



**Legislative Assembly  
of Ontario**

First Session, 40<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 40<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Thursday 5 April 2012**

**Journal  
des débats  
(Hansard)**

**Jeudi 5 avril 2012**

**Standing Committee on  
Justice Policy**

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

**Comité permanent  
de la justice**

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

Chair: Laura Albanese  
Clerk: William Short

Présidente : Laura Albanese  
Greffier : William Short

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



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

## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
JUSTICE POLICY****COMITÉ PERMANENT  
DE LA JUSTICE**

Thursday 5 April 2012

Jeudi 5 avril 2012

*The committee met at 0901 in committee room 1.***SECURITY FOR COURTS, ELECTRICITY  
GENERATING FACILITIES  
AND NUCLEAR FACILITIES ACT, 2012  
LOI DE 2012 SUR LA SÉCURITÉ  
DES TRIBUNAUX, DES CENTRALES  
ÉLECTRIQUES ET DES INSTALLATIONS  
NUCLÉAIRES**

Consideration of the following bill:

Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012 / *Projet de loi 34, Loi abrogeant la Loi sur la protection des ouvrages publics, modifiant la Loi sur les services policiers en ce qui concerne la sécurité des tribunaux et édictant la Loi de 2012 sur la sécurité des centrales électriques et des installations nucléaires.*

**The Chair (Mrs. Laura Albanese):** Good morning, everyone. I call the meeting of the Standing Committee on Justice Policy to order on this Thursday, April 5, to consider Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012.

**SUBCOMMITTEE REPORT**

**The Chair (Mrs. Laura Albanese):** We shall begin with the first item on the agenda. That's the report of the subcommittee. I would ask Mr. Berardinetti to read that into the record, please.

**Mr. Lorenzo Berardinetti:** Thank you, Madam Chair. Your subcommittee met on Monday, March 26, 2012, to consider the method of proceeding on Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012, and recommends the following:

(1) That the committee hold public hearings in Toronto on Thursday, April 5, 2012, and Thursday, April 19, 2012.

(2) That the committee clerk, in consultation with the Chair, post information regarding public hearings on Canada NewsWire, the Ontario parliamentary channel and the committee's website.

(3) That each party provide the committee clerk with a list of five organizations/witnesses to invite to the public hearings by 12 noon on Thursday, March 29, 2012.

(4) That interested people who wish to be considered to make an oral presentation contact the committee clerk by 12 noon on Tuesday, April 10, 2012.

(5) That, if all requests to appear can be scheduled in any location, the committee clerk can proceed to schedule all witnesses and no prioritized list will be required.

(6) That all witnesses be offered 10 minutes for their presentation and 10 minutes for questions from committee members.

(7) That the deadline for written submissions be 5 p.m. on Thursday, April 19, 2012.

(8) That the research officer provide a summary of the presentations by 5 p.m. on Monday, April 23, 2012.

(9) That amendments to the bill be filed with the clerk of the committee by 5 p.m. on Tuesday, April 24, 2012.

(10) That the committee meets on Thursday, April 26, 2012, for clause-by-clause consideration of the bill.

(11) That the committee clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

**The Chair (Mrs. Laura Albanese):** All those in favour? Carried.

**ONTARIO ASSOCIATION OF POLICE  
SERVICES BOARDS**

**The Chair (Mrs. Laura Albanese):** We'll now call our first deputant, our only deputant, for today, Mr. Fred Kaustinen, from the Ontario Association of Police Services Boards. Good morning. I would ask for you to state your name and your title for the purposes of Hansard before you begin. You will have 10 minutes for your presentation, and that will be followed by 10 minutes of questioning by the committee members.

**Mr. Fred Kaustinen:** Thank you, ma'am. My name is Fred Kaustinen. I'm the executive director of the Ontario Association of Police Services Boards.

Merci beaucoup pour cette opportunité de vous donner la parole et de discuter du projet de loi 34.

Thank you very much for the opportunity to speak on behalf of our president, Alok Mukherjee, and the Ontario Association of Police Services Boards, regarding Bill 34. The matter is particularly important in light of the G20 experience in 2010. We were consulted during the drafting of this bill, and for that we are grateful.

In a modern society, it is paramount that the collective needs for security are balanced with the individual rights and freedoms that we seek to uphold. We think Bill 34 is very important because it seeks to find that balance between collective security and individual rights and freedoms.

We also think that in the interests of pre-empting any problems enacting this bill on the ground, there are a couple of ways that we could either improve the bill or support it through regulation.

Those two areas are, first of all, defining more clearly what is meant by “premises” for courts, electrical generation plants and nuclear facilities; and second of all, defining more clearly what is meant by “threat” or “risk” that triggers actions on the part of the security personnel.

With regard to schedule 1, regarding the courts, there are a number of things that can be initiated by security personnel: demanding production of identification; asking questions to ascertain what poses a security risk on the part of a person; subjecting people to searches; and then denying them access or removing them from the property—or from the premises.

So the question is, first of all, what are the premises? Not all the courthouses are stand-alone facilities in Ontario. They come in all kinds of shapes, designs and locations. So, with regard to that, are we talking about the courthouse, the court property, the courtroom? What are the premises? Because it is those premises where the special powers are granted.

We’re suggesting that where the court proceedings are the only activity, or that it’s only government on a property, then the property itself is the premises. When the court proceedings or government services are the only activities in a building on that property, then the building is the premises. Where the court proceedings are shared with other enterprises, as is the case in shopping malls etc., then in fact it should be the courtrooms, judicial hallways, court service counters etc., that are specifically defined as the premises, and not the whole mall, for instance.

Similarly, these things also need to be identified clearly for the public—not just what are the premises, but what are the special powers granted to security personnel on those premises. Similarly, for electrical generation and nuclear facilities, the premises need to be clearly identified and duly announced to the public.

I’m going to move on to the issue with defining “threat” or “security risk.” This is essentially what triggers, specifically, removal from the property. Again, it’s important to define this, because otherwise we could be facilitating unintentional suspension of individual rights and freedoms.

Currently the legislation, as drafted, says that if someone refuses to identify themselves or submit to a search, they could be removed. It also says that if it’s deemed by the security person that they pose a threat or a risk, they could be removed.

So what is the threat or the risk? We would suggest that it’s about behaviours as opposed to the way somebody looks, necessarily, right? Those behaviours are concealing oneself from facial verification of identity, with appropriate allowances for those wearing a hijab. Other behaviours are carrying a weapon, such as a firearm, knife, blunt-force object, incendiary device or explosive device, with appropriate allowances for those carrying a kirpan; uttering threats against persons, operations and/or assets, or entering or attempting to enter a visibly designated restricted area. Those behaviours, we think, are applicable to either of the three types of facilities. Again, this could be addressed in the legislation or through regulation.

That concludes my remarks. Thank you for this opportunity. I would like to say that our intention is to help you put in better legislation that appropriately protects people while preserving individual rights and freedoms and avoiding any misinterpretation of this legislation.

Thank you.

0910

**The Chair (Mrs. Laura Albanese):** Thank you very much for your presentation. You are actually under the allotted time, so each caucus will get roughly about five minutes to ask questions. We shall begin with the Conservative Party and Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Chair, and thank you, Fred, for joining us this morning.

It seems that, as you said, you folks were consulted on the bill, but maybe you weren’t involved in the final drafting, in that there seem to be some holes in the definitions with respect to premises in the schedule, as you indicated, and also the concerns about threats and that they should be behaviourally based, not appearance-based. Some people, unfortunately, do make judgments based on appearance, and I agree that that’s not the way we should be doing it.

We have indicated that we’re supporting the bill but also looking for ways to improve it. Would these amendments, in your opinion, Fred, satisfy those needs? Because there are some concerns, and I think they’ve been very well articulated by members of the third party, particularly with the courthouse scenario and how people, simply by maybe looking like they don’t belong, could be asked to give information that is, quite frankly, inappropriate, unless they’re doing something wrong. Do you believe that the changes now would satisfy that, if those changes were made, so that people could feel free to be in the area where a courthouse was, without having an undue infringement on their rights?

**Mr. Fred Kaustinen:** Yes. But, you know, like any plan, as we used to say in the army, it doesn’t stand first contact, so it needs to be proved on the ground as well.

**Mr. John Yakabuski:** Right.

**Mr. Fred Kaustinen:** But I think that this is an improvement on the draft legislation to—the suggestions we’re making. And again, it could be in the legislation or complement it with regulation, so that the ground rules are clear to both the public and the security personnel as to what constitutes a threat, and specifically where special powers are appropriate.

**Mr. John Yakabuski:** The bill, Fred, do you believe it will take away, or cause not to see a repeat of, the absolute taking away of people’s rights and freedoms that happened during the G20 and the way that this government abused the legislation as it was written at the time? Because we just can’t see a repeat of that kind of thing. Do you believe that this bill will substantively prevent that?

**Mr. Fred Kaustinen:** I can speak to the first part of your question. With regard to the second part, about laying blame, that’s before the courts, I think, eventually.

Okay, let’s be frank: Rights and liberties were suspended. The question before the inquiries is whether or not that was appropriate or lawful. Clearly, there are a lot of different views amongst Ontarians as to whether that was the case. I think that the legislation, as drafted with these minor enhancements to support it, will go a long way to preventing a repeat of the G20. Let’s face it: It’s not just the written word that’s going to change behaviours, right? It’s also learning from that experience.

**Mr. John Yakabuski:** Thank you very much, Fred. We have some other questions as well.

**The Chair (Mrs. Laura Albanese):** Go ahead.

**Mr. Jerry J. Ouellette:** Thank you very much for your presentation. Just one quick question. You mentioned in your remarks that you were consulted during the drafting of this bill. I wonder if there was any consultation before the extra powers were given prior to the G20 taking place, and if so, what consultations took place at that time?

**Mr. Fred Kaustinen:** Not that I’m aware of; not involving our association or any of its members, including the Toronto Police Services Board. I don’t think that was the case. But you would have to ask the Toronto Police Services Board.

**The Chair (Mrs. Laura Albanese):** We have just about 45 seconds, MPP MacLaren.

**Mr. Jack MacLaren:** Could you explain: Why do we need to give increased powers to security guards for courthouses and power stations? Could a security guard not keep people out who shouldn’t be there? Do they need this at all, I guess is my question.

**Mr. Fred Kaustinen:** A courthouse is a public facility, and the public has a right to attend proceedings. It is an institution. The people in the institution, the proceedings of that facility, have a higher threat level than other public facilities. In fact, in a courthouse, the highest-risk areas are actually family court, which has typically an even more vulnerable segment of our society involved. So for that reason, there is a higher threshold of security needs.

**The Chair (Mrs. Laura Albanese):** Thank you.

**Mr. Fred Kaustinen:** Okay.

**The Chair (Mrs. Laura Albanese):** Sorry; the time has expired. I would now move on to the NDP.

**Mr. Paul Miller:** Thank you, Madam Chair. Good morning. Obviously, one of my concerns was the use of security personnel and possible lack of training and possible abusing of their powers. In a lot of the facilities that may have hired private firms for security, sometimes you get the cowboys, who aren’t real trained police officers, professionals, who may escalate the situation to a point where the regular police have to be called in. It’s like a double effort because you’ve already got the security police that screwed up and then you’ve got to call the regular police in because people’s rights have been violated. How do you feel about where they draw the line on the security people?

**Mr. Fred Kaustinen:** Good question. We’re glad to see that the legislation doesn’t insist that it’s police officers. Police officers are very expensive, and guarding that tree is not what we’re training and paying them to do—making arrests, yes. But peace officers and special constables, which is what the legislation refers to, are trained in that regard, and they go through annual re-qualification training and testing with regard to the use of force.

We do think generally that there are a lot of improvements that can be made in police training and testing with regard to making assessments, which is why we’ve specifically said, “These are the behaviours to look for.”

With any legislation or regulation, there should be something about training, so that is a very good point. Again, that could be specifically addressed in regulation regarding this to ensure that whatever security personnel are at these three locations—whether they come from the private sector or are special constables from a police service, that they undergo the training and the annual recertification.

**Mr. Paul Miller:** Plus one final thing: Over the years, there was some underlying lack of respect from regular police for these part-time police officers or security people. Will there be any training to change the mindset of the regular police to be able to deal better with the hired security or private security firms? Because they used to call—you know, “rent a security officer” or something. Is that mentality gone?

**Mr. Fred Kaustinen:** I think that the idea that there is a barrier of prejudice between those groups is unproven. However, police do undergo sensitivity training. In terms of changing cultural mindsets, that’s not really a training solution; that’s a leadership solution. So as the governors of Ontario, our members are continuing to push for progressive change, which would include that; inclusiveness, not just of alternative security personnel, but of the public in general.

**Mr. Paul Miller:** Thank you.

**0920**

**Mr. Jagmeet Singh:** So the bill requires or allows that security officers require that a person entering the facility provide information—first, to produce identification, and

secondly, to provide information for the purpose of assessing whether the person poses a security risk.

Currently, when you enter into a court, some facilities have a search mechanism where your body is searched, you go through an electric detection device and you may have your baggage scanned. That seems to be working so far. There have been no incidents of violence or weapons used in the courthouse in recent years—in the past 10 years. Why do you think it's necessary, one, to produce identification when people are coming in and out of a courthouse—it's a public institution—and two, why do you think it's necessary to provide information for the purpose of assessing a risk? Your comments on that?

**Mr. Fred Kaustinen:** That's a great question. Actually, all the questions have been great. Thank you very much. That's how we get to a better solution.

I'm trying to break down your question here. With regard to asking questions, you can see a behaviour, but that doesn't mean you understand the motive behind it. I think that's the purpose of asking questions. We could also, I suppose, say that the questions need to be related to behaviours and intents.

With regard to the searches, it is possible also that you could limit the type of search, perhaps to metal detection, but I think that before you do that you'll need to consult a more expert group.

**Mr. Jagmeet Singh:** My submission is that right now, the way the system works, there hasn't been any violence in courtrooms, there hasn't been any incident. Why the necessity—

**Mr. Paul Miller:** Time's up.

**Mr. Jagmeet Singh:** Oh, is it up?

**The Chair (Mrs. Laura Albanese):** Thirty seconds.

**Mr. Jagmeet Singh:** Thirty seconds—why the necessity to produce identification? Why would someone have to produce ID to enter a courthouse when currently they've been entering and exiting without having to do that?

**Mr. Fred Kaustinen:** I'm not sure, but I'm going to suggest that the reason is to be able, at some time, to run a search against a list of people that have made threats or, past behaviour being an indication of future behaviour, those that have been involved in security incidents at that type of facility or against people that are in that facility in the past. That would seem logical.

**The Chair (Mrs. Laura Albanese):** Thank you very much. We'll now move over to Ms. Wong.

**Ms. Soo Wong:** Thank you, Madam Chair. A couple of quick questions. I just want to hear from you, sir: Do you support the proposed Bill 34?

**Mr. Fred Kaustinen:** Yes.

**Ms. Soo Wong:** Thank you. Do you believe that the spirit of the proposed Bill 34 reflects the concerns identified by the McMurtry report and addresses those concerns?

**Mr. Fred Kaustinen:** For the most part.

**Ms. Soo Wong:** For the most part, okay; so can you elaborate on that? I know that in your presentation and your written submission to us you identified two areas:

the risk definition and the premises. So if we did include those two suggestions, will that address the concerns identified by the McMurtry report?

**Mr. Fred Kaustinen:** I believe so, but I'll caveat that with two things that I learned this morning. One is perhaps that the type of search and the type of questions should also be, perhaps, clarified. And the second thing about lessons learned from G20, when those reports are finally released, I think that that should be tied into the preparation of the regulations supporting this legislation, just to be sure.

**Ms. Soo Wong:** So I just wanted to recap: What I'm hearing you say, just to validate that, is that you want to see that when the changes come, there will be parallel regulation changes to address those concerns.

**Mr. Fred Kaustinen:** I'm not the expert on legislation or regulation or law-making, but what we're interested in is the content. Wherever you people, you leaders, decide is the best place for it, we're fine. We just want to see that these ideas are reflected in the paradigm which is directing the conduct of security personnel, especially because that conduct is a temporary suspension of rights and freedoms. So it needs to have the parameters appropriately defined. Does that answer your question?

**Ms. Soo Wong:** Yes. Last question, Madam Chair: On page 2 of your submission—I'm going to quote what you said here and I want some clarification. In one of the bullets, you said here: "Further to defining what is meant as premises where court proceedings are conducted, the general public should be duly notified...." My question here is, how do you notify the public? You made a statement saying "duly notified as to what defines the premises...." How would your organization recommend the government, on this legislation, notify the public?

**Mr. Fred Kaustinen:** I think that a posted notice at the entrances to the premises, as defined, can suffice, in my opinion.

**Ms. Soo Wong:** Okay. Thank you.

**The Chair (Mrs. Laura Albanese):** Thank you very much for coming this morning and appearing before the committee. Thank you for your time.

**Mr. Fred Kaustinen:** Thank you, ma'am. Thank you, ladies and gentlemen.

**The Chair (Mrs. Laura Albanese):** So, just a few things that I wanted to bring to your attention: Number one, the clerk has placed a letter on your desks, the one that we received from the Ontario Power Generation. That is in regard to a site visit to Darlington and OPG by the committee members. Would you like to discuss this today? Are you ready to discuss this, or should we send this to the subcommittee?

**Mr. Jagmeet Singh:** Sorry, Madam Chair, I missed your question.

**The Chair (Mrs. Laura Albanese):** We received a letter from the Ontario Power Generation, inviting us to do a site visit to Darlington and the OPG. My first question was, do we want to deal with this at subcommittee or do members wish to discuss it today?

**Mr. Paul Miller:** Madam Chair, I don't think you have to go to subcommittee for that. It's just a site visit, right?

**The Chair (Mrs. Laura Albanese):** Yes.

**Mr. Paul Miller:** We'll deal with it today.

**The Chair (Mrs. Laura Albanese):** So, I'd like to hear some comments on whether everyone is in agreement to do it or not to do it. MPP MacLaren?

**Mr. Jack MacLaren:** I would say yes.

**The Chair (Mrs. Laura Albanese):** You would say yes. Okay.

**Mr. John Yakabuski:** Go ahead with the site visit. However, not all members may—

**The Chair (Mrs. Laura Albanese):** Choose to go.

**Mr. John Yakabuski:** —choose to go. I've been to all those facilities. I'm not on the committee, but as the critic—I may be subbed in, but I'm not likely to be joining because I've been to all those facilities.

I think what's important is what they're saying about the bill and not necessarily this site visit—because I think every MPP, should they choose, will have the invitation to visit any of OPG's facilities should they ask.

**The Chair (Mrs. Laura Albanese):** Yes, but because they're offering the visit, so that's why—

**Mr. John Yakabuski:** Yeah, but as the committee, it means going as joined, and it's not always possible for people to all go at the same time.

**The Chair (Mrs. Laura Albanese):** Absolutely. Now, I don't think it would be possible for us to go while the House is sitting. Are there any rules in that regard?

**The Clerk of the Committee (Mr. William Short):** Basically, if the committee wanted to go on a Thursday, the committee has permission, within its mandate, to go on a Thursday between 9 and 10:25, or 2 to 6. If the committee wanted to go on a day that the House wasn't sitting, we'd have to request permission from the House leaders to get permission to travel.

**Mr. John Yakabuski:** Right. Well, I don't think you can do this visit. Having done the visit, you can't do them in the allotted time. You may be able to do the 2 to 6 at one facility, but at the same time, you're not going to be able to get to more than one. They're not next door to each other for starters. So if you're going to do them, it's going to have to be, from a practical point of view, when the House isn't sitting, which would require the consent of the House.

**The Clerk of the Committee (Mr. William Short):** Yes, so if there is agreement from the committee, we could move a motion right now to request that the House leaders give permission to do this site visit, and go from there.

**The Chair (Mrs. Laura Albanese):** MPP Miller?

**Mr. Paul Miller:** I would move a motion that the Chair and the clerk make sure that the availability is there and that some committee members can attend, not when the House is sitting, because you know the crucial situation with the minority government—so I think a time that's acceptable and, of course, run it by the House leaders if they're okay with doing that. So the motion

would be to investigate time availability and members' availability to attend off-hours on these sites.

**Mr. John Yakabuski:** Do we need a motion for that?

**The Clerk of the Committee (Mr. William Short):** That would be the motion, then?

**Mr. John Yakabuski:** I don't know what the government's timetable for this bill is, but it's not the most contentious bill on the order paper. If it means that these visits need to take place before the bill comes back, that may have some effect on the government's view on it, because we're then looking at probably the constituency week of May, which leaves two weeks of legislative time after that.

**0930**

There is obviously some desire on the part of people to have this bill done, because it is in response to the mess that the government made of the G20. I just had to get that in the record.

I don't know what the government's timetable is. It hasn't been discussed at House leaders that I'm aware, so that may have some bearing as to whether or not it can wait until the constituency week of May.

**The Chair (Mrs. Laura Albanese):** Mr. Ouellette?

**Mr. Jerry J. Ouellette:** I would ask the clerk to find out the amount of time required to do a tour—if it's a half-hour tour, if it's a 15-minute tour, whichever it may be—and then, time allowing, why not have one of the committee sessions at the Darlington facility, which they should be able to accommodate very well? I've been in there. I've seen the tours, and I've seen the facilities. We may be able to actually see presenters at that particular time and incorporate the two, if the committee so desires.

**The Chair (Mrs. Laura Albanese):** Mr. Singh?

**Mr. Jagmeet Singh:** I'm just thinking it through—and I understand my colleague's concerns about how this might delay it. I'm just thinking of my own experience, and one of the reasons why I'm able to speak on the courtroom issue and I understand that issue well is because I've been in the courthouses regularly, so I understand how they work and how some of the legislation would impede someone's rights to enter into a courthouse. It might assist, then, in that same vein.

I haven't really been to any electricity-producing facility to understand how the public might want access to it or how the public might ever come into contact with it. It might colour my perspective in a way that would be more meaningful in addressing some of the legislation. I haven't had the experience of attending, like Mr. Yakabuski has. I think it's a great idea to perhaps attend at some point. If it's not the Darlington facility, perhaps a facility that's closer to the GTA—that might be easier to do.

**The Chair (Mrs. Laura Albanese):** Ms. Wong?

**Ms. Soo Wong:** Madam Chair, if the will of the committee is to visit some of these sites, I don't want these site visits to delay or further impinge on the whole deliberation of this proposed legislation. The letter said, "We operate 10 nuclear plants, 65 hydroelectric

facilities....” Are we going to see one? Are we going to see them all?

I think if we’re going to use the House time to do these site visits, we need to be mindful of the fact that—does this visit improve our deliberation, support it and have better understanding? If it’s just going for a tour for the sake of touring, I’m not sure. So I want to be very clear. If this visit is going to help us better understand—like my colleague opposite just said, about understanding of the facility—by all means, go for one visit. So does it mean we find a facility closest to the House and we go visit? And if we do visit, what do we take back? I don’t want to just go visiting for the sake of visiting. I want to make sure this visit is tied to helping us deliberate on our bill. That’s a really key piece for me.

**The Chair (Mrs. Laura Albanese):** Mr. Miller?

**Mr. Paul Miller:** Certainly, if you want to get a feel for the situation, a site visit is good. However, my only concern is, you probably won’t be exposed to the security of the place due to the fact of privacy and the general public is not to know what security groups are in place. I doubt very much that we’re going to see the inner workings of the security and their rooms and their monitors and all the things that they use, because it’s obviously high-tech and confidential.

You’re actually visiting the site, so if you want to know how a nuclear plant works, you might learn a little bit about that. I would want to meet with the security people, not necessarily in their secret facility—but I certainly want to meet with them and see how they feel about regular police or security police that they have. Apparently, some of them have pretty good trained officers who are not regular police who are in there now. So I think more to talk to the security people, as opposed to the grand tour and the coffee and the doughnut—I think that would be useful.

**The Chair (Mrs. Laura Albanese):** So before I go back to Ms. Wong, maybe one thing we could do is instruct the clerk to call OPG and find out more information, find out if we can speak to security people, how long the tour would be and what exactly they would be offering. Would it be worth it also to ask about a closer location as well?

*Interjection.*

**The Chair (Mrs. Laura Albanese):** One second. I have Ms. Wong.

**Ms. Soo Wong:** Thank you, Madam Chair. Given all the questions just being asked now and that will probably continue to be asked, can this matter go back to the subcommittee for consideration so they can have—

*Interjection.*

**Ms. Soo Wong:** Okay. That’s the first suggestion. The other thing here is that I heard what Mr. Miller said about asking the staff of nuclear facilities so we have a better understanding of the whole issue. Could they not come to a committee meeting—the next one—because there’s no sense in all of us travelling there. We have to be mindful of costs, okay? So if the intent—

**The Chair (Mrs. Laura Albanese):** They are presenting at the committee. OPG is presenting.

**Ms. Soo Wong:** Okay, that’s good. But I’m just saying that if the intent is to get a better understanding, there are all these visual, audio, text set-ups these days that we could have set up so they can communicate with us in this committee room. I’m really concerned about delaying for the sake of visiting. There are ways to communicate, to ask the questions to staff about how they manage and how there are concerns dealing with security. There are ways for them to communicate with us, Madam Chair.

**The Chair (Mrs. Laura Albanese):** I had Mr. MacLaren, then Mr. Miller.

**Mr. Jack MacLaren:** I was going to say, for the sake of expediency and simplicity, maybe choose one location, the closest one—perhaps Darlington—because I think it would be beneficial, as Paul mentioned, to talk to the real live security guards and see them on-site. There would be some benefit to that.

**Mr. Paul Miller:** I disagree with Ms. Wong’s synopsis on bringing them here, because they’re not going to tell you publicly, on a committee, what their security system is, as opposed to a one-on-one on-site. It may be a little different, but they’re not going to come here and announce to the world what they’ve got there. I think that would be useless to bring them here. That’s my opinion.

**The Chair (Mrs. Laura Albanese):** If there are no other comments, I would return to the original suggestion, which would be let’s find out more information from OPG and then perhaps the matter can be referred to subcommittee. Is everybody in agreement with that?

*Interjection.*

**The Chair (Mrs. Laura Albanese):** Or we can have another discussion at our next meeting.

**Mr. Paul Miller:** Madam Chair, with all due respect, the subcommittee—all three have to agree. Somebody doesn’t show up, somebody decides to play silly—

**The Chair (Mrs. Laura Albanese):** That’s fine. We can discuss it in—

**Mr. Paul Miller:** I don’t think subcommittee is a good idea. I think you should bring it to the committee. Let them make a decision.

**The Chair (Mrs. Laura Albanese):** Okay, that’s fine.

**Mr. Shafiq Qaadri:** Who is going to be acting silly on the subcommittee?

**Mr. Paul Miller:** Actually, I could really explain it to you. A lot of times when the opposition has brought bills forward that have to be discussed, that they’d like to see move ahead, the Liberal member doesn’t show up, and the subcommittee cannot move ahead unless all three agree. That’s the silliness.

**The Chair (Mrs. Laura Albanese):** Yes, Mr. Yakabuski?

**Mr. John Yakabuski:** Because I’m not a member of the committee—I’m subbed in—did I hear you say, Madam Chair, that OPG was going to be presenting before the committee?



**The Chair (Mrs. Laura Albanese):** Yes, the clerk has confirmed that with me.

**Mr. John Yakabuski:** Is there a reason why they couldn't have presented before the committee today?

**The Clerk of the Committee (Mr. William Short):** They weren't available today.

**Mr. John Yakabuski:** Could Fred not have presented on another day? I mean, could we not have had—

**The Chair (Mrs. Laura Albanese):** No, no, it was their choice.

**The Clerk of the Committee (Mr. William Short):** The subcommittee gave me two days to schedule—

**The Chair (Mrs. Laura Albanese):** Yeah, the subcommittee has given two days to schedule. One was today and the other one is the 19th. OPG chose the 19th instead of today, so it's their preference.

**Mr. John Yakabuski:** The 19th is two Thursdays from today.

**The Chair (Mrs. Laura Albanese):** Yes. It was purely their preference.

**Mr. John Yakabuski:** Do we have more deputations for the 19th at this point, or just OPG?

**The Chair (Mrs. Laura Albanese):** Yes, we do.

**The Clerk of the Committee (Mr. William Short):** More—almost a full day.

**Mr. John Yakabuski:** Okay.

**The Chair (Mrs. Laura Albanese):** Yes, Mr. Berardinetti.

**Mr. Lorenzo Berardinetti:** Thank you, Madam Chair. I think that those who want to attend can go and indicate to you that they want to go. The matter is just setting up a time. I don't think it should be mandatory for all community members to attend. If they want to, they can go. It's the same with the courts. We don't need to see the courts. I mean, some of us have been in courts quite a bit and we understand the security there. Some may want to see it. So I think it's just up to the individual members. They can indicate to you that they want to go, Madam Chair, and then arrange something for them to go. I agree with Mr. Miller: We don't need a subcommittee meeting. We can decide right now, and those who want to go can go.

**The Chair (Mrs. Laura Albanese):** Yes, Mr. Singh?

**Mr. Jagmeet Singh:** You know, Mr. Berardinetti's idea is a good suggestion, I think. I'd like to attend, just so I can have a better understanding, so that I know how people will be affected, because similarly with the courtroom, I know how people will be affected. So I can speak intelligibly on the issue, because I know the idea of showing identification doesn't make sense, because right now the system doesn't work that way. People come in and out all the time, they're searched by police officers, there's no issue. So I know that from having attended. I'll certainly attend an electricity-producing facility so that I can assess more in-depth the effect of this legislation.

I don't know if it's necessarily something that we have to do as a group. Maybe we could make that decision. In the time, we can always cover it in terms of the travel time and just see the facility and then come back. Maybe we can make a decision that those who want to attend feel free to attend between now and whenever, so that we can make our input at that point.

**The Chair (Mrs. Laura Albanese):** I think we have enough information to proceed, so I'll ask the clerk to contact OPG, and we'll discuss the matter at the next committee meeting. Everybody in agreement?

I also wanted to remind members that if they have amendments ready for legislative counsel, those should be submitted sooner rather than later, given the dates that we have. The clerk will be sending out an email to all the members in regard to the legislative counsel contact.

**Mr. Jagmeet Singh:** Just a quick question on that. I have a number of amendments that I've been working on, but I want to have an opportunity to share that with the entire committee. So if I present that to the clerk, those amendments, would the clerk then be able to make sure it's distributed to everybody so that everyone has a chance to look at the amendments beforehand? I think a lot of the amendments members will agree with, but I'd like everyone to have a chance to look at them.

**The Chair (Mrs. Laura Albanese):** If you would like to share them with the other members, that would be up to you and you can certainly do that. The deadline is for all three parties, but you can certainly share the amendments with the members.

Any other comments, questions? We're adjourned.

*The committee adjourned at 0942.*





## CONTENTS

Thursday 5 April 2012

Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2012, Bill 34, Mrs. Meilleur / Loi de 2012 sur la sécurité des tribunaux, des centrales électriques et des installations nucléaires, projet de loi 34, Mme Meilleur .....	JP-3
Subcommittee report .....	JP-3
Ontario Association of Police Services Boards.....	JP-3
Mr. Fred Kaustinen	

### STANDING COMMITTEE ON JUSTICE POLICY

#### Chair / Présidente

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

#### Vice-Chair / Vice-Président

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Ms. Teresa Armstrong (London–Fanshawe ND)

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Mr. Mike Colle (Eglinton–Lawrence L)

Mr. Frank Klees (Newmarket–Aurora PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

Mr. Rob Milligan (Northumberland–Quinte West PC)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

#### Substitutions / Membres remplaçants

Mr. Phil McNeely (Ottawa–Orléans L)

Mr. Jerry J. Ouellette (Oshawa PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

#### Clerk / Greffier

Mr. William Short