

QP BRIEFING

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Click links below to view article:

<u>Articles</u>	2
1). Attorney general defends sexual-assault sensitivity training for provincially-appointed judges	2
2). Speaker rules Liberal hydro plan ads not in contempt of parliament	4
3). Ontario left hanging after house-flipping tax hike left out of federal budget	5
4). Environment minister slams 'outrageous' comments by PC leader before cap-and-trade auction	6

ARTICLES

1). ATTORNEY GENERAL DEFENDS SEXUAL-ASSAULT SENSITIVITY TRAINING FOR PROVINCIALLY-APPOINTED JUDGES

By: Sabrina Nanji

Ontario Attorney General Yasir Naqvi said Thursday he is pleased the federal government's budget will add new seats to the Superior Court bench and provide support for judges to get gender and diversity training – but he couldn't commit to making similar investments at the provincial level.

Ottawa proposed \$55 million over five years and \$15.5 million per year after that to create 28 new positions on provincial Superior Court benches, and to give priority to the Yukon and Alberta, "to address immediate demographic pressures." Naqvi said he did not yet know how many seats would be established in Ontario yet – that's decided by the judiciary.

The federal budget also promised support for the Canadian Judicial Council to ensure that more judges have access to "professional development, with a greater focus on gender- and culturally-sensitive training."

"As Canada welcomes more new Canadians, as family structures change, and as identity and gender issues come to the fore, Canadian judges must be sensitive to and informed about the evolving nature of Canadian society," the budget reads.

"[O]ur judges also rely on the training that is provided by the Canadian Judicial Council. So it's good news that our provincial judges will be able to have access to the new training that will be developed as a result of this funding," Naqvi told reporters Thursday, the day after the feds tabled Budget 2017.

Naqvi was hammered on mandating training for provincial judges earlier in the week by the Tory critic for women's issues, PC MPP Laurie Scott, particularly on how to deal with sexual assault cases.

Scott had pointed to the House of Commons, where interim Conservative Party leader Rona Ambrose's private member's bill to make sexual assault training for federally-appointed judges mandatory has all-party support. Scott said the federal legislation was a "common-sense proposal" and Ontario should follow suit.

"Training judges would actually strengthen Ontario's trust in the judicial system. If Ontarians knew that judges were trained to handle sexual assault cases with the proper sensitivity, maybe more victims would be willing to come forward," Scott said in Monday's question period.

Naqvi said he raised the issue with Lisa Maisonneuve, Chief Justice of the Ontario Court of Justice, when they spoke Thursday morning.

"She and I are totally aligned that we need to make sure that there's always good training available for our judges. My understanding is that our judiciary gets training on an ongoing basis and training around sexual assault is part of that ongoing training that Ontario Court of Justice judges receive," he said.

The attorney general did not seem keen on tabling legislation to make sexual assault sensitivity training mandatory, telling Scott the government must “respect the independence” of the judiciary.

There is no mandatory judicial training requirement for any provincially-appointed judges, according to the Ontario Court of Justice.

"For over three decades, issues related to sexual violence and violence against women have regularly been included in the Ontario Court of Justice's judicial education conferences. Social context issues continue to be regularly included in presentations and fact scenarios pertaining to substantive legal issues," the court said in an email statement.

Last week, Ambrose slammed Naqvi in a Metro story for not following her lead.

"The independence of the judiciary is one of the key principles of Canada's justice system. In Ontario, judges function separately and independently of the government," Ambrose told Metro. "Unfortunately, in this country, judges are treated like gods. We are not even allowed to ask them if they're taking the training."

2). *SPEAKER RULES LIBERAL HYDRO PLAN ADS NOT IN CONTEMPT OF PARLIAMENT*

By: Sabrina Nanji

Speaker Dave Levac on Thursday ruled the governing Liberals' ads promoting their hydro bill price cut were not, as the Progressive Conservatives contended, in contempt of provincial parliament.

Earlier this week, PC house leader Jim Wilson, on a point of order, said the Liberals had committed a prima facie case of contempt because the ads aired before the accompanying legislation was tabled, debated, and passed by the legislature, which undermined due process. Wilson said the ads presumed the actions of the house.

Levac disagreed.

"The statement of the Minister of Energy that he will be introducing legislation at some point ... does not alter [the] limitation to my authority or sphere of jurisdiction. It is not open to me to interpret or presume what might be in that possible legislation. Consequently, I cannot find the prima facie case of contempt has been established," Levac said before daily question period.

"For the Speaker to conclude that the communications constitute a prima facie contempt of the House because of their definitive, unconditional language ... then I must have first found that contempt exists because of the role of the House and the outcome of the future matter before it are both taken for granted, and assumed to be a foregone conclusion."

Government House Leader Yasir Naqvi had defended the ads were not in contempt because, as no bill had been introduced, there was technically "no proceeding to obstruct." He also said the government had a responsibility to inform the public about its policies.

The ads in question were broadcast on social media and the radio. They explain hydro bills won't increase beyond the rate of inflation "for at least four years" and that, starting this summer, households will see an average 25-per-cent reduction.

Auditor General Bonnie Lysyk, who used to have oversight over government advertisements before the Liberals changed the rules in 2015, had said her office would not have given the hydro ads the green light if she still had say over them.

3). ONTARIO LEFT HANGING AFTER HOUSE-FLIPPING TAX HIKE LEFT OUT OF FEDERAL BUDGET

By: Geoff Zochodne

After the federal budget was silent on the subject, Ontario must find a new way to stop speculation that's helping to ramp up real estate prices in the Toronto area, the province's finance minister said Thursday.

"It wasn't part of their budget and so we'll have to address it in other ways," Charles Sousa said at Queen's Park. "The document obviously didn't address it."

Prior to the release of Wednesday's budget, Sousa had written to his federal counterpart, Finance Minister Bill Morneau, suggesting Ottawa hike the capital gains tax paid on real estate transactions that don't involve someone's primary home. Currently, investors must count 50 per cent of the profits from selling a property as part of their taxable income, which Sousa said should be increased as a way to make housing speculation less attractive.

"There were a lot of discussions and speculation that they would have a capital gains part of the budget," Sousa said. "My concern was ensuring that it be focused strictly on those investors that are flipping ... and crowding out buyers of homes in certain respects. So let them pay income tax as necessary for that ability."

But it was not to be, leaving Ontario's finance minister to consider "a lot of options," he said. He said recently that measures, such as a foreign homebuyers' tax, are back on the table.

In the meantime, real estate prices have been rising rapidly across the Greater Toronto Area and the downtown core. Across Ontario, real estate prices jumped by 24.5 per cent from Feb. 2016 to Feb. 2017, according to the Canadian Real Estate Association.

While it may not have made changes to the capital gains tax structure, the federal Liberal government is pumping funding into the collection of housing-related statistics. Wednesday's budget proposed nearly \$40 million over five years and \$6.6 million annually after that for Statistics Canada to create a new "Housing Statistics Framework." Another \$241 million over the next 11 years will go to the Canada Mortgage and Housing Corporation to improve its data collection.

Data is a big thing for Sousa, who has said he is trying to avoid making a tough situation worse. Ontario's Ministry of Housing currently has a contract tender out that is seeking information about real estate sales in Ontario for the next five years, as part of the government's ongoing data collection.

"We're all aware of what's happening in Toronto and the Greater Toronto Area, similar to what's happened in Vancouver," Sousa said. "I'm still trying to acquire as much [data] as I can to make certain that we don't implicate anybody."

4). ENVIRONMENT MINISTER SLAMS 'OUTRAGEOUS' COMMENTS BY PC LEADER BEFORE CAP-AND-TRADE AUCTION

By: Geoff Zochodne

The province's environment minister broke his recent silence by slamming the Progressive Conservative leader's pledge to scrap cap and trade, a promise he made on the eve of the Liberal government's first-ever auction of carbon pollution permits.

"If you were going to manage a way to a different system, this is not how you do it," Environment Minister Glen Murray said Thursday. "This is completely economically irresponsible."

PC Leader Patrick Brown said Tuesday that he would "dismantle" Ontario's cap-and-trade system and take the province out of its climate partnership with California and Quebec. The auction was the following day, and Murray said during Thursday's question period that "by suggesting you're going to tear up the market and the [Western Climate Initiative; the partnership of British Columbia, California, Ontario, Quebec and Manitoba] on the eve that the market was calculated, you disrupt the market."

At that, Murray was cautioned by Speaker Dave Levac for being "dangerously close" to accusing a fellow MPP of wrongdoing.

Brown was not at Queen's Park Thursday, but his finance critic, PC MPP Vic Fedeli, said it was "rather rich" the government didn't want them talking about cap and trade while the Liberals are spending taxpayer money to advertise their "Fair Hydro Plan."

"They're nervous that this auction is not happening the way they intended to be," Fedeli said. "Their excuses are already lined up should it not go the way they wanted."

Ontario's first cap-and-trade auction was held Wednesday, with big-emitting business and fuel distributors poised to purchase pollution permits equal to their greenhouse gas emissions. The carbon-pricing system is the Liberal government's key measure to combat climate change, as it aims to reduce GHG emissions 15 per cent below 1990 levels by 2020.

But Murray had not been commenting on the auction in the days leading up to it, so as not to be seen as trying to influence the outcome. When reporters asked him Thursday if he thought Brown was seeking to sabotage cap and trade, the environment minister unloaded.

"If you go out on the eve of the market to get it into the news the next day that your intention is to tear up the entire market, and the agreement, and the coalition that built it, that is walking the line of shaking confidence in the market," Murray said. "Those allowances are worth a lot of money to businesses. They need to have confidence as they're buying and trading those allowances that those allowances are going to be around for the long term."

Murray said Brown has little support from within his own caucus for his pro-carbon price stance, and questioned the logic of Brown's new call for a "revenue-negative" carbon tax, which Murray called "oxymoronic." The Liberals have said their cap-and-trade plan will cost less than Brown's proposal, which would now involve cutting taxes to a point that the savings would be more than the government takes in from a carbon levy.

“This guy has a problem with his edit function and he goes to hit the button every five minutes,” Murray said Thursday. “And it’s like, ‘this was my idea of the moment.’ When you do that and you don’t work with industry, as we did for two years, you do create a sense of instability and uncertainty.”

The Liberal government has a lot riding on cap and trade, including its estimates of \$1.9 billion in annual proceeds and greenhouse gas reductions it needs to meet its climate targets. Recent auctions in California and Quebec have fallen well short of being sellouts, and Ontario aims to link its system with that joint market in 2018.

But Murray said he wasn’t just criticizing Brown to lower expectations before the cap-and-trade auction results are released on April 3.

“I would not be saying this at all today if he hadn’t said something that I think was quite outrageous and irresponsible,” added Murray. “He brought this on himself.”