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**Standing Committee on
Justice Policy**

Strengthening Safety
and Modernizing Justice
Act, 2023

1st Session
43rd Parliament

Thursday 25 May 2023

**Comité permanent
de la justice**

Loi de 2023 sur le renforcement
de la sécurité et la
modernisation de la justice

1^{re} session
43^e législature

Jeudi 25 mai 2023

Chair: Goldie Ghamari
Clerk: Thushitha Kobikrishna

Présidente : Goldie Ghamari
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 25 May 2023

Jeudi 25 mai 2023

The committee met at 1000 in committee room 2.

**STRENGTHENING SAFETY
AND MODERNIZING JUSTICE
ACT, 2023**

**LOI DE 2023 SUR LE RENFORCEMENT
DE LA SÉCURITÉ ET LA
MODERNISATION DE LA JUSTICE**

Consideration of the following bill:

Bill 102, An Act to amend various Acts relating to the justice system, fire protection and prevention and animal welfare / Projet de loi 102, Loi modifiant diverses lois relatives au système judiciaire, à la prévention et à la protection contre l'incendie ainsi qu'au bien-être des animaux.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. The Standing Committee on Justice Policy will now come to order. We are here to conduct clause-by-clause consideration of Bill 102, An Act to amend various Acts relating to the justice system, fire protection and prevention and animal welfare. We are joined by staff from legislative counsel, Hansard, and broadcast and recording.

Please wait until I recognize you before starting to speak and, as always, all comments should go through the Chair. Are there any questions before we begin? Are there any comments or questions to any section or schedule of the bill and, if so, to which section? No.

We will now begin clause-by-clause consideration of the bill. Bill 102 is comprised of three sections, which enact seven schedules. To deal with the bill in an orderly fashion, I suggest we postpone the first three sections in order to dispose of the schedules first. Is there agreement on this from the committee? Thank you.

We now turn to schedule 1. There are no amendments to schedule 1, sections 1 to 17. I propose we bundle them. Is there agreement from the committee? Yes. Is there any debate on schedule 1, sections 1 to 17? Are members prepared to vote? Shall schedule 1, sections 1 to 17, carry? All those in favour, please raise your hands. All those opposed? I declare schedule 1, sections 1 to 17, carried.

Turning now to schedule 1, section 18, we have government notice of motion number 1. MPP Hogarth.

Ms. Christine Hogarth: Chair, with unanimous consent, I'm asking that we deal with motion number 2 prior to motion number 1.

The Chair (Ms. Goldie Ghamari): MPP Hogarth is seeking unanimous consent from the committee to move motion number 2 prior to motion number 1. Do we have unanimous consent? Is that a yes? Agreed? Okay. We're going to stand down that section.

We're now going to turn to schedule 1, section 24.1, with government motion number 2. MPP Hogarth.

Ms. Christine Hogarth: I move that section 24.1 be added to schedule 1 to the bill:

"24.1(1) subsection 62(3) of the act is amended by striking out 'day-to-day administration' and substituting 'day-to-day operation'.

"(2) Section 62 of the act is amended by adding the following subsection:

"Same

"(3.1) Subsection (3) does not prevent the minister from issuing directions that may affect operations."

The Chair (Ms. Goldie Ghamari): MPP Hogarth has moved this motion. The proposed amendment is out of order because it seeks to amend a section of the Community Safety and Policing Act that is not before the committee. As Bosc and Gagnon note on page 711 of the third edition of House of Commons Procedure and Practice, "An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill."

However, if there is unanimous consent from the committee then we can move this motion. Is there unanimous consent?

MPP Kristyn Wong-Tam: No.

The Chair (Ms. Goldie Ghamari): Was that a yes? No?

MPP Kristyn Wong-Tam: Oh, sorry.

Interjections.

The Chair (Ms. Goldie Ghamari): So, for clarification, there is unanimous consent from the committee to move this motion even though it is out of order, is that correct?

MPP Kristyn Wong-Tam: Correct.

The Chair (Ms. Goldie Ghamari): Yes, agreed. Okay. Thank you.

We now turn to government motion number 2. Is there debate? MPP Hogarth.

Ms. Christine Hogarth: The proposed amendment seeks to change the term "day-to-day administration" to "day-to-day operation" in subsection 62(3) and adds a provision to clarify that the minister may nonetheless still issue dir-

actions that affect operations. The change just ensures consistency with language in a parallel provision in section 40 of the act regarding police service boards. The change ensures that the exclusive jurisdiction of the commissioner is not given an exclusive and broad interpretation by expressing that the minister may still issue direction that may affect operations but not direct day-to-day operations.

The Chair (Ms. Goldie Ghamari): Is there further debate? Seeing none, are members prepared to vote? Shall government motion number 2 carry? All those in favour? All those opposed? I declare government motion number 2 carried.

So now we're going to go back to schedule 1, section 18, government motion number 1. MPP Hogarth.

Ms. Christine Hogarth: I move that section 18 of schedule 1 to the bill be amended by adding the following subsections:

“Subsection 40(4) of the act is amended by striking out ‘day-to-day administration’ and substituting ‘day-to-day operation’;

“(3) Section 40 of the act is amended by adding the following subsection:

“Same

“(4.1) Subsection (4) does not prevent a police service board from issuing directions that may affect operations.”

The Chair (Ms. Goldie Ghamari): Is there any debate? MPP Hogarth.

Ms. Christine Hogarth: The same as the earlier one: One is local police board and the other is OPP.

The Chair (Ms. Goldie Ghamari): Thank you. Further debate? Are members prepared to vote? Shall government motion number 1 carry? All those in favour? All those opposed? I declare government motion number 1 carried.

Shall schedule 1, section 18, as amended, carry? All those in favour? All those opposed? I declare schedule 1, section 18, as amended, carried.

There are no changes to schedule 1, sections 19 to 24. I propose we bundle them. Is there agreement from the committee? Yes? Shall schedule 1, sections 19 to 24, carry? All those in favour? All those opposed? I declare schedule 1, sections 19 to 24, carried.

Turning now to schedule 1, sections 25 to 67: There are no amendments to sections 25 to 67. I propose we bundle them. Is there agreement from the committee? Yes. Shall schedule 1, sections 25 to 67, carry? All those in favour? All those opposed? I declare schedule 1, sections 25 to 67, carried.

Turning now to schedule 1, section 67.1, I have NDP motion number 3. Who would like to move that? MPP Wong-Tam.

MPP Kristyn Wong-Tam: I would like to move that we recommend voting against section 31 of schedule 1 to the bill, and then, subsequently afterwards, I have another motion to move.

The Chair (Ms. Goldie Ghamari): That's fine. So we're now on NDP motion number 3. MPP Wong-Tam.

MPP Kristyn Wong-Tam: I move that schedule 1 to the bill be amended by adding the following section:

“67.1 Subsection 210(1) of the act is repealed and the following substituted:

“Suspension without pay

“(1) A chief of police may suspend a police officer who is a member of the chief's police service, other than a deputy chief of police, without pay in the following circumstances:

“1. The police officer is convicted of an offence and sentenced to a term of imprisonment, even if the conviction or sentence is under appeal.

“2. The police officer is in custody or is subject to conditions of judicial interim release, or conditions imposed under section 499 of the Criminal Code (Canada), that substantially interfere with the officer's ability to perform the duties of a police officer.

“3. The police officer is charged with a serious offence, as defined in the regulations, under a law of Canada and,

“i. the alleged offence was not committed in relation to the performance of the officer's duties,

“ii. the chief of police,

“A. has commenced proceedings to seek termination of the police officer's employment in relation to the events that led to the charges, or

“B. has given notice to the police officer that the chief intends to commence such proceedings but is prevented from doing so by section 208,

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“iii. The likely outcome of the proceedings would be, if the events leading to the charges were proven, that the officer's employment would be terminated or the officer would resign in accordance with an order under paragraph 2 of subsection 202(9), and

“iv. A failure to suspend the officer without pay would bring discredit to the reputation of the police service.”

I'm happy to provide an explanation shortly.

The Chair (Ms. Goldie Ghamari): Committee members, the proposed amendment is out of order because it seeks to amend a section of the Community Safety and Policing Act, 2019, that is not before the committee. So the motion is out of order.

MPP Kristyn Wong-Tam: Yes. I'm happy to provide some explanation on why we want to—

The Chair (Ms. Goldie Ghamari): But the motion is out of order, so there's no debate, because it can't be voted on.

MPP Kristyn Wong-Tam: This is exactly the same motion that would have been provided in the government's own bill—

The Chair (Ms. Goldie Ghamari): You would have to seek unanimous consent from the committee in order to move the motion.

MPP Kristyn Wong-Tam: Okay.

The Chair (Ms. Goldie Ghamari): Are you seeking unanimous consent?

MPP Kristyn Wong-Tam: Yes, that is exactly—yes.

The Chair (Ms. Goldie Ghamari): Do we have unanimous consent from the committee? I heard a no. All right. There's no unanimous consent from the committee, so the motion is out of order.

Turning now to schedule 1, sections—

MPP Kristyn Wong-Tam: Sorry, Chair, is it possible to have a recorded vote on that?

The Chair (Ms. Goldie Ghamari): No. You're seeking unanimous consent. There's no recorded vote.

MPP Kristyn Wong-Tam: Okay. Thank you.

The Chair (Ms. Goldie Ghamari): Turning now to schedule 1, sections 68 to 74, there are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 1, sections 68 to 74, carry? All those in favour?

Mr. Brian Saunderson: Sorry—

The Chair (Ms. Goldie Ghamari): MPP Saunderson?

Mr. Brian Saunderson: I'd propose that we would go from 68 to 69. I think we have something to say on schedule 1, to section 70.

The Chair (Ms. Goldie Ghamari): Yes. So who would like to read the government notice? It's not mandatory, but you're welcome to read it if you like. It's not necessary for the purposes of this.

Mr. Brian Saunderson: It's on section—

The Chair (Ms. Goldie Ghamari): There's a government notice on section 70, but it doesn't amend the schedule, so it's up to you whether you want to read it or not.

Mr. Brian Saunderson: So it does not amend—okay.

Interjection.

The Chair (Ms. Goldie Ghamari): Oh, I see, okay. I understand. Okay. No, no, that's fine. I'll take that back.

So we're going to bundle section 68 and 69 only. Shall schedule 1, sections 68 and 69, carry? All those in favour? All those opposed? I declare schedule 1, sections 68 and 69, carried.

Turning now to schedule 1, section 70: Shall schedule 1, section 70, carry? All those in favour? All those opposed? I declare schedule 1, section 70, lost.

Turning now to schedule 1, sections 71 to 74: There are no amendments. I propose we bundle them. Is there agreement from the committee?

Shall schedule 1, sections 71 to 74, carry? All those in favour? All those opposed? I declare schedule 1, sections 71 to 74, carried.

Turning now to schedule 1, section 75, we have government motion number 4. Who would like to move that? MPP Jones.

Mr. Trevor Jones: I move that section 75 of schedule 1 to the bill be amended by adding the following subsection:

“(5.1) Subparagraph 69 iv of subsection 261(1) of the act is repealed and the following substituted:

“iv. “Day-to-day operation”.”

The Chair (Ms. Goldie Ghamari): Is there any debate? Seeing none, are members prepared to vote? Shall government motion number 4 carry? All those in favour? All those opposed? I declare government motion number 4 carried.

Turning now to government motion number 5: Who would like to move that? MPP Saunderson.

Mr. Brian Saunderson: I move that section 75 of schedule 1 to the bill be amended by adding the following subsection:

“(16) Subsection 261(8) of the act is amended by striking out ‘paragraph 70’ and substituting ‘paragraph 71’”.

It's merely administrative housekeeping to make sure that it's consistent.

The Chair (Ms. Goldie Ghamari): MPP Saunderson has moved government motion number 5. All those in favour, please raise your hands. All those opposed? I declare government motion number 5 carried.

Shall schedule 1, section 75, as amended, carry? All those in favour? All those opposed? I declare schedule 1, section 75, as amended, carried.

Turning now to sections 76 to 82: There are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 1, sections 76 to 82, carry? All those in favour? All those opposed? I declare schedule 1, sections 76 to 82, carried.

Turning now to schedule 1, section 83: We have government motion number 6. Who would like to move this? MPP Dixon.

Ms. Jess Dixon: I move that subsection 83(2) of schedule 1 to the bill be amended by adding the following subsection:

“(2.1) Subsection—

The Chair (Ms. Goldie Ghamari): My apologies. You have to read the actual wording of the motion.

Ms. Jess Dixon: I move that subsection 83(2) of schedule 1 to the bill be amended by striking out “subsections 75(2) and (5) to (15)” and substituting “subsections 75(2) and (5) to (16)”.

The Chair (Ms. Goldie Ghamari): MPP Dixon has moved government motion number 6. Is there any debate? Yes, MPP Wong-Tam.

MPP Kristyn Wong-Tam: This motion is not very clear. On the surface, it looks like a technical amendment as it relates to repealing the actions as it relates to the OPP governance advisory council. That is something that we would certainly want to see further explanation on. I don't believe that, even through the deliberations, we've actually heard from committee members or from the members of the public, especially the attending officers that came before this committee, that this is something that would have been supportable. I just don't think that the motion itself is clear as it relates to the bill.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Dixon.

Ms. Jess Dixon: This motion is essentially ensuring that one of the new provisions that's being added by an earlier motion, which is correcting subsection 261(8) by striking out the paragraph 70 and substituting paragraph 71, will actually come into force on proclamation. Essentially, it's rectifying some of the errors that could have posed legal barriers to the records transfer and ensuring that the original intention of the bill remains. It's in relation to an earlier motion.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Wong-Tam.

MPP Kristyn Wong-Tam: That still is rather unclear. Any type of reference to the repeal of the OPP advisory council with respect to sections of the act, sections 70 and

75, probably needs further explanation. It has to, number one, make a lot of sense in terms of why we would remove additional oversight. I think we also heard that the OPP themselves are not necessarily supportive of this, so it's confusing. And until we get further explanation or a clear explanation, we won't be able to support this motion.

The Chair (Ms. Goldie Ghamari): MPP Dixon has moved government motion number 6. All those in favour, please raise their hands. All those opposed? I declare government motion number 6 carried.

Shall schedule 1, section 83, as amended, carry? All those in favour? All those opposed? I declare schedule 1, section 83, as amended, carried.

Shall schedule 1 in its entirety, as amended, carry? All those in favour? All those opposed? I declare schedule 1, as amended, carried.

Turning now to schedule 2: There are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 2, sections 1 and 2, carry? All those in favour? All those opposed? I declare schedule 2, sections 1 and 2, carried.

Shall schedule 2 carry? All those in favour? All those opposed? I declare schedule 2 carried.

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Turning now to schedule 3: There are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 3, sections 1 to 4, carry? All those in favour? All those opposed? I declare schedule 3, sections 1 to 4, carried.

Shall schedule 3 carry? All those in favour? All those opposed? I declare schedule 3 carried.

Turning now to schedule 4, sections 1 to 10: There are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 4, sections 1 to 10, carry? All those in favour? All those opposed? I declare schedule 4, sections 1 to 10, carried.

Shall schedule 4 carry? All those in favour? All those opposed? I declare schedule 4 carried.

Turning now to schedule 5: There are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 5, sections 1 to 3, carry? All those in favour? All those opposed? I declare schedule 5, sections 1 to 3, carried.

Shall schedule 5 carry? All those in favour? All those opposed? I declare schedule 5 carried.

Turning now to schedule 6: We have sections 1 to 7 with no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 6, sections 1 to 7, carry? All those in favour? All those opposed? I declare schedule 6, sections 1 to 7, carried.

Turning now to schedule 6, section 8: We have government motion number 7. Who would like to move that motion? MPP Babikian.

Mr. Aris Babikian: I move that subsection 8(1) of schedule 6 to the bill be amended by striking out "including by" in paragraph 1 of subsection 35(1) of the Provincial Animal Welfare Services Act, 2019 and substituting "which may include".

The Chair (Ms. Goldie Ghamari): MPP Babikian has moved government motion number 7. Is there any debate? MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to the government member for moving that motion. It would be very helpful in this case to explain why this change is being requested. It's one of the only motions in the deliberations today that specifically considers an amendment to a schedule to an act other than what's before us, which is policing. And I think that it would be beneficial to myself as well as the opposition members to have clarity on why this is before us.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Saunderson.

Mr. Brian Saunderson: I support the motion because it's the government's intention that paragraph 1 is to be read as capturing costs incurred where the inspector has taken steps to relieve the animal's distress, which may include providing it with necessities. Currently, there is a risk that paragraph 1 could be read as referring only to costs incurred where the inspector has taken steps "to relieve the animal's distress" that included providing necessities. So it's a technical change, but it's ensuring that the language properly reflects our intentions.

The Chair (Ms. Goldie Ghamari): Further debate, or are members prepared to vote? MPP Wong-Tam.

MPP Kristyn Wong-Tam: What I would point out is that in this section of the act, it would require the owner or the custodian to be liable for costs associated with animal inspectors providing care to an animal in distress and changes the clause from "including by providing it" and changing it to "which may include." It just sounds like perhaps it's a bit clumsy. I would want to know if there is further consideration or study on why this is before us. I also would offer that because it appears as a technical amendment, but I think it has a larger implication, it would just be helpful to have that further fleshed out here or remove it at this point in time.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Saunderson.

Mr. Brian Saunderson: I guess I take the contraposition on that. I think this is allowing more discretion. The more that you try to nail things down in legislation, the more you box yourselves in by fencing it. What we're trying to do here is provide ourselves with the discretion so that we can include costs which may include and that can include other costs beyond that. When you stipulate the type of costs, I think you're limiting yourself. So we're providing the inspector more discretion to include costs that may be ancillary and beyond those.

The Chair (Ms. Goldie Ghamari): Thank you.

MPP Babikian has moved government motion number 7. Are members prepared to vote? All those in favour, please raise your hands. All those opposed? I declare government motion number 7 carried.

Shall schedule 6, section 8, as amended, carry? All those in favour? All those opposed? I declare schedule 6, section 8, as amended, carried.

There are no amendments to schedule 6, sections 9 to 16. I propose we bundle them. Is there agreement from the

committee? Shall schedule 6, sections 9 to 16, carry? All those in favour? All those opposed? I declare schedule 6, sections 9 to 16, carried.

Shall schedule 6, as amended, carry? All those in favour? All those opposed? I declare schedule 6, as amended, carried.

Turning now to schedule 7: There are no amendments. I propose we bundle them. Is there agreement from the committee? Shall schedule 7, sections 1 and 2, carry? All those in favour? All those opposed? I declare schedule 7, sections 1 and 2, carried.

Shall schedule 7 carry? All those in favour? All those opposed? I declare schedule 7 carried.

We will turn now to section 1 of the bill. Shall section 1 carry? All those in favour? All those opposed? I declare section 1 carried.

Shall section 2 carry? All those in favour? All those opposed? I declare section 2 carried.

Shall section 3, the short title, carry? All those in favour? All those opposed? I declare section 3 carried.

Shall the title of the bill carry? All those in favour? All those opposed? I declare the title of the bill carried.

Shall Bill 102, as amended, carry? All those in favour? All those opposed? I declare Bill 102, as amended, carried.

Shall I report Bill 102, as amended, to the House? All those in favour? All those opposed? I declare the motion carried.

Thank you very much, committee members. There being no further business, this committee now stands adjourned until Wednesday, June 7, 2023. Thank you very much, and have a great day.

The committee adjourned at 1028.

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