

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

No. 198B

**Journal
des débats
(Hansard)**

N° 198B

1st Session
42nd Parliament
Thursday
22 October 2020

1^{re} session
42^e législature
Jeudi
22 octobre 2020

Speaker: Honourable Ted Arnott
Clerk: Todd Decker

Président : L'honorable Ted Arnott
Greffier : Todd Decker

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



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

ISSN 1180-2987

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 22 October 2020

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 22 octobre 2020

Report continued from volume A.

SUPPORTING ONTARIO'S RECOVERY
AND MUNICIPAL ELECTIONS ACT, 2020

LOI DE 2020 VISANT À SOUTENIR
LA RELANCE EN ONTARIO
ET SUR LES ÉLECTIONS MUNICIPALES

Continuation of debate on the motion for second reading of the following bill:

Bill 218, An Act to enact the Supporting Ontario's Recovery Act, 2020 respecting certain proceedings relating to the coronavirus (COVID-19), to amend the Municipal Elections Act, 1996 and to revoke a regulation / Projet de loi 218, Loi édictant la Loi de 2020 visant à soutenir la relance en Ontario concernant certaines instances liées au coronavirus (COVID-19), modifiant la Loi de 1996 sur les municipalités et abrogeant un règlement.

The Acting Speaker (Ms. Jennifer K. French): Further debate?

Mr. Gilles Bisson: I've got about 20 minutes, so I'm going to try to go through this as quickly as I can, but essentially there are a couple of points that I want to make in regard to this legislation.

I guess the first overall point is—listen, we all get it; we're in the middle of a pandemic. We're all doing the best that we can to deal with the effects that this is having on people and on the economy, and it isn't easy. I don't think anybody in this House would argue for a second that any of the decisions that this Legislature or the government has to make as executive council to deal with these things are easy.

We all understand it's a very, very tough thing, because there are people in our society who would rather that, for example, we don't wear masks or that there be no physical distancing. There are people who don't even believe there's a pandemic going on, and you're having to make decisions in the midst of all of that. I understand as a legislator because, like you, we get the phone calls. It's sometimes a bit of a difficult thing. But that's why we ran and that's why we got elected, because we believed we have the right stuff, as they said in that old movie, to be able to rise to the occasion and to bring solutions to the tough problems that society faces from time to time.

Certainly, this pandemic is the most pressing issue I've ever seen that this Legislature has had to deal with in the 30 years that I'm here. This clearly tops it all; there's nothing before that even comes close to what we're dealing with now.

So it brings me to my first point of this debate. The government has some choices on what it can spend its time and its money on. Rather than the government saying, "Okay, let's deal with how we're going to assist small businesses when it comes to dealing with the hardships that those businesses have in dealing with this pandemic," the government comes forward with a piece of legislation such as this that says "Ranked ballots: That's so important. We've got to deal with that because Doug Ford's nephew"—excuse me—"the Premier's nephew at city hall doesn't like it so therefore maybe we've got to change it."

I think that there aren't a lot of people in Ontario who are going to see ranked ballots as the pressing, number one issue that Ontario has to turn its attention to in dealing with this pandemic. People want to know that their family members, loved ones and neighbours are safe when they go into our health institutions, be it long-term care, be it a health clinic, be it a hospital. They want to know that their families are taken care of. They want to know how we're going to deal with the other pandemic that's going on within our pandemic, which is the opioid crisis. Communities across Ontario, certainly in Timmins, are seeing the effects of what opioid use is having in our communities. We had four deaths last week or the week before; two so far this week. And we think, "Two; we're doing well." One death is too many.

Instead of bringing forward something that deals with the opioid crisis, which is the pandemic in the pandemic, we're dealing with ranked ballots? No wonder people get disconnected from politics and sort of walk away from this place, looking at us and scratching their heads and saying, "Well, maybe I'm not going to vote next election," because we're not making ourselves relevant, Madam Speaker, to what people are facing on a day-to-day basis.

So on the ranked ballot, if it was good enough for the Conservative party to elect their leader, the current Premier of Ontario, through a ranked ballot system, why are we as the Legislature telling the people of London or any other municipality that decides to go to a ranked ballot by way of a democratic referendum to do so? If the Conservative Party decided to use a ranked ballot, so be it. That was their choice. They're a democratic institution unto themselves. If the people of London want a ranked ballot, so be it.

The government argues—and I find that argument is really difficult to take—"Oh, yes, but we're saving \$500,000 that the people of London had to pay to develop the system of ranked balloting, so they can calculate the vote on election day." First of all, there's not one dollar that is too much when it comes to our democracy. People

died to give us this democracy. We spent billions of dollars in the First and Second World Wars and other conflicts in between so that we can ensure that we protect the democracy that we all value.

And we stand and say we support veterans? Madam Speaker, we're not supporting veterans when we say we're going to deny the democratic right of the people of London, Kingston or any other municipality in Ontario to decide to go to a ranked ballot. That's their choice. That's why soldiers stood in the field and died. That's why they got in the planes and died and went on the ships and died. They did that so that we have the right to do these things. To argue that it's too expensive, so therefore we can't do it—I'm sorry; to me it's a discouraging reflection on what our democracy is all about and what all those veterans fought for all those years.

Madam Speaker, a lot of us come from the generation where our dads served. My dad was a soldier in the Second World War. My uncles were soldiers in the Second World War. I served in the Canadian Armed Forces for a very short time. I don't think any of them ever did that—certainly not me; I was in a peacetime army, Madam Speaker. I didn't shoot anything else but a BFA at the end of my FMC-1 or my FMC-2. Most people wouldn't know what that is because we haven't used that in years; I've been out of the army for a long time.

But the point is, those soldiers who did serve active duty in war theatres went there knowing they were putting their lives at risk, and they did so willingly so that people can have the right to decide to have a ranked ballot. That's the bottom line. On that, I made the point.

The second point I want to make is that the other part of the legislation that deals with exempting—or raising; I shouldn't say “exempting,” because that wouldn't be the right way of explaining it. The government is raising the threshold by which a person will have to prove negligence in the case of a death or wrongdoing in one of our health facilities, such as a long-term-care facility.

What they're doing, Madam Speaker, is that they're going from the process that we currently have in law, which says that if you or I were to place one of our loved ones in a long-term care institution, the reasonable expectation is that the long-term-care institution—private, public, non-profit, whatever it might be—has the wherewithal to care for our loved one, and has rules and has systems in place to protect the life and safety of those people we entrust to their care. You have to meet that reasonable expectation. What this government is doing is saying, “No, we're going to get rid of the reasonable expectation provision and it'll be just good faith.”

That means that if you, Madam Speaker, or I place one of our loved ones in a long-term-care institution in Ontario, and that person is harmed or dies as a result of the care they didn't receive—because there wasn't a following of the reasonable expectation; in other words, they didn't do what they were supposed to do—the test is, “Well, you can only sue me if I didn't have good faith.” Wow. Go to court with that one. You'll be very, very hard-pressed as a family member to be able to get to court to fight this

particular issue of your family member dying or being harmed because they did not do what they were supposed to do in that institution, because the floor has now dropped. It's only “good faith”; it's not “reasonable expectation.”

Then, the government says in defence, “Oh, yes, but the British Columbia NDP did it.” No, they didn't. The British Columbia NDP put in provisions, as we asked for here in Ontario, that protect people who volunteer in organizations in order to do the right things through this pandemic, so that they're protected from liability in certain cases. But we've never argued that you should take away the “reasonable expectation” provision. If a person volunteers or a company does whatever, and they don't do what is reasonably expected by law and by regulation and policy of those organizations, such as long-term care or whatever, that there would be no liability—we never argued that, and the British Columbia NDP government didn't do that either.

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If you would read their ministerial order that dealt with it, it says in there “in accordance with all applicable emergency and public health guidance” and the following of reasonable expectations—in other words, if I put my loved one into a long-term-care facility, there is an expectation that that long-term-care facility has been licensed and is certified and must follow certain requirements to make my family member safe. If in British Columbia that isn't followed—in other words, your loved one becomes harmed or dies as a result of the care they didn't receive or the wrong care they received—you have recourse to the courts, because you can prove: “There's a reasonable expectation that my family member would be safe when I placed them in that home, and it turned out they weren't.” And the British Columbia NDP government said “reasonable expectation.” Ontario is removing reasonable expectation and are using a lower bar, which is essentially “good faith”—very, very different than British Columbia.

And that, to me, again, plays into the cynicism that the public sees in politicians and political institutions such as this Legislature. When you listen to the government, when you listen to the Premier, Mr. Ford, what they're saying sounds okay. “Oh, we're going to not let the bad apples get away with anything,” says the government. “Don't you worry; there's no heart bigger than mine. I'm going to do everything possible to make sure—I'm going to put an iron ring around this long-term-care facility. And your loved ones are going to be protected.” Well, the average person on the street that listens to that says, “Oh, what's the problem?” And the government is utilizing that in their defence to pass legislation in this House—because they have a majority—that will lower the expectation from “reasonable expectation” to “good faith.” I think if the public gets to hear that, they may have a bit of a different impression of what the government is trying to do here.

So I propose the following: If the government is serious about wanting to do what's right and get rid of the bad apples, take my leader's, Andrea Horwath's, recommendation and do what she asked. Remove the section in this

bill that removes the ability for people to sue long-term-care institutions in the event that they don't follow reasonable expectations and remove the provision of "good faith" from those kinds of cases. That will clear this all up pretty quickly.

But I'll bet you it won't happen, Madam Speaker. I'm not clairvoyant, but just by watching this particular government operate for the last two years and a bit, there is a method behind the madness. The government understands there are going to be a lot of lawsuits coming out of not just long-term-care institutions but other places when it comes to what happened to people as a result of this pandemic. Some of those lawsuits may go all the way back to the cabinet or at least the government in some form—the ministries—and name members of cabinet, name members of the Privy Council or the Premier himself. They're trying to protect their flank. It's as simple as that, Madam Speaker.

I think, if we take the Premier at his word—and I want to take the Premier at his word; I want us all in Ontario to be proud of the people we elect, in this case the Premier of Ontario, and know that the Premier of Ontario and his cabinet colleagues and this House do the right thing when it comes to the people of Ontario and that people can be taken at their word. But when you look at what the government has done in the legislation and the language that they use, that's hard to do.

I'll tell you now, Madam Speaker, you're more clever than I am—you end up in a situation where you have a loved one in—

Mr. David Piccini: True.

Mr. Gilles Bisson: Well, I would agree she's cleverer than I am. I have no argument with that. Most women are cleverer than men. Let's just go there.

Mr. David Piccini: True.

The Acting Speaker (Ms. Jennifer K. French): Order.

Mr. Gilles Bisson: True. See, now we're getting movement on the other side of the House. Anyway, a little banter is good in this place.

The point I'm making is this: You have an expectation, if you place someone in a long-term-care facility, that that place is properly licensed, is properly regulated; that they're being inspected; that your loved one is in good hands because the system that is wrapped around the services your loved one gets is run in such a way that everything that is possible to make that person safe is done. And you have a reasonable expectation under law—and that's the whole point of this debate—that, in fact, not a bad thing is going to happen to your loved one as a result of negligence.

But in a case of negligence, as we have seen in this pandemic—we had to send the Canadian army into long-term-care institutions in Ontario. They didn't have to do that in British Columbia, but we had to do it here. The army blew the whistle on what was happening in some of these private homes—that people were not being cared for to the level they're supposed to be taken care of, as per the laws and regulations of Ontario. In other words, people

had their loved ones check into a long-term-care institution, and they had a reasonable expectation that the person would be well taken care of, and it turns out that they weren't. So can you blame the family member for saying, "I'm going to court"?

I'll just end on this: The way that our legal system and our legislative system, our democracy, are built—and it's quite interesting to look at the codification of law over the past thousand or even 2,500 years. We've been working towards what we have today, which is: We have a Legislature that drafts the laws and passes the laws—in chambers such as this. The public has the right to be able to participate, by trying to let their elected officials know what they like and don't like, and they normally are able to go to committee to make recommendations about what legislation should be done when it comes to, does it need amending or is it okay the way it is?

The second part is that there are courts, and the courts run parallel to our system, in being able to interpret if the law is being properly followed. The public has the right not only to elect their elected officials from their ridings, by ranked ballots or whatever mechanism is there, but they also have the right to challenge the effect of the law when it comes to court. So if a person is harmed by someone in a long-term-care institution or a volunteer association or whatever it might be, and a reasonable expectation was supposed to be had that that person would be safe, and it's not done because there was neglect in making that happen, the person has the right to go to court and to have that case be heard and, in the end, get a judgment that will either invoke a penalty of some type—it could be jail; it could be financial—or the person might be entitled to some form of compensation, as a way of creating the penalty against the person who did the infringement.

What the government is proposing in this bill, with the changes to moving it from "reasonable expectation" to "good faith," is lowering the threshold so that the public has a much higher hill to climb to prove that they've got a case. If you go to court, and the defence of the long-term-care facility is, "Well, I did everything I could. I thought I was doing okay. Last week, I was talking to my neighbour and my neighbour said, 'Hey, you guys are doing a great job there'"—well, that's their defence and that's what will be allowed to stand. That's not getting at bad apples. You get at bad apples by leaving "reasonable expectation" in the legislation, as it is now, as it is in British Columbia.

So, again, I say to my honourable friends on the other side—and I mean this in all sincerity—if the government's intent is to get at the bad apples, well, let's get at the bad apples. Let's ensure that there is a provision that allows the public to have recourse through the courts in the event that something happens where reasonable expectation was not followed when it came to dealing with their loved one in whatever setting it might be in our public health care system or within whatever system that is out there that they've been in contact with.

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I think if we do that and the government is prepared to support an amendment that we could propose at committee, then it would prove that the government is serious

about the rhetoric that they're using. But I fear the government is not going to change the legislation—I hope they do—and we're going to be in a position of where the threshold will be lowered and the public will have less protection, and I think that's a pox on all our houses if that happens.

The Acting Speaker (Ms. Jennifer K. French): Questions and responses?

Ms. Rima Berns-McGown: The families of the thousands of people who have died from COVID and all of those who died under those appalling conditions in long-term-care homes are still grieving, and it feels like particularly cruel salt in their wounds for the government to be passing this legislation now.

Can the member please comment on what that must feel like and what with he thinks they need to do to address the pain of Ontarians?

Mr. Gilles Bisson: I think you've answered the question in the way that you posed the question. I think people are frustrated. Madam Speaker, you in your riding, myself, members on the opposite side, we're all hearing the same things. People want us to deal with the issues that are affecting them versus this pandemic, and for people who come in contact with long-term-care facilities or people who are involved in the ranked ballot systems that were developed in London and are trying to be developed otherwise feel as if they're being disenfranchised, and I think at the end that's a bad thing.

The Acting Speaker (Ms. Jennifer K. French): Further questions?

Mr. Percy Hatfield: I wonder if, later today, we're going to hear the Conservative members stand up and say, "We made a mistake. We're not going to do it anymore. We'll never elect another leader through the ranked balloting system because we made a mistake."

The federal Greens just elected a new leader, and they chose somebody through the ranked balloting system. If it's okay for the federal government and the provincial government, why isn't it okay for municipal leaders to be chosen if their communities choose to do so? Not every community wants to do it, but those who want to do it, if they want to do it, why won't this government allow them?

There's a price to democracy, Speaker, and I ask the member from Timmins: Will he ask the Conservative government this afternoon to denounce the leader they chose through a ranked balloting system?

Mr. Gilles Bisson: I think internal party processes will deal with whoever the leader of the Conservative Party is going forward at some date, and that will be up to the Conservatives, but clearly, if ranked balloting worked to get Mr. Ford elected as leader of the party and now Premier, it should be good enough for the rest of Ontario. That would be the first part.

The second part to the answer to the question: I think the real question becomes, do we respect our veterans? Veterans are the ones who fought, laid their lives down in order to give us the right to do the types of things that happened in London and are being proposed otherwise,

and not respecting their right to do so I think is very disingenuous when it comes to respecting veterans.

Mr. David Piccini: You guys don't need to worry; Andrea will rule you guys forever.

The Acting Speaker (Ms. Jennifer K. French): The member from Northumberland–Peterborough South will come to order. I'm standing.

Question?

Ms. Donna Skelly: If we are to recover as a province, we need to support Ontarians who have been working throughout this pandemic on the front line with our loved ones, in grocery stores, as I mentioned earlier, trying to keep the supply chain continuing through this crisis. That's why our government brought this legislation forward: to protect people who are doing their best, who are acting in good faith to care for our loved ones. But there is absolutely nothing in this legislation that prevents bad actors from being sued. There is nothing. You can still hold people who are negligent and people who are acting in bad faith accountable.

The question to the member from Timmins is, do you not believe that front-line workers need this protection?

Mr. Gilles Bisson: I think what front-line workers need is equal pay when it comes to the work that they do. Why don't you pay PSWs what they're worth? Why don't you do the things that need to be done, so that those people who are on the front lines doing the work that needs to be done are treated fairly when it comes to their wage?

The second part when it comes to the whole issue in regards to protecting: This is all in the guise of protecting front-line workers and grocery clerks and PSWs and nurses. No, it's not. In the end, what you're saying is, if somebody does something and they don't follow the rules that they're supposed to be following, or mischievously or by error do something that puts somebody into harm's way, they shouldn't be sued.

Listen, if anybody does something by purpose and they don't have the right to be sued, I don't know where this society is going. I think you need to protect people from inadvertent actions that would lead to that, but to say that reasonable expectation—

The Acting Speaker (Ms. Jennifer K. French): Thank you. Further questions?

Hon. Bill Walker: I'd like to understand how the member from Timmins will explain that he was talking about the fundamentals of democracy and stripping the rights of people to have their ability to have their say and to actually have a vote. He supported the Liberal Party and, frankly, kept them in power. He and his party propped them up and kept them in power when they stripped every single right of the people of rural and northern Ontario to have a democratic say on wind turbines. You can't pick your times for democracy. You are either going to be whole or you're not going to be whole.

So, tell the people of Ontario and the people who vote for you how you supported the Liberals and kept them in power to give us record debt and deficit, and yet today you're going to stand stronger than anyone else and

challenge us on actually trying to make it fair for people and consistent.

Mr. Gilles Bisson: Madam Speaker, I think the member protests too much. If you look at the voting record during the period of the minority Parliament and during the period of the last four years of the Liberal government, it was pretty well equal. We voted in favour of government legislation, I think it was, 58% of the time. The Conservatives voted 52% of the time. Just like now, there are pieces of legislation that we support this government on. No opposition party worth its salt is going to come into the House and vote against everything.

You guys played a bit of a political game. Just say what it is. That game worked for you, and you tried to make it look as if we were propping somebody up. No, it's called democracy, and in a minority Parliament you vote for what you believe is right. The Tories did it in a minority; so did we.

The Acting Speaker (Ms. Jennifer K. French): Further questions?

Ms. Rima Berns-McGown: It feels to me, as I've sat in the House for the past two and a half years, that we've been watching a steady attack on democracy by this government. Would the member please expand on what it's like to watch this occur as House leader?

Mr. Gilles Bisson: Well, it's pretty hard to take, I must say to the member. I think the sad part is that for those of us like Mr. Wilson and the Speaker and myself who have been here since—

The Acting Speaker (Ms. Jennifer K. French): Stop the clock. Sorry to interrupt the member—

Mr. Gilles Bisson: I didn't know his riding.

The Acting Speaker (Ms. Jennifer K. French): Well, you're going to have to use his riding or not refer to him by name, please and thank you.

Please continue.

Mr. Gilles Bisson: The member from over there. We all got—

Interjection: Simcoe–Grey.

Mr. Gilles Bisson: Simcoe–Grey. We all came to this House in 1990, and the rules around this place and how it operated were a lot different. Members actually had an ability to do their jobs much more than we have now. The Premier's office, in that little corner office in the corner, didn't control everything. But what we've seen over the years is an encroachment on the rights of members in this House on the part of parties and Premiers that eventually took away some of the rights that we have now. I think that is a wrong thing when it comes to how a democratic process should work.

The Acting Speaker (Ms. Jennifer K. French): We have time for a very quick question and answer.

Mr. Norman Miller: I just want to ask the member from Timmins why he doesn't want to protect the restaurant workers, the owners of the small restaurants on Main Street, the hockey coaches, the volunteers who are doing their best to protect people and following the health instructions and are trying to get back to work and volunteer and do all those things. Why don't you want to protect those people?

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Mr. Gilles Bisson: Again, what we are missing in this debate is to give our heads a shake a little bit. There is an expectation that anybody who's working in Ontario is going to follow the rules and not put somebody at risk knowingly.

What the government is asking us to do by way of this legislation is to remove the reasonable expectations that are built within our legal system: that people follow the rules and don't do something willingly or unwillingly that would put somebody at risk. The government is lowering the threshold so that it just becomes good faith, and in the end I think that is a disservice to the people of Ontario and to the very public we're trying to protect.

I challenge the government to accept an amendment from the NDP that would remove that section from the bill in order to ensure that in fact long-term-care facilities can be held liable for the things that happen within their situation.

The Acting Speaker (Ms. Jennifer K. French): Further debate?

M^{me} Lucille Collard: I'm happy to rise today to address some of the concerns I have with the content of this bill, and a lot of those concerns are similar to what the opposition members have mentioned, except for the fact that it was a mess from the Liberals.

The COVID-19 pandemic has made questions of liability especially difficult to navigate for workers, volunteers and businesses who are trying to stay afloat. For sports organizations, community clubs and small businesses that have followed public health guidelines and done everything they can to operate safely, protection from civil liability is a valuable measure. In fact, I have heard from owners and operators in my riding who are feeling that it's a good measure and welcome the protection.

However, we need to recognize that there's an important difference between those who have inadvertently spread the virus, despite their good-faith efforts to comply with public health orders, and those who have spread infection through their negligence or failure to take appropriate care. However, I have some deep concerns, and we must be mindful of what this bill could mean for those seeking justice for loved ones who may have suffered negligence in long-term-care homes.

Some 65% of those who died from COVID-19 during the first wave lived or worked in long-term-care homes, and we cannot ignore the legitimate concerns and desire for justice coming from the families and individuals affected by this.

Large corporations and the government also have a better capacity to meet public health requirements and should be held to a higher standard of accountability for their actions, and we should ask whether a good-faith effort to meet health requirements is enough to excuse them from liability.

This is particularly worth noting because of the ambiguous definition of "good faith" being incorporated into this act. I will again mention the comments of the other

member about the “reasonable expectation” standard which seems to be more appropriate. We need to define that a party who made some honest effort acted in good faith, whether or not it was reasonable in the circumstances.

Of course, with the government’s previous changes to crown liability rules, this government has made it incredibly difficult already for many to seek justice through the courts if they’ve been harmed by a public entity. I think we should be very careful to balance the needs of business with the ability of Ontarians to seek justice through the courts, and this isn’t a matter that can be quickly decided on or lumped into an omnibus bill with unrelated topics where it can’t receive proper scrutiny.

The other amendment that’s very important that is contained in the bill that is of concern to me is the amendments to the Municipal Elections Act. We have to recognize that local democracy matters and it should not be interfered with or restricted by the choices of another level of government. Ranked ballots have been demonstrated to enhance local democracy, bring more diverse perspectives to elected office and ensure that our elected officials better reflect the democratic will of the electorate.

Ontarians’ ability to choose how to best express their democratic interests should never be curtailed on the basis of cost, especially if such decisions mean that we get better democratic representation at the end of the day. What’s more, municipalities presently have the ability to choose for themselves whether this model of voting is right for them. Why our government sees the need to meddle in the ability of municipalities to choose what’s best for themselves is beyond me.

This government argues that now is not the time for municipalities to experiment with costly changes to how municipal elections are conducted. However, municipalities understand their situations and capacities best, and many have been moving toward ranked ballots after careful consideration and study over many years. Regardless of the electoral system they use, municipalities should have the ability to choose that system for themselves.

Municipalities that have considered changing their electoral systems have put time, money and resources into consultations, software and public education. This decision would ignore and throw away the tremendous amount of work that municipal workers across the province have dedicated to research and implementation. Wasting all of this effort is what sounds costly to me.

I do urge the government to do better at protecting local democracy and reconsider the impact of this bill on communities across Ontario.

The Acting Speaker (Mr. Percy Hatfield): We have time for questions.

Ms. Donna Skelly: As we mentioned earlier, and as I mentioned earlier when I was speaking to the member of the opposition, this legislation—and you rightfully said that you agree with at least a portion of it—is being introduced to protect people who are volunteering, to protect people who are working on the front lines, to protect our PSWs, to protect our nurses, to protect restaurant workers,

to protect people in grocery stores from being included in a lawsuit when they are just doing their job.

As I also mentioned earlier, there is absolutely nothing in this legislation that would impede Ontarians’ ability to hold bad actors to account. They can still litigate if they believe that there has been an act of bad faith or negligence concerning the spread of COVID-19.

Can you point out or share with me why you don’t support the entire piece of legislation—and if it’s because you’re concerned that someone can’t be sued, why is that? Where are you seeing that in the legislation?

M^{me} Lucille Collard: The fact is, the way that the proposed legislation is crafted—again, we’re having a standard of having to demonstrate “good faith” as opposed to “reasonable expectation.” Legally, this is a lower threshold for people to meet. That would allow big corporations and the government to be able to protect themselves from this kind of lawsuit.

We’re also talking about people who would come forward with probably less means—we’re talking about family members who may have to go through legal aid services in order to make their case. It would just make it more difficult for them to meet that threshold. This is the problem that I have. There is no provision here—and I like the proposition that we heard this morning about excluding big corporations and the government from this particular legislation.

The Acting Speaker (Mr. Percy Hatfield): The next question goes to the member from Beaches–East York.

Ms. Rima Berns-McGown: The government insists on saying that there is nothing in here that makes it difficult for people to go after bad actors, and yet they now have to prove gross negligence and not just negligence. It feels to me that if their claim was true, they wouldn’t have raised the bar and made it that much harder to sue these big corporations that have left people in appalling conditions in which they died. I wonder if the member would like to comment on that.

M^{me} Lucille Collard: Thank you for the question.

That’s an important point. It creates an imbalance. We’re having vulnerable people who will want to seek redress from big corporations that have a lot of means, lot of money to hire big lawyers to make their case in court while, as I just mentioned, they may need to go through legal aid services in order to try to make their case. So it’s a higher threshold.

1520

Also, when we are talking about those corporations, particularly the for-profit long-term-care homes that have the principal duty to protect the health and safety of the people they care for, that threshold should be even higher. We expect more from those for-profit organizations whose primary role is supposed to look after the health and safety of the people they care for.

The Acting Speaker (Mr. Percy Hatfield): The next question goes to the member from Thornhill.

M^{me} Gila Martow: Je veux premièrement dire que ce matin, le membre de Niagara Falls des néo-démocrates a dit qu’il a été très préoccupé par la hausse des taux

d'assurance. Peut-être que vous pouvez nous expliquer ce que vous pensez de l'effet des poursuites judiciaires sur les taux d'assurance; c'est une qui peut causer l'autre. Alors, c'est ce que je demande : pensez-vous que ce sont deux choses séparées, ou que si on continue avec les choses judiciaires comme ça, ça peut commencer à lever les taux d'assurance?

M^{me} Lucille Collard: Merci pour la question. Cependant, je vais avouer que je ne connais pas le sujet en profondeur à propos des compagnies d'assurance. Ce que j'ai entendu, ce que je sais, ce qu'on m'a apporté dans le comté c'est que la capacité des gens d'être protégés par l'assurance, elle n'est pas là. Donc, les gens vont refuser—nos compagnies, nos petites entreprises ne peuvent pas être assurées contre les dommages de la COVID. Alors, il y a quelque chose à faire par rapport aux assurances, mais ce n'est pas quelque chose qu'il y a dans ce bill-là. Donc, je ne peux pas commenter au-delà de ça.

The Acting Speaker (Mr. Percy Hatfield): Question?

Ms. Teresa J. Armstrong: I want to speak to the government's pattern of really inserting themselves into legal matters—actually exemptions of legal matters. I know in one of their bills they exempt themselves from class action lawsuits on policies if they wrote them in good faith. They also invoked the “notwithstanding” clause and also passed the City of Toronto Act during an election. Now they're interfering in ranked ballot systems with municipalities.

I just wondered if the member from Ottawa–Vanier could speak to what kind of message that sends to the public as this continuing pattern of, I'm going to say, behaviour of this government continually diminishes the right of people to exercise their right to justice?

M^{me} Lucille Collard: Thank you very much for the question. To me, this is another example of the government using its power to really adopt legislation according to its own perspectives and its own values as opposed to listening to the population about what we need and what they want here in Ontario.

I'll say that because, from the beginning—and I have not been around for a long time, I'll admit, but everything I've seen so far is a strong willingness and behaviour from the government to really not go through meaningful consultation. Just as an example, I'm involved in the justice policy committee, and there is not appropriate time for consultation for public hearings. This is just another example of, again, the government shielding itself from accountability.

The Acting Speaker (Mr. Percy Hatfield): The next question goes to the member from Willowdale.

Mr. Stan Cho: Thank you very much, Mr. Speaker, and thanks to the member for her presentation. I've received lots of questions at my constituency office throughout this pandemic, as I'm sure all members in this House have, and those questions are expected from people who are struggling: How can I get relief from my insurance? Where do I go to find the list of the supports that the

government's providing? How do we speak to our members in Ottawa to help tweak the rent support programs? All sorts of questions—and I've heard quite a lot of them.

What I haven't heard is, “Can we make sure we have a ranked ballot system when it comes to municipal elections?” What I have discovered, however—and I'm looking at the statistics now—is that in Willowdale, the lowest turnout is for municipal elections. I've heard firsthand from constituents who have said that it's confusing. There are not only a lot of people on the ballot, there's also a lot of choice when it comes to this. So the question is, do we value politicians' rights over the constituents' rights and the voters' rights? To the member: How can we simplify this process so we have a higher turnout?

The Acting Speaker (Ms. Jennifer K. French): Thank you. Response?

M^{me} Lucille Collard: I think that what we need to value is the discretion of municipalities, their ability of deciding on their own whether they want a ranked ballot or not. The fact that it's a good thing or not a good thing is not really relevant. Why is the government meddling in this power? Why are they taking away from the municipalities that ability to decide for themselves?

About what I've heard in my riding: I've heard a lot of things about a lot of the stuff that is needed. I haven't heard anyone asking to take away that power. I don't know who the government consulted, who asked for this to be removed, but that's the real concern here. Why is the government feeling a need to centralize everything at Queen's Park, to centralize all the decisions here, to take all the responsibility instead of decentralizing the powers, as it said it would do when it was campaigning back in 2018?

The Acting Speaker (Ms. Jennifer K. French): Further debate?

Mr. David Piccini: I'm pleased to raise today to stand in support of the bill, the Supporting Ontario's Recovery and Municipal Elections Act, 2020. This bill supports workers, employees, volunteers, not-for-profits and others, all of whom I've had the opportunity to speak to in my riding over the past number of weeks and months.

There's no doubt we face immense challenges and that COVID-19 has thrown many of our communities into significant disarray and confusion that has resulted in endless calls, I'm sure in your office, my office and many others. I think back to March and April when I worked with the members of my constituency office to compile a COVID supports website to help businesses and individuals navigate the supports that were there for them.

But one of the things I would say is that despite all of those questions and despite the confusion that the globe was placed in with this pandemic, what has really heartened me is the response of all levels of government working together. But far more than that is when I go into my riding and I look in the faces of the volunteers and I look at the faces of the people I represent. It's their response that's been far more special than anything of government. Our community has come together.

My community that I represent is a compilation of individuals who have come together—mothers and

fathers, seniors—who volunteer and give of their time. I think, writ large, one of the things we all probably deal with—I know the member from Peterborough shares some of these concerns—when we look to a lot of our service clubs, our Legions, our Lions Clubs, I think to the recent food drive I had, they're all getting older. The sense of volunteerism, the sense of giving back to one's community is something we've got to come together and instill in our next generation. The hockey moms and dads, the volunteers—I think of the time I spent going out supporting the Northumberland united soccer club—and our arts and culture, those who give their time.

In the backdrop of COVID-19, that's what makes my community special. We as their elected members and as a government owe it to these individuals to support them, to make sure that they can go, in honest and in good faith, to support their community in their response to COVID-19. That was one of the reasons I decided to get elected in this place, because of the proud community that I represent.

So where I'm going here is in the backdrop of declining volunteerism, the backdrop of a volunteer community that is getting older. I think to the Legion I'm a part of. I'm probably the youngest person there by a good two decades in that Legion. I think of the first people who have called my office, who stood tall, delivered meals for the elderly, responded to this pandemic with a Herculean effort—many of them are also PSWs. It's these same volunteers.

1530

Madam Speaker, where I'm going here is that it behooves me as their representative to work with the Ministry of the Attorney General and to work with colleagues in this place to make sure they still do what makes my community great: give back their time, their volunteer spirit.

I don't represent a community of paid activists. I represent a community of people who get up, who work hard, who go to work every day, who come together as a community early in the morning, late at night, to stand by one another, to support one another during these difficult times. And as we continue to move forward, we, as a government, have to stand by them, and we're convinced that this piece of legislation will support Ontario's recovery, will support those men and women who give back—those seniors, those volunteers in my community. We're sending a clear signal that we're there to support Ontarians when volunteers want to give their time—that sense of volunteerism that I said is so quintessential to the fabric of Northumberland–Peterborough South.

When businesses want to rehire staff and open their doors—I don't have businesses coming to me asking to close them down. I have them coming to me with a profound understanding that we're in a global pandemic and how can they help protect the safety of their fellow citizens. They want to reopen, and they want to reopen safely. When charities want to help those in need, despite these unprecedented challenges, we will not allow COVID-19 and its impact to discourage that volunteerism, that entrepreneur spirit that makes Northumberland–Peterborough South the special collection of communities that it is.

We will not allow this virus to prevent volunteers from offering their experiences, their knowledge to help get back at the local rinks, the curling clubs or the Legions. We need these volunteer clubs for the cadets, the Boys and Girls Clubs, Big Brothers Big Sisters, our food banks. We cannot allow local charities to fear holding their fundraising events or programming that will help them reach the lives of people we need to help.

We talked a lot about Legions, and I think we see that there can be an inclination just to stop, to close and to stay inside our homes. But as we move forward in a COVID reality, and as we move forward to protect the health and safety and well-being of our riding—in my community, right now, we monitor the active COVID case counts, and thankfully, right now, we have zero active cases in Northumberland–Peterborough South, or at least the last time I checked. I think that when we're supporting those veterans in our community, when we're supporting those at the food bank and those in need, we have to be able to continue to raise money and stand by those local charities, and many of them are fearful of holding events.

If we're to recover as a province, we need to support those Ontarians who act in good faith. And failure to act has its consequences. I'm going to read to you what I received from a constituent and what I received just from my constituency office. We worked hard on this piece of legislation, and here's why: because the Cobourg soccer club cancelled their season. They cancelled because they couldn't get liability insurance for their coaches and their directors.

As a soccer player, as someone who played at the University of Ottawa, proudly coached at the University of Ottawa, as someone who played across this country at a fairly decent level of soccer, and as someone that looks back into my community and has worked with young girls, with the under-14 with the Northumberland united soccer club, I'm not going to stand there and allow that. I'm not going to stand there and say, "Oh, well. Too bad, so sad." I'm going to work and roll up my sleeves with colleagues on this side of the House to find solutions to support them.

Speaker, I'm going to read another email I received. I paraphrase here, but I'm getting to the paragraph: "minor sports in my community, MPP Piccini, as both an umpire for baseball and softball, a referee for hockey and a coach of an under-16 girls fastball team." That's my community right there. That's my community: a person that gives back with baseball, softball, referees hockey and coaches the under-16 girls fastball team. "We all want to get things back on track and move forward towards normalcy. As the COVID-19 pandemic has affected minor sports, I would appreciate if you, MPP Piccini, would look to follow the government of British Columbia in protecting coaches and officials from liability in the case of sport programming in regards to COVID-19. At this time, we as coaches are in fear and under advisory that we could be held liable if something happens in regards to COVID. This is a detriment to our minor sports community in the province and could result in a large loss of programming."

I'm not going to sit here silently, quietly, while the next generation of athletes sits on the sidelines. Madam

Speaker, I'm going to work with colleagues on this side of the House to make sure that volunteers like the constituent of mine whose email I just read out that they sent to me, the U16 girls on that fastball team, have support from their government as these people, these brave volunteers, bravely go out in the new COVID-19 normalcy, in a new COVID-19 world, to get back to life as we know it, to the special community that is Northumberland–Peterborough South. I'm not going to sit on the sidelines. We're going to act and we're going to work together.

If we are to recover as a province, as I have said before, we must support those who act in good faith and make an honest effort to follow good health guidelines. This is why, after listening to these concerns of Ontarians, like those of the constituent that I just read out, our government is introducing legislation to stand up for our province's front-line workers so that they can focus on work without fear of retribution. That's critical to the vibrancy that is Northumberland–Peterborough South. It's critical to the vibrant rural community that I proudly represent.

I want to stand by our front-line workers to make sure that they're able to focus on their work and support families across Ontario, the heroic front-line workers who we have all in this place—if we didn't truly appreciate the work that they did before the COVID-19 pandemic, I know it has given us all pause to really reflect on the remarkable work that our front-line workers are doing today.

It warrants clarification that—I had the chance to speak with small businesses about WSIB, and this legislation does not disturb the WSIB framework. Workers will still have rights under this scheme. Unlike some of what I've heard the members opposite say over the past number of days, these small business owners—yes, these private sector small business owners, medium-sized business owners—are coming to me, asking about those protections for their workers.

I think of Stephen Henderson, for example, who in the middle of a pandemic, after a forced shutdown of a federally funded program, the Port Hope Area Initiative cleanup, after his machines came to a grinding halt, after the vehicles that he insures additionally, because of the low-level radioactive radiation waste that he has to haul and the additional insurance he has purchased—all those costs, those insurance bills etc. Our government has moved to help with those fixed costs, as the Minister of Finance has said. But this “corporation,” this corporate owner, as the members opposite would go after him for—do you know what Stephen did? He delivered meals to support his staff members, his front-line workers. He supported local restaurants and, throughout the week, would support a different local restaurant to deliver meals for his workers. That is the backbone of business and entrepreneurship in this province of Ontario. That's the backbone of the community I represent. While the members opposite would demonize those business owners, I will stand with them and support them. Members of my party, members of this government will stand with them and support them.

1540

Because I know he and the workers, the volunteers for the charities and the fastball teams that I mentioned in my speech, as they are eager to get back, want to know, as they're honestly following the rules that apply to their facility—cleaning surfaces regularly, limiting the number of people who can enter, moving furniture etc.—that they are protected. Maybe you don't follow the right public health guidance, or you misunderstand it. I see it's coming out from all levels of government these days, so I think if you are following and exercising good faith and you're doing your honest best effort, you shouldn't be held back because of the fear that I referenced in what I've heard from my constituents.

Madam Speaker, when we talk about good-faith efforts, I'm talking about an honest effort made by that fastball coach, by the business or organization who, in the middle of this shutdown, is delivering meals for their employees, but who also is trying to understand the proper public health guidelines to get back up and running, because if that business owner shuts up shop, that's 58 families, as I referenced earlier, that are out of work. That's 58 families unable to provide food on the table for their children, for their families. This legislation protects those hard-working people making an honest effort to follow public health guidance and doing their best to lower the risk of COVID-19.

I spoke a bit about workers' compensation. I'd like to talk a bit about long-term-care homes. They've disproportionately been affected, and residents have stood tall. We've launched, obviously, a commission into this matter, Madam Speaker. In fact, in my riding, we're supporting our long-term-care homes with a number of new builds that I'm working actively with the Ministry of Long-Term Care to support. We're working actively with transitional bed funding. We have, as I said earlier this week in this Legislature, the highest utilization rate of alternate-level-of-care patients in the Central East LHIN, which I represent, at Northumberland Hills Hospital. Transitional bed funding takes those individuals and puts them into long-term care.

Madam Speaker, I think of the long-term-care homes, both public and private, that serve residents of my community with distinction, that serve them on a daily basis. With this proposed legislation in place—thankfully, I know that in my community we've stood tall, but there are many Ontarians who have justifiably right questions to ask over the sort of care that their loved ones have received. I think of the long drives my mother would make when my grandmother was in her final weeks of life. I think of the long drives many constituents of mine will make to visit their loved ones in long-term care. You're always looking, when you get in that room. You're always wondering: “How are my loved ones being looked after?” You're always wondering that. That's what family and loved ones do. I know that many have tough questions.

In fact, Madam Speaker, I'm working with a constituent right now whose mother tragically passed away—outside of my riding, but the constituent lives in my riding, as I

spoke about those long journeys. With this legislation, individuals will still be able to file those claims and seek redress against long-term-care homes for matters including, but not limited to, failure to provide the necessities of life, gross negligence or wilful misconduct, fraud and fraudulent misrepresentation, unlawful confinement, excess or battery. That's what we've seen in limited occasions across this country that have caused, justifiably so, a very active national discourse on long-term care.

But we're leading by example. We have a minister of care who launched a staffing strategy—not during the pandemic, long before. After decades of neglect under the previous government, we're building brand new facilities that are accessible, that aren't hoarding seniors into rooms of four-plus, but that are building semi-private and private facilities. The number 611: Why is that number important? Because after a decade of Liberal neglect, that's how many long-term-care beds were built under the Liberal government, supported by the NDP members opposite.

Madam Speaker, they weren't asking those questions, but we were. That's why when we came to government we unlocked the potential of the new facilities, put additional funds, launched staffing strategies, worked with our hospitals that are crowded—hallway health care—to support alternate-level-of-care patients to get out and get the right type of care that they deserve. That's patient-centred care. That's what our Ontario health teams are doing. It's not driven by paid advocates or triggered politicians at Queen's Park. Those decisions are driven by health care leaders in my community who sit at the Ontario Health Team Northumberland planning table. They're making the decisions. They're calling for more long-term-care beds. They're calling me, saying, "Dave, please give us additional funding for transitional beds." Do you know who is delivering on that? Minister Elliott, our Minister of Health.

Madam Speaker, we're working around the clock. And there's an acknowledgment—how many times have I heard our House leader raise and say that we acknowledge with humility that we have a great deal of work to do? But it starts by rolling up our sleeves and it starts—and I'm going to tie this back to the spirit of the community I represent. It starts by standing by our small business owners, by supporting our volunteers, by supporting the mums and dads who give of their time to support the U16 girls' fastball team and the cancelled Cobourg soccer league—that I'm not going to stand by and allow. Our government is not going to stand by and allow that. We're going to work hard.

Our Ministry of the Attorney General has put in place protections, and we're not going to apologize for that because we know it's in the best interests of Ontarians and we know our constituents are asking for it.

The Acting Speaker (Ms. Jennifer K. French): Questions and responses?

Ms. Rima Berns-McGown: I'm sure that the people of Northumberland–Peterborough South would be appalled to understand that the government is using COVID-19 as

an excuse to give degree-granting rights to a homophobic racist.

I think that if the government really did care about small businesses, it would be giving them rent relief.

What I want to ask the member right now is, as a citizen of Toronto, which had its democracy eviscerated by this government in 2018—how can the member look at the people of Ontario and say that he is respecting their voice when this bill eviscerates their democratic rights?

Mr. David Piccini: I thank the member opposite for her question.

Respectfully, don't put words in the mouths of my constituents. I'm there every day. I don't think you've even visited Northumberland–Peterborough South, but you're welcome to come and talk to the constituents, like the coaches I referenced.

Those constituents showed up en masse, voting via a first-past-the-post system to elect me in record numbers, and in record numbers this government into the majority situation we're in today. So I'll respect my constituents, and I'll work hard each and every day to represent them—because I follow the process just like we follow in our post-secondary sector. We follow processes here—of so many who want to give of their time, and they deserve a process and they deserve protections so that they can continue to give and volunteer of their time, which makes my community the special place it is.

The Acting Speaker (Ms. Jennifer K. French): Questions?

Mr. Dave Smith: It's no surprise that I've been an advocate for special-needs sports, Special Hockey Day, bringing in Challenger Baseball. I've worn the Kawartha Komets jersey here.

The Kawartha Komets are not having a season this year because of COVID-19, and one of the challenges that they faced was the liability aspect of it. They're all volunteers. It is a charity organization, and they're not having a hockey season this year. So many of those special-needs athletes are missing out. How would this bill help them, moving forward, so that we could get them back on the ice?

Mr. David Piccini: I thank the member for that question. He has been an absolute champion for Challenger Baseball, whom we've invited here to this place.

I represent, just south of that member, a similar community. Challenger Baseball doesn't have the sort of paid activists that ignite the inflammatory language that we hear from members opposite. These are charity groups and these are people who give of their time—not paid for by mega foundations—in earnest, to support special-needs students, who don't have lobbyists. They're fearful. This legislation gives them the protection from liability so that they can go back and so that the children with special needs, who bring a smile to that member's face—and the members throughout Peterborough–Kawartha—can continue to go and play baseball and do the things that they want to do.

1550

The Acting Speaker (Ms. Jennifer K. French): Further questions?

Mr. Percy Hatfield: Just to remind the members opposite: Nobody on this side of the House has questioned the integrity of the volunteers and the coaches and the sports leagues in your communities and in our communities. That hasn't been brought up here from this side of the House.

What we're talking about is, those same coaches and volunteers also live in London, where they had a ranked balloting system; they also live in Kingston, where they were considering a ranked balloting system. But instead of going through with that—even though you elected your party leader and now Premier through a ranked balloting system and the Green Party in Ottawa just elected their leader through a ranked balloting system—you're saying no municipality can do that in Ontario. That's the poison pill within the bill.

Because we don't agree with everything in the bill, please don't confuse this with not agreeing with your coaches or your athletes. That's not what we're here for. We're saying that there are parts of the bill we like and parts we absolutely don't like.

Mr. David Piccini: I have immense respect for that member opposite. There wasn't quite a question there.

I do genuinely feel that only the members opposite would conflate a party system of voting and governing, and that's perhaps because they would be governed by the very same activists, were they in government, instead of listening to all Ontarians.

What I will say is that Canadians go to the ballot with a first-past-the-post system—they do it in Ontario and at the municipal level. They will do that, as well, throughout the province of Ontario, as 443, I believe, municipalities already do.

I would pose a question back to that member. What I did hear from my constituents is “respect the taxpayer.” Will he cut the cheque when the municipalities come—instead of providing supports for COVID-19—want to provide additional funding and millions of dollars for outcomes that have the same outcome as first past the post?

The Acting Speaker (Ms. Jennifer K. French): Further questions?

Mr. Stan Cho: I'm enjoying this debate today.

I've heard this talk about the ranked ballot system—and I believe that voters' rights are more important than politicians' rights.

I was talking about voter turnout, earlier, in Willowdale, but let's look to other jurisdictions.

Minneapolis went to a ranked ballot system and they saw a pretty substantial drop in voter turnout, in 2009, when they did that.

Let's talk about the one municipality out of the 444 that used the ranked ballot system and see what their voter turnout looked like. Well, in 2014, they dropped well outside the margin of error, from 43% turnout to 39% turnout.

So my question to the member, through you, Speaker, is: Do we expect the same voter turnout to drop as it is—because municipal turnout is low to begin with. I believe

we need to increase voter turnout, not decrease it, in the province of Ontario.

Mr. David Piccini: I thank the member for that question.

I think he hit on an important topic, about voters' rights versus politicians' rights. I know there are many who would rather that the narrow interests of certain political friends be favoured over the interests of the voters. But I think that in the interests of the 443 municipalities and across the province—when we now have the very real potential of multiple elections at the same time, we want to make sure that Ontarians and Canadians are focused on COVID-19 recovery and that as they head to the ballot box, as they do en masse, as they did in record numbers to elect me and to elect this government in a first-past-the-post system, we focus our efforts on COVID-19 recovery and the best interests of Ontarians as they try to get back to work and as we get this economy going.

The Acting Speaker (Ms. Jennifer K. French): Questions?

Mr. Gilles Bisson: To the member who made the presentation: I said in my speech—and I guess it would be my question. If we purport to support veterans and honour their sacrifice to this nation—they fought in world wars and in police actions in order to make sure that we have the right to decide how we're going to choose our politicians. How is it respecting the sacrifice that they made for us by us saying to people in Ontario that they can't choose their own municipal electoral system in the way that they did? How is that respecting what it is that our veterans have done to get us to where we are now?

Mr. David Piccini: I think Canadians have opined and had their say.

I would say that the municipalities are creatures of the province. They're the first ones to engage, and we've supported them with additional dollars in response to COVID-19.

I'm drawing the stretch of world war—I have many family, as did you. I thank you for the brief service that you alluded to earlier. We all in this House respect that.

But I think we have to take—to go to those lengths, I don't want to go there. Because to go to those lengths—I could look at the member opposite, who is sitting by a member who had some very disparaging remarks about our front-line men and women police officers. Do I assume and impugn that's ultimately his motive? No. I think in this place we want to be the best politicians and the best government that we can be to support our constituents during this global pandemic, during a very, very difficult time. That's the legacy of the men and women who died and fought on the fields of Normandy—to stand up for those soccer coaches and those people so that they could live a free life, so that they could go out and support those fastball teams—

The Acting Speaker (Ms. Jennifer K. French): Thank you.

The Acting Speaker (Ms. Jennifer K. French): I recognize the government House leader on a point of order.

Hon. Paul Calandra: I rise in accordance with standing order 59 to give notice of the business for next week.

Next week, we'll be dealing with Bill 215, Bill 218, and of course we will be dealing with the bill that was introduced today by the Minister of Transportation.

In addition, we will be dealing with private members' business on Monday, business brought forward by the member for Peterborough–Kawartha, the Murray Whetung Community Service Award Act; on Tuesday, the member for Scarborough–Rouge Park, the Highway Traffic Amendment Act; on Wednesday, the member for London–Fanshawe, Bill 13, the Time to Care Act; and on Thursday, Mississauga–Lakeshore, the Life Settlements and Loans Act.

I would just like to again thank all members of the Legislature for what has been a very vigorous week of debate in this House, which was capped off yesterday by our first-ever take-note debate, which was very well done on all sides.

The Acting Speaker (Ms. Jennifer K. French): I recognize the member from Timmins on a point of order.

Mr. Gilles Bisson: I want to thank the government House leader for invoking our standing order that provides to get the business of the House. But I would ask, could you, in the future, provide us what days you're going to be calling those bills? As you well imagine, everybody in this House, from the independents to the official opposition to your members, would like to know what day those bills are being called so that we can plan accordingly to make sure that we're ready for those debates.

So it's good that you gave us the bills we're going to be debating, but I would ask you to provide us the dates—Monday, Tuesday, Wednesday, Thursday—of what you will be debating.

The Acting Speaker (Ms. Jennifer K. French): Further debate?

Mr. Gurratan Singh: I rise today to speak about Bill 218. Before I begin to get into the depth of the bill, it's important to recap the impact the devastation that happened in long-term-care homes had on our province.

A lot like others, when I read the military report about the status of our long-term-care homes, I was floored. It was devastating to hear about the deplorable conditions that seniors and elderly individuals are being held in in our long-term-care facilities. It's important to keep in mind that these are folks who have spent their entire lives building our province. We don't exist here independently. We are by-products of those who have put in hard work before us. We are by-products of those who struggled and did a lot of arduous work to build this province to get us in the position where we are today. We are forever indebted to those individuals who put their everything into creating our today.

We have a duty to them, as they are at the end of their time here, that they should be living their last days with respect and dignity; that they should be living their lives to the best that can be created. As this generation, as those

who are now inheriting the work that they did, we have a duty to them.

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When we read about the conditions, about folks being left for hours in soiled diapers, about food being served to them that was rotten and not of good quality, about instruments being used between one individual who had tested positive for COVID-19 and that same instrument being used on someone who had not tested positive for COVID-19 in the same facility—all of these were appalling. It was an appalling thing to hear the status that our seniors were being held in in these long-term-care facilities. It was gruesome. It was something that people across the province were talking about and are continuing to talk about.

We heard from this Premier a commitment that he would work to address this issue in long-term-care homes—that he would protect them at all costs, that no stone would be left unturned. He said that he would do whatever it takes to ensure that our seniors who are in these long-term-care facilities are being taken care of. The problem is that when it comes to what the actual result of it was, when we see Bill 218, we see that there's a clear direction within this piece of legislation that is going to basically provide long-term-care facilities a cover. The issue around Bill 218 is that it's not going to provide, ultimately, what the Premier had promised—an ability to hold these facilities to account and make sure that the individuals who are in these long-term-care facilities are being taken care of. When we look into Bill 218 and the issues around it, we see that it's completely in contradiction to what the Premier had communicated.

This bill is going to let long-term-care facilities off the hook. That's something that is truly appalling, given what we've already seen in this province, given the fact that people have already gone through this terrible experience of seeing their loved ones in these facilities. They've already gone through the process of having to lose their family members and their loved ones because of the deplorable conditions that our long-term-care facilities were in.

When we look at Bill 218, what are the problems? What is it that is really at the heart of why we take objection to these aspects within this piece of legislation? The main area is this idea of good faith. I know we've heard a lot of other folks talk about it, but I do want to reiterate it for the purpose of my comments today. When we talk about good faith and the fact that this piece of legislation broadly protects and says that if you acted in good faith, you're not able to be held liable towards transmission of COVID-19—let's look at why this is problematic.

The first issue we talk about is that it's really broad. Let me use an analogy to explain what's problematic with this idea of good faith.

If I get a cut and I am hurt and I need help and I go to my friend, who tries his or her best to patch up my cut—maybe they weren't good. Maybe something happened and my cut got infected. Ultimately, my friend tried his or

her best, but something happened and I got infected in my cut. They acted in good faith. They tried their best.

Let's change the example. Let's say I go to a doctor with a cut and the doctor applies the same treatment to me and it still gets infected. Obviously, I'm not going to hold my friend to the same standard as a doctor. A doctor is trained. A doctor has a higher expectation of care on an individual.

So it doesn't make sense to broadly say, "Hey, as long as the doctor acted in good faith, it's okay. My friend acted in good faith and I got infected because of my friend's actions, and I got infected from the doctor's actions. It's at equal par." It's not. We have to understand that when we talk about good faith and its application, it needs to be done according to the circumstances.

That's the problem with Bill 218. It's too broad—to put long-term-care facilities on the same line with sports clubs or hockey clubs or anything like that. There's an inherent contradiction there; or putting families or friends who are trying to take care of someone who is sick with COVID-19 along the same line of billion-dollar long-term-care facilities. That is the inherent issue with Bill 218.

Something else really interesting in terms of understanding what's so problematic about this bill is that, when we look at Bill 218, we need to understand that there has been a really big shift. Traditionally, when we look at jurisprudence or we look at common law, we look at this test called the reasonable person test, and that's an objective test. With this test, we look at a situation and you objectively look at the standard and you compare those actions to what a reasonable person would have done. If there's a circumstance, you say, "Well, was that reasonable or not for that individual to act in that way?" So you have some sort of objective standard which you're comparing it to.

What's happened with Bill 218 is, they've actually replaced this reasonable person test, this reasonable standard, this objective test with a subjective one, a subjective test that says as long as you can prove that you tried—so you're not being held up to any objective bar, you're not being held up to some sort of comparison in which you can say, "This is appropriate action, and these are actions that fell far beneath this standard." We don't have that test anymore. We have a subjective one where someone can say, "Hey, I tried my best."

Let's give an example of how that can be so problematic. The government was asked this morning whether it was acceptable that in some long-term-care facilities there were people who were sick, who had tested positive for COVID-19, who were being grouped in the same rooms as people who had not tested positive, people who were free from COVID-19. All that separated them was a curtain. This was a question that was put forth to the government this morning. The government admitted that this should not have happened, that this is unacceptable and that this is something that's not a good situation to be in. Now, let's look at it further. Let's say someone who was in this room with folks who tested negative for COVID-19 and tested positive for COVID-19, and the

person who is not sick contracted COVID-19 and got sick. Let's say that person got sick and died—God forbid. Now, the government admits that this is not a good thing to do, but that long-term-care facility only needs to prove now that they had tried their best. It was an honest mistake; they didn't know. That standard of good faith being applied to a long-term-care facility in this context makes no sense. Even when we have the government stating clearly that this is not a good thing, that this is bad action, that this is a bad example of how long-term-care facilities are treating folks—despite that, despite something we all know about—the long-term-care facility can say, very clearly, "You know what? We tried our best." That is not applicable in the circumstances or should not be a standard that is held to long-term-care facilities.

Let's keep this in mind: These are sometimes billion-dollar companies that run these long-term-care facilities. These are billion-dollar companies that during COVID, during a pandemic, actually issued dividends to their stakeholders in some circumstances, during this pandemic. A billion-dollar corporation that has all this money and all this power and all these resources behind it is now being held to the same standard as a hockey coach or a hockey club. That makes no sense.

What's happening with Bill 218 is that it's actually in a single stroke of a pen erasing literally hundreds of years of common law which built up the standard of care or the test that should be applied in these kinds of circumstances. We're talking about hundreds of years of a test—the good neighbour test, for those lawyers who are aware of these past jurisprudence and past common law tests that we look towards. This is what's being wiped away with Bill 218. That's why you're seeing such a huge response from folks who are in opposition to this, people who are directly impacted by this legislation, people who are directly impacted by long-term-care facilities.

I'm going to read some of these responses that folks have towards Bill 218. We have Cathy Parkes, a family member: "My family and others like us have been through a living hell in the past six months. We watched our loved ones suffer and die while our hands were tied and the only people who could help didn't move fast enough. This tragedy will be etched in history as a time when those in power failed to protect our vulnerable citizens and this new step shows the corruption of power at its absolute worst."

We are seeing a circumstance here where the Premier, on one side, clearly articulated that he wants to protect folks who are being impacted by long-term-care facilities, but, on the other side, is very clearly bringing legislation that is going to the benefit of the Premier's long-term-care lobbyists, those who have bent his ear and who are putting forth these suggestions to ensure that there's a standard of liability which is not, quite frankly, going to hold these institutions to account.

When we read further, we have Melissa Miller, a partner and a lawyer. She writes:

"This legislation will have the most obvious impact on lawsuits against long-term-care and retirement homes who

acted negligently and failed to take reasonable steps to protect their vulnerable residents. As a result of this legislation, it will no longer be enough for victims, and the families of those who died, to prove that the homes were negligent. They will now have to prove that the home was ‘grossly negligent’ in order to hold them responsible for the damage they caused.”

This is, once again, a test that we’re hearing that is far too onerous. Also, think of the dynamic here. You’re putting the test on individuals who might have lost a family member, a family that is trying to find justice, a family that is trying to get some sense of either closure or economic support as a result of damages they’ve experienced—something. In any claim that is brought forward, if the defendant is a long-term-care facility, a billion-dollar facility that already has so many immense resources available to them, it’s now able to defend itself by saying, “Hey, we acted in good faith.” It’s that imbalance that you’re already seeing of families, everyday Ontarians, folks who lost loved ones now being put in a position where they don’t have the tools available to them to search and to find justice, to pursue justice.

That is ultimately what’s at the crux of this problem, this issue. The reason why people in the opposition like us are articulating our dissatisfaction with this part of the legislation is because it precisely protects those who have all the resources. It protects those who should be in a position of service. Long-term-care facilities should be providing care at the highest level and the highest standard to those who are vulnerable. You’re doing two things here: You’re protecting those who are acting negligently toward individuals who are in precarious situations, and then, further, you’re taking that recourse away from them. So you have this compounding impact of injustice being put forward toward individuals who are in tough situations.

I’m going to read further, another account of people’s responses to this bill. We have Marie Tripp, a family member:

“What Ford has put in this bill, that has nothing to do with LTC, is stripping the rights of families being a voice for our loved ones who have passed in LTC. This is not how I was raised by the generation before me. I was taught to stand up for what’s right and to fix the wrongs. Mr. Ford should not be allowed to get this pushed through to protect the pockets of investors in LTC. His job is to protect the residents of LTC with clarity and accountability.”

Here is being articulated that very same point: The government’s job is not to put forth legislation that’s going to be to the advantage of those with means. The government’s job is not to put forth legislation that’s going to ultimately protect billion-dollar long-term-care facilities and the lobbyists and the friends of the Premier who have come forward and said, “Hey, we need to get this kind of legislation,” through their lobbying efforts. This is not an appropriate approach towards addressing this crisis that we have in our long-term-care facilities.

We have Darlene Thomas, another family member:

“I am disgusted and appalled reading it. My grandmother died alone and under deplorable conditions at

Orchard Villa. We were not allowed to touch or even go close to her casket at her funeral. What sort of goodbye or closure is that? Now the government wants to protect these companies? How is it fair for families of loved ones that died or continue to live in these facilities? Where is the justice?”

That is the question, time and time again, that is being asked by folks in long-term-care or folks who have family members in long-term care—folks who have suffered injustices as a result of long-term-care. Where is the justice? What we are seeing from this legislation is a very clear injustice being put forward for all those individuals who have been negatively impacted by COVID-19 in our long-term-care facilities.

I’m going to read from Amir Attaran. This is a law professor at the University of Ottawa. He writes, “This bill is a backwards, cruel and possibly illegal attack on families who lost loved ones to COVID-19 because care homes were negligent. It erases their legal rights to compensation. The virus took lives, and now the Ford government takes the rights of survivors.”

This is the message we’re hearing time and time again from those who are directly impacted. We’re not talking with the billion-dollar long-term-care facilities. Of course they’re happy with this legislation. This is legislation that protects them. Instead, we’re talking about those who are impacted, those who have been impacted and will continue to be impacted by the negligence, by the gross, gross negligence, by the incredible acts of injustice that have occurred in our long-term-care facilities.

Then we look at the Ontario Health Coalition: This legislation “would make it significantly harder for residents and families to hold long-term-care homes liable for harm resulting from exposure to and infection from COVID-19.”

We have Graham Webb, the executive director of the Advocacy Centre for the Elderly: “No resident or family member who has suffered harm and injury as a result of the negligence of a long-term-care home operator should have their rights to access justice extinguished in this way.” The same message again and again.

I’m going to end with this final quote we have from Golnaz Nayerahmadi: “This bill is obviously problematic on many levels. Setting this government’s own negligence, including its delayed and woefully deficient response to the pandemic and directives, as the bench against which good-faith effort is assessed is fundamentally unfair to victims.”

We’ve heard from folks who have clearly described and clearly articulated and have clearly communicated that this bill does not do enough. When we talk about what we should be building instead, we need to be thinking of a few things instead. Let’s look at this bill. The bill is called supporting Ontario’s recovery. So when we talk about the supporting Ontario’s recovery act, we should really be talking about what a true recovery act is. This bill, not only is it really not focused on our province’s recovery; it’s focused instead on the protection of long-term-care facilities. We should instead start looking at and start

imagining what is a better system for Ontarians with respect to long-term care and across the board. How can we actually support Ontario's recovery? I think that's a question that is on the top of a lot of people's minds right now as we talk about what is lacking in our province.

Let's talk about long-term care. Long-term care requires an overhaul right now. We know that. Long-term care is something that has failed those who have put their whole lives into building up our province and are now being left to the wayside and they're being put into deplorable conditions. What does a true supporting Ontario's recovery act look like? One would be, we know that there's a clear distinction between for-profit and not-for-profit long-term-care facilities, and that's why the NDP is fighting to ensure that long-term-care facilities should be public. We know that public facilities provided a higher standard of care and that those folks, the individuals who were in those facilities had a better experience than those who were in these for-profit conditions. The whole issue is that when you enter in this idea of profit into something that's supposed to be a public good, then all of a sudden your directive, your focus is no longer service; it becomes making money.

That's why, when you have privatization in health care, the result is always a decrease in care. Private health care does not work, because health care at its root is something that should be an act of service, an act of love, an act of care, something that there should never be a dollar figure associated with—at the end of the day, are you reaching your bottom line or not? No, it should be: Have we provided the best care to those who are in need? That should be the spirit that motivates us when we talk about how to provide care. That's what a true supporting Ontario's recovery act should have looked like. But it's beyond that. This bill is woefully negligent, not only in its actual legal writing and the actual way in which it's been constructed and the way it has totally disregarded an area of law that has hundreds of years of common law beyond it.

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This piece of legislation is negligent to its very name. The bill is called supporting Ontario's recovery. Well, let's talk about how we can support Ontario's recovery. Let's talk about small businesses, something that's non-existent in this piece of legislation. This bill puts itself forward as something that is supposed to recover Ontario. Well, then you need to recover Ontario. You can only support Ontario's recovery by ensuring that the backbone of our economy, small businesses, are being taken care of.

Small businesses who have worked tirelessly to ensure that our economy is being taken care of, folks who have spent their whole lives working and those who have spent their whole lives putting forth this dream of owning a business or who have spent their whole lives imagining a different profession, or those who have wanted to search out something that was more true to themselves—there is nothing in this piece of legislation as per that. You have nothing in “supporting Ontario's recovery” which is addressing small businesses. That's something that should be at the forefront of this legislation. Instead, we're seeing

small businesses being totally disregarded by this government.

Small businesses need support right now. I talk to small businesses all the time, and they're struggling. How are they struggling? They're struggling because they are being put in a position where they're not getting the support they need. When I look at Brampton and I look at the small businesses there, we see clearly that small businesses, mom-and-pop shops that are employing folks and are doing so much for our economy, are not getting what they need from this government. What do they need? They need rental support. They need to ensure they're getting a ban on commercial evictions. They need to make sure that there's a freeze on utility payments. Instead, what this government is putting forward is a one-time grant of \$1,000 for eligible businesses.

Let's talk about the juxtaposition here. Small businesses that we know COVID-19 has a devastating impact on—COVID-19 has literally taken businesses who have been in operation for years and has fully gutted them because of all the economic turmoil that has come in association with COVID-19. These small businesses are struggling, and instead of acting to help them, this government is offering them a one-time payment of \$1,000. That's not what small businesses need right now. Small businesses need far more than the one-time payment of \$1,000 for PPE that's being put forth by this government.

What small businesses actually need is rental support, something that the NDP is putting forward and has suggested. They need a freeze on utility payments, something that the NDP has suggested and that this government has said no to. They need a freeze on commercial evictions. That's a true “supporting Ontario's recovery” plan.

Let's talk further about how folks are struggling. Let's talk about schools. There's nothing about supporting our schools in Ontario's recovery, and that completely boggles my mind, how something that is so important to every Ontarian is not included in this piece of legislation. We know families continue to be and have been really worried about COVID-19 and its impact on our schools. We know that families were legitimately stressed about how their kids are going to go back to school and get the education they need, but also be safe.

One of the things that people were asking for across the board is a cap on class sizes. A cap on class sizes—something that was suggested by health professionals—would have done so much to ensure that our students in schools are protected from COVID-19. The NDP put forward a motion saying that we need to bring in a 15-student class size cap to our schools, and this Conservative government chose to vote against it. The impact of it is that we see in Brampton so many schools now that have COVID infections in their schools. This is something that's deplorable. It's appalling to me, and it's also something that speaks to the lack of priorities by this government, that they're not looking at something which is so fundamental and something that, quite frankly, health professionals clearly stated was such a good opportunity and such a scientifically based opportunity to control COVID-19.

Instead, we had, in some circumstances, students in classrooms as large as 30 kids per classroom, who were put in overcrowded conditions that, as per the health professionals, could have resulted in the spread of COVID-19. That is not how we support Ontario's recovery. That is not the direction that supporting Ontario's recovery will truly result in if we're not helping those who are most fundamentally—a very basic thing, like schools.

Let's also talk about health care. Health care is something that folks are struggling with across the board. When I talk about Brampton all the time—it's one of the worst circumstances of the city that has been neglected by years and years of governments who haven't cared about Brampton. We know that in the past over 10 years in which the Liberals were in Brampton they did nothing for our health care, and under this Conservative government, they have continued this track record. Brampton is a city of over 600,000 people, yet we only have one hospital, and we are one of the fastest-growing cities in this country—a vibrant and amazing and dynamic community that does not have the support and health care that is required.

When you talk about how COVID has impacted Brampton, Brampton often is described in a way—you often see it on online—people often say that Brampton is given the short end of the stick. Brampton is somewhere that is not only given the short end of the stick, but Brampton is often the brunt of a lot of jokes. Well, I think that's completely wrong. I'm a proud, proud Bramptonian and I think that Brampton is an amazing city. But when you look at the impacts of COVID—

Interjections.

Mr. Gurratan Singh: You can applaud for Brampton. I'm very, very proud of Brampton.

Let's now look at the impact that COVID has on Brampton. Brampton is a city that has had a really devastating impact because of COVID-19. But now, let's look and understand Brampton a bit better, to understand how there are a lot of disparities that impact Brampton in a way that don't impact other communities. When we talk about the spread of COVID-19, we look at one factor: The economic situation of Brampton is such that a lot of folks in Brampton work in factories, a lot of folks in Brampton are in trucking.

When you have a truck driver who is driving—across North America, often, moving our economy—let's keep in this mind. Because of truck drivers, because of the hard work that they do, folks can work from home, because they're the ones who are moving goods from A to B. They're the ones who are moving our economy. You can work from home right now, if you are working from home, because of a truck driver, who doesn't have the privilege of working from home. They can't drive their truck from home; they have to go to work.

So this is the demographic of Brampton. You have a lot of truck drivers. You have folks who work in factories—factories and packaging plants and distribution centres—who are putting together the goods, are packaging up the goods that people purchase online, and they're sending

them out. If they're in these circumstances, this actually contributes to the spread of COVID-19 in Brampton. You also have folks who are living in often multi-generational homes because of a variety of factors, including affordability of homes and accessibility to homes.

If you look online, you see Brampton being described in a manner that—people are often making Brampton the brunt of a lot of jokes, and then on the other hand, we have a narrative around Brampton that it's a COVID hot spot. But there's not a narrative around Brampton describing why it's a COVID hot spot and how the root of Brampton being a COVID hot spot actually lies within the fact that there are economic disparities that disproportionately impact Bramptonians—the fact that those who move our economy, those who work in processing plants and factories and distribution centres, those who work in the trucking industry, those who ensure that folks can work from home, are not able to work from home.

They're moving our economy, and often, when there are outbreaks happening in factories or in workplaces that are not actually following COVID-19 guidelines, they are then victim to that. They then go home, back to a multi-generational household—a household that's often set up in such a way for a variety of reasons, including care for elderly in many circumstances, because accessibility to care for elderly is something that's not there. There's also a huge lack of—when we talk about long-term care or elder care, we have a lack of cultural sensitivity right now or a lack of investment in culturally sensitive long-term-care and elder care facilities. Then you have folks who instead are taking it upon themselves and taking that burden upon themselves because they don't have that support from the government that they should rightfully have.

All of this creates a circumstance in which Brampton is put in a situation in which they are being described as a COVID hot spot, but what's not being described is the economic disparity that results in Brampton being a COVID hot spot. If you truly want to address COVID-19 in Brampton, in addition to immediate actions in terms of creating more testing and better supports for workplaces and COVID-19 safety, what you also need hand in hand with that is looking at the root economic issues within Brampton that exacerbate the COVID-19 conditions, conditions that have been there far before COVID-19 and that COVID-19 has actually brought to the surface.

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Brampton is also a city that has a low work-live ratio. A lot of people leave Brampton; it's often described as a sleeper city. All these factors come together and create a situation where Brampton becomes a COVID-19 hot spot. What we hear time and time again when people are describing Brampton is not this economic disparity. Instead, we have these disparaging remarks about Brampton, and we have Brampton being the brunt of jokes instead of looking at the root issue around Brampton, the fact that Bramptonians are moving our economy. Because they're moving our economy, they can't work from home, and because of that they're often at further risk of

contracting COVID-19. So if you want to help Brampton, if you want to help address the COVID-19 crisis in Brampton, that means looking at creating a more equitable, a more fair and a better Brampton. That's what the NDP is fighting for. That's what the NDP is looking for. That's the future in Brampton that we're trying to create.

But time and time again we see this government voting it down. When we talk about investing in our health care, this government votes it down. When we talk about investing in our universities and more infrastructure that comes along with them, this government votes it down. When we talk about providing Brampton the support that's required, even the 15 class-size cap, which is so important to Brampton, we see this being voted down as well by this government. These are the issues that are holding Brampton back. If we really wanted to support Ontario's recovery, we would be looking at these issues and not just put forth a piece of legislation that all it does is give this huge shield to long-term-care facilities.

I'll also talk about another issue. When we talk about supporting Ontario's recovery, at the crux of supporting Ontario's recovery must be making life more affordable for folks. If you want to support Ontario's recovery, you need to support Ontarians. Right now, we know Ontarians are struggling. They are living hand to mouth right now. So what we need in this legislation, something that is under the direct purview of this government, something that the Attorney General has a direct impact around, is auto insurance. It's something I've been talking about time and time again.

Bramptonians are struggling because of how expensive auto insurance is. In some households, people are paying more for their auto insurance than their house's mortgage. Now you add in the situation of COVID-19—and I actually looked at the facts. I actually looked at the numbers and I pulled up the numbers. We know that Brampton has experienced a lot less accidents than in years before. We know that Brampton has actually experienced a huge drop in accidents. I actually pulled up the numbers. I was curious. I was saying, "We all know that because of COVID-19, people are staying at home. They're driving less. What's the impact of COVID-19 on accidents in Brampton?" I wanted to see what the difference was.

I pulled up the numbers from March to September of 2019 and I compared them to the numbers of March to September 2020, this year. We found in the period of March to September in 2019, Brampton had 3,962 accidents. If you compare that to 2020, that same time period of March to September, we had 1,585. That is a 60% reduction in accidents across Brampton. The result of it, though, is that for Bramptonians and people across Brampton and Ontario, the premiums actually went up.

Despite the fact that insurance companies are making these huge savings—billion-dollar car insurance companies are making huge, huge savings, on one hand. On the other hand, what we're actually seeing is that premiums are still going up. It's important to understand that our premiums only go up when the Conservative government approves them. That's it. These premiums only go up

when they are approved by the Conservative government. Insurance companies often have to go to the Conservative government, or the government of the time, and say, "Will you approve my increase to premiums?" What we have seen is that time and time again, during a pandemic, while people's cars are parked at home, while people are living and working from home, their cars are parked in their driveways or on the street—in those circumstances, we have increases to premiums for folks who are in the most desperate situations.

If this government was serious about supporting Ontario's recovery, then we would have seen that kind of legislation in this act and not just this cover for long-term-care facilities—something that is completely being used by these billion-dollar long-term-care facilities as a shield to protect those who are in a position of power—instead of helping those who are in the most desperate of situations, instead of helping these folks who are struggling because of COVID-19, instead of helping those who are struggling in often the most deplorable circumstances.

This is what we must look at when we understand COVID-19: the impact it's having on long-term-care facilities and how we can truly bring in a system that is supporting Ontario's recovery. But instead, what we see time and time again is this government choosing the haves over the have-nots. That is not how we create more equity, more liberty, more freedom and more justice in our province. We don't do that by ensuring that those who already have so much wealth and so much support are getting more; we get it by ensuring that those who need justice get justice.

There's also a lot of discussion about—I've heard it earlier today, and I do want to share and talk a little bit about it as well—this issue around electoral reform, around ranked voting. I want to make reference to this part of the legislation as well because—it's important that we keep this in mind. When we talk about ranked balloting—and I heard folks giving their opinions and their thoughts about the root of it and what's a better system—ultimately, democracy is strong when we allow local communities to make decisions on how voting occurs. If a community—rightfully so—holds a referendum or makes a decision to bring in ranked ballots, then that is something that should be respected. Instead, when we have the government coming out and taking that right away from them, that's problematic.

Ultimately, that is the root of this issue, because democracy is strong when individuals, when folks have access to that kind of decision-making. That's what strengthens democracy, not when we put forth a system that forces people to conduct themselves in one specific manner. It is the democratic right of local communities to make those decisions, and that's something that government should not be taking such a strong position on in seeing that democratic right taken away.

Back to the issue of long-term-care facilities and something that we need to address across the board: When we talk about long-term-care facilities, when we talk about the issues at the core of why people are finding this

legislation problematic, we see that legal experts from across the board have come forward. Legal experts have expressed their immense dissatisfaction with how this piece of legislation is being described, how this piece of legislation is empowering long-term-care facilities to not be held liable.

Let's go back to this example of this broad application of good will and how good will is something that—when it was described to me, I found it to be a really interesting juxtaposition between what the test was and what the test will become and that difference between a subjective and an objective test. If we look at what the impact of that is, obviously, when we talk about something like a long-term-care facility, which has this huge, immense access to resources and itself is often run by billion-dollar corporations, these long-term-care facilities should not be held to a subjective test for protection. They should not be held to a subjective standard of care. They shouldn't be held to this subjective test, in which they can just say, "Hey, I acted in good will. I tried my best," even if that action resulted in death, if that action resulted in some individual contracting COVID-19 and put in a—if it had a terrible impact upon their health, their family's health or what have you. That is not a just system. That does not create more equity in our province. That does not create more fairness. That's why you see all these folks from across the board speaking out against this situation and speaking out against Bill 218: Because what it does at its root is empower those who are already in a position of privilege and who should be held to account.

1640

I remember reading that military report and I remember feeling sick to my stomach thinking about the situation in which folks who had spent their whole lives building up our province are now being put into: being served rotten food and being left in soiled diapers while often they were asking for assistance for hours. The military itself came out with this report. A very objective body came out describing the huge inequity that was existing—just the terrible circumstances which people were in in our long-term-care facilities. That is something, as has been described in the quotes from others that I mentioned today, that's going to be etched in the history of Ontario and of Canada.

For years to come, people will be looking back and saying, "What was the impact of COVID 19? What was the legacy of the impact of COVID-19?" And more importantly, "How did folks react to this?" Did they take the path of justice? Did they take the path of truth? Did they take the path of accountability? Or did they double down on those with means? Did they double down on those who have lobbied the government and those who have put forth their efforts to ensure that policies being brought forward are clearly in favour of the haves and not the have-nots? That is going to be what people are going to look back and judge this government on. The impact of COVID-19: We're in the middle of it right now. We are living COVID-19. People are going to look back and reflect and say, "What is the legacy of government? What

decision did they decide to do when people were struggling at their most?" Did this government decide to act to support those who are in need or did this government instead act in a manner that resulted in greater inequity, greater death, greater destruction, greater pain and greater sorrow for those who are in tough, tough, tough situations?

When we look also at this idea of the fact that it is being brought in, and that it's going to be applied retroactively, that's incredibly problematic as well because this issue of long-term care has been something that we have bringing up, in terms of the opposition, for years. We've been talking about this failure in long-term care. We've been talking about the fact that people are struggling because of the conditions in long-term-care facilities. And the fact that this is having a retroactive application to the beginning of COVID-19, what that does, actually, is ensure that certain long-term-care facilities, that may have had problems with care that maybe stem from beforehand, could be not liable towards conditions that resulted in the spread of COVID-19 later.

This is something that we need to look at, that if we have a long-term-care facility that is already acting negligently and already acting in a way that was creating the spread of disease as a whole, in general, then now they have a further shield to say that when COVID-19 came in and folks got sick and had a negative impact, and contracted COVID-19 because of that, they could say, "No, no, no, we're not liable now. We acted in good faith"—despite the fact that the issue that resulted in COVID-19 being spread could be from an issue within that facility that resulted far beforehand.

So, when we look at long-term-care facilities, when we look at Bill 218, at the issues that are being brought forward, we see that they are really broad; they are something that is hurting folks across the board and something that we need to be incredibly thoughtful of when we think about how to impact. And we need to once again look at what is truly supporting Ontario's recovery.

That's why the name of this legislation is something—a name defines the intention of this legislation. It defines the direction of it. That's why, for me, it's confusing that a bill that purports itself to be supporting Ontario's recovery is so limited, that a bill that purports itself to be something that is meant to help those who are struggling because of COVID-19, is meant to put those who are struggling, because of the economic conditions that have resulted because of COVID-19—they're being left out of this.

With this bill, the government had an opportunity right now. The government had an opportunity to put forward something that would help people out. The government had an opportunity to put forward something that would truly have supported our province's recovery. Instead, they chose not to. This is the inherent issue with Bill 218. They focus on long-term-care facilities and ensuring that they are being held free and they're not being held liable for actions that have resulted in COVID-19 being spread, that resulted in COVID-19 having a real impact on folks getting sick.

This bill is being used as a shield for them, because they can say that they acted in good faith, and as a result of that, they are not going to be held liable for the spread of COVID-19. This is something that does not further justice in our province. It does not further equity in our province. It does not further truth in our province. We heard time and time again from folks who have struggled because of long-term-care facilities, because of the impact they had on individuals who are in these situations and in these circumstances. Supporting Ontario's recovery, at its forefront, should be about supporting those who are most vulnerable—and those who are vulnerable starts off with our seniors, with those who are in some of the toughest positions—and ensuring that they have access to justice. This bill does not do that.

Also, we need to look at what's lacking in this bill. As I described, this government had an opportunity, with the supporting Ontario's recovery act, to put real, meaningful change for the things that really matter.

They could have ensured that this bill had a support system or brought in further accountability for long-term-care facilities and the billion-dollar corporations that put those who are in tough situations in even more deplorable situations.

This bill could have been used to help small businesses that are struggling across our province right now, that don't have the supports required. Instead of getting the \$1,000 that's being offered by this government—real support, like the NDP is putting forward: rental support, a freeze on commercial evictions, a freeze on utility payments. That's what people need right now. That's what this government had the opportunity to put forth, but they chose not to. This government could have put forth legislation that actually resulted in our province being supported, but they decided not to.

They instead use this name, quite frankly, as just a way to push forth an agenda that is truly holding back those who are most vulnerable. This government had the opportunity to bring forth support for families and support for schools, to bring in a class-size cap—things that people need right now as they're struggling because of COVID-19—but they decided not to. Instead, they went back to attacking people's democratic rights and the ability to use ranked ballots.

This government could have used this piece of legislation to address the root issues of inequity, the socio-economic disparity that's impacting communities like mine, like Brampton; to look at the root of why COVID-19 is being spread. It's often because of the fact that Bramptonians are moving our economy and they're forced to be in a situation to put food on their table and they have to work at a job where it's literally impossible to work from home. You cannot be a truck driver and work from home. You have to be in your truck; you have to move this economy. This government had an opportunity to protect those drivers, to address the root issues of inequity that impact them, but they decided not to.

These are the issues that this government had a really amazing opportunity to address. Instead, they looked at

protecting the wealthiest billion-dollar corporations and attacking folks who chose to make a democratic approach towards their municipal elections, where they chose to use ranked ballots.

COVID-19 is going to have an impact and be etched in the history books for years to come. Folks are going to look at, when our province was put in the most desperate of situations, how we responded in a situation where we needed to act decisively, where we needed to act in a manner to help those who—in many circumstances, when we talk about people who are struggling right now because of COVID-19, it's through no fault of their own. A lot of these small businesses and restaurants were thriving and doing fantastic before COVID-19, but because of the devastation of this virus, they're now being forced to shut down and they're being put in a really tough situation. That's when government needs to come in and provide them the support that they need to get through. But instead of doing that, this government chose to focus on providing a shield for long-term-care facilities, on providing a shield for those who are in the wealthiest circumstances. We look at this disparity in this test, when you look at the fact that—why would we put these companies that have access to so many resources—they're literally in the business of long-term-care facilities. Why would you apply a blank protection of liability to them as you would to a hockey club or a sports club or a soccer club or a basketball club, or whatever it is in your community? There's such a huge inherent disparity between those two that it doesn't make sense.

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That's why you see folks calling it out for what it is: as an opportunity to protect to protect these lobbyists, these huge corporations, these organizations. This is truly what Bill 218 is actually doing. It's not supporting Ontario's recovery; it's supporting long-term-care corporations and for-profit care facilities. That's what this bill is truly doing, and that's why you're seeing, across the board, folks speaking out against it. You see folks who are standing up and calling it out for what it is, really; calling out this bill for the fact that it does nothing for actually supporting our province's recovery, and does so much for protecting those who are already in circumstances that are privileged, when you're talking about people who are already in circumstances where they are doing so well.

A true "supporting Ontario's recovery" plan would have looked at far deeper issues that are impacting us right now. It would have looked at really addressing this issue and this crisis in our long-term-care facilities. It would have looked towards how we can build a better or more robust economy.

It would have had supports. When you talk about supports, as this government and the previous government have in terms of building a better province, what are the supports that it has? We look at provinces across the country, and you see other provinces that have decided to, from the province, provide support systems to small businesses, or people who fall through the cracks, or people who are unable to get the support they need. This government is not investing in the same way that those other

provinces are. This government is making a conscious decision to not invest in those who need help. This government is sitting on \$6.7 billion right now that could be used to help small businesses, but instead they're choosing not to. This is what supporting Ontario's recovery should have been: supporting small businesses, supporting folks who are in desperate situations, supporting and creating more equity.

A simple thing that we've been talking about for a long time: Make life affordable for all Ontarians. Make life more affordable for all Ontarians by bringing down car insurance rates, something that people are struggling with right now. People are in the toughest of positions right now. Their cars are parked at home. Some of them are not at work, some of them are working from home, but they're still paying so much for their car insurance, and this government approves it. This government approves increases to our car insurance, and these billion-dollar car insurance companies are actually increasing premiums during a time like this.

If this government was serious about saving and supporting our economy or helping to support Ontario through recovery, if this government was serious in terms of supporting Ontario's recovery, then they would have addressed these kinds of issues. Instead we see a clear pattern: This government is rushing forward with legislation—and that's another area to talk about. When you rush forward legislation, when you create legislation that is appeasing a specific interest group as opposed to bringing forth justice, you are ultimately creating more cost. "How?", is the question. You create more cost because when you have poorly constructed laws, that opens up the ability for these laws to be held to appeal, and if these laws are being appealed, that reduces people's access to justice, often because that jurisprudence is still being determined. Beyond that, what it does is that it wastes government money in fighting these appeals.

That's why they always say that you have to measure twice and cut once. But this government is just rushing forth legislation, time and time again. I say time and time again that this government has a duty to create good laws. That is our job: to create good laws. But when you rush forward legislation like this that is clearly something that has been described by some legal experts as something that will be found as illegal, ultimately as something could not be enforceable because of the poor standards that it's applying across the board, then you're going to have a further cost to Ontarians, and that is something that is ultimately not befitting our role as legislators, as lawmakers. That is what our role is. That is what we are meant to do.

When we talk about building more justice and we talk about supporting Ontario's recovery, we need to look at, first and foremost, supporting those who are in the most desperate of circumstances. We need to support those who are struggling now because of COVID-19. When they hear the Premier on one side saying, "I'm going to build a ring of protection around our long-term-care facilities and the folks within them"—well, what he has done is not build a ring of protection around the residents of these long-term-

care facilities; he has built a ring of protection, legally, around the long-term-care corporations that run these facilities, and he has built a protection around them from being held to account for the injustices that have resulted in folks who have died because of their negligence, because of the fact that they haven't done enough to protect those who are in tough situations. That's the true protection.

When we talk about the Premier saying, "I'm going to leave no stone unturned to help seniors who are in long-term-care facilities," what he has really said is, "I'm going to leave no stone unturned in finding out an opportunity to protect these billion-dollar corporations who are really and truly being protected by this legislation." That's the true protection. You could have just substituted "seniors and folks in long-term-care facilities" to "the long-term-care facilities." Two of the corporations that ran these long-term-care facilities, that is who the protection has been provided to, and this legislation is proof of it. It's proof of it because we see this subjective standard of good faith being applied to the corporations, who can ultimately hide behind them.

As we heard this morning, folks who are being crammed into a room, elderly individuals in a long-term-care facility with only a curtain parting them—in that circumstance, if someone contracts COVID-19 and someone dies from that, that individual could just say, "Hey, we tried our best. We were acting in good faith." And they could prove and say, "Hey, we were doing our best." But the problem is that their best is not good enough. The standard being applied to these corporations should not just be "I tried my best." They need to be held to an objective standard that says, "What are industry bests? What are the standards that should be the highest degree of service that we're providing the folks?" That should be what they're held to and being judged by, not being judged by, instead, a subjective test with people who have said they're acting in good faith or not acting in good faith.

This bill is ultimately not going to do what it purports to do. It's not going to support Ontario's economy. It's going to leave our economy behind. It's not going to help. If this government was serious about supporting Ontario's recovery, they would have looked at other issues. They would have looked at allowing small businesses to get the support that they need. They would have looked at making life more affordable by bringing down auto insurance rates. They would have looked at ensuring that the root causes of disparity that exist within communities like mine in Brampton are addressed: the fact that Bramptonians can't work from home because they are moving our economy. That is what we would have looked at in terms of supporting Ontario's recovery. That would have been truer to this legislation's name.

Instead, we see a piece of legislation that's coming forward that's not doing what it purports to do. It's not supporting our recovery. Instead, it's protecting those who have the means, who are in the best position, those who have an abundance of resources available to them. If we want to build a better Ontario, we need to think truly,

deeply about how we can build a more equitable and fair one.

More than anything, I implore this Conservative government to look at what the legacy is that you want to leave. In the future, when people look back, what do you want them to judge you by? They will look at this as a stain on other stains of actions this government has done that have always been to support those who have much and let down those who have less.

Ms. Goldie Ghamari: Point of order.

The Acting Speaker (Ms. Jennifer K. French): I recognize the member from Carleton on a point of order.

Ms. Goldie Ghamari: I seek unanimous consent from this House to wear a badge with a picture of my dog on it for my upcoming motion, because dogs are not allowed in the Legislature. Thank you.

The Acting Speaker (Ms. Jennifer K. French): The member from Carleton is seeking unanimous consent to wear a specific pin. Is it agreed? Agreed.

Questions and answers?

Mr. Norman Miller: Thank you to the member from Brampton East for that hour-long leadoff. It certainly was covering lots of different topics, some not quite related to the bill, but you were given a bit of freedom there to speak about whatever you so chose.

You brought up electoral reform. I actually sat on the Select Committee on Electoral Reform in 2005 and 2006. In Ontario, in 2007, there was actually a referendum on mixed-member proportional versus first-past-the-post, and 63% of the people voted for the first-past-the-post system.

1700

But my question is, why are you not concerned about those restaurants in your riding? Why are you not concerned about the not-for-profits that have very clearly been talking to all of us about the situation they're in and the need for some protection from COVID lawsuits? There's a letter from the member from University-Rosedale: "I am writing to you today to support Cecil Community Centre's attached letter requesting good Samaritan COVID-related liability"—

The Acting Speaker (Ms. Jennifer K. French): Thank you. Response?

Mr. Gurratan Singh: Speaker, I'm a bit unclear on what the question was, but I will respond like this. The problem with this piece of legislation is this: You cannot apply a blanket standard toward a mom-and-pop shop and to a billion-dollar long-term-care facility. That is completely incorrect and wrong. And what happens in those kinds of circumstances is that when you group them together, you actually do a disservice to the province as a whole, because people who are struggling can't hold to account those who should be held to account; and those who are protected are going to be protected by a piece of legislation that was actually not created properly. That legislation could be appealed. It could be at risk.

What happens when you create bad legislation—and I've said it to you time and time again: You're not helping those who need help, and you actually, ultimately, are

putting a further burden on them. The only people who are able to walk away happy in this circumstance are those who are in a position of privilege.

This piece of legislation is imbalanced. Because of that, it does a disservice to its intention.

The Acting Speaker (Ms. Jennifer K. French): Questions?

Ms. Judith Monteith-Farrell: I thank my colleague from Brampton East for his presentation, and I thank the front-line workers of Brampton, who have put themselves on the line. Sometimes we emphasize health care, but those workers who are there day in and day out—similar to those in the mines and in the forests around my riding—have been working throughout the pandemic and putting their lives on the line for us.

When I read this bill, I was wondering what the people back home would think of a four-page bill that is the supporting Ontario's recovery act. I think they need more. What I would ask my colleague is, can you explain the idea of reasonableness again? Because I think that's an important legal aspect.

Mr. Gurratan Singh: I appreciate that comment. What we see here right now is that the test that was initially put forward was an objective one. It was what a reasonable person could do. The reasonable person test is a test that we often talk about a lot in law, and it's something that people can say is an objective standard of what is something someone should have done, and then did someone do something that was in contradiction to that.

The problem right now with the good-faith test is that it's a subjective test. It's based on someone's intention. Someone could do something that's terrible and someone could do something that resulted in COVID-19 being spread, but because—and especially in this circumstance we are talking about these long-term-care facilities—they have a shield now. They can say, "Listen, we tried our best."

Their best isn't good enough in this circumstance. What they need to be held to is a standard that results in them being truly held accountable, especially given the devastating impacts of COVID-19.

The Acting Speaker (Ms. Jennifer K. French): Question?

Ms. Donna Skelly: For the past few days, we have sat in this House and listened to members of the opposition—they are talking about something that is simply not true in terms of who can and cannot sue for negligence. This—

The Acting Speaker (Ms. Jennifer K. French): Sorry. The member is going to have to withdraw.

Ms. Donna Skelly: Withdraw.

The Acting Speaker (Ms. Jennifer K. French): Now you can continue.

Ms. Donna Skelly: Madam Speaker, for the past few days, we have been listening to members of the opposition fearmonger. They have claimed that there is no protection in the legislation that is being discussed today; that this legislation prevents people from suing an organization that isn't playing by the rules, that isn't doing what it can to protect clients. My question to the member opposite is, do

you not agree that people in Ontario can still hold bad actors to account in a court of law with this legislation?

Mr. Gurratan Singh: This is one of those circumstances where I'm always just so confused when I hear a response from a member who clearly either didn't hear what I had to say or read the legislation. Yes, that's precisely what I'm saying. I'm precisely saying and the legal experts are saying that, yes, this piece of legislation will ensure that billion-dollar long-term-care facilities will not be held accountable for the spread of COVID-19 because of their negligence. Yes, that's exactly what we're saying and what legal experts are saying.

If you read the bill—if you have read it, I don't know; it's on your order paper. Just open it up and give it a read. You will see that, yes, a person who acts in good faith will not be held liable. That is precisely what we're saying, and we're saying that you have an opportunity right now: Bring in better legislation, bring in laws that will hold these billion-dollar corporations who have blood on their hands accountable.

The Acting Speaker (Ms. Jennifer K. French): Stop the clock. A reminder to all members that you will address your remarks to and through the Chair, and with the goal of keeping the temperature appropriate for debate. I thank you.

Further questions?

Ms. Jill Andrew: I'm honoured to stand on behalf of my community in St. Paul's, and also very thankful to the member from Brampton East for his impassioned presentation. I'm wondering if he can elaborate, or maybe just answer a question that folks in St. Paul's and, of course, across Ontario have been asking: Why is it that the Conservative government didn't promptly adopt our Save Main Street plan in April, which, months ago, would have given our small business owners, many of whom in Brampton and St. Paul's are racialized, are women—who are furthest from power, quite frankly, in the best of times, let alone in COVID. Why didn't this government say yes to Save Main Street, our NDP plan, in April and help save our businesses?

Mr. Gurratan Singh: Thank you so much for that question. It's a really important question, because this bill states very clearly that it's going to support Ontario's recovery. Well, what I would say is that if this government was serious about supporting Ontario's recovery, what they would do is not just offer a one-time grant of a thousand dollars. That's not what people need right now. What businesses need is support on rent. They need a freeze on commercial evictions. What they need is a freeze on utility payments. That is the kind of support that folks need right now, and that is what the NDP is fighting for.

Why the government didn't take this position: It's a clear example of, time and time again, this government not acting to help those who are in desperate positions. Instead, they're acting to help the haves and not the have-nots.

The Acting Speaker (Ms. Jennifer K. French): Further questions?

Mr. Dave Smith: Earlier in the question-and-answer portion, my colleague from Parry Sound–Muskoka asked a question, and the response was, “This bill is helping those people of privilege.” This bill will help the Kawartha Komets. This bill will help Challenger Baseball. This bill will help the Electric City Maroon and White. Can the member please describe to me how these members of special-needs sports are privileged?

Interjections.

The Acting Speaker (Ms. Jennifer K. French): Order.

I recognize the member from Brampton East.

Mr. Gurratan Singh: Once again, we have a circumstance in which the government is not listening to the rightfully-so constructed arguments against their piece of legislation. The folks who are privileged are the billion-dollar corporations, the billion-dollar long-term-care facilities who have blood on their hands, who will use this piece of legislation to ensure that they're not held liable for the immense amount of seniors who died in our province because of negligence in long-term-care facilities. Those are the individuals, those are the corporations that are privileged that are going to use this piece of legislation to ensure that they are protected from the legal recourse against them because of their actions, because of their negligence.

That is the inherent issue of this piece of legislation: Those who have legitimately done actions that resulted in the real deaths of our seniors, of those who have built our province, are now going to use this piece of legislation to protect against being held to account.

1710

The Acting Speaker (Ms. Jennifer K. French): Further debate?

Interjection.

The Acting Speaker (Ms. Jennifer K. French): Is it further debate?

Ms. Andrea Khanjin: Point of order, Madam Speaker.

The Acting Speaker (Ms. Jennifer K. French): I recognize the member from Barrie–Innisfil on a point of order.

Ms. Andrea Khanjin: I would like to seek unanimous consent to see the clock at 6 p.m.

The Acting Speaker (Ms. Jennifer K. French): The member from Barrie–Innisfil is seeking unanimous consent to see the clock at 6 p.m. Are we all agreed? Okay.

Second reading debate deemed adjourned.

MEMBER'S BIRTHDAY

Mr. Dave Smith: Point of order.

The Acting Speaker (Ms. Jennifer K. French): I recognize the member from Peterborough–Kawartha on a point of order.

Mr. Dave Smith: I'd just like to wish a happy birthday to our colleague the member from Burlington.

The Acting Speaker (Ms. Jennifer K. French): While we appreciate birthdays, that is not a point of order.

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

COMMUNITY SAFETY

Ms. Goldie Ghamari: I move that, in the opinion of this House, the government of Ontario should continue to improve community safety by incorporating the training that is needed to recognize the link between animal abuse and human violence to all police officers as defined in section 2 of the Police Services Act and any other persons who would benefit during the course of their duties by receiving such training.

The Acting Speaker (Ms. Jennifer K. French): Ms. Ghamari has moved private members' notice of motion number 116. Pursuant to standing order 101, the member has 12 minutes for her presentation.

Ms. Goldie Ghamari: I rise today not just on behalf of the people of Carleton, but on behalf of the people of Ontario, those who have been victims of domestic violence and abuse, those who have suffered in silence because they have pets and they can't leave their pets. Also, I stand for those who have been victims of homicide and serial killers and those whose violent tendencies started with animals and progressed to humans.

Despite a steady decrease in crime rates in Canada over the past two decades, the most recent general social survey on victimization from 2014 shows that at least 5.6 million Canadians are still victims of crime each year. Women are at an increased risk of violent victimization compared to men.

The overlap between animal abuse and other forms of violence, particularly child maltreatment and intimate partner violence, has received increased attention in the past decades. Although the relationship is not causal, the correlation is reliable enough to suggest the importance of early intervention in order to prevent violence against humans and animals and other anti-social criminal behaviours.

Given the co-occurrence of animal abuse and violence towards humans, it is important to develop interventions for individuals who abuse animals, for the sake of both animals and humans. That is why I'm wearing a little pin with a picture of my dog, Baxter, on it. I know animals are not allowed in the Legislature, but he's here with me.

The Canadian Violence Link Coalition was formed as a result of a number of issues brought forward at the 2017 National Violence Link Conference. The violence link brings together allies engaged in anti-violence work with vulnerable people or animals who are committed to advancing awareness, education and training about the link between violence against humans and violence against animals. The coalition's goal is to introduce prevention and intervention strategies across the country and to establish policies and practices that make communities safer.

The relationship between violence against animals and people is commonly known as the violence link. Evidence-

based research shows violence against animals and violence against people are not distinct and separate problems. Rather, they are part of a larger pattern of violent crimes that often coexist. Partner abuse, gang violence, youth crimes, assaults, homicides, sexual assaults and child abuse all have high percentages where animal abuse is present.

An actual incident where identifying animal abuse may have saved lives was in the Parkland shooting. Another incident, which I think everyone might be aware of, is a Netflix documentary that was released earlier this year, and the documentary is entitled "Don't mess 'with Cats'" on the Internet. If you haven't seen it, I encourage everyone to watch that documentary, Madam Speaker.

The core members of the coalition planning team included Sergeant Teena Stoddart of the Ottawa Police Service, who also happens to be a constituent of mine. Sergeant Teena Stoddart first reached out to me back in the spring, explaining about the Canadian Violence Link Coalition, what their mandate is and what they're doing. As soon as we spoke, I knew that this was something that I had to advocate for, not just on behalf of all people in Ontario, but also animals in Ontario. When I did a little bit of research, I found that the violence link coalition is not just active in Ontario but across Canada. Sergeant Teena Stoddart has actually created a course that is being used to train all Ottawa police officer recruits. Prior to graduating, all the recruits get this training. She has also done this training for police services across the province, across Canada and even internationally.

She has received various letters of support for this violence link training, and I'd like to read a few of them. The first one is from the Ottawa Police Association. President Matt Skof writes:

"I am writing on behalf of the Ottawa Police Association (OPA), which represents 2,000 sworn and civilian police personnel in the city of Ottawa.

"Without reservation, the OPA supports the proposal for violence link training of police personnel. This training is a critical tool, assisting police personnel in the recognition of the link between animal abuse and human violence.

"The OPA is in support of the motion ... that further improves community safety by incorporating violence link training into the Police Services Act."

Another letter, from Bruce Chapman, who is president of the Police Association of Ontario, where President Chapman writes: "The PAO unreservedly endorses the violence link training proposal developed by Ottawa Police Service Sergeant Teena Stoddart, which aims to provide police personnel with the tools needed to recognize the link between animal abuse and human violence."

Another letter of support from the Canadian Police Association, where President Tom Stamatakis wrote:

"I am writing on behalf of the Canadian Police Association (CPA), an organization that represents over 60,000 front-line civilian and sworn police personnel across Canada....

"The CPA is pleased to endorse the violence link training proposal put forward by Ottawa Police Service

Sergeant Teena Stoddart, which gives police personnel the tools necessary to recognize the link between animal abuse and human violence. This effort being made by Sergeant Stoddart is a perfect example of the leadership and initiative shown by professional police officers in this country.

“In reviewing Sergeant Stoddart’s materials and presentation, I have found her to be both a passionate and effective advocate for this particular training, and I believe that if widely adopted, it would provide police personnel in any service with a broader perspective when conducting investigations, a perspective that will certainly help to discover hidden signs of domestic violence, both against animals and humans.”

Madam Speaker, I’d like to take a little bit of time now and review some of the literature regarding violence link training because, as I mentioned earlier, the evidence might not be causal, but there are definitely signs and indications of correlations between animal abuse and domestic violence. In the literature, it says:

“In instances of” domestic violence “when there is a pet in the home, higher reports of animal abuse are commonly documented. Post-hoc studies of women in emergency shelters show that 44-89% of survey participants who owned pets stated their abuser threatened to hurt and/or hurt and/or killed their pet.... One shelter study using a control group of women who had not experienced” this sort of violence “found that women residing in a domestic violence shelter were nearly 11 times more likely to report animal abuse than their counterparts....”

Pet abuse is also a sign of more severe domestic violence:

“Not only is the co-occurrence of pet abuse and domestic violence significant, there is mounting evidence showing that pet abuse in the home is linked to a higher quantity of domestic violence incidences and the presence of more severe abusive tactics....”

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This “consists of a complex range of controlling behaviours that ... include any combination of physical, emotional, sexual, and economic maltreatment as well as isolation, blaming, intimidation, threats, and/or minimizing/denying behaviours.... Other methods of psychological abuse may involve inflicted harm or threatened harm to a victim’s pet ... and forcing intimate partners to engage in bestiality.... There have been a few reasons identified for why men harm and kill companion animals, including demonstrating or confirming their power, expressing rage, punishing and terrorizing their partner, teaching submission, and discouraging women from leaving....”

Those police officers who have received this violence link training have all reported about the positive benefits and the impact that this has had on them. In situations where they have attended a potential domestic violence incident with colleagues that have not had the violence link training, those who have been trained were better able to identify signs of potential domestic abuse or violence, based on signs from the animal.

As we all know, unfortunately, animals cannot speak. They cannot share their experiences. They cannot share what they’re going through, so it is up to us and it is our responsibility to make sure that we are trained to look at the signs, to understand the signs and to make that correlation. If something doesn’t pass the sniff test, then it should be investigated further. And those police officers who were trained and equipped with the tools they needed to recognize this were better able to not just to protect those animals, but protect and help those victims of domestic violence as well.

“A large proportion of the literature on the violence link derives from retrospective surveys completed by women at emergency shelters for victims fleeing domestic violence.... The literature has shown that concern for the well-being of their companion animals can affect the help-seeking behaviour and subsequent actions of abused partners.... It has been found that women in these situations often delay leaving an abusive home, or do not leave at all, for fear of their pets’ safety. In a study of female clients at a New Zealand emergency shelter, 60% of participants said they delayed leaving their home to protect their pets....”

That’s why my motion here today is not just seeking training for police officers, but also any other prescribed personnel who could benefit from this training, and that would include animal inspectors or veterinarians or any other prescribed profession within the regulations or as the minister deems appropriate who would be dealing with animals on a daily basis and who could maybe understand those signs, identify that and reach out to further authorities.

Madam Speaker, I want to thank Sergeant Teena Stoddart for bringing this important training to my attention. I want to thank the House for listening and for speaking to this motion today, and I want to thank, as well, everyone who is supporting this.

The Acting Speaker (Ms. Jennifer K. French): Further debate?

Mr. Gurratan Singh: I want to start by recognizing that there is a very clear link between animal violence and violence against humans. It’s something that’s true. We know this exists. The science, the data demonstrate that when people act in violent ways towards animals, their propensity for violence towards humans increases.

It’s important that we recognize that when we have any sort of finding that has found it within data, that has found it within evidence, we use that as an opportunity to look at how that can have a causal effect. We can use that, more importantly than anything, to help people’s training, to help people get the—and especially those in law enforcement, to ensure that they have the tools available to them to understand these connections, because by understanding and building these connections, we can strengthen our ability to seek out justice and do our investigations and all those factors. That’s an important and real connection and causal link between those two factors. This motion is something that we in the opposition will be supporting.

This is a motion that is addressing a real, live issue that exists with respect to the connection between science and data, and also with respect to the connection with violence.

But now what we would like to see in the opposition, and what we have put forth time and time again, is that when you have an opportunity to assist with providing better training to those in law enforcement, we'd like the government to start also looking at other ways in which we can improve the training for law enforcement. The NDP put forward a very strong policy paper on how to look at different ways we can create greater justice in policing; we had a whole paper called *End Police Violence: Invest in Black, Indigenous and Racialized People's Lives*.

It's important to start looking at what are systemic ways we can start addressing and creating more accountability and better training for officers. This motion puts forth one way to look at how to create a training mechanism that sees a causal link between violence towards animals and violence towards humans. I would suggest to the government that they take this opportunity, as well, to look at how we can understand the roots of systemic racism and how it impacts justice and people's ability to access justice; that we look towards factors like mental health training with our officers, to understand that when we have people going through mental health crises, they should have a health care response and not a police response. These are the kinds of approaches that we're looking for this government to take.

This is one step that is a good step in terms of understanding that connection of violence towards animals and violence towards people, but why can't we expand this and start looking at other things that are also very much backed by data? We know there have been a lot of commissions that have come forward, justice reports that describe and understand the systemic racism that exists in policing. Why can the government not also look towards that as an area to address to create more equity in justice?

Equity in justice is not just in terms of prosecuting; we have to look at how, through community investment, to build better and safer communities by looking at, often, alternatives to policing, like a mental health approach as opposed to a police approach. We can create better justice in our communities by recognizing systemic racism. Just like how this is recognizing the causal link between violence towards animals and violence towards humans, the government needs to put in policies that recognize the causal link between systemic racism and policing and the result on Black, brown and Indigenous folks who interact with the justice system.

We'd like to take a holistic approach towards understanding how better training towards policing can result in more justice and also how alternatives to policing can result in more justice through the approach of mental health providers, through the approach of looking at alternative de-escalation approaches, because the alternative is one in which we also see factors in which people who need justice or people who need help are not getting the help they need.

As the opposition, I think our duty is to look at the actions of government, provide our feedback on how the government can do better and hold the government to account. Our suggestion would be that this is one step in which you are looking at an evidentiary connection between two factors; let's look at those other connections. Let's look at those other factors that connect the data—real, scientific data—of folks who are racialized, folks who are economically in different positions and how they are being impacted by the justice system; how we can look at recognizing, first of all, and accepting that systemic racism exists, accepting that those inequities exist; and beyond that, then, looking at how real policy change can be put forward that addresses those, such as making sure that people who are going through a mental health crisis are not met with police and are met instead by individuals who have the appropriate training. Because that's what the crux of this motion is: looking at training, how we can train officers to do a more fulsome job.

Often in this current climate where we see so many actions of police brutality—the world is really in this discourse right now around rethinking our approach to policing in many different ways. We are saying: Let's look at that with a scientific and data-based approach as well.

So those would be the comments from the opposition with respect to this motion. We hope that by understanding these real evidentiary connections and understanding this data-based approach, we can create more justice, we can create more equity, we can address systemic racism and create a better province.

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The Acting Speaker (Ms. Jennifer K. French): Further debate?

Mr. Dave Smith: I thank the member for bringing this forward. I think it's an excellent motion. It's something that we very much should be concerned about.

I'm going to start with a quote from the deputy chief of police from my riding:

"Over my 34 years of policing, I have seen many cases of people who have been violent towards others, whether domestic/familial abuse or unprovoked assaults upon strangers, carry over to cruel and abusive behaviour towards animals in their care.

"I have also seen younger people abusive towards their animals move on to be more aggressive towards people. I do believe there is a strong correlation, in my own experience, and I welcome any resources that can help us be proactive to prevent future violent crimes."

That's from Tim Farquharson, the deputy police chief for the Peterborough Police Service.

I spoke to Jennifer Wilson from the Kawartha-Haliburton Children's Aid Society about this. She said that they don't have any statistics that they could give me as definitive facts on it, but anecdotally, all of their workers see this—that when they go into a home and there are child abuse issues, there are typically animal abuse issues as well. She's very supportive of something like this being brought forward, because, again, any tools that we can

give to the police to help stop future violent crimes are worthwhile.

I have two dogs, and I've had a number of pets over the years. I can't imagine anyone who would abuse one of those animals. They look up to you. It has been said many, many times that nothing loves you more than a dog. A dog loves you more than it loves itself. I'm baffled by people who would take advantage of things like that.

Shawn Morey from the Peterborough Humane Society and I have had a number of discussions about it. The Peterborough Humane Society has taken some proactive steps in a number of things. One statistic that he has brought up a number of times is that in Ontario, 59% of women leaving an abusive situation will delay leaving because they fear for the safety of their pets. The Peterborough Humane Society has started a fundraising campaign to help with that—they refer to it as Snoopy's Balls—where you can buy Christmas balls for your tree, and all of the funds from it go to provide safe nights for pets of people who are leaving an abusive situation. As he said, 59% of women will delay leaving an abusive situation for fear of the safety of their pets.

Animal cruelty and mistreatment occurs in 89% of abusive relationships. Research by the Ontario Association of Interval and Transition Houses demonstrates that there is a direct link between individuals delaying leaving an abusive situation or seeking medical care for fear of losing their pets.

Robert Ressler is a serial killer profiler from the FBI. He stated that murderers very often start out by killing and torturing animals as kids. These are people who never learned as a child that it was wrong to poke out a puppy's eyes.

According to a New South Wales police study in Australia, 100% of the sexual homicide offenders that they examined in the course of the study had a documented history of animal cruelty. I recognize that causation and correlation are not the same thing, but if that doesn't demonstrate that deviant behaviour starts in one place and will grow if it's left unchecked, I'm not sure what actually would.

In the member's speech, she talked about a Netflix documentary and suggested that we all watch it: "Don't mess "with Cats." Luka Magnotta is a killer. He has been convicted of that. Unfortunately, he did grow up in Peterborough; that's why I'm bringing him up. He started out with cruelty to kittens, and he posted those videos online. No one reacted to it. He's now serving time for the murder of Jun Lin. He didn't just kill Jun Lin; he dismembered him. He sent two body parts to schools in Vancouver, a foot to the Conservative Party of Canada headquarters, and we still have not found Mr. Lin's head.

Michigan State University found that there is a correlation that has been established between animal abuse, family violence and other forms of community violence. They've also stated that murderers who abuse their spouse or children frequently harmed animals in the past. People who abuse animals become dangerous to other people.

What this motion will do for us, if passed, is help give some tools to our law enforcement agencies and others who help in this, so that they can recognize early on; and it will give us a tool—a proactive tool—that will help prevent some of that future violent crime.

Obviously, I care a great deal about my pets, and I know that many other people do as well. We can't imagine somebody hurting them. But if we can take that, if we can take what we're learning from this and we have the ability to fast-forward a few years and actually prevent violence against other people, this is something that we should very much look to do—not just because of the cost of it. It is far cheaper—absolutely, it is far cheaper—to intervene early on, but it's also the cost to society if we don't intervene early on.

We have an opportunity through this to help prevent some of those violent crimes against other people. I truly hope that we have full support from all members here today to make sure that this passes, because we have an opportunity to prevent harm to someone else. We have an opportunity today to do something that—we're probably not going to be able to measure that effect. We're probably not going to be able to say, "This person was not harmed because of what we've done." We're going to have to make that leap of faith, that when we recognize someone who has harmed an animal, who has been abusive to an animal, and we have stopped it and we have intervened early on, and they haven't had that opportunity, then, to do those same things to a human being—that's one individual who has not been hurt. That's one individual whose family isn't mourning their loss. That's one individual who's not spending a lifetime in therapy because of it.

This is an opportunity to be proactive to stop those things. And you can't measure that because you don't know who would have been affected. It could have been your brother, your sister, your mother, your father, your next-door neighbour. But know that by doing something like this, you're making a positive difference in the lives of so many other people.

Amy Fitzgerald from the University of Windsor, bringing it back to Ontario research, has found a strong connection between the abuse of human family members and the treatment of their companion animals. There is so much evidence from so many different studies, not just in one jurisdiction but across the entire world. I have mentioned Australia, I have mentioned Windsor, I have mentioned the FBI—so all of the United States—I've mentioned Michigan State University. It's universal. It's across the entire world. We're seeing studies coming out that are saying people who start by abusing animals move on to abuse people. It's the training ground for them.

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"These are the kids who never learned it was wrong to poke out a puppy's eyes." That's the comment from Robert Ressler—kids who never learn it was wrong to poke out a puppy's eyes. If you're so heartless that you could do something like that to such an innocent animal, why wouldn't you continue on and escalate it and do it to a person?

We have the opportunity today to pass something that may be symbolic to some, but it will definitely help many people. We have an opportunity today to stand up and say, “I’m not going to get any votes for it. No one is going to say, ‘You saved my son.’ No one is going to say, ‘You saved my daughter.’” But know if you vote in favour of this and we do it, we proactively have saved someone’s son or someone’s daughter.

The Acting Speaker (Ms. Jennifer K. French): Further debate? Further debate?

I return to the member, who has two minutes for her reply.

Ms. Goldie Ghamari: I wanted to thank the member for Brampton East for rising and speaking and supporting this motion. I think, ultimately, protecting not just humans but animals is a non-partisan issue, so I’m thrilled that the member and the entire NDP will be voting in favour of the motion that I’ve presented.

I also wanted to thank the member from Peterborough–Kawartha for his comments as well. It was incredibly moving. When he brought up Jun Lin’s name, it sent shivers down my spine because he would have been alive today but for the fact that no one took those online videos of that serial killer murdering kittens seriously.

Just like the member from Peterborough–Kawartha—God’s country, as he likes to say—also mentioned, we’ll never know who we’re saving, because this is a proactive approach. However, the literature review and all of the studies have been retroactive because that’s the only way that they can determine the numbers: through pre-existing

victims. And so I think, Madam Speaker, we have an opportunity to make sure that there are no more victims, or that at least their numbers are lessened, so that we don’t have any more Jun Lins or any other people who are victims of that kind of violence.

Madam Speaker, I just want to thank everyone again. I also want to thank the Solicitor General for her support of this motion, because I did mention to her that I was bringing this motion and she was thrilled. She was excited and said to go for it. I’m looking forward to working with her and the government of Ontario to see what we can do to support our police officers and our victims of domestic violence.

Finally, Madam Speaker, I just want to end off by saying, “The greatness of a nation ... can be judged by the way its animals are treated,” a famous quote by Gandhi.

Thank you, everyone.

The Acting Speaker (Ms. Jennifer K. French): The time provided for private members’ public business has expired.

Ms. Ghamari has moved private member’s notice of motion number 116. Is it the pleasure of the House that the motion carry? I declare the motion carried.

Motion agreed to.

The Acting Speaker (Ms. Jennifer K. French): All matters relating to private members’ public business have been completed. Therefore, this House stands adjourned until Monday, October 26, 2020, at 9 a.m.

The House adjourned at 1745.

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Hassan, Faisal (NDP)	York South—Weston / York-Sud— Weston	
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Skelly, Donna (PC) Smith, Dave (PC) Smith, Hon. / L'hon. Todd (PC)	Flamborough—Glanbrook Peterborough—Kawartha Bay of Quinte / Baie de Quinte	Minister of Children, Community and Social Services / Ministre des Services à l'enfance et des Services sociaux et communautaires
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Yarde, Kevin (NDP)	Brampton North / Brampton-Nord	
Yurek, Hon. / L'hon. Jeff (PC)	Elgin—Middlesex—London	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs

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Standing Committee on Estimates / Comité permanent des budgets des dépenses

Chair / Président: Peter Tabuns
Vice-Chair / Vice-président: Wayne Gates
Lorne Coe, Rudy Cuzzetto
Wayne Gates, Randy Hillier
Andrea Khanjin, Jane McKenna
Judith Monteith-Farrell, Michael Parsa
Randy Pettapiece, Donna Skelly
Peter Tabuns
Committee Clerk / Greffière: Thushitha Kobikrishna

**Standing Committee on Finance and Economic Affairs /
Comité permanent des finances et des affaires économiques**

Chair / Président: Amarjot Sandhu
Vice-Chair / Vice-président: Jeremy Roberts
Ian Arthur, Stan Cho
Mitzie Hunter, Logan Kanapathi
Sol Mamakwa, David Piccini
Jeremy Roberts, Amarjot Sandhu
Sandy Shaw, Dave Smith
Vijay Thanigasalam
Committee Clerk / Greffière: Julia Douglas

**Standing Committee on General Government / Comité
permanent des affaires gouvernementales**

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Vice-Chair / Vice-président: Mike Schreiner
Robert Bailey, Jessica Bell
Goldie Ghamari, Chris Glover
Mike Harris, Daryl Kramp
Sheref Sabawy, Amarjot Sandhu
Mike Schreiner, Jennifer (Jennie) Stevens
Daisy Wai
Committee Clerk / Greffier: Isaiah Thorning

**Standing Committee on Government Agencies / Comité
permanent des organismes gouvernementaux**

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Vice-Chair / Vice-président: Taras Natyshak
Will Bouma, Lorne Coe
Robin Martin, Norman Miller
Taras Natyshak, Rick Nicholls
Billy Pang, Amanda Simard
Marit Stiles, Nina Tangri
John Vanthof
Committee Clerk / Greffière: Tonia Grannum

**Standing Committee on Justice Policy / Comité permanent de
la justice**

Chair / Président: Roman Baber
Vice-Chair / Vice-présidente: Effie J. Triantafilopoulos
Roman Baber, Will Bouma
Lucille Collard, Parm Gill
Natalia Kusendova, Suze Morrison
Lindsey Park, Gurratan Singh
Nina Tangri, Effie J. Triantafilopoulos
Kevin Yarde
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**Standing Committee on the Legislative Assembly / Comité
permanent de l'Assemblée législative**

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Vice-Chair / Vice-président: Vijay Thanigasalam
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Faisal Hassan, Logan Kanapathi
Jim McDonell, Christina Maria Mitas
Sam Oosterhoff, Kaleed Rasheed
Sara Singh, Donna Skelly
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Committee Clerk / Greffière: Valerie Quioc Lim

**Standing Committee on Public Accounts / Comité permanent
des comptes publics**

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Vice-Chair / Vice-présidente: France Gélinas
Deepak Anand, Jill Andrew
Toby Barrett, Stephen Blais
Stan Cho, Stephen Crawford
Catherine Fife, France Gélinas
Christine Hogarth, Daryl Kramp
Michael Parsa
Committee Clerk / Greffier: Christopher Tyrell

**Standing Committee on Regulations and Private Bills / Comité
permanent des règlements et des projets de loi d'intérêt privé**

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Vice-Chair / Vice-président: John Fraser
Deepak Anand, Toby Barrett
Will Bouma, Stephen Crawford
John Fraser, Laura Mae Lindo
Gila Martow, Paul Miller
Billy Pang, Dave Smith
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**Standing Committee on Social Policy / Comité permanent de
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Vice-Chair / Vice-président: Aris Babikian
Aris Babikian, Jeff Burch
Amy Fee, Michael Gravelle
Joel Harden, Mike Harris
Christine Hogarth, Belinda C. Karahalios
Terence Kernaghan, Natalia Kusendova
Robin Martin
Committee Clerk / Greffière: Tanzima Khan

**Select Committee on Emergency Management Oversight /
Comité spécial de la surveillance de la gestion des situations
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Vice-Chair / Vice-président: Tom Rakocevic
Robert Bailey, Gilles Bisson
John Fraser, Christine Hogarth
Daryl Kramp, Robin Martin
Sam Oosterhoff, Lindsey Park
Tom Rakocevic, Sara Singh
Effie J. Triantafilopoulos
Committee Clerk / Greffier: Christopher Tyrell