

# QP Briefing: October 26, 2016

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## Q P B R I E F I N G

October 26, 2016

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### **Articles**

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*1). Liberals' amendments won't ban stakeholder fundraising or*

**By: Jessica Smith Cross**

Under the Liberals' latest proposed fundraising rules, ministers could call up any of their stakeholders, ask them what policy changes they'd like to see the government make, and then ask them for money.

But the ministers wouldn't be allowed to do that while at an event that was held for the purpose of fundraising.

Their chiefs of staff, however, would be allowed to throw fundraising events on their ministers' behalf, talk policy with stakeholders, and hit them up for money.

Government House leader Yasir Naqvi circulated the government's proposed amendments to the election financing legislation on Wednesday morning.

"You have to remember that these amendments are in addition to some very stringent requirements that we have brought in under Bill 2, which will ban corporate and union donations and that puts a very strict limit on the amount of money individuals can give, a maximum of \$1,200" he said reporters. "All these rules combined makes Ontario's rules, if passed, one of the [most stringent] in the country."

As promised, the new proposal would ban MPPs, election candidates, party leaders, and candidates in nomination and leadership races from attending "fundraising events" for

themselves or their party.

Political staffers were left off that list. Naqvi said that was one of the options considered in the drafting of the amendments; but, instead, he's trying to write a code of conduct with the co-operation of the other parties, which would govern that.

PC MPP Vic Fedeli slammed the decision to omit chiefs of staff from the legislation itself, and said his party had exposed the fact that Liberal chiefs of staff have participated in cash-for-access fundraising.

"That's egregious," Fedeli said. "They're just turning the cash-for-access over from politicians to the Liberal government's chiefs."

However, he said MPPs from all parties are working together on a code of conduct.

The Liberals' amendments describe fundraising events quite specifically, as "an event held for the purpose of raising funds for the party, constituency association, nomination contestant, candidate or leadership contestant registered under this Act by whom or on whose behalf the event is held, and where a charge by the sale of tickets or otherwise is made for attendance."

The proposed amendments specifically allow politicians to hold events and charge an admission price, as long as the admission only covers the costs of the event. Whether ministers would be allowed to hit up attendees for donations there would depend on if the chief electoral officer determines the event was held for the purpose of fundraising, Naqvi said. If so, the politicians can't be there.

Naqvi defended his government's decision not to stop ministers from asking stakeholders in their ministries for money.

"I'm going to take issue with the premise of your question," he began, answering a reporter's question about the potential for a cabinet minister to attempt to sell influence, "because you're saying that there's a conflict, that people are taking money and making decisions based on that money. There is no evidence whatsoever of that. The issue that we're dealing with is there may be a perception of conflict."

His government is working very hard, by introducing these rules, to ensure that perception doesn't exist, he said.

Naqvi's federal Liberal counterparts are facing their own allegations of cash-for-access fundraising, but Naqvi said he hasn't spoken with them about this issue. So far, Prime Minister Justin Trudeau has defended his minister's fundraising events — the type that Naqvi intends to make illegal.

"I have a lot on my plate here in Ontario, I'm focused on doing my job," Naqvi said.

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*2). Adam Capay has a new cell, but no cellmate: Orazietti*

By: Jessica Smith Cross

Adam Capay has been moved from his cell, Minister of Community Safety and Correctional Services David Orazietti told the legislature Wednesday morning.

NDP MPP Jennifer French asked the government in question period why the justice system is violating the charter right to a speedy trial, by holding Capay in solitary confinement for four years.

Orazietti responded with an update on Capay's situation: "This individual has been moved from their cell. They are no longer in that same cell. They are in a different location, with appropriate lighting and access to day rooms, spending time out of their cell for showers, phone calls and access to TV. It is my understanding, from speaking to officials, that the inmate is satisfied with the conditions that they are presently in."

After question period, his office clarified that Capay is no longer in the segregation unit, but he does have a cell to himself.

Capay was moved after Ontario Human Rights Commissioner Renu Mandhane received a tip from a correctional employee that Capay had been in segregation for years, living in a plexiglass cell, with lights on 24 hours a day.

Mandhane visited him and then told the media what'd she seen, and how she'd believed the long segregation had taken a toll on his mental health.

It resulted in wide condemnation of the corrections ministry, including an excoriating editorial by The Globe and Mail about "Ontario's sickening mistreatment of Adam Capay."

Capay had gone to jail on minor charges and was put in segregation after an altercation that ended in the death of another inmate. He's been charged with the murder of that inmate, but the case hasn't gone to trial.

"Obviously, we're concerned about his safety and the safety of everyone else in the institution. So he's in another cell, there's no Plexiglas," Orazietti said.

Orazietti would only say there are "various reasons" for the safety considerations and would not say why they were necessary in the first place or why it took so long to get him out. He admitted, as he has before, that there is an over-reliance on segregation in the justice system, and reminded reporters that he's awaiting the results of a review of the entire justice system.

Meanwhile, Attorney General Yasir Naqvi said crown attorneys have assured him the case against Capay is moving forward.

Naqvi was the corrections minister prior to Orazietti, and visited the Thunder Bay District Jail in that capacity. However, he said Wednesday he doesn't recall ever speaking about Capay, or seeing him, at the jail.

Naqvi said, to the best of his recollection, he didn't see a prisoner in a Plexiglas cell that fits the description of Capay's.

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### *3). The case for a made-in-Ontario prison watchdog*

By: Sabrina Nanji

Ontario's police are trusted with sweeping authority yet still governed by an oversight body, tailored to the nature of their work — so why aren't those who police provincial prisoners?

In an interview with QP Briefing, Howard Sapers, the federal government's prison watchdog for more than a decade, makes the case that a correctional investigator can provide needed oversight in prisons.

"It starts with some fairly basic principles of accountability and transparency, and also of course, recognizing, ultimately, corrections is a human rights endeavour," said Sapers.

"When you're putting somebody in custody, when you're depriving somebody of their liberty — that's an extreme sanction. That's an extreme exercise of government or state control. So, from a very fundamental level, you want to make sure that that control is being exercised judicially and appropriately. [Ours] is a type of office that can provide that type of assurance."

After undertaking an independent external review of the use of segregation in jails this month, following a 19-month long internal review, the Ontario government said it will work on ways to improve oversight of inmates and correctional institutions, "which may include consideration of the creation of a permanent external position to perform this function."

That could potentially mean a made-in-Ontario prison watchdog, much like Sapers' role at the federal level, as Correctional Investigator of Canada. Sapers' position functions much like Ontario's ombudsman or auditor general — he is able to conduct investigations on general

oversight matters, tables reports and recommendations at Parliament Hill, and looks into complaints from federally sentenced inmates.

Sapers, chief corrections investigator since 2004, said: "At a conceptual level, the notion of having a specialized or focused ombudsman is a good idea."

Community Safety Minister David Orazietti said he isn't ruling out mandating a provincial prison watchdog — but said most options are on the table before the third-party reviewer reports back in spring.

"That might be a recommendation that the reviewer brings forward, I'm not going to rule that out," he said. He added that he wants to be "open" when it comes to transforming corrections, and if the reviewer ends up recommending independent, permanent oversight, the government will seriously consider that.

Ontario Ombudsman Paul Dube currently serves as the watchdog for government. He has received complaints and submitted reports with recommendations for the corrections ministry. As recently as May, he urged the government to end indefinite solitary confinement and prohibit the practice for inmates with mental health concerns.

Sapers said expanding Dube's resources could also serve the function of oversight, but noted the watchdog was just given an expanded mandate to cover municipalities and school boards. A standalone ombudsman would allow specialized focus in an area of heightened concern.

He's confident that will bolster the provincial government's plans for transformation in the prison system, which is plagued with problems that are mirrored federally.

"We've certainly seen, over the last decade, the Correctional Service of Canada do a better job of screening and assessing mental health concerns amongst the offender population, and developing better responses to those mental health needs," he said.

"We've seen improvement in terms of meeting the cultural and spiritual needs of indigenous offenders in federal penitentiaries. We've seen policy clarifications around the use of segregation — although there is still much more work to do. We've seen enhancements in training, in terms of how correctional officers deal with special needs or high-risk offenders.

"In the last decades we've seen improvements — the trick though is making sure that those improvements take root and that there's no backsliding. Sadly, we often see backsliding and we often investigate similar circumstances and make similar recommendations. Things do move forward ... Incremental change is normally the way that things go," Sapers said.

He has pushed for better segregation policy at the national level, but he preferred not to comment on specifics as he is currently working with the federal government as it runs through its own review.

Amid calls for an outright end to indefinite solitary confinement — from the ombudsman, human rights commissioner and United Nations, to name a few — Orazietti's external review announcement also came with a handful of operational updates for improvement.

That includes a 15-day limit on disciplinary segregation, but not administrative, and that an inmate be put into isolation only as a last resort.

For the first time, Ontario's correctional officers were pinned with the essential-services ribbon — as with law enforcement— when they inked the most recent collective agreement with the government earlier this year.

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4). *Environmental commissioner: Can you let us know when you*

By: Geoff Zochodne

The province's environmental watchdog wishes the Ontario government and the City of Toronto had more of a pottymouth.

That's because, without any warning to the public, Toronto has been dumping mostly untreated sewage into Lake Ontario, and as recently as Aug. 13 of this year, said Dr. Dianne Saxe.

"If you went down to the harbour, you could see floating condoms and sewage and garbage and feces and all sorts of things you wouldn't want your children swimming in," said Saxe. "So it would be better to stop the overflows. But until we can stop the overflows, at least people ought to know that's not a good day to take your kid to the beach."

Saxe, the environmental commissioner, tabled her 2015-16 annual report on environmental protection Wednesday that called for the City of Toronto and the Ontario Ministry of the Environment and Climate Change to better co-ordinate and let the public know about "sewage bypass events" as soon as they can. A bypass is when a large amount of rain or melting snow forces water treatment plants to funnel storm and wastewater into a lake with little or no treatment.

Saxe's report notes wastewater treatment plant operators are required to give the MOECC a heads up when a sewage bypass happens – but the public isn't afforded the same courtesy.

The report notes two Toronto-area water treatment plants reported a combined 24 bypasses in 2015, which saw more than three million cubic metres of storm and wastewater pumped into Lake Ontario. A July, 2013, thunderstorm in Toronto required Toronto Water to dump enough sewage to "more than half-fill the Rogers Centre," Saxe's report said.

Out of that came a successful bid by an environmental group, Lake Ontario Waterkeeper, to require Toronto Water's two lakeside wastewater treatment plants to sound the alarm to the public when there are sewage overflows or bypasses. LOW said people had been swimming and boating in Lake Ontario in the days that followed the 2013 thunderstorm.

The MOECC launched a review that wrapped up in July, 2015. The plants then had the environmental agreements with the province updated, but Toronto still only reports sewage dumps to the ministry.

"It has been two years since the ministry began this review and the public is still not being notified of sewage bypasses," said Saxe's report. However, the commissioner said Toronto has been paying a lot of money to upgrade its stormwater capacity to stomach bigger rainfalls.

"But as the weather gets worse, and as the paved areas around Toronto get larger, we have more and more flows to cope with," Saxe said.

Other findings in the commissioner's report included:

Ontario's moose population has dwindled to 92,300 – a 20 per cent decrease over the past 10 years – because of parasites, hunting and a changing climate

An "invasive fungal disease" called white-nose syndrome has driven four of Ontario's eight native bat species into endangered status

The Ministry of the Environment and Climate Change hasn't finished reviews requested under Ontario's Environmental Bill of Rights that date back to 2009, including one that "relates to the shameful impact of Sarnia's air pollution on the health of the First Nations community of Aamjiwnaang and other similar air pollution hotspots"

The Ministry of Natural Resources and Forestry "often fails to use its tools to provide effective conservation for Ontario's species"

The MNR is not collecting enough data, nor is it doing enough to stop invasive species

Because of the ecological benefits they provide, Ontario should allow more forest fires to burn themselves out, instead of snuffing them out

Feral pigs have been showing up in Eastern Ontario in recent years, and they can damage crops and property; small-game hunters in the area are allowed to pick them off

Environment Minister Glen Murray said some of the \$1.9 billion the government expects to raise annually with cap and trade will go toward mitigating issues the commissioner had highlighted. Murray said this was a good argument against the Progressive Conservatives' push for a revenue-neutral carbon tax, instead of a cap-and-trade system. "Because you actually need resources," he said.

Murray also pointed out his ministry's success in dealing with a backlog of applications lodged using the Environmental Bill of Rights – 525 have been processed since the commissioner threw down the gauntlet over the past year, he added.

"I think a lot of the things that she's talking about around climate change impacts on the north are going to be extremely challenging, and some of them are quite recent," Murray said.

The ongoing drop in the moose population is a "rapid decline," Saxe said, with not enough calves making it to adulthood. The Ministry of Natural Resources and Forestry has made only small tweaks, she added, and is doing so with inadequate information.

"Every single one of the 98,000 licensed moose hunters in Ontario is allowed to kill a calf every year," said the commissioner. "That's more than three times as many hunters as there are calves even born."

Natural Resources Minister Kathryn McGarry said the government, as of 2015, had restricted the hunting of moose calves to a two-week period. Furthermore, as of this year, the moose season has been pushed back by a week in parts of Northern Ontario – although the government has also backed off a proposal to allow for easier killing of coyotes and wolves as a solution to prop up the moose population.

McGarry also said the government intends to review the statistics of this year's moose hunt and make "adjustments as need be." With climate change continuing to affect moose habitats, McGarry said "this is an issue that's happening across North America."

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*5). OP-ED: Bruce Power life-extension program on time and on plan*

By: Mike Rencheck

Today, Bruce Power reached an important milestone.

We marked 300 days into our multi-year agreement with the province to extend the life of our units and keep them operating through 2064. I'm pleased to report this program, which took effect on Jan. 1, 2016, is on time and on budget, while continuing to deliver low-cost electricity to the province.

There is a myth that our life-extension program doesn't begin until 2020 when we will carry out the first replacement of major components or "refurbishment." This is not the case. We will spend as much on our site between 2016 and 2020 as we will in one refurbishment.

In fact, we have already invested \$400 million in the Bruce Power site since Jan. 1, while 30 per cent of Ontario's electricity at 30 per cent below the average residential price, which keeps prices low for families and businesses. Recently, the Ontario Energy Board reported that nuclear overall in 2016 has generated 59 per cent of the electricity while contributing only 38 per cent to the highly-publicized Global Adjustment Mechanism – that's because we are one of the lowest cost forms of generation in the province.

As a private sector operator, we are responsible for meeting the investment needs of our site while the assets remain publicly owned, and we also take the financial risk if we don't deliver on time and on budget. That's why we've invested in innovation, planning and preparation for the work, and have built our program based on 15 years of lessons learned since the company was formed in 2001. This hard work has us off to a good start on delivering results for our owners, the province and Ontario electricity consumers.

Our innovations have added 27 years of additional operations over the life of our site in addition to refurbishment. On Oct. 26, we announced that at the peak of winter, our eight units will achieve 6,400 megawatts (MW) of output, up 100 MW from what has been previously delivered. This was made possible through enhancements on the non-nuclear side of our plant – a true example of innovation at work.

It is important for us to achieve more generation from existing assets, and 100 MW is enough

to power 100,000 homes during the cold winter months. That's enough electricity to power every home in Kingston, Sudbury or Niagara Falls and also support exports to jurisdictions like Quebec, which are short of power during the winter.

Our multi-year, life-extension program started on Jan. 1 when we began the next phase of investments in our site to optimize asset life, to prepare for future work to replace major reactor components and also to carry out plant upgrades and enhancements in a methodical, carefully planned manner, as outlined in our transaction with the province.

All of this investment will be met by Bruce Power's owners and investors with over 90 per cent spent in Ontario, supporting, at peak, 22,000 direct and indirect jobs annually from hundreds of small and large suppliers. It also means extensive work for members of Ontario's Building and Construction Trades, the Power Workers Union and The Society of Energy Professionals.

In our new arrangement with the province, we have the opportunity to return funds to ratepayers by delivering additional operational efficiency. We are committed to achieving this so we can do our part to keep electricity rates affordable and efficiently manage every dollar.

We are proud to mark this milestone and remain committed to improving every day with a focus on operational excellence and project excellence. We know electricity rates are a focus and that's why we will continue to be a low-cost provider. We recognize Ontario families and businesses are working harder to stretch every dollar and so are we.

While electricity is the product we produce, we are in the people business and it is our people who will proudly continue to deliver low-cost electricity to Ontario families and businesses for many years to come.

Mike Rencheck is the President and CEO of Bruce Power.