

QP BRIEFING

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ARTICLES

1). SAULT STE. MARIE BYELECTION CALLED FOR JUNE 1

By: Geoff Zochodne

Premier Kathleen Wynne has pulled the trigger on the Sault Ste. Marie byelection, setting the date for Thursday, June 1.

The writ was dropped Wednesday in order to fill the vacancy left by former Liberal MPP and cabinet minister David Orazietti, who resigned at the end of December. Wynne had until the end of June to make the call, which, under the Election Act, must be done on a Wednesday, with the byelection held the fifth Thursday after the writ is issued.

The news also comes after the Liberals nominated former Soo Mayor Debbie Amaroso as their candidate for the byelection last weekend. Amaroso challenged the Premier earlier this week to drop the writ "sooner rather than later."

The Progressive Conservatives had already tapped city councillor Ross Romano as their candidate, and the NDP have named fellow councillor Joe Krmpotich as their choice to carry the party colours.

2). SPARKS FLY OVER PHOTO RADAR BILL

By: Sabrina Nanji

Debate over the government's bill to install photo radar in school and community safety zones sped up Wednesday, with the Tories and Grits accusing the other of putting partisanship above the well-being of children.

The sparks flew in the standing committee on general government where Bill 65, the Safer School Zones Act, has been chugging through clause-by-clause consideration, and after back-to-back news conferences called to address 300-plus amendments tabled by the Progressive Conservatives. The PCs – denying the Liberals' accusations those amendments are an attempt to filibuster – decided not to move more than 200 of them.

One amendment that did make the cut (despite fears the committee chair might rule it beyond the scope of the legislation and therefore out of order) would make it easier to convict drivers who "blow by" school buses that are stopped on the side of the road with their stop signs extended and lights flashing. Under the current Highway Traffic Act, that will earn scofflaw drivers a \$490-fine and six demerit points as long as the bus driver and police officer testify.

But PC transportation critic Michael Harris wants to make camera footage from school buses admissible in court. He said the amendment is aimed at modernizing the Highway Traffic Act, which was drafted before such technology existed.

"I'm hopeful that if the government truly cares about student safety it will work with us to adopt this measure," Harris told reporters in the Queen's Park media studio, alongside a retired school bus driver.

<https://www.youtube.com/watch?v=hXI-rCFGSEo>

(The video above was shared with reporters at Harris's news conference.)

The amendment is identical to PC MPP Rick Nicholls' private member's bill to amend the Highway Traffic Act that was sent to committee with support from all parties after being introduced for a second time. The first iteration of the bill died on the order paper after September's prorogation.

But Liberal MPP Daiene Vernile, the Transportation Minister's parliamentary assistant who sits on the committee studying Bill 65, wanted to know why, "if they really cared about this, why they would have buried it at the last second [with] 300 amendments."

"They're throwing this in at the last second. This is clearly a political tactic on their part to try to obstruct it," Vernile said after the second news conference related to Bill 65 that day, held by Liberal MPP Mike Colle. (Colle spoke out against a moot PC amendment that would have prohibited photo radar on Avenue Road except on stretches that are designated school safety zones.)

Harris fired back that Vernile's statements were "100 per cent politics."

Later at committee, Vernile asked two experts from the government to weigh in; they suggested technology for school bus cameras would not be good enough to provide "evidentiary value" in a

courtroom. The nuance, the bureaucrats from the transportation ministry explained, is the offence is tied to the flashing lights on the school bus, which may be difficult to capture.

Should it pass, Bill 65 would also amend the Highway Traffic Act to introduce more red-light cameras and allow municipalities to impose lower speed limits.

The PCs have been rallying against the bill for fear it would spark a “photo-radar cash grab” by allowing the enforcement tool to creep beyond school and community safety zones and on to major roads and highways. Of particular concern is the definition of “community safety zone,” which the Highway Traffic Act lets municipalities designate by by-law if “public safety is of special concern on that part of the highway.”

The government put forth one amendment to limit photo radar to streets with a speed limit lower than 80 km/h. It breezed through as the Grits have a majority on the committee. Harris said he wanted that pared back to 50 km/h.

At press time, committee members were still debating the school bus camera amendment, but, should it pass, the Tories would be more likely to support Bill 65.

3). *HAPPY ANNIVERSARY! IT'S BEEN ONE YEAR SINCE THE LAST HYDRO ONE SHARE SALE*

By: Geoff Zochodne

The one-year anniversary of the last Hydro One share sale has come and gone and a third stock offering has yet to be announced – with just 13 months remaining until the 2018 provincial election.

The Hydro One initial public offering was held in November 2015, with the Liberal government raising approximately \$1.83 billion in gross proceeds for the province by selling about 15 per cent of the company to private investors. The secondary share offering was held in April 2016, six months later, when another 15 per cent of the once entirely provincially owned utility was sold for around \$2 billion in proceeds. The government announced the latter offering was closed on May 2, 2016.

The government won't be announcing when the next share sale is because of securities law and for fear of influencing the market, but more than a year has gone by since the Liberals sold a tranche of Hydro One shares. The Grits intend to whittle their stake in the company down to no less than 40 per cent, which means another 30 per cent must still be sold.

"For us, nothing is changed," Energy Minister Glenn Thibeault told QP Briefing last month. The Minister said the government was continuing as planned and was relying on a panel of experts, including former TD Bank president Ed Clark, to help Thibeault make the decision on when to sell.

"Ultimately, that comes down to me," Thibeault said. "And we're going to continue to work with all of our stakeholders and the expert panel that we have in place and we'll make that decision in due course."

The Liberal government, following encouragement from Clark and the Premier's Advisory Council on Government Assets that he chaired, is selling shares of Hydro One with the hope of raising approximately \$9 billion in proceeds. That money will be split up, with \$4 billion going to fund infrastructure projects and \$5 billion being used to pay down debt. Approximately \$3.83 billion has been raised thus far.

Hydro One's shares closed at \$24.02 Wednesday on the Toronto Stock Exchange, up from the \$23.65-a-share price they were sold at in last April's offering. The initial public offering price for the shares was \$20.50 each.

Part of the hold-up on another share sale could be turnover at the top of Hydro One. Michael Vels, the utility's chief financial officer, is leaving the company as of May 19, to take a C-suite job with Empire and its subsidiary Sobeys Inc. Vels received nearly \$1.7 million in total compensation in 2016, according to Hydro One's management information circular – and to the chagrin of the opposition parties.

"Now that there's another opening with Hydro One, will the minister, who still controls 70 per cent of that company or at least 70 per cent of the shares of that company, make an effort, will he try to get executive compensation under control and start to get the millionaires out of the ratepayers' trough at Hydro One?" asked Progressive Conservative energy critic Todd Smith during Wednesday's question period. "Every time they stand up in this Legislature to use Hydro

One for a photo op they remember they still own 70 per cent of it, but whenever they can actually do something about compensation there they throw their hands in the air and just say, 'Here. Come on in. Take what you want.' ”

Thibeault returned fire by taking a shot at the lack of an official Tory plan to reduce electricity costs, such as the Liberals' "Fair Hydro Plan" that aims to reduce bills by an average of 25 per cent, including a previously announced 8-per-cent rebate.

“They have no idea what to do with energy, let alone anything to do with the province,” the Minister said of the PCs.

“When it comes to being a shareholder within Hydro One, I’m sure the government, like any other shareholder will, of course, support a plan that balances attracting the best talent to run these companies while at the same time getting top value for money,” Thibeault added. “We want to continue to attract top talent to Hydro One, to [Ontario Power Generation], who can deliver value for ratepayers.”

4). *TORIES TABLE BILL TO ENSHRINE 'CONSCIENCE RIGHTS' IN ASSISTED-DYING LAW*

By: Geoff Zochodne

The Progressive Conservatives want it spelled out in black and white that doctors are allowed to follow their conscience or religion and steer clear of patients seeking an assisted death.

PC MPP Jeff Yurek tabled a bill Wednesday that intends to enshrine “conscience rights” into law when it comes to medically assisted dying, making it clear that participating in the procedure is voluntary for all health-care professionals. Assisted dying has been legal in Canada since last summer, and, as of April, there had been 365 assisted deaths in Ontario, the government says.

But the concern of Tories and some doctors is the “effective referral” the College of Physicians and Surgeons of Ontario expects physicians to provide to patients seeking a medically assisted death. If a doctor does not want to participate, he or she is required to refer the patient to a more willing doctor in a timely manner, which could go against his or her beliefs.

“My bill will provide that balance by making participating voluntary, ensuring health-care professionals cannot be disciplined, fined or censored by their college for refusing to participate either directly or indirectly in medical assistance in dying,” Yurek said Wednesday at Queen’s Park.

Health Minister Eric Hoskins said during question period that he has stood in the legislature “many times ... asserting my commitment to and respect for conscience rights of health care providers of all of us.”

“I have also spoken about the necessity and the imperative to assure a balanced approach that also respects the rights of Ontario patients to access medical services in this province.”

Hoskins already has a piece of legislation before the house that contains a variety of regulatory measures tied to medically assisted dying, such as providing legal protections for those who provide the service. Bill 84, the Medical Assistance in Dying Statute Law Amendment Act, is currently undergoing third-reading debate in the legislature, although no debates are scheduled for this week.

The bill was amended by the Liberals at the committee stage to require that the health minister establish a care co-ordination service. The service would let patients just phone a hotline or go online for information and services regarding medical assistance in dying, rather than first going through a physician.

Care co-ordination, which could begin as early as this month, would be available for caregivers as well. The government has also set up an assisted-dying referral service that doctors can call.

But the legislation doesn’t include an explicit mention of conscience rights, which continues to concern doctors.

“This is too important an issue to be left as a grey area,” said Dr. Rachel Forman, spokeswoman for the Ontario Medical Association. “[Yurek’s] legislation will clearly protect the conscientious objection right of physicians, while Bill 84 addresses the needs of patients to access this service.”

While Ontario's physicians' college requires an effective referral, Alberta's regulator asks only that the patient be passed along to the province's care coordination service.

"Protection of conscience rights and the self-referral system run by the government fit hand-in-glove, provides a balance and ensures patient access to medical assistance in dying," said Yurek. "That problem has not been taken care of. My bill takes care of that situation."

His bill, An Act to amend the Regulated Health Professions Act, 1991 with respect to medical assistance in dying, is set to be debated May 18. The bill would amend the government's assisted-dying legislation to ensure conscience rights are included.

Yurek said there has been no physician disciplined by the College yet over a refusal to provide an effective referral; he chalked it up to the newness of medical assistance in dying. "All it takes is a complaint for that process to go forward," said the PC MPP.

Hoskins accused the PCs of voting down amendments twice that would "reinforce and reiterate, as the federal legislation did, conscience rights for health care providers."

"Shame on you," he added.

"There's no requirement by the federal legislation or Ontario legislation to require physicians to participate in medical assistance in dying," Hoskins said. "However, specifically because there is an element of the federal legislation that speaks to both conscience rights as well as patients' right to access medical services, we introduced — not once, but twice — an amendment to the legislation that speaks directly to and reaffirms conscience rights of health-care providers."