guard is involved in that area. The training is to be approved by the ministry. Complaints, which I think is an important feature of the bill, will be adjudicated by a number of independent facilitators. By and large, I think this bill goes a long way to clean up what one could say is a ballooning industry in Ontario because of changing needs in the community and the need for some areas to have security guards. I think Bill 159 goes a long way in achieving those goals.

Mr. Cameron Jackson (Burlington): I too want to add my voice in support of the comments from my colleague from Simcoe North, who has spoken quite eloquently and in quite a bit of detail about this bill, and more generally about issues around community safety, something which he has committed himself to personally

and professionally for the time that he has been here at Queen's Park on behalf of his constituents. He has enunciated several concerns. I wish to put on the record the same point he has, but perhaps slightly differently.

In my 21 years in this Legislature, we have never had such a long break, from mid-June to mid-October, all of this time in preparation for a throne speech and a new direction for the government, and yet I notice on the docket that we are debating three bills that are left over from over a year ago. I'm at a loss to understand why this government felt the need to call for a throne speech which had scant little, if any, reference at all to community safety issues, to policing issues, to justice reform and to protecting the citizens of this province.

Those are the comments which my colleague from Simcoe North has so eloquently put on the record. I think they are important because over the course of the next year and a half we are going to see a justice—an Attorney General and Solicitor General—agenda change in this province rather dramatically. It's something which those members of privy council are privy to, but Liberal backbenchers have absolutely no idea what's coming down the pipe from the philosophy espoused and the cost-cutting in the justice area being presented by this government.

So I want to commend and thank my colleague from Simcoe North for his vigilance and his concerns in these areas. They're quite justified.

Mr. Khalil Ramal (London—Fanshawe): I'm standing up this evening to show my support for Bill 159. I was listening to Minister Kwinter talking about the details and also the explanation that came after from my colleague Ms. Sandals.

It's a wonderful bill, I believe. It's gives the strength and the ability to the security guards and the private investigators to learn and to be trained, because as we listened to the minister speaking about the time and age we live in, I think everything has changed. I think we need some kind of protection and security, especially the people who are in charge of securing many different facilities in different places.

I was listening to the member from Simcoe North talking about his bill. He went over it for almost half an hour, maybe 45 minutes, talking about the wonderful bill he presented in the past. We are not saying no. He had a good intent when he started to talk about the bill, but there was a lack of details and a lack of many different elements we can use and apply in real life. That's why Bill 159 came to replace it, to speak to the issues directly and also to maintain the connection with the people.

As we listened to many different speakers, I think Bill 159 came after long consultation with many different stakeholders across the province in order to have some kind of curriculum, some kind of training system, to have good, wonderful people have the ability and have the technique and have the knowledge to protect the people in Ontario. That's why Bill 159 came after long consultation with different stakeholders across the province, to make sure that whoever gets the position is well trained

and knowledgeable about different issues and about the law, because he or she supports protecting the public.

The Acting Speaker: The member from Simcoe North has two minutes in which to respond.

Mr. Dunlop: I want to thank the member from London–Fanshawe, my colleague from Burlington, Jeff Leal from Peterborough and my colleague Peter Kormos from Niagara Centre for their comments.

Again, we will be discussing tomorrow in our caucus meeting just exactly what our plans are with this bill, because, as I said before, I am torn. I know that we wanted the bill to come forward, because it hasn't been changed since 1966. It will be 40 years next year. By the time this thing is proclaimed and then actually implemented, it will be about 41 or 42 years. So no one is questioning that that is a good move on behalf of the government or any private members. We're trying to resolve some issues here.

But again, I just want to point out to the members opposite and to everybody in this House that I'm very leery of so much being left to regulation. It's not that you can't trust it, but it's how it's interpreted. We are the ones who hear back later on when a bill is not working. If it's going to affect a segment of our economy, whether it's the hospitality industry or maybe the nightclub industry or security guards in malls, around construction sites, whatever it may be, we have to be concerned if it starts affecting them. That's why I'm so leery about having so much in regulation. I think we've found before that sometimes these things have the best of intentions, but we turn around and the regulations come out and there's a problem we didn't perceive. Anyhow, I want to thank you for the opportunity to comment tonight, Mr. Speaker, and look forward to further debate of Bill 159 on third reading.

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The Acting Speaker: Further debate?

Mr. Kormos: I'm pleased to be able to participate in the commencement of third reading debate on Bill 159. Here we are: It's 8:30 in the evening on a Monday. I know there are people watching right now; for the life of me I don't know why. I checked the television listings, and on TVO right now you've got Studio 2 with Steve Paikin and Paula Todd. Just think: If the six people watching us now all tuned in to TVO, they would double the viewership and increase the ratings of Studio 2 by 100%. Steve Paikin would probably line himself up for another salary increase. But if the very erudite analysis of Studio 2 isn't to people's liking, I notice that on CHCH TV there's Surface, episode 5, "Animal control officers question ... Miles and Phil."

Interjection: I've got to go.

Mr. Kormos: That could have something do with pit bulls; I don't know. But the most interesting listing at 8:30 p.m. is on the Shopping Channel.

Mr. Yakabuski: Oh.

Mr. Kormos: Listen to this, my friend from Renfrew–Nipissing–Pembroke; maybe you should rush home. This program on the Shopping Channel is Tax Evasion: The

Amnesty Answer. If people have a far greater interest in tax evasion and the amnesty answer, I'd encourage them now to pick up the remote and get themselves on to the Shopping Channel.

Look, I wasn't being facetious when I commended Ms. Sandals. It was a pleasure to work with her on the committee. She and I disagreed from time to time during the course of the committee; I suspect we're going to disagree during the course of third reading debate. We're going to disagree on some things; we're going to agree on a whole lot of others. But again, Ms. Sandals took this bill—there were some serious flaws in the bill that were revealed during the course of committee hearings, and it is commendable that amendments were made to the bill which attempted to address those flaws, and I'm going to speak to those. The problem is, we agree that there were flaws; we disagree that the amendments offered up adequately address some of those flaws—very major flaws.

We also can't talk about Bill 159 without making reference, of course, to the Shand coroner's jury recommendations. I will concede that a significant number of the recommendations are reflected in the bill; make no mistake about it. But let's understand what really is being said, because right from the beginning, Shand indicates that there haven't been any amendments to the historic—well, it's not true. There have been amendments, but there hasn't been any major reform of the Private Investigators and Security Guards Act since 1966.

Then the Shand jury recommendation makes what I think is the most critical observation: "The current act was passed in 1966. The world and the security industry have changed dramatically since that time," very much so. It goes on: "In 1966 most security practitioners were watchmen; today they provide a wide variety of services with significant interaction with the public, especially in shopping malls, hospitals, entertainment venues and other locales."

I think that's critical, and it's something that some of us on the committee referred to. We referred to that split, that schism, over and over again because, quite right, in 1966 parapolicing by private security was virtually unknown and indeed would have been, I put to you, perceived in the Canadian context with some repugnance by the public, seeing non-police officers acting in an active and aggressive police manner. It just didn't happen.

That's what is important to note. The Shand jury recommendations are all about the new phenomenon of what I call, and others have called, parapolicing: private police forces—historically, nothing new. If you take a look back, there was Pinkerton's protecting Rockefeller and shooting miners who dared to put up a picket line around a Rockefeller mine site. The origins of policing in North America are private policing, and of course a major breakthrough was the development of public police forces. So there's no quarrel with the observation that the nature of security work has changed dramatically. But that's the whole point. The Shand jury recommendations are all about regulating and controlling this new type of parapolicing.

Look, I've got a problem right off the bat, in that this bill creates a structure wherein private policing can only grow. Now, some making presentations at the committee said, with great candour, "Look, you can't have the best of all worlds. There simply aren't going to be adequate resources and public policing to perform all of the policing function in our society." I appreciate in that complex number of ways, whether it's internal security in industry or in business or the proverbial floor walker in, I don't know, a retail store, a Sears or an Eaton's—we don't have Eaton's any more. A Kmart—we don't have Kmart's any more—a Zellers, perhaps.

I'll tell you one of my concerns about the bill—we invited the government to address this issue in committee. One of my great concerns about the bill—because there is much in this bill that does what I think a bill of this type should do. There are 31,000 licensed security guards in Ontario right now; however, there are many thousands more who aren't licensed because they fall outside the scope of the existing legislation, the Private Investigators and Security Guards Act. Let's cut to the chase here: Just as Shand acknowledged, a big chunk of these people—we don't know the number—perform that passive security role of watchman, watchperson, whether it's the person who sits at the screen in your condo building or your apartment building and monitors various cameras that are located throughout the parking garage and in the hallways and keeps an eye out for fire alarms or entry alarms, or the student who is hired in the summertime to sit in a lawn chair outside a small contractor's construction site of four or five houses that he's building. If it's a big developer, he's probably going to have a security firm, but if it's a small builder like the kind of folks who build houses down where I come from—most of the province is like that—you hire a university kid to sit in a lawn chair for eight hours, and you tell him, "If anything untoward happens, don't be a fool and go out and try to make some kind of citizen's arrest. Just use your cellphone to call the police."

That watchperson wasn't the sort of role that Shand was interested in or concerned about, was it? That's the classic, à la 1966 night watchman kind of security guard. Why are we embracing that very passive security guard/watchperson role when even Shand was clear in indicating that that's not what Shand was addressing? Shand said that we're addressing the new type of security guard, the parapolicing, the proactive, the person who has to—not "has to," but his job description includes perhaps arresting people or asking people to leave the premises.

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The kid on the small building site—I don't know how they do it where you come from, but where I live if you leave a couple of skids of two-by-fours out there overnight, there are going to be some missing in the morning. The shrinkage is just a fact of life. We've got a lot of pickup trucks down where I come from. The shrinkage is a part of life, so you hire a university kid or even a senior high school kid to sit there in a lawn chair. Some of you might have done it in your own youth. Your instructions

were, "Look, the mere fact that you're here is going to deter people from pulling up in the pickup truck and loading up the bags of Portland. If indeed somebody should get aggressive with you, use your cell phone. Call the police, for Pete's sake." End of story.

Similarly, people working in condos and apartment buildings and commercial-retail business complexes whose sole job is to sit—remember the old school of doing the rounds with the keys? Do you remember that, Speaker? Technology has made that obsolete. All that was was a way of making sure the security personnel did the rounds. There's nothing magical about turning the key. But you don't have to do that any more because you're sitting in front of a console. Your boss doesn't expect you to run out and tackle the gang tunnelling into—whatever—the storage room of the condo complex. Call the police.

I was shocked to learn during the course of these committee hearings that security staff in places like the Eaton Centre are doing drug busts. We're not talking about big wages here. This is probably one of the crappiest wage jobs in Ontario right now. As a matter of fact, they're deplorable, embarrassing wages. I don't know if others on the committee—of course you'll remember Mr. James Caron. I was just so impressed with his participation in the hearing—a straightforward guy. He's done a lot of extracurricular work on his own initiative, taking various community college courses, perhaps some private programs. He's making the minimum wage. He's got to pay for his own uniform. He's got to pay for his own licence.

For the life of me, I don't know why we're calling upon security staff making crappy wages to do drug busts when (1) it presents a danger to themselves, in my view, because of the nature of the people who deal drugs in places like the Eaton Centre, I presume; and (2) a security guard could as readily bust an undercover police officer as anybody else, and that would be a genuine detriment to the role of the police in investigating drug trafficking in big public places like the Eaton Centre, or whatever it's called at the moment.

I'm concerned that submissions were made to the committee about the need to set standards, the continuum-of-force guidelines. I'm concerned that there were discussions about certain levels of training so that private police could be equipped with batons, clubs—the only reason you carry a club is to hit people with it—that there was a proposal that there's a type of expandable baton, a flick baton, that opens with a snap-like action, that these firms wanted their personnel to carry handcuffs.

We raised, in this Legislature, many years ago, concerns about adequacy of public policing in business improvement areas. The BIA along the auto dealer strip in St. Catharines, for instance, felt compelled to hire private police because there weren't enough resources in the Niagara Regional Police Service to protect the cars from vandalism and theft of wheels and theft of hubcaps and things like that. You go down to the United States, where you find gated communities—and if you go to the

right places in Toronto and other parts of Ontario, you find them here. I don't get to those neighbourhoods often. I don't get to these upscale houses. Look, these are the BMW-Mercedes-Benz-caviar-Porsche-William Ashley-Waterford-crystal places. These are the Waterford folks. Every time I see one of those million-and-a-half-dollar houses, it just proves to me that there are still people not paying enough income tax. But these gated communities have private police.

Part of an observer's response could be, "If they can afford it, God bless." But think about this: They can afford to pay for private police so that their little enclave can be safe from foreigners while police resources are being starved in other parts of our communities so that people in those neighbourhoods become increasingly vulnerable to crime.

I was actually struck by the relatively benign attitude of the Police Association of Ontario toward the bill, toward the concept, and the Ontario Provincial Police Association. I'll tell you this: I know that when firefighters were confronted with legislation that would regulate or potentially institutionalize private firefighting, they raised all get-out. They fought like the devil against any legislative structure that would embrace, regulate, legitimize, institutionalize and advance private firefighting services. Again, don't say they don't exist, because there are places in the United States where they very much do exist. If you haven't signed up and paid your fee and your house is on fire, it's too bad, so sad. That truck just keeps going. You're on your own.

I believe in public policing. I believe that we should invest adequately in our police services, our police forces, in the police officers working in those police services—and look, we hold our cops to incredibly high standards, as we should, because policing means precisely what the advocates for the parapolicing forces in this bill imply: It means interfering with people's liberties. It means taking hold of them; it means seizing them; it means restricting them; it means taking them into custody; it means subduing them.

I take great comfort in the fact that police in our province, in our country, are held to incredibly high standards, because I know that when those police engage in their duty, they're going to utilize those standards and the safety of the person is going to be protected as best can be and the liberty of the person is going to be interfered with as little as possible in the course of that police officer doing what he or she has got to do.

I have a very fundamental problem with a bill that institutionalizes, that regulates, that will undoubtedly nurture and foster the growth of private parapolicing in the province of Ontario.

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I don't quarrel with the presence of security teams and personnel, both in terms of active security work as well as in security planning and building systems in workplaces. Quite frankly, the demands on an industrial security person are enormous and the level of training is very, very specific. It has far less to do with appre-

hending people who are stealing a widget and wrestling them to the ground than it does with the security personnel being trained in occupational health and safety issues and in the variety of toxic things—chemicals, amongst others—that are in workplaces, being able to detect these and handle them in an appropriate way, and being able to respond to emergencies and spills and fires and the like in an industrial workplace. I've got no quarrel.

I found myself in a peculiar and rare alliance with banks during the course of these committee hearings.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Tell me it's not true.

Mr. Kormos: It was momentary, Mr. Bradley, and it was purely an intellectual exercise. It wasn't an embrace based on passion; it was purely an intellectual exercise, wherein I agreed that banks should be able to design security systems to protect the integrity of their systems. If corporations like Nortel had had them, guys like John Roth couldn't have stolen so much money from so many Canadians and from so many Nortel shareholders, as he did before he retired with his mega-golden-parachute handshake. Talk about people who should be in jail. He should be sharing a cell with Conrad Black. Heck, there isn't an outlaw biker gang in the province of the country that's stolen more money from more people in as short a time as that guy did from his powerful executive position at Nortel. Conrad Black, by the way—talk about companies that needed better security systems.

Hon. Mr. Bradley: Lord Black.

Mr. Kormos: Yes, my lord Black. Yes, well, Lord Black—Tubby—is going to be lining up for some conjugal visits, I'm afraid, with Babs in that wait-your-turn, your-time's-coming—

Hon. Mr. Bradley: You must have been saddened by Radler's downfall.

Mr. Kormos: Yes. Conrad Black—unbelievable. These guys steal like bandits, they lie like rugs and they prance around spending other people's money, not having earned a penny of it themselves, and then somehow they cry big crocodile tears when they get caught. As I say, Conrad Black—keep some cells available for him in any number of jurisdictions. Barbara can read her Martha Stewart magazines while she's doing her time, I suppose.

I want people to know that Mr. Bradley's here. It's 8:55 p.m. Mr. Bradley, from St. Catharines, was here at 8:30 a.m. I had wandered into the chamber to get some stuff out of my desk, and Mr. Bradley was sitting at his. Nobody else was here, but he was here at 8:30, and he's still here at 8:55 p.m. For a person who is the most senior member of his caucus, and the most senior member of this chamber, to continue to devote so much time to this chamber is truly remarkable. His folks should know that Mr. Bradley's been here for a good 12 hours easy. His folks appreciate his remarkable dedication. He, of course, is the government House leader now, and he's the man in the Liberal caucus whom Dalton McGuinty calls when he

needs counsel. He is the senior member of the caucus, and McGuinty is wise to do precisely that.

We had very few actual security firms come forward. I'll tell you, one of the types of security firms, parapolicing, that bothers me most is the anti-scab operations, the union busting gangs. You see them—

Hon. Mr. Bradley: Securicor.

Mr. Kormos: Securicor, Mr. Bradley says. There are a few of them around. I've seen them on picket lines escorting scabs through, intimidating picketers, using oppressive surveillance techniques. These are the very sort of parapolicing security firms that the Shand coroner's jury recommendations are saying have to be regulated. You've seen them. You know the types: the steroided ones with the black jackboots, the black police-style uniforms, the Bubba-style dark sunglasses or mirrored ones, the ones that have got cop-itis. They sound like something off a TV show. Little do they know that real police don't sound like cops on TV shows. These are the ones that are problematic, the ones that drive around in the police-style vehicles with the canine security and who have a clear desire to be police officers, but who unfortunately don't seem to have a whole lot to offer police services across Ontario at this given point in time. That's not to say there's anything wrong with them. Let me put it this way: At the end of the day, if I'm going to be get busted, I'd rather be busted by a public police officer who is trained, who is professional, who is sworn to do his or her duty in an impartial way, who I can count on to collect evidence in a professional manner, and who I can count on to give evidence in a fair and unbiased manner.

I am incredibly concerned about the growth of private parapolice forces. I think the anti-union, the union-busting scab operations, are just despicable. If there were a way to identify them so that they could be isolated, they should be outlawed completely. Quite frankly, if we had anti-scab legislation, they would be out of business anyway, wouldn't they? Their primary function is to escort scabs across picket lines. Those union-busting, jackbooted parapolice, scab-escorting outfits—in my view most security firms don't do that; there are just a very few—would be out of business if anti-scab legislation was restored in this province.

As a matter of fact, I can talk to you about scabs because just a few days ago, on October 12, I was down with the Mitech workers at the Mitech factory on Major Street in Welland. These were members of Steelworkers Local 1132, 10 of them. Ten women and men have been on the picket line for four weeks now, with their scab-escorting boss, the owner of Mitech, refusing during the course of those four weeks to sit down at the bargaining table.

I'll tell you what the issue is. Mitech is contemplating a move of its physical location. They manufacture plastics—it's a dangerous job, a toxic job, a tedious job—for the automotive industry. The wage range at Mitech for workers with 10 and 15 years'-plus service is \$12 and \$12.50 an hour. A whole lot of new Canadians: They're

not new any more, but they were new when they started working at Mitech 10 and 15 years ago. It's \$12 and \$12.50 an hour, and you know what? They're raising families on that kind of income. And you know what? Their strike isn't about pay. It's about the fact that their current contract has a 10-kilometre scope on it in that Mitech is required to keep these employees if they stay within 10 kilometres of their present location. I talked to workers at a factory in Woodbridge today whose contract has a 250-kilometre scope. Their dispute is the owner of Mitech's refusal to negotiate an expansion of that 10-kilometre radius, knowing full well that if he moves 10.5 kilometres away from where he is, these unionized workers will all be gone and he can hire non-union workers and pay them even less than \$12.50 an hour. Scabs are crossing the picket line to continue to manufacture. You know what? These people have never been on a strike before in their lives. Women and men, each—not each of them, but many of them with the distinctive accent reflecting their own ethnic origin, their own national origin, their own linguistic origin, hard-working people. I can't believe that they don't bear more ill will toward the owner of Mitech.

2100

I said to them what I've had occasion to say to so many workers in so many places: that it's never, ever, ever wrong to fight to keep jobs in your community. Because you know what? My colleague from St. Catharines knows this as well: When you're losing manufacturing jobs like we are down in the Golden Horseshoe, in the Niagara region, through into Stoney Creek, Hamilton, and you lose your crummy job at Mitech for \$12.50 an hour, it's nine months on EI, unemployment insurance, and then probably the rest of a lifetime on welfare. That's how quickly it happens. That's how quickly it happens. If we had anti-scab legislation the scabs wouldn't be crossing the Mitech picket line, and that strike would have been resolved a long time ago.

Bill 159: We've got 31,000 licensed security guards currently in the province of Ontario. We encouraged the government, we pleaded with the government to develop in committee a reasonable grandparenting element in the bill. It was my fear—and again, we didn't have any hard data. All we know is that there are 131,000-plus security guards registered, but just using my real-life experience, like anybody else in this room, I figure that as many as half of those people, as many as 15,000-plus workers, could lose their jobs overnight once Bill 159 becomes law. Let's be candid here. We're not talking about the graduates of the community college law and security programs, the people who are working in the parapolicing activities, the people who are working in white-collar security in the banking system and in the insurance industry etc. We're talking about people working for minimum wage because this is the last job that they were able to find and the last job they'll probably ever be able to get.

How can we sit here and condemn as many as 15,000 hard-working women and men to a lifetime of welfare?

That's what it will mean. I appreciate that the government spokespeople on the committee talk about creative ways of testing them. Come on. These are people who, maybe their reading and writing isn't quite as good as their kids' is, because maybe they didn't have the same opportunities as the kids did. Quite frankly, if they had, they wouldn't be acting as security guards for minimum wage, would they, as night watchmen? If they had university degrees, they wouldn't be working at those jobs for a lifetime, would they?

I don't want to in any way, shape or form denigrate these folks. But heck, you and I both know there's a certain point in everybody's life where the prospect of being tested again is just so daunting. The anxiety alone will make it impossible for these people to adequately perform tests.

So our proposition was easy, our proposition was simple, our proposition was clear, because we had assurances from the government—and I have no reason to disbelieve them, especially in the way they organize their regulations—that there would be multiple tiers of licences. There could be any number of a variety of licences. And we agree there should be a licence for people to do parapolicing in those gated neighbourhoods; there should be a different licence for people who do industrial security, because the needs are very different. Shand didn't concern itself with the night watchman. Shand was very specific about saying, "No. It's not the night watchman that we're concerned about. We're concerned about this new type of security guarding."

So I say this: Why wouldn't the government have grandparented existing licences as that lowest level of night watchman licence? Would that have been so hard to do? Because if these people have been licensed in doing their watchman jobs—I say "watchman" when I should be saying "watchperson," but "watchperson" sounds so cumbersome. Besides, Shand said "watchman." But if they've been working at that desk in the condominium or in the apartment building or, quite frankly, at the entryway to the Seaway Mall in Welland, where the security guard is there as much to tell people which hallway you take to get to Woolworths and which one you take to get to somebody else as anything else—they've been capable of doing that for five years, 10 years. Why do we have to submit them to the indignity of testing, when maybe their literacy skills aren't quite what yours and mine are? Why do we deny them the opportunity to continue doing what they've been doing for five, 10 or 15 years by way of grandparenting existing security guard licences as that minimum level of passive watchperson/watchman licensing, which is basically nothing more than a registration and a security clearance?

These people don't have to know about how to arrest people; these people don't have to know about how to subdue people; these people don't have to know about the continuum of force. Look, you've spoken to these women and men. They don't want to apply force to anybody. Among other things, they say, "I don't get paid enough to bust some hoodlum who is smoking a joint in the foyer of the mall," or something.

I don't know. All I know is that six months down the road, when somebody walks up to one of my colleagues, like Mr. Hampton up in Kenora, and says, "Mr. Hampton, I didn't pass the test that they said I had to take if I was going to continue watching that warehouse eight hours a night, and now I don't have any job at all. Why did you pass that bill?" I want Mr. Hampton to at least be able to say, "My friend, we weren't prepared to support a bill that didn't grandparent you." When somebody walks up to Gilles Bisson, my colleague up in Timmins-James Bay, and says, "I don't know, Gilles. I've been doing this for 12 years, and now they said I had to take a test, and you know I just can't do it. I only have grade eight, and even that was a struggle. Why did you let a bill pass that took my job away?" I want Gilles Bisson to be able to say, "The New Democrats didn't support that bill for that very reason."

We could still fix it in committee, along with my opposition colleagues who voted against this bill being referred back to the House. You said it wasn't ready. When it was brought back before the House, we voted against it being brought back before the House for the very same reason. Look, nobody disputes the need to regulate, and regulate effectively, the parapolicing security firms, the new style of security that the Shand coroner's jury recommendations make specific reference to. But I want to draw your attention to a couple of other things: how the bill—and again, I don't criticize the drafters of the bill. They just follow orders. They follow instructions. Because at the end of the day it's the politicians whose names are attached to the bill who have to take responsibility for it.

2110

Why are we including bouncers, chucker-outers, as the Oxford English Dictionary speaks of them? Why are we including them in a scheme to regulate security guards? Back many, many years ago I recall being a college and university student, and a whole lot of college and university students worked in taverns, students pubs, as bouncers. And look, there are bouncers and then there are bouncers. Being a bouncer didn't mean kicking the crap out of drunks. It meant steering them to the taxicab when they had clearly had too much. It meant reminding them, "Excuse me, sir. I'm afraid you're mistaken. That isn't your girlfriend," or similar interventionist roles.

What are we doing? Why are we trying to regulate and force young people—it's primarily young people—who work as a means of financing their education or as a favour to the club or organization that's taken over the student pub that night to raise money for Red Cross or Katrina or what have you, and who gets paid 50 bucks or 30 bucks or 40 bucks, I don't know, for doing it—why are we telling that young man, or woman for that matter, that we want them to be tested and licensed and regulated, and we want them to pay a fee for that licence when, please, just use your common sense and use your experience through the course of your lifetimes. If you have a problem with bouncers—oh, nuts. I forgot the name of that rock club.

Hon. Mr. Bradley: Is it Club 54?

Mr. Kormos: No, no, no—but they had big bouncers. I mean, part of the entertainment was watching—because they really eighty-sixed the drunks. I mean, it was—boom, right out of the movies, you know? These were big—boom—you know, biker types.

But the fact is that we have criminal laws, and bouncers are subject to the Criminal Code. There are a few in Toronto who have been charged over the course of the years and have learned it that way. We also have civil litigation. Why aren't we letting the criminal law and civil litigation—I'm talking about the liability of a tavern owner because of the liability he or she has for the conduct of their bouncer if it is one of the big brutes. Why aren't we letting civil litigation and the criminal law regulate those particular bouncers? Why are we drawing them into the same scope as para-policing?

Again, you know my view: I don't agree with para-policing. But I take to heart the admonition that was made many times during the course of the committee hearings that it's a reality. I wish it weren't. But it being a reality, I agree that it has to be regulated, and that's what Shand was addressing. It was addressing that new style of security guard, parapolicing. Shand didn't ever contemplate bouncers. What in the name of all get-out is some 19-year-old kid, earning some extra money while he or she is going to school at Ryerson as a bouncer a couple of times a week—why is this government telling that kid that they've got to write a test, be licensed and pay fees? Somehow, there was this obsession with bouncers. Maybe somebody, somewhere, deep in the bowels of some bureaucracy, had an unpleasant experience with a bouncer some night. My advice to that person is, when you drink that much, go home of your own volition before you start tangling it up with the bouncer.

Hon. Mr. Bradley: It was at the the Golden Pheasant Tavern.

Mr. Kormos: In St. Catherines.

Take a look at some of the, again, oversights that continue to flaw this bill. The Private Investigators and Security Guards Act was not all that deficient. There were no private investigators who came forward, or private investigation firms. Either they don't exist, private investigators, or they had no interest in the bill. But to be fair, the bill did little to alter the regulatory regime but for the prospect of imposing training. And again, I know nothing about the private investigation industry. As you know, back in the days before no-fault divorce, it consisted of some guy with a 35-millimetre camera and a flash unit at one of those cheap motels down on the Lakeshore strip. But I found it remarkable that no private investigators or private investigation firms came forward. They appeared, to the extent that they functioned, not to have much interest in the legislation or in the prospect of regulation, and that is, I presume, understandable.

We paid a whole lot of attention to subsection (7) of section 2. That was the exemption: "This act does not apply to...." As a matter of fact, Ms. Sandals may recall

this. I'm sure she does. Ms. Sandals, on behalf of the government, brought an amendment because insurance adjusters were exempted. They do private investigation work. But then the government amended it to say "and their employees," and that's fair enough. The bill excluded barristers and solicitors engaged in the practice of their profession, but the government did not amend it to read "and their employees," as it did insurance adjusters. If you take a look at the historic Private Investigators and Security Guards Act, it did not apply to barristers and solicitors in the practice of their profession or their employees.

You know what that means? That means that a para-legal working for a lawyer can't do that basic investigation work, doesn't it? Because while you specifically excluded the employees of insurance adjusters—in other words, you gave to the employee of the adjuster the same sort of inherent powers and role as the adjuster—you didn't do it with barristers and solicitors. I'm not saying that there's any ill motive. I'm saying it's just another regrettable oversight because of the, in my view, haste with which the bill was put through the committee process, amongst other things.

There was a remarkable amendment offered up on October 3, 2005, when the committee met for the final time to do clause-by-clause consideration. That was—correct me if I'm wrong, and there will be people here eager to do that—not a response to anything that the committee heard, because what subsection (2) of section 9 did was to add this prohibition:

"(2) No person who holds a licence to act as ... [an] investigator ... shall act or hold himself ... as being available to act with respect to,

"(a) locating a person known or suspected ... to be a member of a witness protection program; or

"(b) gathering information about any person known or suspected ... to be a member of a witness protection program for the purpose of enabling" the witness, the person being protected, "to be located."

2120

I gave my head a shake when I saw the amendment, because only a couple of weeks earlier at a press conference, I was sitting in the audience when the government's Attorney General and the chief of police were doing a joint press conference, and there was some reference to the witness protection program. When the press gallery asked about what that witness protection program consisted of—because, you see, it's not like that movie. What's that movie—Goodfellas? Remember that movie? A good movie. The guy goes into the witness protection program, right? But the government representative, the spokesperson, the Attorney General, had a hard time identifying exactly what it was that took place in the Ontario witness protection program. There were some mumblings about, "Well, you know, we give witnesses counselling and we give them support during the course of the trial." Now, I know that there is a federal witness protection program where people are given new identities etc. Insofar as I've been able to

determine, Ontario's witness protection program on a good day consists of a bus ticket to Kingston and a \$50 voucher for Wal-Mart. We're not talking about a particularly sophisticated exercise.

But the concern that I had was this: If the government has to enact a law prohibiting an investigator from looking for people in a witness protection program, that rings bells; it raises the alarm for me about how good our witness protection program is. Because you and I both know that what we're talking about is the sort of thing that a whole lot of teenage kids can do with a laptop computer. So I've got some real problems. I invite the government at some point to have a candid discussion about Ontario's witness protection program. If it is so frail, if it is so fragile, if it is so vulnerable, if it is so readily penetrated that we have to pass a law prohibiting private investigators from identifying people in witness protection programs, then we haven't got much of a witness protection program, have we? And if there is a real concern about people in witness protection programs being discovered, you'd think there would be a broader statutory prohibition against anybody seeking out people who are in witness protection programs.

I finally got it. This section, 9(2), will be added to the list of things that the Liberals did to make Ontario a safer place. It will be added to the list of, "We now require gunshot wounds to be reported by hospitals," even though there wasn't a single example given of a hospital not reporting a gunshot wound. Remember that, Mr. Dunlop. And you understand that the legislation that requires the reporting of gunshot wounds doesn't create any penalty for not reporting them, so it's an obligation without a consequence, which means it's not much of an obligation at all. Having said that, there wasn't a single instance cited to us of a gunshot wound not being reported once that person with the hole in him or her showed up at the hospital. And added to that is the observation that this government has made people safe from vicious pit bulls, but for the fact that not a single pit bull has been taken off the streets of any city or town or village in any part of the province of Ontario by the Attorney General's legislation.

Added to that, they're going to say, "Yes, and we made it illegal for private investigators to track down people in witness protection programs," when Ontario simply doesn't have much of a witness protection program. So what the government did was cynically exploit this bill to try to generate more fluff, more spam for its spin around law and order and making a safer province.

The member from Simcoe North very generously quoted from Liberal campaign propaganda from the last provincial election. He made reference to the Liberal promise to hire 100 new parole and probation officers to help protect the public. Hire 100 new probation and parole officers? The government is selling the farm; the government is shutting down Ontario's probation and parole office and handing over, relinquishing, responsibility and control to the feds. Oh, great. "Ottawa has got a stellar record," Kormos sarcastically said, "when it comes to parole and early releases from federal institu-

tions. Oh, I feel so much safer now," voice dripping with sarcasm.

The Liberal promise was to add more prosecutors—huge courtroom backlogs that delay and sometimes deny justice. But what did the Attorney General have to say about his plan to get rid of the backlog? He's going to suspend the rules of evidence. The Attorney General tells the press that no longer is an accused person going to be able to look his accuser in the eye and cross-examine him or her, face to face, during the course of trial, and some whacko proposition about permitting audiotape evidence. The poor accused trying to defend himself or herself will be looking at a speaker on a little Wollensak tape recorder trying to say that, "Judge, he's not telling the truth."

That's the Liberal solution to backlogs in our court, to suspend the rules of evidence, to eliminate the right of an accused person to a full answer and defence? That's pretty slim pickings, and it's pretty sad stuff. The commentary was, "Oh, well; it'll only be a Highway Traffic Act offence." A Highway Traffic Act conviction can have some pretty serious consequences: You can lose your licence and lose your job. Now we've got to pay higher insurance premiums. It's just head-shaking time when you hear an Attorney General start with a ban on pit bulls and close with a proposal to suspend the laws of evidence. Shame on this Liberal government.

New Democrats don't quarrel with so much that's in the bill. We wish it had spent more time in committee. We wish dearly that the government had a clear focus on what the Shand coroner's jury inquest recommendations were all about. We insist that this type of legislation, this bill, has to protect the jobs of de facto security guards at the very least by grandparenting them at the minimum level, at the basic level of watchman licence. That means there will be a decade transition period—15 years at the most. But think about it: If those working security guards have done their job, kept their job, performed their duties, kept their licences for the last five, 10 or 15 years, do we really have to tell them that their future depends upon a roll of the dice and a test you may or may not be able to pass, not because you can't do your job as a security guard but because you're just not that good at performing during tests?

The inclusion of bouncers is just silly. This government has created a new bureaucracy and embraced problems that don't exist instead of focusing limited resources on the real problems. So while there's much in this bill to laud, and we have been long-time advocates of regulation, for instance, controlling the type of uniforms that private police wear—except the existing legislation already permits that. You see, the Private Investigators and Security Guards Act, the one that goes back to 1966, says:

"The minister responsible for the administration of this act may,

"(a) specify the uniforms, badges, shields and insignia to be worn or used by security guards."

We didn't need Bill 159, Mr. Jackson.

Mr. Jackson: I agree.

Mr. Kormos: The minister was sitting on his hands.

Mr. Jackson: The coalition-NDP government moved it.

Mr. Kormos: Nineteen sixty-six, Mr. Jackson; that's when that bill dates to. The minister already had the power.

I tell you that it's with regret that we won't support legislation that puts good Ontarians' jobs, their liveli-

hoods, at risk. We wish it were otherwise, and we welcome an opportunity to work with this government to create grandparenting to protect those people, some of them incredibly vulnerable.

The Acting Speaker: It now being 9:30 of the clock, this House stands adjourned until 1:30 tomorrow, Tuesday, October 18.

The House adjourned at 2130.

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Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism, minister responsible for seniors, Government House Leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 17 October 2005

THIRD READING

Private Security and Investigative Services Act, 2005, Bill 159,

Mr. Kwinter

Mr. Kwinter.....	77
Mrs. Sandals.....	78, 81
Mr. Wilson.....	80
Mr. Kormos.....	80, 90, 92
Mr. Fonseca.....	80
Mr. Yakabuski.....	81
Mr. Dunlop.....	81, 92
Mr. Leal.....	91
Mr. Jackson.....	91
Mr. Ramal.....	91
Debate adjourned.....	99

TABLE DES MATIÈRES

Lundi 17 octobre 2005

TROISIÈME LECTURE

Loi de 2005 sur les services privés de sécurité et d'enquête, projet de loi 159,

M. Kwinter

Débat ajourné.....	99
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