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**Official Report
of Debates
(Hansard)**

EM-1

**Journal
des débats
(Hansard)**

EM-1

**Select Committee
on Emergency Management
Oversight**

Organization

Emergency orders review

1st Session
42nd Parliament
Monday 24 August 2020

**Comité spécial de la
surveillance de la gestion
des situations d'urgence**

Organisation

Étude sur les décrets d'urgence

1^{re} session
42^e législature
Lundi 24 août 2020

Chair: Daryl Kramp
Clerk: Christopher Tyrell

Président : Daryl Kramp
Greffier : Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**SELECT COMMITTEE
ON EMERGENCY MANAGEMENT
OVERSIGHT**

**COMITÉ SPÉCIAL DE LA
SURVEILLANCE DE LA GESTION
DES SITUATIONS D'URGENCE**

Monday 24 August 2020

Lundi 24 août 2020

The committee met at 0901 in room 151 and by video conference.

ELECTION OF CHAIR

The Clerk of the Committee (Mr. Christopher Tyrell): Good morning, honourable members. It is my duty to call upon you to elect a Chair. Are there any nominations? MPP Hogarth.

Ms. Christine Hogarth: I'd like to nominate Mr. Kramp for Chair.

The Clerk of the Committee (Mr. Christopher Tyrell): Does the member accept the nomination?

Mr. Daryl Kramp: Yes.

The Clerk of the Committee (Mr. Christopher Tyrell): Are there any further nominations? There being no further nominations, I declare the nominations closed and MPP Kramp elected Chair of the committee.

The Chair (Mr. Daryl Kramp): Good morning, everyone, and welcome to those in the Legislature here and, of course, other venues. Certainly we hope that we can have as much success as we have in previous Zoom meetings. Of course, technology can sometimes be challenging for us, but let us hope that we can get through this in a manner that's comfortable for everyone.

Thank you, yes, absolutely, for electing me as Chair. This is a very, very important committee and it has an enormous responsibility. The Chair might offer a little bit of comment on that later on.

Per the order of this House dated May 12, 2020, the Chair is required, of course, to do an attendance check. So that everyone is aware, the following members are present in the room: We have Christine Hogarth, here and present, and we have Tom Rakocevic, here and present.

To verify those connecting remotely, I will ask that when I state your name, as has been done previously, you indicate that you are present and you let us know where in Ontario you are calling in from today. We have, in order: Bob Bailey, MPP.

Mr. Robert Bailey: Yes, I'm here, Chair, and in Petrolia, Ontario.

The Chair (Mr. Daryl Kramp): Thank you very kindly. Next, Gilles Bisson.

Mr. Gilles Bisson: Present from Timmins.

The Chair (Mr. Daryl Kramp): John Fraser.

Mr. John Fraser: Present from Ottawa.

The Chair (Mr. Daryl Kramp): Robin Martin.

Mrs. Robin Martin: Present from Toronto.

The Chair (Mr. Daryl Kramp): Sam Oosterhoff.

Mr. Sam Oosterhoff: Present from Niagara West.

The Chair (Mr. Daryl Kramp): Lindsey Park.

Ms. Lindsey Park: Present from Oshawa, Ontario.

The Chair (Mr. Daryl Kramp): Sara Singh.

Ms. Sara Singh: Present from Brampton, Ontario.

The Chair (Mr. Daryl Kramp): Effie Triantafilopoulos.

Ms. Effie J. Triantafilopoulos: Present from Oakville, Ontario.

The Chair (Mr. Daryl Kramp): Colleagues, we are also joined today by some very, very capable staff from broadcast and recording, legislative research, and House Publications and Language Services.

Now, to make sure that everyone can understand what is going on, it is important that all participants, as we recognize from going through this, speak slowly and clearly. Please wait until I recognize you before starting to speak, as sometimes we do have a time lag in effective communication, but also please remember to unmute yourself before you begin speaking. As always, all comments by the members should be directed to the Chair.

Are there any questions from my colleagues before we begin? Seeing none, colleagues, members of the committee should have all received a copy of the letter—oh, excuse me. Here we go.

ELECTION OF VICE-CHAIR

The Chair (Mr. Daryl Kramp): It is my duty to entertain a motion for Vice-Chair. Are there any motions? Ms. Hogarth.

Ms. Christine Hogarth: Mr. Chair, I move that Mr. Rakocevic be appointed as Vice-Chair of the committee.

The Chair (Mr. Daryl Kramp): A motion has been moved by Ms. Hogarth to entertain Tom Rakocevic as the Vice-Chair. Is there any debate? Seeing none, are the members ready to vote? All in favour? Opposed? Seeing none, carried.

EMERGENCY ORDERS REVIEW

The Chair (Mr. Daryl Kramp): Members of the committee should all have received a copy of the letter

sent to the Clerk from the government House leader's office. I will read it into the record for everyone's benefit. It is sent to Mr. Christopher Tyrell, Clerk of the Select Committee on Emergency Management Oversight, Legislative Assembly of Ontario.

Point of order, Monsieur Bisson? Une question?

Mr. Gilles Bisson: Yes, my question is simply this: First of all, when you asked for nominations for the Vice-Chair, you didn't ask the person if they stood or wanted to decline.

The Clerk of the Committee (Mr. Christopher Tyrell): Mr. Bisson, with the election of a Chair, it's an election process, so the person being nominated has to agree to the nomination. Once a Chair has been elected, when we are doing the Vice-Chair, it's actually an appointment of a Vice-Chair, so it's a motion that is moved to appoint someone as Vice-Chair. They don't necessarily need to accept the nomination, because it's not a nomination. It is a motion to appoint them as Vice-Chair.

Mr. Gilles Bisson: But they do have the right to refuse, right? That's my point.

The Clerk of the Committee (Mr. Christopher Tyrell): If they would like to resign as Vice-Chair, they have that ability, but they don't have that ability to refuse it at the time.

Mr. Gilles Bisson: Okay. I'll leave it alone for now.

The Chair (Mr. Daryl Kramp): Thank you very much, Mr. Bisson. We will now come back.

"Dear Mr. Tyrell,

"Congratulations on your appointment as Clerk of the Select Committee on Emergency Management Oversight." I know we're in capable hands.

"I write to you today to advise you that pursuant to the reporting provisions of the Reopening Ontario (A Flexible Response to COVID-19) Act, S.O. 2020, c. 17, the Premier or his designate is required to report to a committee of the Legislative Assembly of Ontario.

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"I would respectfully request that the Select Committee on Emergency Management Oversight, pursuant to its mandate set out in the order of the House dated July 15, 2020, convene a meeting to hear the government's report.

"To satisfy the timelines required by the relevant legislation I would request that you convene a meeting of the committee on Monday, August 24, 2020. I can advise you that for this meeting the Premier will be designating the Solicitor General to provide the government's report and take questions from the committee.

"In the spirit of the transparency which underlines the mandate of this select committee, I would respectfully request that you consider arranging for the committee meeting to be held in committee room 151 so it may be broadcast publicly. I am confident that the Chair of the Standing Committee on Finance and Economic Affairs, which is presently scheduled to meet in that room, will appreciate the importance of this change."

It's signed by the Honourable Paul Calandra, MPP, government House leader.

So now I am in the committee's hands as to how you would like to proceed. Would the committee like to invite the Solicitor General, who is the Premier's designate, to appear before the committee later today? Do we have a motion to that effect? Yes. So moved by Ms. Hogarth. All in favour? All opposed? Carried.

At this point, now that we have the officers of the committee, we will now suspend—

Interjection.

The Chair (Mr. Daryl Kramp): The timing has been brought forward to the Chair to request the timing of 10:30. Is that comfortable with everyone? All agreed?

Mr. Bisson, yes, I recognize you, sir.

M. Gilles Bisson: J'aimerais essayer les traductions pour voir comment ça marche. So donc, on va parler en français pour deux secondes pour voir si mes collègues sont capables de rejoindre ces audiences publiques en français. Ce n'est que pour voir si ça a marché, puis je serais intéressé de voir si mes collègues ont compris la traduction du français à l'anglais retournée à leurs ordres.

The Chair (Mr. Daryl Kramp): My apologies, Mr. Bisson. I did not have my translation in. I will just ask the Clerk for a quick interpretation of that, and at that point, then I will of course, out of courtesy, have my translation in after this.

My understanding of the question was: Is the translation working? The Clerk has advised me that, yes, it is.

M. Gilles Bisson: J'étais plus intéressé de voir si mes collègues ont été capables de retrouver la traduction du français à l'anglais sur leurs ordinateurs. Je sais que ça marche à Queen's Park; je ne suis pas totalement sûr si ça marche à la maison. So donc, je demande à mes collègues pour voir si ça marche.

The Chair (Mr. Daryl Kramp): Thank you for your concerns, given the duality of our languages in the parliamentary process here. So, yes, that has been noted and accommodated.

Ms. Martin?

M^{me} Robin Martin: Ça marche pour tes collègues [*inaudible*].

The Chair (Mr. Daryl Kramp): Ms. Martin, you were cut off. Could you repeat that, please?

Mrs. Robin Martin: I said it's working. The translation is working—just to tell Monsieur Bisson that it's working, mais en français aussi.

The Chair (Mr. Daryl Kramp): Fine. Thank you very much.

We will now recess until 10:30, to hear the Solicitor General and then to have a Q&A.

The committee recessed from 0914 to 1030.

The Chair (Mr. Daryl Kramp): This session of the special oversight committee is now in session. Before we begin, I would just like to offer a few quick comments. I would like to say a few words about the importance and the mandate of this committee. To my knowledge, this is the first oversight committee in legislative history, so it's tremendously important that we do this right.

I would certainly like to thank my colleagues for placing their confidence in me as Chair of the select committee, and I would certainly like to as well congratulate MPP Rakocevic on his election as Vice-Chair.

This committee on emergency management oversight was created to receive oral reports from the Premier and/or his designate or designates on any extensions of emergency orders by the Lieutenant Governor in Council related to the COVID-19 pandemic and the rationale, of course, for those decisions.

I, personally, as well as collectively within the Legislature, consider the work of this committee to be integral to the principles of our parliamentary democracy. I would like to remind all members of this committee who sit here today or from the comfort or discomfort of their own offices, wherever they may be participating, to act, of course as we all are, as representatives of the people of Ontario, and particularly those who have been so terribly impacted by the COVID-19 pandemic.

In the Legislature, as we've often seen on many occasions, partisanship and politics can be central to our debates. While I know that passion is definitely part of that job, I would think, through this special oversight process, the people of Ontario expect the very, very most of us. It's a tremendous responsibility, and we have to earn that. I ask my colleagues to keep all of those thoughts front of mind today as we begin our important work.

I would just note for process and for understanding the purpose of the committee that following the committee hearings, this committee will meet for report-writing. Pursuant to the order of the House establishing this select committee, the committee will prepare and table interim reports. At the conclusion of its mandate, this committee will table a final report, which may then be debated in the House.

HON. SYLVIA JONES

The Chair (Mr. Daryl Kramp): Today, we're privileged and honoured to have the Minister of the Solicitor General, the Honourable Sylvia Jones to make a presentation. Minister, you have the floor.

Hon. Sylvia Jones: Thank you very much and congratulations, Chair. You're absolutely right: Select committees play a really important role in our parliamentary process.

I'm pleased to attend the first meeting of the Select Committee on Emergency Management Oversight to speak about the extension and amendment of orders under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

I want to thank the members of this committee, the government House leader's office and the staff here at Queen's Park, who have made it possible for this committee to be established and meet on an ongoing basis, even as we continue to deal with a global pandemic.

Congratulations to my colleague MPP Kramp, the member for Hastings-Lennox and Addington, on being

elected Chair. I thank him for charting the course for the important business of this committee.

The Legislature played a key role in providing oversight and making decisions during the declared provincial emergency. This committee will continue in that role and reflect our government's commitment to managing the COVID-19 public health crisis in a manner that is transparent and accountable to all Ontarians.

Through the provincial emergency declaration, though it has come to an end, public health experts tell us that the danger posed by COVID-19 will continue for months to come. Nothing is more important than protecting the health and well-being of Ontarians.

The Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, provides the province with the flexibility to continue its path to recovery while maintaining the measures necessary to keep Ontario safe from the ongoing threat of COVID-19.

The powers provided by the act are much narrower in scope than the extraordinary powers that we were provided by the Emergency Management and Civil Protection Act, the EMCPA, in relation to a declared provincial emergency. The reopening Ontario act reflects a balanced and responsible approach, maintaining only the powers and measures necessary at this time to continue to protect the health and well-being of Ontarians as we move cautiously forward with reopening.

We have been clear from the start of this pandemic: All options remain on the table to protect Ontarians and to stop the spread of the deadly virus. I want to be clear that should there be a need to slow our reopening plans or if another wave of COVID-19 hits, our government will be prepared to act again.

On July 24, the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, came into force. Orders that were in effect at that point under the EMCPA were continued under this new legislation for a period of 30 days, until August 23. From this point on, the act allows the government to extend orders for periods up to 30 days at a time. It also allows the government to amend certain orders only if the amendments are related to specified subject matter. Finally, it does not permit the government to create any new orders.

I want to stress: This decision to extend or amend orders under the act are subject to careful consideration, guided by public health advice and by our resolve to stop the spread of COVID-19, and to ensure the health and safety and well-being of Ontarians. Orders will be revoked or permitted to expire if they are no longer necessary and it is safe to do so. As an example, several orders that had been made under the EMCPA were recently permitted to expire or they were revoked and not continued under the new act.

I know members of this committee and people across Ontario have appreciated our efforts to transparently share the evidence and public health rationale behind each measure that we have taken. Transparency and accountability to the people of Ontario have been pivotal in our response to this pandemic, and that will not change under

this new act. We welcome open and accountable conversations about the measures we are taking to protect Ontarians and slow the spread of COVID-19.

As a result of the hard-earned progress made through Ontario's regional response to COVID-19, all of Ontario is now in stage 3 of opening. Nearly all businesses and public spaces have been reopened, with public health measures and workplace safety restrictions in place. Friends and families are safely reuniting. Important events and gatherings like weddings and religious gatherings are proceeding in a responsible way. However, entering stage 3 does not mean the fight against COVID-19 is over. The spike in numbers seen in other jurisdictions of similar size to Ontario remains a significant warning. It demonstrates the need to move forward cautiously and responsibly, and that measures should be relaxed or lifted only when safe to do so.

Following consultation with the Chief Medical Officer of Health and others, the government has extended orders currently in force under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020. The extensions provide the government with the necessary flexibility to address the ongoing risks and effects of COVID-19 and to ensure important measures remain in place to protect vulnerable populations, such as individuals in congregate care living. Some 34 orders have been extended for an additional 30 days, until September 22. We will continue to conduct ongoing reviews and assessments of these orders to determine if they are still necessary, leading up to September 22. Two orders have been extended for less than 30 days, and as such will expire earlier than the September 22 deadline.

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Further, minor amendments have been made to orders related to stage 2 and stage 3 rules and to the stages-of-reopening order. On behalf of the Premier and my colleagues and ministers, I am pleased to speak further about the rationale of these extensions and amendments to this committee. For ease, I will group the orders that have been extended, collectively, by ministry.

Within the Ministry of the Attorney General, O. Reg. 73/20, limitation periods: This order will be extended until September 14. The order is required to continue to ensure that access to justice is provided by suspending limitation periods and other procedural time periods while court operations resume.

O. Reg. 76/20 relates to electronic service. The vast majority of staff at the Ministry of the Attorney General are still working remotely and will continue to do so for the foreseeable future.

O. Reg. 129/20, signatures in wills and powers of attorney: Stakeholders have indicated to the Attorney General that they are still relying on this order to ensure wills and powers of attorney can be safely executed, as there are no alternative processes available.

Under the Ministry of Children, Community and Social Services, O. Reg. 121/20 relates to service agencies providing services and supports to adults with developmental disabilities and service providers providing intervenor

services. This order has been extended so developmental service agencies and intervenor service providers will continue to have the authority and flexibility they need to redeploy their staff to support critical services for vulnerable individuals.

Also in the Ministry of Children, Community and Social Services is O. Reg. 145/20, work deployment measures for service agencies providing violence against women residential services and crisis line services. This order has been extended so violence against women and anti-human trafficking service providers will continue to have the authority and flexibility they need to redeploy their staff to support critical services of survivors of violence against women and victims of human trafficking.

O. Reg. 154/20 relates to work deployment measures for district social services administration boards, DSSABs. This order is necessary so that district social services administration boards will continue to have the authority and flexibility they need to redeploy their staff to support critical services.

And finally, O. Reg. 177/20, related to congregate care settings: The order has been extended so that staff movement across multiple employers in developmental services, intervenor services, violence against women and anti-human trafficking sectors will continue to be limited—

Interjection.

The Chair (Mr. Daryl Kramp): Minister, excuse me. I have a point of order that I just have to interrupt you for, for a sec. Mr. Bisson, a point of order?

Mr. Gilles Bisson: I was just trying to get myself on a list to ask questions, that's all.

The Chair (Mr. Daryl Kramp): Fine. Thank you very much. Received.

Go ahead, Minister, and my apologies.

Hon. Sylvia Jones: Not at all.

O. Reg. 177/20, related to congregate care settings: This order has been extended so that staff movement across multiple employers in developmental services, intervenor services, violence against women and anti-human trafficking sectors will continue to be limited as an important infection prevention measure to protect staff and vulnerable clients.

In the Ministry of Education, O. Reg. 205/20, redeployment of education sector employees to health care and congregate care settings: This order facilitates voluntary redeployments of available publicly funded school board employees to work in congregate care settings during the COVID-19 outbreak. With schools reopening in the coming weeks, school boards will need their employees to return to work. The order is needed up to and including August 31, 2020, to allow employees to finish their current assignments and transition safely back into schools.

In the Ministry of Energy, Northern Development and Mines, O. Reg. 80/20 relates to electricity prices for RPP consumers. On May 30, the government announced that regulated-price-plan, or RPP, electricity consumers will be billed a flat, time-of-use COVID-19 recovery rate until

October 31, 2020. This order will no longer be required as of 12 a.m. on November 1, 2020.

In the Ministry of the Environment, Conservation and Parks, O. Reg. 75/20 relates to drinking-water systems and sewage works. Due to limited availability of training and the significant disruption to the 2020 training year, many waste water operators will not be able to complete the 40 hours of training required by the regulation. This order reduces the training requirement to 10 hours for 2020. This is necessary for continued compliance.

In the Ministry of Government and Consumer Services, O. Reg. 98/20, prohibition on certain persons charging unconscionable prices for sales of necessary goods: Our government took decisive action against retailers and individuals exploiting consumers by charging excessive prices for goods. Ontarians needed to protect themselves and their families during the COVID-19 pandemic. The number of public reports of price gouging still exist.

In the Ministry of Health, O. Reg. 74/20 relates to work deployment for certain health services providers. The hospital sector continues to experience increased demands and pressures as a result of COVID-19. An extension of the order is necessary to address surgical backlogs and health human resource shortages across long-term-care homes and to ensure sufficient hospital beds to address a potential second wave.

O. Reg. 116/20 relates to work deployment measures for boards of health. As the province progresses through the recovery framework, there will likely continue to be increased demands on public health units. This order allows boards of health or public health units, with respect to work deployment and any staffing, to take any reasonably necessary measures to respond to, prevent and alleviate the COVID-19 pandemic.

O. Reg. 156/20, deployment of employees of service provider organizations, is the need to extend the order based on ongoing staffing issues at long-term-care homes and retirement homes.

O. Reg. 163/20 relates to work deployment measures for mental health and addictions agencies. This order is necessary to give health service providers the required authority to maintain human health resources flexibility, especially as mental health and addictions providers begin the gradual resumption of in-person services.

O. Reg. 190/20 relates to access to personal health information by means of the electronic health record. Coroners need to continue to access the electronic health record to support ongoing needs of the medical system in the immediate term. This includes supporting the determination of deaths within hospitals and long-term-care homes, thereby enabling other medical and health care staff to continue to provide needed care.

O. Reg. 193/20 relates to hospital credentialing processes. This order is still necessary because the hospital sector continues to experience increased demands and pressures as a result of COVID-19. Maintaining flexible health human resources will be critical to ensuring hospitals can continue to respond and address these concerns.

O. Reg. 82/20 is rules for areas in stage 1. While there are no public health unit regions in stage 1 at this time, it

is essential to extend this order as a precautionary measure, especially if there is a future need to reinstate the closure of businesses in certain regions as a result of an outbreak.

1050

O. Reg. 263/20 relates to rules for areas in stage 2. As with the previous order, it is essential to extend this order as a precautionary measure, especially if there is a future need to reinstate the closure of businesses in certain regions as a result of an outbreak. While significant planning is under way to prevent this, the government needs to retain the flexibility to do so. This order has been amended to require contact information for only one person in a party when dining in restaurants.

O. Reg. 363/20 relates to stages of reopening. Given the continued risk of COVID-19, the order remains necessary for the ability to return a public health unit region to stage 1 or stage 2, if required, and outline which public health unit regions are in stage 3.

O. Reg. 364/20 relates to rules for areas in stage 3. This order is necessary to ensure that current public health measures or restrictions can be placed on amenities, businesses, services etc. Given the continued risk of COVID-19 and potential for new outbreaks, these measures need to remain in place to protect the health and safety of the people of Ontario. This order has been amended recently to require contact information for only one person in a party when dining in restaurants, bars, other food and drink establishments, and tour and guiding services.

In the Ministry of Long-Term Care: O. Reg. 77/20 relates to work deployment measures in long-term-care homes. The order is extended, because flexibility for long-term-care-home operators to recruit and reassign staff remains crucial for helping to prevent and manage potential outbreaks, and to ensure stability and quality in long-term-care homes.

O. Reg. 95/20 relates to streamlining requirements for long-term-care homes. This order will continue to ensure that long-term-care homes have flexibility as they transition to a more stable state. Streamlining requirements under the order would ensure adequate staffing and residents' safety in long-term-care homes.

O. Reg. 146/20 relates to limiting work to a single long-term-care home. This order is necessary, because limiting the number of staff moving across multiple settings is an important component of infection prevention and control practices in long-term-care homes.

O. Reg. 210/20 relates to management of long-term-care homes in outbreak. Long-term-care homes are still experiencing some outbreaks. This order is necessary to allow existing mandatory management orders to continue and to expedite processing of new orders issued by the ministry. These management orders would enable the director to swiftly take appropriate actions to reduce or alleviate harm to residents and staff in homes that are in outbreak.

Under the Ministry of Municipal Affairs and Housing: O. Reg. 141/20 relates to temporary health or residential facilities. The Ministry of Health continues to work with

the Ontario Health regional leads and hospitals to ensure there is adequate capacity in the hospital sector to address possible future outbreaks of COVID-19 and flu season.

O. Reg. 157/20 relates to work deployment measures for municipalities. Continuity of service delivery at the municipal level is critical to the health and safety of Ontario's communities and the province-wide efforts to halt the spread of COVID-19. Ontario's 444 municipalities will continue to need flexibility to deal with unanticipated local staffing needs, depending on how the virus spreads, going forward.

O. Reg. 345/20 relates to patios. This order has been extended to allow municipalities to quickly authorize the establishment or expansion of bar and restaurant patios. The continuation of this order is needed by the hospitality sector to optimize the time-limited and critical summer and fall patio seasons, and create hospitality sector jobs.

Within the Ministry for Seniors and Accessibility, O. Reg. 118/20 relates to work deployment measures in retirement homes. This order allows flexibility for retirement home operators to recruit and reassign staff and remains crucial for helping to prevent and manage potential outbreaks and to ensure stability and quality in resident care.

O. Reg. 158/20 is limiting work to a single retirement home. This order remains necessary, because limiting staff from working in other retirement homes, long-term-care homes and other health care settings is an important component of infection prevention and control practices in retirement homes.

O. Reg. 240/20 relates to management of retirement homes in outbreak. This order is necessary because retirement homes are still going into outbreak. It is important to ensure measures are in place to allow the Retirement Homes Regulatory Authority to act quickly in case of outbreak and when an operator is unable or unwilling to manage operations of the home.

Within my own Ministry of the Solicitor General, we have O. Reg. 114/20, related to enforcement of orders. This order is necessary as it provides police officers and other provincial offences officers with the necessary powers to effectively enforce all of our orders.

O. Reg. 132/20 relates to use of force and firearms in policing services. This order has been extended so hundreds of police personnel may continue to keep our community safe. Use-of-force and firearms training requirements were suspended during the provincial declaration of emergency. Additional time is needed for police services to reinstate regular training, particularly given public health restrictions continue to be in place that impact the delivery.

O. Reg. 192/20 relates to certain persons enabled to issue medical certificates of death. This order allows registered nurses appointed as coroner investigators to complete medical certificates of death instead of a physician or a nurse practitioner. This gives physicians and nurse practitioners more time to focus on patient care.

Within the Treasury Board Secretariat is O. Reg. 195/20: treatment of temporary COVID-19-related payments to employees. Extending the order gives additional

time for employers to wind down any temporary COVID-19-related compensation they may be providing. Not extending the order could potentially mean stakeholders relying on the order having insufficient time to end temporary COVID-19-related payments, inadvertently making them non-compliant with the provisions of the Protecting a Sustainable Public Sector for Future Generations Act.

O. Reg. 241/20 relates to special rules re: temporary pandemic pay. Extending the order will help facilitate the implementation of temporary pandemic payments for work performed during the temporary pandemic pay eligibility period.

We've seen great progress in our fight against COVID-19, but now is not the time to let our guard down. We must safely continue on our gradual plan and path to recovery, while tracking the ongoing effects of this pandemic.

As COVID-19 has evolved, so too has our government's response. Orders have been implemented, amended and lifted as the situation evolves. We will continue working with our fellow ministries to conduct ongoing reviews and assessments of all orders to determine if they are in fact still necessary, and we will relax restrictions or lift orders when it is safe to do so. As we have seen since the beginning of this crisis, we will continue to move forward in a way that is responsible, transparent and accountable to the people of Ontario.

I look forward to your questions.

The Chair (Mr. Daryl Kramp): Thank you, Minister. My apologies, first of all, for not stating the allocated time to you, but you were certainly within that. You had 30 minutes at that point.

Colleagues, as a point of process for questioning and that, as has been decided by the Legislature, the process will be as follows: up to 60 minutes for members of the recognized parties to pose questions to the Premier or his designate in three rounds of 10 minutes for each party, and up to 10 minutes for the independent member to pose questions to the Premier or his designate in two rounds of five minutes.

1100

In this round here, in the first round, we will have 10 minutes to the official opposition, 10 minutes to the government, five minutes to the independent member. In the second round, 10 minutes to the official opposition, 10 minutes to the government and five minutes to the independent member, and in the third round, 10 minutes to the official opposition and 10 minutes to the government.

Are there any questions? Are we all clear on that before we begin? We're all clear? Okay, I think we had a question. We start off with the official opposition's 10 minutes. Mr. Bisson.

Mr. Gilles Bisson: Listen, I've only got 10 minutes, so this is going to be rather difficult. I just want to put on the record that this process leaves a lot to be desired, because when it did come back to the House, the Legislature at least had some time in order to ask the questions and make the comments that had to be made. At no time, in the government wanting to have an emergency order

implemented or amended—well, actually, amended by cabinet, but having the power to do so—at no time did the opposition or the independent members delay that. What we have now is, the way that this particular motion is written, it's not prorogation-proof.

That will lead me to my first question. Let me explain: The way that the motion is drafted, should the government do what Ottawa did, which is to prorogue the House, this committee cannot sit, and so if the government amends, they do so without the Legislature having any kind of oversight. I guess my short question to you, Minister, is: Is there any possibility that the government is contemplating proroguing the House?

Hon. Sylvia Jones: Look, I'm not going to presuppose any outcomes. What I can tell you is, having served as a parliamentarian for almost 13 years, I've participated in three select committees, and I find them to be an incredibly valuable resource to find answers and solutions for problems that are unprecedented. So I hope that this select committee does the same, because I've seen it work very successfully in mental health and addictions, in developmental services and in workplace harassment and human trafficking.

Mr. Gilles Bisson: Well, I won't disagree with you that select committees have their place in dealing with policies. They have been rather successful; I agree with you. But this is not what this committee is about. This is on oversight. Normally, the Legislature does the oversight role. In this case, the committee gets only 30 minutes per party to ask the government questions on what the government is doing on amendments. So we'll agree to disagree. I guess—

The Chair (Mr. Daryl Kramp): Mr. Bisson, I will interrupt you here for one minute. We are not here to debate what has already been debated in the Legislature. We are here to debate the issues that are before the committee. Please keep your comments to the issues that are here before the committee, which is asking questions to the minister pertinent to your concerns.

Mr. Gilles Bisson: Well, I was moving to my next question, and I was making a statement, but this is related to this committee. But anyway, let me get to my next question.

One of the things that the orders are dealing with is extending the ability of the government to circumvent collective agreements. Obviously, there is a fair amount of pushback from various workers in the health care sector as to why that happens. I guess my short question is, this is a blanket order that applies to—let's say the hospital sector or DSSABs or whatever—it applies to all of them across Ontario, but every region is a little bit different. So don't you think it would have been reasonable to limit the ability of the government to allow employers to circumvent work hours, scheduling, holidays etc., according to what's going on in local communities and what's happening in local organizations or institutions? Would it not have been a better way of being able to make sure that we protect the rights of individuals who work in those sectors?

Hon. Sylvia Jones: The work deployment order became very critical right at the beginning of the outbreak.

We saw hospitals, hospital workers, nurses and others stepping up and literally setting up assessment centres within a couple of days. I know in my community, in Headwaters, the ability for those hospital workers to work outside of the hospital setting was only able to happen because of their offer to do that, their ability to do that, and also the changes that had to happen within the collective agreements—they did that willingly because they knew how critically important it was to get those assessment centres up and operating.

The other piece of that is, unfortunately, we still do have a few examples of long-term care and potential retirement home outbreaks. So the ability for paramedics and for nurses who traditionally worked within a hospital setting to be able to go to those understaffed areas and assist was, for me, a game-changer in terms of protecting the health and safety of the individuals who lived in those congregate settings.

Mr. Gilles Bisson: Nobody is disagreeing that the government had to give the hospitals a certain ability to be able to do that. The question was—and I'm going to move on to my next one, and I guess I won't get an answer—why didn't we do it where necessary? That was essentially my question.

Let me get to the next one. If the government is prepared to give employers the right to be able to circumvent collective agreements and do the things that they're doing, why are we not giving all of these workers pandemic pay, if they're so darn important?

Hon. Sylvia Jones: Well, specifically related to pandemic pay, as you know, that was a joint program between the federal government and the provincial government. They made a decision collectively between the feds and the province about who most needed and deserved the pandemic pay.

Look, we've heard the Premier say many times that if he could have given it to everyone who continued in their essential services roles, he would have. But the reality is it was a joint program between the federal government and the provinces.

Mr. Gilles Bisson: Joint meaning that you're complicit in the decision. I guess my point is that if there were—

Hon. Sylvia Jones: Joint meaning that people had to co-operate to make it work.

Mr. Gilles Bisson: Well, you didn't push too hard, by the sounds of it.

I guess my point is that if we're saying that you're so important as a worker—which they are; we all agree these people are playing an essential role in the battle against COVID-19—it seems to me that if we're prepared to take away their rights, we should be able to at least give them pandemic pay.

Let me get to my next question—and I guess the other one is, you've taken away the right for grievance and arbitration. That's a pretty serious one, because it would be like saying a person is charged by the police somewhere in Ontario for a provincial or a federal offence, and we take away their right to a lawyer, we take away their right to go to court, we take away their right to defend themselves.

Don't you think that is kind of an extraordinary step on the part of the government, to do that? Because in the end, the arbitrator can make the decision of if, in fact, the power that was utilized by the employer is an overstep of that particular power they were given. Why take away the right of arbitration and grievance? We wouldn't do that to citizens in Ontario. Why are we doing it to workers?

Hon. Sylvia Jones: I think it's important for us to understand how quickly we had to act to protect and flatten the curve and the spread of COVID-19. We're now coming near the end of August. We've seen some very positive numbers coming out in terms of the rate of infection. However, in the middle of March, what we were seeing was numbers that were only going up. So we had to act decisively, we had to act quickly, and, frankly, I think that we have acted responsibly. That, coupled with the fact that 13.5 million Ontario citizens reacted and were able to appreciate the importance of maintaining the emergency orders and why they were in place, speaks to how we have been able to decrease the numbers and get to a stage where we are slowly and gradually reopening—

Mr. Gilles Bisson: We're running out of time. I would just want to say, we didn't do that to citizens in Ontario. People have the right to representation, they have a right to a trial. Why would we take that right away from workers? I think it's an overstep on the part of the government.

Chair, do I have time for one short question?

The Chair (Mr. Daryl Kramp): Yes, a minute and 24 seconds.

Mr. Gilles Bisson: You mentioned in your summation that the AG's department and others will be staying on a work-from-home basis. That includes DSSABs in some cases; that includes various agencies.

One of the things that we're seeing as an effect of that is that a lot of the work that needs to be done on the street—dealing with the homeless, dealing with mental health issues—is starting to lack as a result of not having the staff to be able to make contact with the clients. Now, I understand why. We don't want to put workers or those people in danger. But is there any plan in order to try to step up how we're better able to serve those hardest to serve in our society?

1110

The Chair (Mr. Daryl Kramp): Thirty seconds.

Hon. Sylvia Jones: Absolutely. I mean, frankly, every ministry is doing that. Within the Solicitor General, we recently made an announcement in Kenora about the expansion of the Bear Clan pilot project, which allows individuals on the street to serve our most vulnerable citizens and get them access to the services they need, so to—

Mr. Gilles Bisson: Well, it's not working.

Hon. Sylvia Jones: Respectfully, I would say it is, because I've spoken directly to the mayors and to the service—

Mr. Gilles Bisson: But call George Pirie, mayor of Timmins—

The Chair (Mr. Daryl Kramp): Thank you very much. The time is up now. Thank you, Minister, and thank you, Mr. Bisson.

We will now go to the next round of questioning: 10 minutes to the government. Ms. Hogarth.

Ms. Christine Hogarth: Thank you, Mr. Chair, and thank you to the Solicitor General for being here today for our first meeting of the Select Committee on Emergency Management Oversight. I do believe it's quite clear the vast majority of the people of our province are satisfied with the work that the Legislative Assembly and its members have done in order to protect the health and the well-being of all Ontarians. I know our government and the Legislative Assembly had to make very challenging decisions in the face of COVID-19. I applaud all those who worked to create this committee, this standing committee, that proactively seeks oversight of members from all sides of the House.

My colleague from Timmins mentioned earlier and talked a little bit about this committee. So I'm going to ask the minister, for the record and for those who are watching at home, can you highlight some of the strengths of this committee?

Hon. Sylvia Jones: Absolutely. Thank you. As I mentioned, I have had the privilege to participate in three different select committees in my history as a parliamentarian. When we wanted to transition away from the declaration of emergency into a legislative tool, reopening Ontario safely, it was important for all of us to have the ability to continue to question and to find out the details about why certain orders were removed and why certain orders have been extended.

The ability for Premier Ford or his designate to appear before a select committee every 30 days to explain those changes and amendments was an important oversight piece that I think is critical. We've done that. The declaration of emergency was necessary and important in the middle of March. But it's also equally important that we send a clear message to the people of Ontario that they have done the right things, that they have successfully flattened the curve, and if we continue to adhere to a new way of doing business, of protecting ourselves, of ensuring that we are not spreading COVID-19 to our friends, our families and our co-workers, then I think that we can say that we have done the right thing.

Ms. Christine Hogarth: Thank you, Minister. Under the reopening Ontario act, you talked about the orders that were in place at the time the reopening Ontario act came into force and the emergency declaration was terminated. Some of these orders are continued under the new legislation. As you indicated earlier, you said there were 36 orders that continued over from the Emergency Management and Civil Protection Act. I'm wondering if you can provide some more insight to the committee into the criteria that went into deciding which orders were continued and which ones were revoked prior to the emergency declaration being terminated this past July.

Hon. Sylvia Jones: While the declaration of emergency and the reopening Ontario act fall within the

Solicitor General's area, we worked with each individual ministry who had requested their emergency order, and we confirmed with them the need to extend it. We also had some fairly in-depth conversations about, "Is this the only pathway that you can use to achieve your goal? Is there a ministerial directive or a regulatory change that we could use instead of extending the orders?" Each of the ministries engaged and involved had those conversations with their stakeholders and ultimately with cabinet, and the decision was made, as I laid out in my opening remarks, which orders have been extended and which ones will expire sooner than others.

The Chair (Mr. Daryl Kramp): We have five minutes and 40 seconds left for the government. Mr. Oosterhoff, you have the floor.

Mr. Sam Oosterhoff: Thank you, Minister, for appearing before the committee. I'm sure this is not a situation you anticipated being in when you were placed in this position. But as you know, it is unprecedented times, and there have been a lot of changes, and I'm sure, with this legislation as well, important changes being brought in, but also a lot of questions. We've seen the pandemic, obviously, as a pandemic that didn't come with a playbook, and so responding to these challenges has raised questions.

I'm going to ask you, one of the pieces I've heard a lot of people expressing concern about was the federal government's move to give itself substantial powers, including power to tax and spend. There has been an attempt at comparisons between this legislation brought forward as well as the federal legislation. Could you speak to those concerns?

Hon. Sylvia Jones: For sure. Respectfully, there is very little to compare. This legislation, the reopening Ontario act, has no ability to tax. This legislation, the reopening Ontario act, has a limited timeframe. It has a one-year lifespan, if you will, unless the will of the Legislature decides that it needs to be extended for an additional year. Frankly, I cannot think of another piece of legislation that has a one-year's-time lifespan within it.

The ability for us to transition out of a declaration of emergency—which, let's be frank, is very serious—into sending a message that we want to reopen Ontario, but we want to do it safely, was the intent of the reopening Ontario act, and the additional oversight that we have embedded into this legislation allowing the select committee to appear and every 30 days having meetings and conversations about which orders continue in place are very different from what the federal government was suggesting at the beginning of the pandemic.

Mr. Sam Oosterhoff: The Premier regularly says if you can't measure it, you can't manage it, and so I'm just curious about metrics. What sort of metrics would be used to justify the extension of the powers under this legislation for another year, as it allows?

Hon. Sylvia Jones: Frankly, a lot of that will be dependent upon where we are at in terms of outbreaks, numbers with COVID-19 and if a vaccine or some kind of protection can be put in place. We have spent an awful lot

of time as Ontario citizens and as cabinet and caucus parliamentarians to monitor what the health command table is recommending. We use that advice as the decision-making process for which emergency orders have to be put in place originally, so it always comes back to what we are trying to prevent or solve with this emergency order. When you go back to that starting point, then you can see how it is so critically important that we have the advice of medical experts, the health command table and then, ultimately, conversations that each ministry has with their own stakeholders about where the challenges are, what we are missing and how we can help as a government to facilitate those.

The Chair (Mr. Daryl Kramp): Two minutes.

Mr. Sam Oosterhoff: Medical and health advice is incredibly important. I'm not an epidemiologist, neither are you; we're not disease-control experts. But is consideration being given to other factors aside from the chief medical officer's advice when decisions are being made about changing restrictions? In other words, are the social and economic costs of lockdown being weighted against the health costs?

Hon. Sylvia Jones: Well, I'm not going to say weighted against, but they are absolutely factored in. It's why I said that the ministries work with their stakeholders—I don't pretend to understand every single nuance of what is happening in a long-term-care facility or a hospital, but when given that advice when stakeholders come forward and say, "We are having a challenge limiting the spread of COVID-19 for the following reasons," it's very important for us as cabinet and ministers to try to, in as clear a way as possible, eliminate those challenges so that we can protect the largest number of people.

1120

The Chair (Mr. Daryl Kramp): Fifty seconds.

Mr. Sam Oosterhoff: Fantastic. Very quickly, could you speak to the process by which cabinet would decide whether or not to increase or change any of the orders under this act?

Hon. Sylvia Jones: Again, I will point to the health command table and the advice of stakeholders because, frankly, we've seen some pretty creative suggestions on how we could offer certain services or open businesses in a certain way to protect individuals. I point to the beginning of the pandemic when the business community said, "We'll do curbside delivery. That will protect our customers and it will protect our staff, but it will also make sure that people get the critical goods and services they need."

The Chair (Mr. Daryl Kramp): Thank you very much, Minister.

Now to the independent member. Five minutes, Mr. Fraser.

Mr. John Fraser: Minister Jones, thank you very much for being here this morning. I appreciate it very much. I want to begin by saying, like my colleague Mr. Bisson, this committee is actually not sufficient for the oversight of the kinds of things that we're talking about, which is

overriding contracts, people's charter rights, people's fundamental human rights. We can close their churches, their schools, their businesses; those are pretty serious things.

I'm not going to debate this or litigate it right now, but it's a concern to all members, and this should all be brought to the House. So much so that members on each side of the House have expressed their concerns about what we're doing here today.

In any event, I appreciate your presentation. What has happened with this committee is the legislative duties of the government, and debate, have been turned over to the Premier or designate to report to this committee. I'm a bit surprised, considering the buck stops here, that the Premier has not joined you this morning for this presentation. It's disappointing, to say the least.

My questions to you are, have you had a briefing with the Premier before you appeared before this committee? Did you have any meeting or discussion?

Hon. Sylvia Jones: I have regular meetings and discussions with the Premier. As you can imagine, during the course of COVID-19, the number of conversations about what is happening on the ground and how we can resolve issues have been happening regularly, I can assure you.

It's important that we understand how transparent Premier Ford has been through this entire pandemic as we're dealing with it. His ability and his directness speaking to and responding to reporters' questions; going out into the public every day and telling Ontario citizens where we're at in terms of dealing with the pandemic, how we are moving forward and what we have to do; and his explaining to people why we have to limit the number of people who are getting together, have been a really important piece of why 13.5 million Ontario citizens have respectfully kept—

Mr. John Fraser: Minister, I have five minutes.

Hon. Sylvia Jones: —the pandemic lowered.

Mr. John Fraser: How much time do I have, Chair?

The Chair (Mr. Daryl Kramp): Two minutes, Mr. Fraser.

Mr. John Fraser: Well, that's exactly why it would be great for the Premier to be here, to present in front of this committee, just like it would be good to present in front of the Legislature. So I just take it from your answer that you did not specifically meet with the Premier with regard to this meeting. Do you have a plan to meet with him afterwards?

Hon. Sylvia Jones: Again, I will say we have had many—

Mr. John Fraser: Specifically about this meeting.

Hon. Sylvia Jones: —many, many conversations about the pandemic, about how we deal with it in Solicitor General and other meetings.

Mr. John Fraser: Perfect.

Hon. Sylvia Jones: I have regular updates that I provide to the Premier, as I'm sure all ministers do.

Mr. John Fraser: In any of those meetings, those many, many meetings, has he given any indication to you he will present for this committee?

Hon. Sylvia Jones: I haven't had that kind of conversation, but as you can imagine—

Mr. John Fraser: That's interesting. I want to go back to—I don't have too much time and I'll get to this in my next five minutes. My colleague Mr. Bisson was mentioning about the overriding of collective agreements and the situation—that that's fundamentally people's charter rights. The question that really begs—because we're doing this especially around long-term care. Now that I understand the pandemic pay has ended and we're continuing on with this order, the question is: Are we continuing on with this order because of the measures the government hasn't fully—the government has ended pandemic pay. It's still going to have a crisis of staffing in long-term care, and so this is really just the government not moving quickly enough on the solution for long-term care, so we're going to continue this order so we can move anybody around that we would like.

The Chair (Mr. Daryl Kramp): Actually, you have five seconds. Do you want to hold that for another round, Mr. Fraser?

Mr. John Fraser: Yes.

The Chair (Mr. Daryl Kramp): I appreciate that.

We'll go back to the official opposition now for 10 minutes.

Mr. Tom Rakocevic: Thank you, Minister, for appearing here today. There have certainly been criticisms about Bill 195, people calling it an overreach of power and whatnot. Opposition parties were very supportive along the emergency act—when you were calling for emergency measures, we pushed things through as necessary, following the advice of medical professionals. Why take these extraordinary steps to subvert that process and to be here today?

Hon. Sylvia Jones: I think it sends a message to the people of Ontario that they were doing the right thing, and you cannot be in a perpetual declaration of emergency. When we declared that declaration of emergency in the middle of March, we knew that you couldn't be in it for an extended period of time, because, frankly, people stop understanding why it's there. So as we saw the numbers decrease, as we saw that there were very specific outbreaks as opposed to Ontario-wide outbreaks, that was when we made a decision as a government to move into a different stage. We understand that COVID-19 still is an imminent concern and a health concern, but we also understood that we wanted to have a move forward so that if you were able to safely operate, to safely go about your business, we would do that. That's what the reopening Ontario act was really about.

Mr. Tom Rakocevic: But in the past, we would have the ability to debate this. In government, you've now granted yourselves the powers to be able to alternate through this with more heightened power than you had before. Why not just simply go back to what we were doing? It was working.

Hon. Sylvia Jones: Well, keep in mind that the reopening Ontario act has no additional powers that weren't already in place. In fact, it has fewer emergency orders

than the declaration of emergency that we had when we transitioned. So we're actually moving away and decreasing the amount of orders that we have, keeping only the ones that are critically needed to protect the health and safety of Ontario citizens.

Mr. Tom Rakocevic: We're seeing the federal government has moved to prorogue Parliament. Of course, they're under a lot of heat right now; I don't need to get into that. But one of the questions that was asked by our NDP House leader was around the case of prorogation. You had mentioned that there was no intention to prorogue the Legislature, which is good to hear. However, when this committee was struck, it was struck such that it would not have to meet in the case of prorogation. We know that in 2013, there was a committee struck to deal with the gas plants scandal under the former government, but even that committee was prorogation-proof. Why not make this committee prorogation-proof in case something like that happened?

Hon. Sylvia Jones: I don't really think that anticipating what the federal government did and thinking that we as a provincial government are going to do the same, frankly, is a valid argument. I'm here today as someone defending how we have done the declaration of emergency as well as how we are transitioning to a reopening of Ontario safely. I'm happy to have those conversations. I'm not going to presuppose or guess as to what's going to happen in the months ahead. All I can tell you is that I am prepared to explain to the people of Ontario and parliamentarians why we have gone to a reopening Ontario act and why the emergency orders that still exist have to continue.

Mr. Tom Rakocevic: Certainly, I don't think any of us can predict the future. Reliably, none of us predicted that we would be in this state today. It's just that when you're setting up a committee like this, you want to make sure that all the t's are crossed and the i's are dotted. In the unlikely event that you've made the decision to prorogue like the federal government, we would have been protected from that. That's all I'm saying.

1130

But I'd like to move on to long-term care. One of the long-term-care facilities in my own riding was taken over by a hospital, and they've been working very hard to try to protect the people there. Certainly for all of us MPPs—and I'm a new MPP—one of the things that was most heartbreaking over the first two years sitting here was listening to stories, pre-pandemic, of the conditions in long-term care.

I just wanted to know what criteria you are looking for when you will be returning these long-term-care facilities to their original management, and why you wouldn't consider a much longer stay at the table. Some of the things that we've heard, like catheters being used without being cleaned between residents, needles being used—this is horrific outside of the pandemic. Why not consider being there much longer? Do you think that these problems could just be resolved within a month or two?

Hon. Sylvia Jones: It's important for the committee members to understand that the operation of the long-

term-care homes that were in outbreak—and I am in no way taking away from the ones that were in outbreak; I had one in my own community, and I understand how heartbreaking it is for the staff and the residents. But the actual number of outbreaks that occurred that led to a taking-over were very limited.

The minister has been very measured and careful in her approach to ensure that the safe return of operation of the long-term-care facility only happens when there is an assessment done and they believe that the health and safety of the staff and the residents have now been returned. That will continue. These are not fast solutions, but the fact that we have a stand-alone ministry specifically related to long-term care speaks to our government's commitment to make sure that individuals who are living within those congregate care living situations have the support they need, and that the staff are properly protected as well.

Mr. Tom Rakocevic: Are you able to speak to what any of the conditions are? I know I'm putting you a little bit on the spot by asking, but do you know what specifically they're looking for? You've made a very general statement, but what would it take for them to stay longer?

Hon. Sylvia Jones: A lot of it, frankly, is the staffing. When there is sufficient staffing, when the owner or operator of the home can assure the ministry that they have sufficient staffing in place, that's when the local hospital—or in a few situations, as you know, the military—were able to step back. They've done that, and specifically related to the two examples that you gave, there was a follow-up report given by our Canadian Armed Forces, who said that in the homes that they were in, that they were assisting with, the issues had been resolved.

Mr. Tom Rakocevic: How much time do I have, Chair?

The Chair (Mr. Daryl Kramp): You have two minutes and 45 seconds.

Mr. Tom Rakocevic: I'm going to move on to testing. We do look at regions within Ontario, but even within regions or sub-regions—my riding and even the Premier's own riding have some of the neighbourhoods that were hardest hit in all of Toronto. What measures are you contemplating, considering where we're at, to help with mobile testing or to increase supports there? Members of my community and even in the Premier's own community, many of them, are essential workers, PSWs, public health workers. Many of them don't drive vehicles. They're on public transit. Many of them are tenants, with many people living in an apartment. What enhanced measures are you willing to provide communities like my own, and even the Premier's own?

Hon. Sylvia Jones: A lot of those enhanced measures have already occurred. Very early on, when we realized that we wanted to increase the testing numbers to see, frankly, where the outbreaks were and where the community spread was, we started doing some mobile testing. Within my own ministry, we were able to do it within congregate care settings in our jails and institutions. The Premier, working with Chief Coroner Dirk Huyer, was able to set up mobile testing sites, so instead of people

having to go away from their workforce or their home, we were bringing that testing to their communities. It ended up being a very effective tool.

For obvious reasons, we highlighted and started our mobile testing sites in congregate care settings, and then moved to the communities that seemed to have a higher prevalence of outbreaks. We did that because we wanted to ensure that anyone who wanted to be tested could be tested, and we made it as convenient as possible.

The Chair (Mr. Daryl Kramp): One minute.

Mr. Tom Rakocevic: Just something around reliability: We're not able—let's say, even in my own riding—to predict for future mobile testing sites. We're made to ask, "Please come back." Is there a way to work with us to be able to have predictable mobile testing ongoing and not just one-offs, which is the way that they've been handled?

Finally, around isolation, when people are identified as being COVID-positive and maybe not requiring hospitalization, our local non-profit health providers have been asking for opportunities for these individuals to isolate and for the government help, but we haven't been seeing that help yet.

Hon. Sylvia Jones: The localized testing is a really important piece. Frankly, we saw that when there was a substantial outbreak in the Windsor-Essex communities. It is why they were the last to come back and allowed to operate in stage 3. But we really have to watch those numbers, and we have to keep track of where the regional differences are, so—

The Chair (Mr. Daryl Kramp): Thank you, Minister. We're a little past the time now.

We will go now to the government for 10 minutes. Ms. Triantafilopoulos, you have the floor.

Ms. Effie J. Triantafilopoulos: Thank you, Minister, for being with us here today. Some people continue to voice concerns about the process and accountability for extending these emergency orders. When the declaration of emergency was first made in March, it allowed the government to proclaim an emergency for 14 days and then to extend it once for a further 14 days. Following this, only the Legislature could do so for up to 28 days at a time. Today, we are considering the renewal of emergency orders under the reopening Ontario act, and we all agree that this is more narrow in scope and requires that the government report to this committee on any further renewals within 30 days.

Now, Minister, you have served in cabinet for two years, and for many years in opposition, holding past governments to account. You mentioned today that you had served on three select committees yourself. Can you explain how this review process provides the transparency and accountability we need?

Hon. Sylvia Jones: Sure. Thank you. This is this beautiful balance that we as legislators always have to have. You have to have the ability to be able to react and respond quickly, which is why Ontario was the first Canadian jurisdiction to declare the declaration of emergency, because we saw what was coming, and then we also have the equally important piece of accountability. We've

tried to balance that by initially having the declaration of emergency in March and then transitioning into the legislative component of the reopening Ontario act. It's important for us to understand that the citizens of Ontario could not stay perpetually in a declaration of emergency. They needed to have a signal from their Premier and their government that they were doing the right things and it was making a difference. That's why we've transitioned into the reopening Ontario act, with some very limited orders that have continued. Hopefully, as we see the numbers decrease and the deaths decrease, we can continue to remove those.

Ms. Effie J. Triantafilopoulos: A number of sectors are covered by regulations that authorize redeployment orders. I know these changes were meant to limit the number of people who work in multiple facilities in order to ensure the safety and well-being of residents and staff. For instance, in long-term care, some in the sector have been concerned that because front-line workers are restricted to only one home, they will not be able to earn a full income as they normally would when they work in two or more settings. Has this been an issue in other congregate care settings—I'm thinking of retirement homes, group homes or shelters for women and children—and how will it be addressed?

Hon. Sylvia Jones: I've not heard any specific examples of it being an issue in other congregate care settings. I will say it comes back to this balance. Why did we initially have to have an emergency order that ensured staff could only work in one congregate care setting? Well, it was because that was how the spread was happening. So if you go back to the original orders and get to the core of why it was put in place, that becomes the health and safety concern.

1140

We know that it was very challenging for family and friends who could not visit their loved ones who were in long-term-care homes when we shut down for visitors. But we had to balance that with: If that's where the spread was occurring, then we had to be able to shut down that opportunity and make sure that we protected the largest number of residents, and that's what we did. I think, respectfully, we have seen that those changes, those emergency orders, made a real difference in protecting individuals who live in congregate care settings.

The Chair (Mr. Daryl Kramp): We have five minutes left. Mr. Bailey?

Mr. Robert Bailey: Thank you, Madam Solicitor General, for appearing here today, and thank you very much for explaining the background behind a number of the orders. I want to take a little different tack. I've listened to all the other presentations and questions—and congratulations on your answers there; I think you've helped clear up a lot of things.

I want to speak specifically about regulation 141/20, and that's the temporary health facilities or residential facilities, where they could convert them to temporary health care or shelter facilities. I wondered if you could talk a little bit about the thoughts behind that, the number

that have taken place, just to give us a little overview. We talked about redeployment of staff, but I think we need to talk about facilities as well.

Hon. Sylvia Jones: Yes, that emergency order specifically related to if we had a particularly high number of patients who needed to be isolated or, God forbid, in an ICU unit, then having the ability to expand it beyond traditional hospital settings. So what we were doing was making sure that if we needed it, we had the capacity within the system to set up other areas outside of what you would call traditional health settings like a hospital. That's what we were doing with that emergency order. It was preparatory work.

Mr. Robert Bailey: So what steps would a hospital or municipalities, in that sense—are there certain steps they'd have to go through to do that? Would they have to apply to your ministry? How does that work, exactly?

Hon. Sylvia Jones: It would depend on which type of facility was being contemplated. I'll stick to the hospital model. In that case, there would be a proposal that would be brought forward to the Ministry of Health, and they would assess first the need for it and then the logistics, utilizing the local health unit's expertise to make sure that whatever equipment, staff, resources were necessary, could happen.

Again, I'll highlight how quickly hospitals were able to set up the testing sites that they did co-operatively with their local health units. The need for co-operation between the sectors, between ministries, between the health unit and the Ministry of Health was mammoth, frankly. I have to give all of them a lot of credit for being able to do that so quickly and having those testing sites set up literally within days, in many communities.

Mr. Robert Bailey: Chair, do I have some time left?

The Chair (Mr. Daryl Kramp): You have two minutes.

Mr. Robert Bailey: Oh, okay. We've got lots of time, then, for the Solicitor General.

We've talked about the orders, we've talked about redeployment. I understand that, then, within your own ministry—you haven't had a chance to talk a lot about your own ministry. In addition to the responsibility for the reopening Ontario act, can you explain some of the responsibilities your ministry has, whether it's police, public safety or the coroners? What things have you had to put in place there and how have they responded, for the people of Ontario?

Hon. Sylvia Jones: Yes, thank you. I am incredibly proud of the work that has been happening within my ministry and across government.

But, specifically, as it relates to corrections, we've seen terrible stories of other jurisdictions that have not been able to successfully keep COVID-19 under control in their jails and institutions. With the notable exception of Brampton, where we had to decant individuals within that institution, we have had a very high success rate, and in no small part because we worked collaboratively with the corrections officers, with the other health professionals who work within those institutions, to make sure that they

came forward to us with suggestions and ideas as to how to keep individuals serving and the staff safe. Our numbers have proven that that has worked. Right at the beginning of the pandemic, we did temporary absences. For the weekend offenders who were serving from Friday night until Monday morning, we set up a system where we ensured that they had to check in, but they did not have to come into the jail system.

The Chair (Mr. Daryl Kramp): Thank you very much, Minister.

Hon. Sylvia Jones: Oh, I could say so much more, Chair.

The Chair (Mr. Daryl Kramp): I realize that there's so much more you'd like to say, but you'll have another opportunity.

We will now go to the official opposition. Ms. Singh, please.

Ms. Sara Singh: Great. Okay, wonderful. Thank you. Thank you so much—

The Chair (Mr. Daryl Kramp): Excuse me. My apologies, Ms. Singh. I erred there. I took you out of order—actually, my pen slipped in the wrong place. My apologies, certainly, to our independent member, Mr. Fraser. You'll go up first, and then we'll follow with Ms. Singh.

Mr. Fraser, you have the floor.

Mr. John Fraser: Not to worry, Chair. I could have made the same mistake, and have before, in committee.

Minister, it's very interesting. We were talking about the rules and regulations around workers working in more than one long-term-care home or retirement home. As you may recall, British Columbia and Quebec moved about four weeks ahead of us to do that. Ontario lagged behind in that regard. The same was true for pandemic pay. We waited. Quebec was out a month ahead of us and raised those wages to stabilize the workforce.

Here's what the outcome of it was that's not mentioned. It was another pandemic that occurred, and that's the pandemic of isolation. Some of the rules that we put out and our delays at responding—which arguably are there, and it's very clear other people took moves before we did—resulted in a certain level of unpreparedness for that pandemic of isolation. Things like family and essential caregivers, people who provided care every day to family members, were unable to be there. They were restricted, understandably. But we've been four or five months past this now. Community transmission has reduced. The government has taken some small measures to open that up, but it doesn't enforce them.

That pandemic of isolation is still occurring. We all have constituents who call us and are talking about the situation of their loved one in long-term care or in a group home. My question to you is: Given this situation, and given that we may have a second wave, what are the government's plans to ensure that essential caregivers and family members will have access to their family, to their loved one? Because it's one thing to die of COVID; it's another thing to die of loneliness. I think that's the important question, and it's one that is being asked a lot in

my office—I'm not sure about yours—and it's hard. I think the government has to take some stronger steps to ensure that happens. It's the most humane thing to do.

Hon. Sylvia Jones: Look, I hear you. I know that a Zoom meeting does not replace a Mother's Day dinner or a Father's Day supper. But I also know that we have to be able to protect the individuals who are most vulnerable.

I get that people want to be with their loved ones, their family, their neighbours who are in a long-term-care home, who are in a group home, who are in a jail or facility in Ontario. But when you have to balance that with the concern about getting COVID-19 and the concern about dying from COVID-19, I'm afraid there were sacrifices that we all had to make. I have to give a shout-out to many long-term-care facilities who got very creative to ensure that family members could visit in a limited way, outside, behind barriers. I get it: It's not ideal. But when you consider what the alternative is, it was what needed to happen to ensure the health and safety of those residents and their staff.

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The Chair (Mr. Daryl Kramp): One minute, Mr. Fraser.

Mr. John Fraser: You're talking about then. What I'm speaking about is now. Like with everything else we've done in Ontario, we've learned how to better manage the disease, right? We're opening up things like bars and gyms, and 50 people being able to go to a meeting. We've learned how to manage all those things in everyday life, but one of the basic necessities of human life is essentially the fact that you're there and that people acknowledge that you're there. It's that human contact. What I'm asking you is—I'm just saying, these are the pleas that we're hearing, that we have to do better. If we can open up bars and restaurants—and actually, we're opening up schools and we're not restricting the movement of substitute teachers or psychologists or anybody else. So if we can do these other things, we need to do this. I would just ask you, not to answer, but to advocate for that; that the government enforce the existing rules and do what they can to make rules that reduce the risk, just as we've done in everything else, because I think in some cases we're creating more harm than good.

The Chair (Mr. Daryl Kramp): Thank you, Mr. Fraser. I'm sorry. There's no more time left for a response on that, but I'm sure the minister has heard your concerns and comments. Once again, my apologies for misplacing the order here.

Now, Sara Singh, you have the floor.

Ms. Sara Singh: Wonderful. My apologies, Mr. Fraser, for trying to get in before you earlier.

I'm really grateful to be here today, and I want to thank the Solicitor General for appearing here as the designate for the Premier and for sharing and helping to clarify a lot of the concerns that we have—not only myself and the official opposition, but what we're hearing from Ontarians across the province.

There have been many, many concerns raised around Bill 195 and its unprecedented overreach of powers. My question to the Solicitor General is—perhaps if you could

expand on the process in terms of deciding which emergency orders would be extended. I know you spoke to this earlier, but I would be curious to understand how those decisions were made and who was advocating for which orders to be extended.

Hon. Sylvia Jones: As I mentioned, the reopening Ontario act—while it is under the Solicitor General's purview, we worked directly with each of the ministries who were bringing forward their emergency orders, and asked them very specifically the need for the extension, and equally important, if there was another pathway or opportunity to achieve the same outcomes. That could have been through a ministerial directive. It could have been through a regulatory change. The orders that have been extended were all extended, because the individual ministries and their stakeholders felt that it was the best pathway to protect the health and safety of Ontario residents.

Ms. Sara Singh: Thank you very much for that. At the beginning, you listed off a number of regulations and provided some rationale for the extension of those orders. But one area that I continue to hear a tremendous amount of concern around is housing and evictions and concerns around the emergency orders ending on August 31 and potential mass evictions taking place across the province. I'm just curious why emergency orders were not extended or protections were not put in place through this act to ensure that we don't see these mass evictions happening across the province, and that perhaps the moratorium on evictions could be extended as well.

Hon. Sylvia Jones: One of the things that happened when we did the declaration of emergency in the middle of March was that tribunals that were going to be occurring had to be put in abeyance. By stopping those tribunals from moving forward, the eviction piece was an important protection for tenants. Now that the tribunals have restarted, the processes have been able to be modified so that they can safely proceed. Then that ties in together with the need to continue the fair process of the right to appear before a tribunal and the right to defend yourself there. The two pieces were important to work together.

Ms. Sara Singh: I can appreciate that. But I think the big concern for many people in the province, whether they're tenants or landlords, is that there was a sense of protection, that we wouldn't be facing, as I think you said earlier, trying to make sure that we don't have other calamities and crises that erupt in the province when we know a second wave is coming. The halting of evictions ensured that people could stay in their homes, if they had the inability to pay, for example.

We understand that financial supports will be running out, and so I'm really curious why the province and why the Ministry of Municipal Affairs and Housing wouldn't want to ensure that tenants could stay in their homes, by ensuring that they weren't going to be evicted? I think that that's a missed opportunity here with this legislation as well.

Hon. Sylvia Jones: As I said, this legislation has no new or additional powers, right? There is nothing in the reopening Ontario act that you didn't find in the original

emergency orders. The number of programs and services available, both federally and provincially—and municipally, because keep in mind the Minister of Municipal Affairs and Housing has flowed a substantial amount of money to our municipal partners to ensure that individuals who need additional assistance, up to and including housing, have opportunities with their municipal social services pathway. So there are lots of pathways for people to get assistance, and this is part of why it's so important that all levels of government are working collaboratively together.

The pandemic pay was a joint initiative with the feds and the province. Money flowed at the very beginning of the pandemic to municipalities to assist individuals who had a higher risk, because they were vulnerable, because they didn't have a job to go to. The federal programs—they all play together to make sure that as many people as possible get the supports that they need and deserve.

Ms. Sara Singh: Thank you for that, and I agree wholeheartedly. I think all partners need to be at the table, but I think the province has a role to play in terms of advocating for the additional supports and measures that we need here, and unfortunately, I think ensuring that renters and tenants are protected—and perhaps, Solicitor General, you can help clarify that once that emergency order ends, while this doesn't necessarily amend or change things, those protections will cease to exist for tenants at the moment. Could you maybe elaborate on how that emergency order ending is not necessarily going to provide protections, and that this legislation doesn't extend those protections, either?

Hon. Sylvia Jones: Because the tribunals have restarted, the protections in place for unlawfully removing tenants from their homes—the tribunals are there to ensure that they have that process. When they weren't happening, as a result of the pandemic at the beginning, it was reasonable and fair to stop the evictions. Now that the tribunals have been returned and are reopening, that's when you have a process to ensure that tenants have their voices heard at the tribunal.

Ms. Sara Singh: Okay. That's interesting. I know that your government also passed legislation that will make it easier during this process of dealing with the Landlord and Tenant Board to actually evict those tenants, and so there are a number of concerns. I'll just move on to some other questions. I know we'll disagree on that point. I can see you shaking your head, but this is what stakeholders and people across the province are feeling, and we won't necessarily have another opportunity to raise those concerns during this pandemic other than in this committee.

With respect to evictions, again, I think the Commercial Tenancies Act also provided relief for commercial tenants around evictions, and many of them are currently concerned, with the emergency orders ending, that they may also face eviction. Can you, again, help us understand and help Ontarians understand why that wasn't considered a priority by your government?

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Hon. Sylvia Jones: I can't let it go by, Chair: The changes in the municipal affairs and housing act spoke to

early resolution. It was actually a pathway for the landlord and the tenant to work collaboratively and come together on a resolution, and if they were unable to, then they would continue in the Landlord and Tenant Board tribunal. That's the first piece.

In terms of the federal program that had protections in place for commercial landlords and commercial tenants, the fact that Premier Ford and the federal ministers have been able to work together to get the most amount of protections in place, working with the federal government—these programs occur because we were able to work collaboratively, because we were able to hear from our municipal stakeholders and from the individuals who were impacted as to what is needed, as to what is the most important thing that we can do to ensure that we can restart our economy safely when the threat of COVID-19 has decreased. Those are the programs that we've put in place.

The Chair (Mr. Daryl Kramp): One minute.

Hon. Sylvia Jones: As recently as two weeks ago, we saw a massive investment from the federal and provincial governments to the municipal partners in Ontario. It's unprecedented—we've never seen that kind of investment before—because we understood that in order for our communities to be safe and our economy to restart, we had to have infrastructure in place to make sure that happens.

Ms. Sara Singh: I think I have a few seconds left. I can appreciate that there were historic investments made, but, Solicitor General, as a Peel member you can appreciate that for many in our community, we haven't seen our fair share for decades. So the investments are just going to help us get services out there; they're not going to help deal with the backlog of 14-plus years, for example, for affordable housing in the province and in our city. Those investments are not going to help us tackle the underlying crises that already exist. They're just going to help keep municipalities afloat. I think that's really important to consider.

And I think I've run out of time. Thank you.

The Chair (Mr. Daryl Kramp): Now we'll go to the government. We have Ms. Martin. Robin, you're on.

Mrs. Robin Martin: Thank you, Solicitor General. The reopening Ontario act only allows the government to amend or extend—it doesn't allow them to create new orders—and only in, as I understand it, four areas, which are: labour redeployment or workplace and management rules; closure of places and spaces; regulation of how businesses and establishments manage compliance with public health advice; or rules relating to gatherings and organized public events.

I just wanted to ask: Is the reason these four areas are left in the reopening Ontario act because they really are at the heart of the government's most important means to be able to protect health and safety? Is that why they're there?

Hon. Sylvia Jones: Yes, primarily, but also because we have the ability to work with our stakeholders within our individual ministries to help them in other pathways and in other ways.

I started to talk about some of the changes that we made to protect individuals working in our corrections facilities.

We didn't need emergency orders for those, because we were able to work and come forward with creative and innovative solutions. That work continues, and, frankly, it continues because we are modifying things.

It is my great hope that because businesses have put protections in place like Plexiglas barriers, because many health units have requested and asked and required that people must wear masks when they're inside their businesses, you are going to see a new way of doing business. It is my hope that those changes and those modifications will lead to a further decrease in the number of outbreaks.

Mrs. Robin Martin: I understand that especially the work deployment orders can be necessary for public health and safety, especially to prevent and stop the outbreaks, but like my colleague MPP Bisson, I am concerned that employees who have worked so hard in some of our essential services, like in hospitals, might not be getting sorely needed vacations, particularly if we might be facing more COVID cases in the fall—let's hope not. Can you give the committee any assurance that our essential workers who have been subjected to redeployment are getting vacations and breaks, and where that is possible from a health and safety point of view? Because we are concerned about their health and safety as well.

Hon. Sylvia Jones: Yes, as we all are and should be. It is top of mind for many operational ministries to make sure that the individuals who have worked so incredibly hard since March 17 get the breaks when they need them. I still chuckle and laugh when I'm reminded about the University Health Network celebrating because they had no patients in the ICU, I think it was last week. That's the kind of thing that when there are breaks, we make sure that those happen.

I've spoken to a number of fire chiefs and police chiefs who are compelling their members to take vacation because they want to make sure that if there is a second wave, they've had a break and they're ready. The hardest challenge in many cases is they want to keep serving their community, they want to keep being there for the health and safety of Ontario citizens.

So, absolutely, it's something that all ministries are working with their stakeholders on and ensuring that people get the break they need so that, God forbid, if there is a second wave or an outbreak in a particular region or community, we can deal with it effectively.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Daryl Kramp): Five and a half minutes left. Ms. Park?

Ms. Lindsey Park: Minister Jones, thank you for coming before committee. This forum is so important for accountability of these special powers—that are temporary, of course—but are continuing at the time that we find ourselves in right now.

One of the discussions I think we've all heard develop and that there has been lots of commentary on in the media through this time is how enforcement of these kinds of emergency orders takes place. I wondered if you could just outline for us some of the framework around enforcement. Of course, enforcement is not the only thing that drives compliance with laws; the vast majority of people follow

the laws every day without anyone knocking on their door. We've seen examples of that with mandatory mask orders in Durham region. Everyone is all of a sudden wearing masks to the grocery store without much in the way of enforcement but just because a rule was put in place for guidance. I just wonder if you could share some of your thoughts on it—it's a complex enforcement system we have—and which of those powers actually fall under the bill that was recently passed in the Legislature.

Hon. Sylvia Jones: It's a good question, because it was moving very quickly. We were adding new emergency orders through many different days at the beginning of the pandemic. We did a number of things. First of all, to his credit, Premier Ford stood up every day at 1 o'clock—and continues to stand up at 1 o'clock—and explained what changes had taken place: "Here is the new emergency order, here is why we need it and here is why we need you to comply with it."

The second thing that we did, from a Solicitor General standpoint, is we allowed individuals other than sworn police officers to enforce the rules. Municipal bylaw officers were a very natural fit to impose and enforce some of the new emergency orders as well as our conservation officers. We regularly sent out all-chiefs memos and updated municipal affairs and AMO, the Association of Municipalities of Ontario, on any changes and any additional enforcements that we had put in place under the emergency orders edict.

We reinforced the critical need to educate first and enforce second. We were changing and updating emergency orders on a weekly basis—in some cases, a daily basis—and we needed our officers and the bylaw officers to educate people before they immediately went to the hammer. I think that you have seen, through the number of charges laid, that that has been a very effective piece. But it continues, because there is confusion. We made a very strategic decision to go to regional changes, because we saw that there were outbreaks in certain parts of Ontario and there were virtually no cases in other parts of Ontario. That nuance became more challenging for our enforcement officers, but, frankly, I would say that they have stepped up and done an admirable job doing it, because it was what the Ontario citizens needed.

The Chair (Mr. Daryl Kramp): One minute.

Ms. Lindsey Park: And just a follow-up on that: Would you be able to just go into—it sounds like, of course, the policy is education first, but there are eventual penalties if the orders are enforced. Can you just outline what the potential penalties are? Is there a big variety of them under the orders? Is it consistent across all the orders? Is there anything you could share with the committee in that way?

Hon. Sylvia Jones: The Chief Justice of Ontario actually sets the fine rate. That was not a decision made within an individual ministry, or cabinet or caucus. Fines are set by the Chief Justice of Ontario, so it is consistent across the province. The ability for individual police services and individual municipal bylaw officers to levy those fines would be consistent, but the actual fee and fine was set by the Chief Justice.

The Chair (Mr. Daryl Kramp): That is our time, then, for today. Thank you very, very much, Minister.

I'm now at the liberty of the committee: Do you wish to recess and come back at 1 o'clock for report-writing, or could we take a few minutes now and discuss report-writing with the Clerk? You're comfortable to do it now?

Minister, you can certainly be excused now. I thank you for your attendance today and your knowledgeable

responses as well as, of course, the questions and the courtesies extended by all of the members of this committee. Thank you very kindly.

Hon. Sylvia Jones: It's a pleasure. Thank you.

The Chair (Mr. Daryl Kramp): Stand by, committee members, and we'll see if we have a report process here that we're going to follow.

The committee continued in closed session at 1213.

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