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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 20 December 1999**

**Lundi 20 décembre 1999**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 20 December 1999

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 20 décembre 1999

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Steve Peters (Elgin-Middlesex-London):** Since the inception of this government's failed Ontario disability support program, persons with disabilities in this province have had to suffer from the incompetence and mean-spiritedness of this government. Sadly, I have to bring yet another example of the incompetence and mean-spiritedness of this program to light today.

David Kelly, a disabled person in my riding, applied for ODSP and filed his application on June 14. Mr Kelly has a rare disease stemming from his diabetes, along with severe arthritis. His ability to support himself has been lost and he requires social assistance. For five months Mr Kelly heard nothing from the Ontario disability adjudication unit. For five months he waited to see if he would be helped or abandoned.

Then, in a letter dated November 5, Mr Kelly was told he was not sufficiently disabled to collect ODSP. He was also told he had two weeks to appeal their decision. However, the envelope was not stamped by Canada Post until November 18. That was the day before the deadline to file his appeal. Mr Kelly did not receive this letter until well after the appeal deadline.

There are two explanations for the delay: Either the incompetence of the ministry staff is such that the letter was misplaced for two critical weeks, or else the ministry is so mean-spirited that they purposely sat on the letter for two weeks to prevent Mr Kelly's appeal.

The cause of this problem is not as important as finding a solution. The Minister of Community and Social Services must extend the deadline for Mr Kelly's appeal. I will have a page take the details to him.

#### DELHI DISTRICT GERMAN HOME

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I wish to pay tribute to a cultural hall in my riding, the Delhi District German Home. I recently attended their 50th anniversary celebrations and greatly enjoyed the evening, celebrating German traditions and cultures. That

night, I had the opportunity to welcome the German Consul General, Dr Wiprecht von Treskow, to Ontario and was fortunate enough to help celebrate the German community established in Norfolk early this century.

German people settled farms and created enterprises in Ontario in three different waves. The first was in the late 18th century; the last following the Second World War. Thousands of small businesses and farms, including tobacco farms, in my area were begun by Germanic peoples, creating hundreds of thousands of jobs.

The Delhi District German Home was chartered in 1948, and the cornerstone of today's hall was laid in 1949. This hall, and the hundreds like it across the province, have served as meeting places in many communities and have helped keep German language and culture alive.

That night, I told the audience of MPP Wayne Wettlaufer's bill to proclaim the second Tuesday in October as German Pioneers Day. I wish to congratulate the member from Kitchener Centre on his initiative and hope the House will officially recognize the role that Germans have played in building this province by supporting Mr Wettlaufer's private member's bill.

#### SCHOOL CLOSURES

**Mr David Ramsay (Timiskaming-Cochrane):** The conseil scolaire de Grande Rivière, the French-language separate school board in northeastern Ontario, has commenced the closing review process for École Sainte-Thérèse in Ramore. This has been forced upon the board by the inadequate funding formula of the Mike Harris government that penalizes small, rural schools. This formula will have a devastating effect on our small, rural schools and our children right across this province.

The problem with the formula is that closing schools such as Sainte-Thérèse will mean busing three-year-olds and four-year-olds starting junior kindergarten two hours a day on northern Ontario highways with some of the worst weather in this province. These very young children will be away from their mothers and will be put in harm's way. Closure of this school, I believe, will put these children at risk and have a severe impact upon their education.

Minister, this is abuse, plain and simple abuse. Now you plan more cuts when the present formula won't even keep our small, northern rural schools open. When will you start to fight for our children and their education instead of being the Treasurer's lackey?

## MILLENNIUM MEMENTO

**Mrs Julia Munro (York North):** I rise in the House today to read a letter I have just received from constituents of mine. The letter reads as follows:

"I am writing in regard to the My Ontario Millennium Memento. I am a grade 12 student at Sutton District High School and I received my copy of the book yesterday. First of all, I would congratulate you and the government on this excellent project. I do not agree with the problems that people have with the book. In my opinion, I think it is a great book that will be put away and brought out later in my life to show my grandkids what millennium 2000 really was like. This is also memories of our school career, which are memories that are truly priceless.

"What some people in the community are trying to do is to prove that you are wrong in this publication. I want you to know that I and many others feel this was a great idea. This really is a great idea and you should be proud. Congratulations on a great job well done."

It's signed by Mike Jubb, Sandy Jubb, Amanda Gauthier, John Barnes and Edna and Moe Shepard.

This is but a sample of some of the positive responses we have received on this book. I would like to personally thank Minister Johns for giving the students of Ontario something they can keep as a wonderful reminder of this once-in-a-lifetime event.

1340

## APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

**Mr Dave Levac (Brant):** I want to take this opportunity to share with the House my observations of the work done on behalf of the citizens of the province of Ontario within the general government committee.

The recent recommendation of the individual for Environmental Commissioner has caused concerns by some people. Others believe no problems exist at all. As a participant in the process, I can say to this House that we do have problems. My support was not for the individual ultimately recommended for the position.

At every corner, discussions were had to try to foil what at times seemed to be partisan picks. The process was developed to try to eliminate any so-called stacking of the deck. Human resources and committee staff deserve great credit for their integrity and their hard work and efforts to this end.

Contrary to comments made by some people, a Liberal presence was there at each and every meeting pertaining to this appointment.

It should also be noted that how everyone ranked each candidate was supposed to be strictly confidential, which again points to a problem with integrity, honesty and respect when those picks were used in the public forum. To use this information in any other way points to what I said at one of our sessions: Shame on anyone who plays any game to prevent the government from hiring the best Environmental Commissioner this province deserves and needs.

I want to add my own small point to this situation. At no time did I ever divulge my individual pick for the commissioner, and having anyone else disclose that I had made any other pick indicates again the integrity of this particular commission.

I would also thank the House for providing me with this opportunity to give clarification, as well as my party whip, who understood that at one time I would not be able to make one meeting and a Liberal presence was there.

## FIRE SAFETY

**Mr David Christopherson (Hamilton West):** Members of this House of course will know that in July 1997 we had the infamous Plastimet fire. Since that time I and others have been calling repeatedly for this government to hold a public inquiry to determine exactly why this happened, how it happened, and what steps ought to be taken to prevent it from happening again. The government, day after day for years now, has consistently refused to do so, putting the lives of Hamiltonians and members of other communities at grave risk.

People will know that on the front page of the Hamilton Spectator today, along with the front page of the Toronto Star, there is a colour photo of another fire right across the street from the Plastimet fire. The headlines are: "Toxic Scare at Factory Inferno" and "Officials Feared Second Plastimet."

We have told this government that it's going to happen: There will be a repeat of Plastimet. I don't know what community. I feel sorry for those community members who are going to face this. I feel sorrier for the firefighters, police and other emergency response individuals who will be a part of responding to that fire when it does happen, not being fully equipped with all of the information and protection that they could be if the government would do the right thing and hold a public inquiry into the Plastimet fire.

## TRAFFIC SAFETY AWARD

**Mr R. Gary Stewart (Peterborough):** I rise today to pay tribute to a member of the Peterborough Lakefield Police Service. Constable Gary Takacs was honoured recently with the CAA Central Ontario Traffic Safety Officer of the Year Award.

Constable Takacs is a 22-year veteran who has been assigned to the community services unit for the past four years and has taken part in many traffic initiatives. One such initiative was the implementation of a new safety patrollers program at two schools in my riding, St Paul's school and Lakefield elementary school. Constable Takacs is also a member of a committee that brings the issue of drinking and driving to the attention of high school students.

On behalf of all the residents in my riding, I would like to extend my heartfelt gratitude to Constable Takacs and the members of the Peterborough Lakefield Police

Service. Thank you for teaching our children the importance of traffic safety. Thank you for teaching them the dangers of drinking and driving. Thank you for instilling in them the positive values and influences they will need in order to become upstanding members of our community. Thank you for caring so deeply about our safety.

#### APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

**Mr James J. Bradley (St Catharines):** The revelation that Gordon Miller, provincial Conservative candidate in Cochrane South in 1995, federal Conservative candidate in Nipissing in 1997, and president of the Nipissing federal Conservative association, is the Harris government's choice for Environmental Commissioner tarnishes what was once viewed as an independent, objective office of the Legislative Assembly.

Not content to dump Eva Ligeti, the highly regarded previous Environmental Commissioner who was often critical of the Harris government's environmental record, the Conservative majority wishes to replace Ms Ligeti with an individual with extremely close ties to the Harris regime. Environmentalists believe the polluter-friendly Harris government is appointing a house-trained lapdog to replace a genuine environmental watchdog. The fact that Mr Miller chose to conceal his deep and active involvement with the Conservative Party is a matter of great concern, particularly when his qualifications were stacked up against some high-quality internationally recognized applicants.

Having hacked away at environmental protection for the past five years, the Harris Conservatives have chosen a PC hack to sit in the Environmental Commissioner's chair. The appointment, if carried through by the government, places in real jeopardy the independence and credibility of an important office under the jurisdiction of the Legislative Assembly. The firing of Eva Ligeti and her replacement with an individual with such close Tory ties and involvement is in keeping with the Harris government's efforts to silence its critics and control any office that could prove to be embarrassing to the Conservative administration.

#### SAFE STREETS

**Mrs Brenda Elliott (Guelph-Wellington):** When the Attorney General introduced the Safe Streets Act, the Liberal leader opposed it. He and his party voted against this bill, calling it bad legislation. The Liberals' position on safe streets is further evidence that they are soft on crime. The Liberals opposed a bill that will make the women and seniors of this province feel safer by outlawing intimidating behaviour like aggressive panhandling and squeegeeing.

Liberals opposed legislation that protects our children from the disposal of syringes in parks. The Liberal leader dismissed this type of behaviour as a nuisance, but I don't think the parents of children who find dirty needles

in the sandboxes of their local playgrounds agree with this. The Liberal leader is hopelessly out of touch with ordinary Ontarians when it comes to making our streets safer.

He isn't listening to the police either. They understand, as we do, that these so-called nuisance crimes lead to bigger crimes and a decline in everyone's quality of life.

Every man, woman and child in Ontario has the right to feel safe when they walk our streets and when they undertake daily activities. On this side of the House, we were proud to vote in favour of the Safe Streets Act. We believe in those rights and we support Ontarians who deserve and expect an orderly and civil society. Once again, Dalton McGuinty and the Liberals have proven that they are soft on crime.

#### COMMISSIONERS OF ESTATE BILLS

**The Speaker (Hon Gary Carr):** I beg to inform the House that the Clerk has received a favourable report from the Commissioners of Estate Bills with respect to Bill Pr3, An Act respecting Peterborough Regional Health Centre.

Accordingly, pursuant to standing order 86(e), the bill and the report stand referred to the standing committee on regulations and private bills.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Mr R. Gary Stewart (Peterborough):** I beg leave to present a report from the standing committee on the Legislative Assembly and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish a brief statement?

**Mr Stewart:** We have moved a recommendation that the Legislature give consideration to the appointment of Mr Clare Lewis as the next Ombudsman for a period of five years. I want to emphasize the fact that this choice and selection was all done in camera. I want to thank the members of the committee for their discretion and indeed their co-operation during that particular time. I would like to say that the decision to recommend Mr Lewis was done on the first recommendation, that it was the only recommendation, and that it was a unanimous decision by all members of the three caucuses.

I would also like to say that I personally look forward to working with Mr Lewis, if approved by this House, as Chairman of the Legislative Assembly and Ombudsman committee.

I move adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The motion is carried.

#### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Ms Marilyn Mushinski (Scarborough Centre):** I beg leave to present a report from the standing committee on general government and move the adoption of its recommendation.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Ms Mushinski:** By orders of the House dated November 5 and December 2, 1999, the standing committee on general government was authorized to consider the matter of the appointment of the Environmental Commissioner and to report to the House its recommended candidate.

Your committee, therefore, recommends that the Speaker seek an order-in-council from the Lieutenant Governor to appoint Gordon Miller as Environmental Commissioner.

I move adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1352 to 1422.*

**The Speaker:** Ms Mushinski moves adjournment of the debate. All those in favour of the motion will rise at the same time and remain standing until recognized by the Clerk.

All those opposed to the motion will please rise and remain standing until recognized.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 56; the nays are 36.

**The Speaker:** I declare the motion carried.

#### INTRODUCTION OF BILLS

##### TECHNOLOGY FOR CLASSROOMS TAX CREDIT ACT, 1999

##### LOI DE 1999 SUR LE CRÉDIT D'IMPÔT FAVORISANT L'EMPLOI DE LA TECHNOLOGIE DANS LES SALLES DE CLASSE

Mr Hastings moved first reading of the following bill:

Bill 40, An Act to amend the Education Act and the Income Tax Act to provide a tax credit for private sector investment in classroom technology / *Projet de loi 40, Loi modifiant la Loi sur l'éducation et la Loi de l'impôt*

sur le revenu pour créer un crédit d'impôt pour les investissements du secteur privé dans la technologie employée dans les salles de classe.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr John Hastings (Etobicoke North):** This bill amends the Income Tax Act to permit taxpayers who donate computer property to a school board to obtain an income tax credit against their income from a business or property for the amount of the undepreciated capital cost of the computer property at the time of the donation; if they acquired the property as new, no earlier than the third year before the taxation year in which they make the donation and the board accepts the donation.

Regulations under the act limit the classes or items of computer property for which the donation gives rise to a tax credit.

##### STATE OF EMERGENCY CONSUMER PROTECTION ACT, 1999

##### LOI DE 1999 SUR LA PROTECTION DES CONSOMMATEURS DANS UNE SITUATION D'URGENCE

Mr Bartolucci moved first reading of the following bill:

Bill 41, An Act to Protect Consumers during a State of Emergency / *Projet de loi 41, Loi visant à protéger les consommateurs pendant une situation d'urgence.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Rick Bartolucci (Sudbury):** This bill will ensure that during a state of emergency, no person whose business includes the retail sale of products shall sell to a person who resides in an area in which a state of emergency exists a necessary product at a higher price than the price of the product immediately before the state of emergency was in effect. "Necessary product" means food, clothing, firewood, batteries or any other thing that a person may require during a state of emergency to protect his or her health or safety or to protect his or her property.

Any individual who contravenes section 1 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or both. Any corporation that contravenes section 1 is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.

##### TECHNICAL STANDARDS AND SAFETY ACT, 1999

##### LOI DE 1999 SUR LES NORMES TECHNIQUES ET LA SÉCURITÉ

Mr Runciman moved first reading of the following bill:

Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries /

Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Hon Robert W. Runciman (Minister of Consumer and Commercial Relations):** The technical and safety legislation tabled today will help to protect millions of consumers every time they ride an elevator or escalator, take their children on a ski lift or Ferris wheel, or use the propane stove at their cottage.

Under this legislation, we will become leaders in public safety by giving our technical industries the ability to quickly take advantage of new innovations in safety equipment and technology as they become available.

#### ASSESSMENT AMENDMENT ACT, 1999

##### LOI DE 1999 MODIFIANT LA LOI SUR L'ÉVALUATION FONCIÈRE

Mr Christopherson moved first reading of the following bill:

Bill 43, An Act to amend the Assessment Act / Projet de loi 43, Loi modifiant la Loi sur l'évaluation foncière.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr David Christopherson (Hamilton West):** This is a bill I have introduced before, in the hope that the government might be willing to look at this. It provides for an extension of the relief currently provided on one's property taxes if you make renovations to accommodate an elderly family member or someone who is or becomes handicapped.

Right now the law only provides for renovations to an existing building. There's at least one experience in Hamilton where a family chose to build an entirely new home and received none of the benefit they would have gotten had they done a renovation to an existing home. My amendment provides that they would also receive a relative break on their property taxes to assist them in paying the cost of providing housing that allows people to live in their homes.

1430

**Ms Marilyn Churley (Broadview-Greenwood):** Mr Speaker, I have a very important point of order to raise with you. For background, before I get to my point, I want to very briefly explain what this is about. I received a copy of a letter from Mr Ted Chudleigh, the member for Halton North, which was written to all three House leaders, with what I consider to be very inappropriate accusations against me in my role serving on the committee. He accuses me of breaking the confidentiality of a committee, but in the same letter actually does so himself by, for instance, revealing how various members on that committee voted, in that he pointed out that every member on the committee except for me in the first round did support Mr Miller, and that I was the only one on the

committee who did not do so. That is really breaking confidentiality. I will send you a copy of this letter.

Mr Speaker, my main point of order is this—I think you will be disturbed by the letter as well. In the last paragraph in this letter, Mr Chudleigh uses what I consider to be intimidating and threatening language. What he says is:

“I hope this Legislature and its members can, with your co-operation, find some way to extract from Ms Churley the apology that Mr Miller deserves.”

I find that totally unacceptable—

**The Speaker (Hon Gary Carr):** Will the member take her seat. It is not a point of order.

The member for St Catharines had a point of order as well.

**Mr James J. Bradley (St Catharines):** Yes. Mine is a very brief point of order. I simply ask for unanimous consent of the House to proceed with second and third reading of my bill on predatory gas prices.

**The Speaker:** Is there unanimous consent? I heard a no.

#### MOTIONS

##### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I move that, pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Monday, December 20, 1999, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the ayes have it.

##### MILLENNIUM MEMENTO

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: I have found myself in possession of over a thousand copies of the millennium book. I delivered them to Queen's Park in my truck today. They were returned by students. The students don't want them; they don't belong to me.

I'm asking for direction. I tried to give some to government members; they sent them back. They don't want them. Who am I to deliver these one thousand-plus copies of the millennium book to? What am I to do with them, Speaker? They're not mine.

**The Speaker (Hon Gary Carr):** I thank the member. It is not a point of order. Also, as you know, I have warned members on two occasions about bringing the books in here. I want to be very clear: If the books come in here and get dumped across, I will name the members who are first across. So I would appreciate it if we

wouldn't have any of those tactics used in here. I want to be very clear about that ahead of time. Members will be named if we have any more dumping of the books across.

**Mrs Tina R. Molinari (Thornhill):** On a point of order, Mr Speaker: I want to clarify that the member opposite has been sending over the millennium books and I have been indicating that I would like some because there's a school in Thornhill that needs 450 copies.

**The Speaker:** The member asked for them.

## DEFERRED VOTES

### PENSION BENEFITS STATUTE LAW AMENDMENT ACT, 1999

### LOI DE 1999 MODIFIANT DES LOIS CONCERNANT LES RÉGIMES DE RETRAITE

Deferred vote on the motion for third reading of Bill 27, An Act to amend the Pension Benefits Act and the MPPs Pension Act, 1996 / Projet de loi 27, Loi modifiant la Loi sur les régimes de retraite et la Loi de 1996 sur le régime de retraite des députés.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1436 to 1441.*

**The Speaker:** All those in favour of the bill will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	Palladini, Al
Baird, John R.	Hodgson, Chris	Runciman, Robert W.
Barrett, Toby	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Skarica, Toni
Clark, Brad	Johns, Helen	Snobelen, John
Clement, Tony	Johnson, Bert	Spina, Joseph
Coburn, Brian	Kells, Morley	Sterling, Norman W.
Cunningham, Dianne	Klees, Frank	Stewart, R. Gary
DeFaria, Carl	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Tasca, Joseph N.
Ecker, Janet	Maves, Bart	Tilson, David
Elliott, Brenda	Mazzilli, Frank	Tsubouchi, David H.
Eves, Ernie L.	Molinari, Tina R.	Turnbull, David
Flaherty, Jim	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Murdoch, Bill	Wilson, Jim
Gilchrist, Steve	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Guzzo, Garry J.	O'Toole, John	Young, David
Hardeman, Ernie	Ouellette, Jerry J.	

**The Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Di Cocco, Caroline	Martel, Shelley
Bartolucci, Rick	Duncan, Dwight	McGuinty, Dalton
Bountrogianni, Marie	Gerretsen, John	McLeod, Lyn
Boyer, Claudette	Gravelle, Michael	Parsons, Ernie
Bradley, James J.	Hoy, Pat	Patten, Richard
Brown, Michael A.	Kennedy, Gerard	Peters, Steve
Christopherson, David	Kormos, Peter	Phillips, Gerry
Churley, Marilyn	Kwinter, Monte	Pupatello, Sandra

Colle, Mike  
Conway, Sean G.  
Cordiano, Joseph  
Crozier, Bruce

Lalonde, Jean-Marc  
Lankin, Frances  
Levac, David  
Marchese, Rosario

Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 56; the nays are 36.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## CONCURRENCE IN SUPPLY

**The Speaker (Hon Gary Carr):** We now have a deferred vote on the motion for concurrence in supply of supplementaries only for the Ministry of Community and Social Services, the motion for concurrence in supply for the Ministry of Education and Training and the motion for concurrence in supply for the Ministry of Municipal Affairs and Housing.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1445 to 1450.*

**The Speaker:** Mr Clement has moved concurrence in supply of the Ministry of Community and Social Services. All those in favour please rise and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	Palladini, Al
Baird, John R.	Hodgson, Chris	Runciman, Robert W.
Barrett, Toby	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Skarica, Toni
Clark, Brad	Johns, Helen	Snobelen, John
Clement, Tony	Johnson, Bert	Spina, Joseph
Coburn, Brian	Kells, Morley	Sterling, Norman W.
Cunningham, Dianne	Klees, Frank	Stewart, R. Gary
DeFaria, Carl	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Tasca, Joseph N.
Ecker, Janet	Maves, Bart	Tilson, David
Elliott, Brenda	Mazzilli, Frank	Tsubouchi, David H.
Eves, Ernie L.	Molinari, Tina R.	Turnbull, David
Flaherty, Jim	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Murdoch, Bill	Wilson, Jim
Gilchrist, Steve	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Guzzo, Garry J.	O'Toole, John	Young, David
Hardeman, Ernie	Ouellette, Jerry J.	

**The Speaker:** All those opposed will rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Di Cocco, Caroline	Martel, Shelley
Bartolucci, Rick	Duncan, Dwight	McGuinty, Dalton
Bountrogianni, Marie	Gerretsen, John	McLeod, Lyn
Boyer, Claudette	Gravelle, Michael	Parsons, Ernie
Bradley, James J.	Hoy, Pat	Peters, Steve
Brown, Michael A.	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Colle, Mike	Lalonde, Jean-Marc	Ruprecht, Tony
Conway, Sean G.	Lankin, Frances	Sergio, Mario
Cordiano, Joseph	Levac, David	Smitherman, George
Crozier, Bruce	Marchese, Rosario	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 56; the nays are 35.



**The Speaker:** I declare the motion carried.

Mr Clement has moved concurrence in supply of the Ministry of Education and Training. All those in favour? Same vote? Same vote.

**Clerk of the House:** The ayes are 56; the nays are 35.

**The Speaker:** I declare the motion carried.

Mr Clement has moved concurrence in supply of the Ministry of Municipal Affairs and Housing. Same vote? Same vote.

**Clerk of the House:** The ayes are 56; the nays are 35.

**The Speaker:** I declare the motion carried.

## RED TAPE REDUCTION ACT, 1999

### LOI DE 1999 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Deferred vote on third reading of Bill 11, An Act to reduce red tape, to promote good government through better management of Ministries and agencies and to improve customer service by amending or repealing certain Acts and by enacting four new Acts / *Projet de loi 11, Loi visant à réduire les formalités administratives, à promouvoir un bon gouvernement par une meilleure gestion des ministères et organismes et à améliorer le service à la clientèle en modifiant ou abrogeant certaines lois et en édictant quatre nouvelles lois.*

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1454 to 1459.*

**The Speaker:** Mr Klees has moved third reading of Bill 11.

All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	Palladini, Al
Baird, John R.	Hodgson, Chris	Runciman, Robert W.
Barrett, Toby	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Skarica, Toni
Clark, Brad	Johns, Helen	Snobelen, John
Clement, Tony	Johnson, Bert	Spina, Joseph
Coburn, Brian	Kells, Morley	Sterling, Norman W.
Cunningham, Dianne	Klees, Frank	Stewart, R. Gary
DeFaria, Carl	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Tascona, Joseph N.
Ecker, Janet	Maves, Bart	Tilson, David
Elliott, Brenda	Mazzilli, Frank	Tsubouchi, David H.
Eves, Ernie L.	Molinari, Tina R.	Turnbull, David
Flaherty, Jim	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Murdoch, Bill	Wilson, Jim
Gilchrist, Steve	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Guzzo, Garry J.	O'Toole, John	Young, David
Hardeman, Ernie	Ouellette, Jerry J.	

**The Speaker:** All those opposed to the bill will rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Di Cocco, Caroline	McGuinty, Dalton
Bartolucci, Rick	Duncan, Dwight	McLeod, Lyn
Bountrogianni, Marie	Gerretsen, John	Parsons, Ernie
Boyer, Claudette	Gravelle, Michael	Patten, Richard
Bradley, James J.	Hoy, Pat	Peters, Steve

Brown, Michael A.	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Colle, Mike	Lalonde, Jean-Marc	Ruprecht, Tony
Conway, Sean G.	Lankin, Frances	Sergio, Mario
Cordiano, Joseph	Levac, David	Smitherman, George
Crozier, Bruce	Marchese, Rosario	
Curling, Alvin	Martel, Shelley	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 56; the nays are 37.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## ORAL QUESTIONS

### FRENCH-LANGUAGE SERVICES

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Municipal Affairs. Your own special adviser in Ottawa-Carleton recommended that the province should designate the new city of Ottawa as officially bilingual. In doing so, he said this was one of the most important issues raised during the public consultation process. He also declared that Ottawa was "unique among cities in this province and country in that it is the capital of Canada."

Minister, you have ignored this advice and for two weeks now you and the Premier have washed your hands while you were aided and abetted by the francophones' very own Judas Iscariot, John Baird.

You said you will have nothing to do with this issue and that it is a matter that rests entirely with the locals. Can you please tell us today what section of the Municipal Act you believe would give the new city of Ottawa the ability to declare itself officially bilingual?

**Hon Tony Clement (Minister of the Environment, Minister of Municipal Affairs and Housing):** I suggest—

**Hon Margaret Marland (Minister without Portfolio [Children]):** On a point of order, Mr Speaker: Are you going to accept that language from the leader of the—

**The Speaker (Hon Gary Carr):** That is not a point of order.

**Hon Mr Clement:** Mr Speaker, perhaps the honourable member should check the French Language Services Act which, as he might know, allows municipalities to pass bylaws which enable them to provide services in both French and English. Perhaps if he expanded his horizons a bit and read the record in its entirety, he would understand that.

I have no doubt that the municipalities are able to make these kinds of local decisions, just as they have done in this province for the last 130 years. The question I have for the honourable member is: Why does he not have faith in the local municipalities, the local councils, to make these sorts of decisions as they have done for the

last 130 years? What is he afraid of and what is he trying to impose upon the local councils, that they did not have the power to do earlier? In fact, they did have the power to do that earlier. They are able to make those decisions, and we have every faith that they can make those decisions in the best interests of the people in the society and the municipality they profess to serve.

**Mr McGuinty:** Minister, the fact is that the courts have made it perfectly clear that it is only within the jurisdiction of the province to declare or designate any of our cities officially bilingual. It's not up to the local; it's up to you. It's up to the province of Ontario.

**The Speaker:** Just a point of order: The member for Niagara Centre, I said we could bring some over. I think that about does it. I say to the government members, I'd appreciate it if we had this stopped. I would appreciate it if we don't do any more points of orders and ask for any of the books. If you want to make arrangements, please do it on your own time and deliver them over; otherwise we're going to start up again.

I know the member asked for them. Now it's getting carried away. I would ask the member for Niagara Centre not to proceed. If you want to do it, take them to the office. I thank the member.

Sorry for the interruption.

**Mr McGuinty:** Minister, we're not talking here about dog leash laws, we're not talking about garbage pickup, we're not talking about beach closings and we're not talking about bus routes. The issue here is whether Canada, a bilingual country, should have as its capital an officially bilingual city. The courts have said that that decision is up to you. The locals cannot make that decision. Minister, what is your decision with respect to this issue?

**Hon Mr Clement:** I would refer the honourable member to section 103 of the Municipal Act. Perhaps he would find something that would help him with his answer.

I will read subsection 14(1) of the French Language Services Act, which indicates, "The council of a municipality that is an area designated in the schedule may pass a bylaw providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages."

That means bylaws and resolutions. It means official plans. It means council and committee meetings. It means minutes of council and committee meetings. It means officers and employees conduct business and affairs in both official languages. It is as clear as night and day that that is what is in the legislation. It has always been that way since 1986, and it was amended to further strengthen it in 1989, after the court decision to which he refers. That is clear. The only question which muddles the debate is, why is he trying to impose his decisions and his mores on the local municipalities when they have the perfect right and ability to make those local decisions? That's the question I'd like to ask him.

**Mr McGuinty:** Minister, why are you so afraid to stand up for a bilingual nation's capital? Mr Shortliffe,

your own adviser, said, "I recommend that the enabling legislation establish and designate the city of Ottawa as officially bilingual in French and English." Only the province of Ontario can officially proclaim the city of Ottawa as officially bilingual.

Minister, I will ask you one more time: Why are you so afraid to stand up, recognize the history of this very country, and formally and officially declare that Canada's capital should be officially bilingual?

**Hon Mr Clement:** I'd be happy to say again for the record that nothing in this bill derogates from the powers and authorities that designate a particular municipality bilingual in terms of the local services that are required, and that is the issue: how to access local services. That has not changed for the city of Ottawa; it has not changed for the city of Hamilton; it has not changed for the city of Sudbury; it has not changed for the town of Haldimand and the town of Norfolk. Nothing in this bill derogates from the rights and obligations that they had before this bill was contemplated by this Legislature. That is a fact.

What I find disturbing is that the honourable member wants to force the issue, trying to make a statement based on pure partisan political purposes when he knows very well that this bill protects the same rights and the same responsibilities as before this bill was introduced. We are proud to stand in favour of local rights, local options and local responsibilities on this side of the House.

1510

#### HAZARDOUS WASTE

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the same minister, this time in his capacity as Minister of the Environment. Ontario has become the dumping ground for US hazardous waste. US exports of hazardous waste to our province have quintupled since 1993. In 1993, Ontario took in 56,000 tonnes of toxic waste. Last year, we took in 288,000 tonnes of toxic waste. Not only have you not acted to stop this; in fact, you have made it happen.

Your ministry allowed a major expansion of the Safety-Kleen site near Sarnia without so much as a single public hearing. That site today gets 70% of its hazardous waste from outside of Ontario. Last week that site had to be closed, not because of one but because of two serious leaks. Will you now admit that your approach to hazardous waste has been hazardous to the health of our environment and our people?

**Hon Tony Clement (Minister of the Environment, Minister of Municipal Affairs and Housing):** I thank the honourable member for the question. The only problem is timing. He is three months too late for the question. On September 17 this year my ministry, and myself acting as minister, announced a six-point plan designed to ensure that our hazardous waste regulations are the most modern, the most progressive on the continent.

We tightened up the regulations to make sure that they fulfill the desires of our guidelines, which were tighter than our regulations. That was not the case before we

made this decision. In fact, that was the case before we came into power as government. We set in motion a process designed to ensure that our hazardous waste regulations are being reviewed right now.

It is I think a matter of public record that we have committed to finding the best kinds of regulations throughout the entire continent and to adopting them as our own, to make sure that we protect the health and safety of our citizenry, which of course is our first priority and always will be.

**Mr McGuinty:** There's nothing quite like an aggressive review of regulations to comfort us on this side of the House. You promised, specifically back in September, to make our laws tougher. You have done nothing of substance on that front to this point in time.

There was a time not so long ago in the history of this province when we were held out as an example to North America. We were seen as leaders when it came to protecting our natural environment. Now we hold the dubious distinction of being the second-worst polluter in North America.

The Americans have pulled the rug right out from under their polluters. Why is it that you are laying out the welcome mat to those same polluters?

**Hon Mr Clement:** Nothing could be further from the truth, as to what the honourable member just said. As I mentioned to him, on September 17 we announced a comprehensive review and we acted on that date to ensure that our regulations were up to snuff in terms of our guidelines, which were tougher, but they were not in the sense of the law. We made sure the law was as tough as the guidelines. We made sure that the federal government is acting in concert with us to track the hazardous waste as it goes through our system, cradle to grave, to make sure that we know where the hazardous waste is and make sure it is disposed of correctly. Those are things we've done already.

We promised, and we are acting upon that promise, to ensure that our hazardous waste regulations are the most progressive, are the most aggressive on the continent. That means reviewing all the regulations in all the other jurisdictions to make sure we have the best, and if we don't have the best, that it will be the best. That is our commitment, and I would say that at the time it was reviewed positively.

I'd be happy to work with the honourable member if he has any suggestions, but our commitment is to the best hazardous waste regulations on the continent, and we are acting upon that.

#### LANDFILL

**Ms Caroline Di Cocco (Sarnia-Lambton):** Your government fast-tracked the expansion of the toxic dump in Moore township in 1997, and you've been asleep at the wheel.

You assured me on October 17 this year that this hundred-acre site was secure and that there were no health and safety risks. We know now that this is not the

case. You finally shut it down last Tuesday because of serious problems to the integrity of the site.

Will you give full public disclosure as to the reasons why you shut this site down, full public hearings before it is reopened, and will you have a health study done as requested by the area residents?

**Hon Tony Clement (Minister of the Environment, Minister of Municipal Affairs and Housing):** First of all, let me assure the House that there have been no off-site indications of effects on health and safety, but we acted with an abundance of caution to make sure that was not the case.

**Interjection:** How do you know that?

**Hon Mr Clement:** Because we have done the testing; that's how we know.

The rules and regulations in this province have been in place since 1985. Does 1985 ring a bell with anybody on the opposite side of the House? That was the first year of their government.

In 1986, here's what the Minister of the Environment, a gentleman by the name of Jim Bradley, had to say about those regulations: "Our system works like a high-beam searchlight. Toxic waste can no longer disappear to escape proper scrutiny."

Well, in 1999 we found that wasn't quite the case. That's why we toughened the regulations, and that's why we're reviewing those regulations. I can promise you that we will do a better job than the party that is currently on the opposite side of the House.

#### CHILDREN'S MENTAL HEALTH SERVICES

**Ms Frances Lankin (Beaches-East York):** My question is to the minister responsible for children's issues. Your government is sitting on a powder keg with respect to services for children in the Windsor-Essex area. The Ministry of Health and the Ministry of Community and Social Services are giving the community a bureaucratic runaround. It's time for you to step in on behalf of children.

There is an unprecedented crisis in the mental health of children in that area. The experts there have been begging your government to respond for a year. Like most things, you shrugged it off to a study. You have had the study since September, and it shows that a 100% yearly increase in caseloads has been taking place and a doubling of re-referrals. Over the last year, while they've been pleading for your help, the numbers being admitted to hospitals in serious suicidal or homicidal states have increased by 23%. Some of the worst violence is among kindergarten and grade 1 students.

Your own study shows that you need \$1.25 million. The hospital restructuring commission says you need nine psychiatric beds for kids. You have done nothing. Will you agree to meet with these agencies and at least discuss these urgent demands?

**Hon Margaret Marland (Minister without Portfolio [Children]):** I am very glad to have this question because, as this member knows, I have met with these

agencies. In fact, I spent three months in consultation all over this province with all the stakeholders dealing with the issue of children's mental health. As a result of those meetings, we are now making changes and an infusion of funds to help these children.

This member is quite right: There has been a very long-standing problem for children with mental health needs, especially for their families, and there have always been long waiting lists. This member knows that her government started to look at the problem. We're very pleased to say we have now taken a close look, and I have been able to talk to my colleagues in cabinet and we have action.

**Ms Lankin:** I was trying to give the minister responsible for children's issues a chance to get a better rating than zero from the Toronto Sun, but that answer is not going to do it, I'm sorry.

Last week, your government patted itself on the back with this big announcement about new dollars for mental health. You have just mentioned it again. Yet none of those dollars were earmarked for Windsor; none of them will address this crisis. Yet the report you said you needed before you could act, the report you've had in hand since September, says that Windsor is the most underserved area in all southwestern Ontario.

One executive director says that the level of violence and the volume of need are "unprecedented," and another says, "It's never been worse than this." Residential beds have been cut from 114 to 25, day treatment spaces from 161 to 150, waiting lists have increased, and there are now 689 kids. The combination of all this is a powder keg for the Windsor community.

At the very least, Minister, will you commit today to meet this week with those agencies and hear from them directly the urgent plea for desperate kids in Windsor-Essex?

**Hon Mrs Marland:** Further to the consultations that I did take part in, our government has indeed announced additional funding. Actually, we announced \$10 million in new funding this year, growing to \$20 million next year. That commitment was made not only in the spring throne speech and the spring budget but again in our throne speech this fall.

Our commitment to these children and their families is very sincere, and the money is starting to flow. We recognize that need, and it is true that the need has always been there. Unfortunately, previous governments haven't made that a priority in the way that our government has.

**1520**

**Ms Lankin:** Please just listen. Here is the report that you've had since September. It's not talking about the province-wide problems; it's talking about a specific crisis in Windsor. I can't believe these platitudes we're getting in response.

For kids right now, if they try to commit suicide, there is no suicide psychiatric bed for them. They end up in a pediatric ward where they can't get the right care or they end up nowhere. Agencies right now in Windsor are

looking at the option of sending these kids to jail until social service responses are possible within the community. This is a crisis.

Dr Bagatto, the CEO of Hotel-Dieu Grace, wrote to the ministry last week because of the bureaucratic runaround they're getting from Comsoc, and he said: "It is indicative to me that you do not comprehend this crisis ... I am appalled that the province of Ontario with all its resources cannot care for children in severe distress. When children come to us in crisis, our system continues to victimize them."

That's neglect of children, Minister. Will you stand up and do your job on behalf of children? Will you agree to meet with the Windsor community and hear directly from them that this is above and beyond a provincial problem, that it's a crisis? It needs to have intervention from you and your government now.

**Hon Mrs Marland:** Everything our government is doing is to help children. If you look at any program where we have increased the funding, the direct impact ultimately is on children. The very fact that these children have the problems they have, to which this member refers, probably goes back to their preschool years. That's the reason our government has made the early years, from zero to six, a priority. That's the reason we are now starting the early child development and parenting programs, and those centres will be able to help those families from the very beginning.

For the first time, every child in this province is being screened at birth. Over 150,000 children are now being screened for risk, and we're very proud of the fact that the early intervention and prevention program—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

#### APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

**Ms Marilyn Churley (Broadview-Greenwood):** My question is for the government House leader. I tabled a motion today which asks the Legislature to order the general government committee to reconvene in order to reopen the appointments process with respect to the hiring of the Environmental Commissioner.

Minister, no qualification for this job is more important than independence from the ruling political party. Listen to this quote from the background paper on the role of the Environmental Commissioner: "In particular, the ECO's position is independent of the party in power, and its impartiality cannot be compromised by pressure from non-statutory considerations such as political pressures, potential reprisals or interference."

Don't you agree the committee should have a chance to review whether someone who up to three days ago was in charge of running the PC Party in the Premier's own riding has too much political baggage to enjoy public confidence as the Environmental Commissioner of Ontario? Wouldn't you agree that the committee should have the chance to reconsider this appointment?

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I'll consider the member's motion; I haven't seen a motion. She did not give me any advance notice that she was going to put this motion.

I think if we look at history, this time through this method was exactly the same method that was used in 1994 to appoint the previous Environmental Commissioner. There was not unanimous consent in 1994. All the applicants for this position, as I understand it, applied independently to human resources—some 70 people. The committee interviewed people and came to a conclusion. I think that's the way the process worked in the past. There was some opposition before and I understand there's some opposition now.

**Ms Churley:** If what you are looking for in an Environmental Commissioner is a rubber stamp or a loyal lapdog who will not enjoy any measure of public confidence, appointing a backroom Tory political hack is an excellent idea. But if you have any commitment at all to the reasoning embraced by this House when the NDP brought in the position of Environmental Commissioner in 1994, you need to act now. You must not let your attachment to the Tory party and your own partisan loyalties cloud your judgement on this issue.

Minister, I am asking you today, will you not listen to reason, realize you've made a big mistake and protect a most valuable institution in Ontario by asking the committee to reconsider? As you said, there were 71 applicants, some of whom were highly qualified. Will you agree to ask the committee to go back to the drawing board and reconsider this position in light of the information that has recently become available to the committee and to the people of Ontario? Will you not agree to that?

**Hon Mr Sterling:** We have a legislative process. We have a process which was actually used by Ms Churley and the NDP the last time through. They put forward a candidate, as I understand it, the last time. That particular candidate became the Environmental Commissioner, a sympathizer with her political party at the time. As I understand it, the candidate who has been recommended now by the committee was completely candid with the committee as to his political affiliation when asked about those particular things. Therefore, the committee has put forward its recommendation. I think it's up to the Legislature to respect that committee's decision and carry on with the process as it has been in the past.

#### CHILDREN WITH SPECIAL NEEDS

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. I want to ask you about the way you're cutting assistants to special-needs children around this province. I specifically want to ask you about your lack of responsiveness. Not only, it seems, are you not prepared to fix this problem, you're prepared to let it get worse. In Thunder Bay two days from now 15 assistants are going to be laid off, 15 people

who have been helping some of the most vulnerable kids in that school system. Some 160 kids are going to be affected. We've heard you give excuses, we've heard you blame school boards, but it's happening in 66 out of 72 boards around the province.

Today we want to know, will you give the money back, the \$500,000 you cut from the Thunder Bay Catholic school board, the \$106 million you took from schools around this province? Will you give it back and will you make sure they don't have to lay off these special assistants two days before Christmas?

**Hon Janet Ecker (Minister of Education):** First of all, as the honourable member well knows, there has been no cut to special education funding in this province. As a matter of fact, there has been an increase in the spending of special education funding in this province. I know the honourable member has some difficulty coping with that, but there is an increase. We have also said very clearly that we recognize that despite the fact we have put more money out there for special education funding, and despite the fact there are some program changes that the boards and parents are recommending we make, we've made that commitment. We are indeed going to do that. The honourable member knows that. I suggest he talk to the boards. They make hiring decisions as to what employees they need or don't need. That is their decision, as it has been for many, many years and as it will be for many, many years.

**Mr Kennedy:** The superintendent of the board says it's because of your funding formula. Minister, you have made these feeble excuses. You let 23 people stay out of school in Hamilton. All across the province you've been prepared to sacrifice children's futures.

There are a couple of young adults here today. I want you to address your response to them. Kevin Schmidt is here. Before your changes to the funding formula that denied any funding for new kids, six new kids came to Bishop Allen Academy needing help. Because you wouldn't give any more money, they had to split up the assistants available. That means Kevin, a bright, aspiring young man who has Down's syndrome, has to start his day at 10:30 and end it at 2 o'clock. Thanks to you, his day is cut by two hours. He's here today. Ralph Moreno is here today. He's a grade 11 student, and he's doing well. He is worried about being cut again next year.

**1530**

There are 200,000 kids out there who have been affected by your cutbacks. They're itemized on the list that comes from public school board officials. You've never put forward a list to refute that.

Minister, will you bring some dignity to your office today? Will you help these kids get the education they have a right to in this province?

**Hon Mrs Ecker:** Perhaps the honourable member could take some lessons in dignity when he keeps using people's individual circumstances to make political hay.

I really think the honourable member—

*Interjections*

**The Speaker (Hon Gary Carr):** Order.

**Hon Mrs Ecker:** We have spent considerable time working with parents and with boards because we recognize that changes need to be made in the way special education programming is being provided by boards and also in the way that money flows to boards. We have said that very clearly. We are going to abide by the commitment we have made, and nothing the honourable member can say is going to change that.

We started originally by saying to the boards: "How much do you need for special education? What are you spending?" That's where we started, with the numbers they gave us. We then topped up last year, and we topped up again this year. Do we need to do more? Of course we do, and we're proceeding to do that. If the honourable member has some useful recommendations—

**The Speaker:** Order. The minister's time is up.

#### EDUCATION FUNDING

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** My question is also for the Minister of Education.

The Grand Erie school board, over the last year or two, has threatened at least four different rural high schools with closure. They've done this despite the fact that the Premier's 20% top-up announcement of last year gives the board in the neighbourhood of \$2.6 million in permanent funding each year to keep schools open.

People in my riding are concerned about possible school closures. They want to be assured the boards have the resources to keep rural secondary schools open, if they so choose.

What steps have been taken to ensure that school boards can keep small rural high schools open especially in single-school communities?

**Hon Janet Ecker (Minister of Education):** One of the reasons we specifically constructed funding for school boards that represent—

*Interjections.*

**The Speaker (Hon Gary Carr):** We can't continue when you're shouting across the floor to each other.

**Hon Mrs Ecker:** One of the reasons we changed the way funding went to school boards was so we could better support boards that have rural schools and sparser populations. One of the difficulties and challenges those boards have is that they have a declining enrolment.

In the case of the Grand Erie District School Board, which does have a declining enrolment, they've actually received additional monies on top of what their enrolment would indicate so they can be able to better manage the transitions they need to make.

It should be pointed out that the geographic grant that goes to school boards has indeed doubled, and the small schools' money has increased by some 103%, because we recognize that those boards have unique challenges and we want to better support them in doing that.

**Mr Barrett:** However, the residents of my riding believe the Grand Erie board is not taking the full picture into account when deciding school accommodation issues. Residents believe the board has no real strategic

plan to deal with excess space in schools and that wrong-headed decisions are being rushed through.

What can be done to ensure that a board has a long-term plan to deal with issues surrounding school openings and closings that deeply affect communities?

**Hon Mrs Ecker:** While we have changed the way we provide financial assistance to boards, especially rural boards, to support them in their decisions, it is still the decision of the trustees who are elected by the community to make decisions about what they think best reflects their community needs. We heard very clearly from boards that they didn't want to have to go through the arduous process of applying for and waiting for capital grants. They were complaining that they couldn't predict revenue flows and couldn't plan appropriately, that they needed to be able to begin construction and changes to schools when they deemed it necessary as opposed to when the ministry dictated it was necessary.

We have made all those changes for those boards. But at the end of the day it is the elected trustees. I understand that in this community they have a task force that will be meeting and consulting. I understand that some very good recommendations have been put forward by the community, and I hope they are going to be able to work this out in the best interests of those school communities.

**The Speaker:** New question.

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. I have a question that the people represented by the last member to address you wish had been asked in this House. The people living in the Grand Erie board area, just like the people living in Avon Maitland, in boards around the province—as the member for Chatham-Kent Essex told your predecessor a year ago, you're ripping the heart out of communities when you allow single-school communities to have their high schools closed.

Seaforth, Port Dover, Valley Heights are communities with schools that are vital to their economic well-being, that are vital to their ability to function as full communities. Years ago people fought to have those schools there.

What I want to know from you is: Will you be making provisions for those schools? Will you do what they have written to you and asked you to do; that is, bring in a rural funding formula?

Will you stop smashing those small schools with the same formula you use in the big cities, and will you bring in equitable and fair rural funding to help keep these schools and these communities open? Will you do that?

**Hon Mrs Ecker:** Yet again, Liberal research strikes. The critic here doesn't seem to know, but the rural school boards are well aware that there is a rural funding formula. We spent a lot of time working with them to develop it. It is specifically for boards like Avon and Grand Erie, where enrolment is declining. Even though the enrolment declined, the money they receive went up. Why? To help those boards meet the needs of their communities.

I am sure the honourable member is not suggesting that we take away from locally elected trustees those important decisions about how to plan—

*Interjections.*

**The Speaker:** Order.

**Hon Mrs Ecker:** I am sure the honourable member is not suggesting that the Liberal Party policy is to take away from locally elected trustees the important decision-making authority about planning for schools and planning for their communities' needs. If that is a Liberal Party position, he should articulate it. We recognize that those boards have unique needs, and that's why we increased funding for them. We are always interested—

**The Speaker:** Order. The minister's time is up. Supplementary.

**Mr Kennedy:** Indeed the minister's time is up, because the minister has been avoiding this issue and instead—

*Interjections.*

**Mr Kennedy:** Minister, you claim there's a rural funding formula. This member's riding has all of \$62,000 in rural funding while the Premier's and the Treasurer's ridings get \$2.5 million.

Those municipalities have told you; in fact, on December 6 the regional municipality of Haldimand-Norfolk passed a resolution. It says that your funding formula is placing their schools in jeopardy. They know what you won't accept. The town of Nanticoke is looking at legal options and they have invited this member to come and talk to them, finally, about what is to happen.

The students of those schools reaffirm that you are taking away their communities. The mayors of those communities say their economic well-being will be devastated if you let these schools close.

I ask you again, and please listen carefully: There needs to be, as the Ontario Federation of Agriculture has asked, a rural funding strategy. Will you call for a moratorium on rural school closures until you bring a proper rural funding formula into place in Ontario?

**Hon Mrs Ecker:** So the honourable member's position is that we take away from trustees one of their most important decision-making authorities. It's interesting that he does not have the respect for those boards and for those elected—

*Interjections.*

**The Speaker:** Order.

**Hon Mrs Ecker:** We do have a rural funding formula. We have a funding formula that has almost doubled; in some cases the money has increased by over 100%, even for boards like these boards where there has been declining enrolment. They are the ones that need to make these decisions. The communities have brought forward many suggestions.

The other thing I should say to the honourable member is that every time a school board says—as boards have said for years. They've always had the authority to make changes and decide which schools close and which schools open. They did it when his government was in power. Obviously they don't agree now that they're in opposition. I understand that. But

boards have always had that authority and will continue to have it.

We have said that we are talking to the OFA; we've talked to the boards. If there are more changes that can be made, we're certainly prepared to look at them, as we do every year when we're developing the new grants and the funding for next year. But to suggest, as this honourable member—

**The Speaker:** The minister's time is up.

1540

#### TRANSFER PAYMENTS

**Mr Ted Arnott (Waterloo-Wellington):** My question is for my honourable friend the Minister of Finance. My constituents in Waterloo-Wellington expect high-quality health care, post-secondary education and social services to be available and accessible when they need them. Furthermore they demand that both the provincial and federal governments work together to make these services a priority. There is concern that a variety of rising cost pressures, particularly in health care, such as the increase in our aging population and major cuts in federal transfers—I know my friends across the floor want to hear that—will put the future of our health system in jeopardy if not addressed.

Would the minister update the House on the impact of these pressures, especially those related to the federal cuts in transfer payments to Ontario?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** Of course members of this Legislature will know that between 1995 and 1999 the federal government reduced transfer payments to provinces under the Canada health and social transfer arrangement by some 33%, or \$6.4 billion a year. Over the same period of time they cut their own program spending by some 3%, as opposed to 33%.

Ontario's cash payments under CHST were reduced by \$2.8 billion a year. In spite of that fact, in spite of the fact that the federal government cut us back \$2.8 billion, we have raised the amount of money we're spending on health care in this province, between 1995 and today, by \$3.3 billion a year. So the federal government in Ottawa reduced health care payments in Ontario by \$2.8 billion. We absorbed that \$2.8 billion and added another \$3.3 billion a year on top.

Every province has had the same problem. We've all had to cope with the lack of interest by the federal government in health care.

**Mr Arnott:** I think from that answer the minister would agree with me that the federal government must restore the fiscal integrity of federalism in Canada by fully restoring the funds cut from federal transfer payments.

Last Monday I tabled a resolution calling upon the government of Canada to fully restore the Canada health and social transfer to 1994-95 levels and to work to establish a fair funding approach which ensures that these cash transfers increase to keep pace with future cost pressures faced by provincial governments across the

country in the delivery of health services, post-secondary education and social services.

My supplementary question, then, to the minister is this: What action is the government of Ontario taking to ensure that the federal government reviews this issue and responds with fair funding for health care, post-secondary education and social services in Ontario?

**Hon Mr Eves:** On November 15 of this year provincial finance ministers from all across the country and the territories attended in Toronto. We passed a unanimous resolution asking the federal government, among other things, to immediately restore CHST payments, especially with respect to health care and post-secondary education. We reiterated this request at the finance ministers' meeting with the federal finance minister on December 8 and 9, a couple of weeks ago. Now that the federal government appears to have a balance, a surplus if you will, a surplus on the backs of the 10 provinces and three territories, I might add—

*Interjections.*

**Hon Mr Eves:** I might say to my honourable friend from Windsor that I'm sure there isn't one single member in this Legislature who will vote against the honourable member's—

**The Speaker (Hon Gary Carr):** Order. Minister, take your seat.

#### AFFORDABLE HOUSING

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Housing. He will know that last Friday the federal government announced some money to help the homeless. One thing was missing. Although it was welcome, almost none of it was devoted to the key issue: the lack of affordable housing. The money you received a while ago as part of the federal download deal of non-profit housing is supposed to be spent to help house low-income people.

I grant you, you spent some money, a lot of millions of dollars, for rent supplements. You've done that, so don't repeat that to me, because I know you've done that. What you did was you then grabbed—

*Interjections.*

**Mr Marchese:** Minister, listen to this. Minister, you can't hear it; they're loud.

You then grabbed \$25 million from the homeless and put it in your pocket, because that's what one normally would say. You call that "putting it into general revenues as part of savings," as you would say. Minister, why are you grabbing \$25 million away from the homeless and shoving it in your own pocket?

**Hon Tony Clement (Minister of the Environment, Minister of Municipal Affairs and Housing):** I thank the honourable member for the question, although he's extending his reach a little bit by dictating how I'm going to answer the question as well as how he's going to ask the question.

Be that as it may, I will put on the record, if the honourable member doesn't mind too much, some of the good news that is found in the federal-provincial agree-

ment which we've toiled so long and hard for. There was a bit of a hiccup because the federal government had to get re-elected, apparently, in 1997. It should have been in place for 1997. They had some political exigencies they wanted to take care of; I understand that.

But now we're in the position that the federal-provincial agreement is signed, and I can tell the honourable member in this House that we are very proud of the fact that \$30 million of that is going towards the capital stock for these rental units, for these low-income units in Ontario. We're very proud of that. We're very proud that \$50 million is going to up to 10,000 hard-working Ontario families who need rental supplements. We're proud of that too, and if the honourable member has a supplementary, I'll tell you another few things we're proud of as well.

**Mr Marchese:** Yes, I have a supplementary. I was trying to get him to avoid repeating what I knew he was going to say, but I want to tell him, you may have seen the stories about the debit card fraud. I'm sure you have. What happens there is that someone gives a crooked merchant a card to pay for the merchandise and the criminal skims off the top for himself. I call that fraud. A lot of people call that fraud. People are told to watch out for crooks who might be doing something like that, and if they're caught, under normal circumstances, they go to jail.

But when the minister comes along and skims money from the homeless, we are all supposed to happily or mercifully overlook it. Minister, why are you pocketing \$25 million instead of giving it to the municipalities so they can build non-profit housing that's desperately needed for the homeless?

**Hon Mr Clement:** As I was saying, another \$4 million is going to provincial tax grants for people who are in need. Another \$2.5 million is going to people with special needs. We are proud of those aspects of the federal-provincial agreement.

The honourable member is talking about \$25 million. Nothing can be further from the truth in terms of his accusations of skimming. That money is in a reserve fund for unforeseen contingencies, which is proper management and planning, something which the honourable member, when he was in government, obviously knew nothing about, because clearly when he had \$300 million going to consultants in fees over the 10 years of the Liberal and NDP regimes, when \$550 million was going to architects in fees, when lawyers were getting \$50 million in fees, I tell you, talk about skimming off the top. None of those people are obviously of that ilk, but clearly the money was not being spent for the people who genuinely needed it. That's what our government is all about. We are fixing the problem we inherited from his government.

1550

#### SPECIAL EDUCATION

**Mrs Sandra Pupatello (Windsor West):** My question is for the Minister of Education. Minister, I've



written to you repeatedly regarding the issue of special education funding, thanks to your new funding formula. I'm asking you today on behalf of all the parents who have written to us and given us very specific examples of the kind of support their children had in the classroom last year compared to what they now have today. In every case the support they have is less.

I want to tell you about a grade 5 student named Kristen. She goes to St Pius grade school. She went from having a one-on-one, full-time teaching assistant to no teaching assistant at all. She went from being able to keep up with her work to sitting in class bored, making holes in her clothes.

Minister, please address these parents and explain to them how, under your new funding formula, life is better for these children.

**Hon Janet Ecker (Minister of Education):** First of all I think it is important to stress that the reason we changed special education funding in this province was because it wasn't working. Students were not getting the supports they needed. Parents said that one of the problems they were seeing in some boards was that the money was being spent on other things as opposed to being spent on special education. So we started by protecting that funding, by topping up what boards were spending, by making changes that boards and parents recommended needed to be made in terms of how we fund that.

There are boards in this province that have more special education funding than they need. There are also boards in this province that provide programs, and there is dispute among the boards about whether they are good programs, whether they're spending money they shouldn't be spending, whether they should be doing it in a different way. We've had some parents say, "Put tighter rules on boards." We've had some boards say, "Give us more flexibility." All of that input is going into the decisions we are making about how we can continue to improve and to protect special education funding.

However, as the member well knows, the decisions about what a student needs in education—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

**Mrs Papatello:** Minister, I think you need to stand up and say, "We made a mistake." You need to say that our funding formula is not working well and you need to change this.

These are just some of the parents who have written and specifically itemized the support they no longer have in the classroom. The school boards do not have the same level of money for special education funding that they had before your new funding formula. It's very simple: These are specific case examples where the kids have less support in the classroom.

Minister, you may be well-intentioned, but I'm telling you that you are wrong. You're making errors and you need to fix this. How many cases do we need to bring into the House? How many cases do we need to have presented to you in letters? How many times does the board need to come to you and say, "Please, Minister, the

formula is not working"? Before Christmas, it would be nice for parents to have some kind of solace, knowing that things are going to get better in January. Please stand up and acknowledge that you've made a mistake and that you will fix this.

**Hon Mrs Ecker:** I am quite prepared to admit where a mistake has been made if a mistake has been made. But in this case I've been very careful when I've listened to the groups and the parents, and I've said: "Is this policy that we have, more dollars, what we want? Should we scrap it and start from scratch?" They have been very clear. They have said: "No, because we understand that the money needs to be protected. There need to be changes."

We are listening carefully to the input we have received from parents and boards, we recognize that additional changes need to be made and we will make those decisions when that input is there. Unfortunately, as the honourable member quite well knows, there is no consensus about what needs to be changed. Some boards are saying that they want more money; other boards are saying they've got more money than they need. Some people are saying that the programs are working; other people say the programs aren't. We are listening very carefully.

We will be making changes. We will be making decisions on this when we have the input that we think we need. This is an important support for students, and we do not want to rush quickly into something before the appropriate input has been received.

## SENTENCING

**Mr Bob Wood (London West):** My question is to the Attorney General. For some time the Ontario government, including the Ontario Crime Control Commission, has been asking the federal Liberals to tighten the Criminal Code in a number of areas, including the faint hope clause, which permits early parole for murderers; intermittent sentencing, which causes significant problems in our correctional institutions; and conditional sentencing, which has resulted in inadequate sentences for some offenders.

The minister recently attended a federal-provincial conference on justice issues to ask again for action. Does he think the federal government is going to act on any of these concerns?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I want to thank the member for London West for the question. This is about truth in sentencing. The people in Ontario demand sentences that deter crime and protect the public. I brought forward a resolution at the justice ministers' meeting in Vancouver in that regard, asking for fundamental changes in the way our criminals are sentenced under the Criminal Code. Sentences must mean what they say. They must take into account the impact that violent crime has on victims and on families.

From the federal government we got a lot of talk but, as usual, little action. They shelved our proposal for

further study. This is a proposal; this is getting rid of the discount law that automatically discounts sentences given by judges to convicted criminals. We suggested the imposition of mandatory minimum sentences for repeat serious offences committed against people, like sexual assault, assault causing bodily harm, and robbery, and we suggested an amendment prohibiting conditional sentences for violent criminals.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** On a point of order, Mr Speaker: I rise to underline the importance of this question and this answer and the very valuable asset we have in the gallery, a member of the federal House, who could very well take this information back to his leader—

**The Speaker (Hon Gary Carr):** Will the member take his seat, please. It's not a point of order.

**Mr Wood:** Ontario has also called for tightening the Young Offenders Act, including less opportunity for young offenders to seek anonymity behind the act, treating as adults those over 16 who commit violent offences, and lowering the minimum age for prosecution of serious offenders to age 10. I'm sure the minister raised these issues at the federal-provincial conference. Has the minister received any assurance that there will be changes enacted to the YOA in the coming year?

**Hon Mr Flaherty:** As members of this House know, violent youth crime is a very serious matter in Toronto, in Ontario and across Canada. The reality is that the rate of violent youth crime is up about 77% in the past 10 years in Canada and that the young offender system is a failure. Not only is the rate of violent youth crime going up but also the rate of recidivism remains high in Canada. So on both objective measures, the Young Offenders Act is a failure.

Failing to change the Young Offenders Act is a disgrace. The Youth Criminal Justice Act is the same old Young Offenders Act with a new cover. The federal bill would allow violent offenders, even a 17-year-old murderer, even an armed robber, not to be automatically tried as adults in adult court for adult crimes.

At the meeting of justice ministers, both Ontario and Quebec agreed that the proposed changes to the Young Offenders Act must be stopped. Victims of crime deserve better. The federal government does not get it. They show a blatant disregard for the public's wishes. I will continue to push the feds on this issue. Ontario is doing its part to keep Canadians safe—

**The Speaker:** The Attorney General's time is up.

#### SPECIAL EDUCATION

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is for the Minister of Education. We've repeatedly called upon you to do something about the dysfunctional special education funding formula. It's hurting special-needs students across this province. We've highlighted individual cases today and other days and specific school boards like the Hamilton-Wentworth District School Board, which, in spite of scraping funds from other areas of their budgets, still have students

unable to attend school. Nothing has been done. Nothing has changed.

Sean Logan is a 15-year-old student in Hamilton who suffers from Tourette's syndrome. He's bright and articulate and he's not in school. This is neglect. Joshua Whitelaw is another student who is in school only half-time, with an educational assistant who is paid for by his parents. Their resources are quickly getting depleted.

Special education funding is frozen at 1998-99 levels. The consequence of this in Hamilton is that 651 new ISA fund forms were not acknowledged. You asked for advice, Minister, some useful advice. Don't ignore 651 kids in Hamilton. What will you do for Sean Logan, for Joshua Whitelaw? What will you do for all the special education children across this province who are still not in school a week before Christmas?

1600

**Hon Janet Ecker (Minister of Education):** First of all, special education funding in this province was not frozen this year. As a matter of fact, it was increased by another \$30 million for school boards because we knew they would need more money this year. They got more money this year. Is it not enough? Well, that is the constant debate between ministers of education of all political stripes and school boards.

Second, I'd also like to correct the honourable member that no one is ignoring the input we are receiving, but I'm sure she would agree that the last thing that should occur is for this government to scrap a policy that boards and parents are saying to us is correct. There need to be some changes. We understand that. We are prepared to make changes. But I would suggest to the honourable member that the changes should be the right ones.

Finally, as she well knows, the decisions about what a student gets in terms of supports are in the annual education plan—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

Supplementary.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Minister, my colleague from Parkdale-High Park brought this up earlier in question period. Our worst fears were confirmed last week when the Thunder Bay Catholic District School Board was forced to give layoff notices to 15 support persons because no further funding for special education was received from the government and the reserve funds they've been using to simply keep going ran out.

Let me tell you how this affects a young boy and his family in my riding. Christian Ferris is a 10-year-old boy with Asberger syndrome who attends Our Lady of Charity School in Thunder Bay. The fact is, the only way Christian can learn is to have the constant reassuring presence of a support person. Before Christian finally received ISA funding this past spring, his mother had to attend school with him to ensure that his basic human needs were met. Since that time, the stress level and workload for the family has been dramatically reduced and, in the words of Christian's teacher, "He began to blossom," but now, thanks to your government's

callousness, his funding is gone. After Christmas, his support person will be gone.

Minister, what do you have to say to Christian's family? Why do you insist on withdrawing support for Christian and so many others who need and deserve this support? There's no question about it, Minister; you need to help.

**Hon Mrs Ecker:** Of course we know that we need to help boards. That's why we started with how much they said they spent. We topped up last year; we're topping up this year. We are spending more money. But unless the honourable member is suggesting that the bureaucrats at Queen's Park should be making the decisions about what is appropriate for that individual in terms of their support, he should say so, because that is certainly not our policy. We understand that parents and the school board officials must work out, in terms of the annual education plan, what that student needs.

We have the greatest of respect for parents who are caring for disabled children at home. We are quite prepared to make changes in this. We have said that, and we are prepared to move forward.

But it is really interesting that the hiring decisions and all of those—the boards knew exactly what they were going to get this year. They knew exactly how the policy would work this year, because they asked for some of the changes that we are making this year. And now they're claiming—

**The Speaker:** Order. The minister's time is up.

#### VISITOR

**The Speaker (Hon Gary Carr):** Just before we proceed, I'd like to welcome in the members' west gallery the federal member, M. Bélanger, the MP for Ottawa-Vanier.

Pursuant to standing order 30(b), I am now required to interrupt the proceedings and go to orders of the day.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: Several of us have important petitions to present to the Legislature on what could be, possibly, the last day of the Legislature sitting. I would request unanimous consent to have the Legislature hear petitions for the regular 15 minutes.

**The Speaker:** Is there unanimous consent? I heard some noes.

#### ORDERS OF THE DAY

##### FEWER MUNICIPAL POLITICIANS ACT, 1999

##### LOI DE 1999 RÉDUISANT LE NOMBRE DE CONSEILLERS MUNICIPAUX

Resuming the debate adjourned on December 15, 1999, on the motion for second reading of Bill 25, An Act to provide for the restructuring of four regional

municipalities and to amend the Municipal Act and various other Acts in connection with municipal restructuring and with municipal electricity services / *Projet de loi 25, Loi prévoyant la restructuration de quatre municipalités régionales et modifiant la Loi sur les municipalités et diverses autres lois en ce qui a trait aux restructurations municipales et aux services municipaux d'électricité.*

**The Speaker (Hon Gary Carr):** Pursuant to the order of the House of December 16, 1999, I am now required to put the question.

On December 13, Mr Clement moved second reading of Bill 25.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1605 to 1610.*

**The Speaker:** All those in favour of the motion will please rise one at a time to be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	Palladini, Al
Baird, John R.	Hodgson, Chris	Runciman, Robert W.
Barrett, Toby	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clement, Tony	Johns, Helen	Spina, Joseph
Coburn, Brian	Johnson, Bert	Sterling, Norman W.
Cunningham, Dianne	Klees, Frank	Stewart, R. Gary
DeFaria, Carl	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Tascona, Joseph N.
Ecker, Janet	Maves, Bart	Tilson, David
Elliott, Brenda	Mazzilli, Frank	Tsubouchi, David H.
Eves, Ernie L.	Molinari, Tina R.	Turnbull, David
Flaherty, Jim	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Murdoch, Bill	Wilson, Jim
Gilchrist, Steve	Mushinski, Marilyn	Wood, Bob
Gill, Raminder	Newman, Dan	Young, David
Guzzo, Garry J.	O'Toole, John	
Hardeman, Ernie	Ouellette, Jerry J.	

**The Speaker:** All those opposed to the motion will please rise one at a time to be recognized by the Clerk.

#### Nays

Agostino, Dominic	Crozier, Bruce	Martel, Shelley
Bartolucci, Rick	Curling, Alvin	McGuinty, Dalton
Bisson, Gilles	Di Cocco, Caroline	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Hoy, Pat	Phillips, Gerry
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Clark, Brad	Lalonde, Jean-Marc	Ruprecht, Tony
Colle, Mike	Lankin, Frances	Sergio, Mario
Conway, Sean G.	Levac, David	Skarica, Toni
Cordiano, Joseph	Marchese, Rosario	Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 52; the nays are 39.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House of December 16, 1999, the bill is ordered for third reading.

Orders of the day.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, notwithstanding standing order 68(a), I seek unanimous consent to call second reading of Bill 39, An Act respecting the University of Ottawa Heart Institute.

**The Speaker:** Unanimous agreement? Agreed.

UNIVERSITY OF OTTAWA  
HEART INSTITUTE ACT, 1999

LOI DE 1999 SUR  
L'INSTITUT DE CARDIOLOGIE  
DE L'UNIVERSITÉ D'OTTAWA

Mr Newman, on behalf of Mrs Witmer, moved second reading of the following bill:

Bill 39, An Act respecting the University of Ottawa Heart Institute / Projet de loi 39, Loi concernant l'Institut de cardiologie de l'Université d'Ottawa.

**Mr Dan Newman (Scarborough Southwest):** I rise today in support of Bill 39, the University of Ottawa Heart Institute Act. If passed by the Legislative Assembly, this bill will permit the University of Ottawa Heart Institute to provide much-needed cardiac services to the patients of the Ottawa Hospital, serving the people of the Ottawa-Carleton area.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I was under the impression that there was unanimous consent to allow this bill to go through so that we could debate more important matters. This is a matter there is no disagreement on. We could debate something important like the Environmental Commissioner. I was under the impression that this was going to be done on unanimous consent, all three readings.

**The Speaker (Hon Gary Carr):** I'm not aware of—the member for Hamilton West.

**Mr David Christopherson (Hamilton West):** Speaker, as one of the House leaders, I'm not aware of any agreement that said there would be unanimous consent to put this through without any comments whatsoever. We indeed have some comments that we intend to put on the record.

**The Speaker:** The member for Scarborough Southwest may continue.

**Mr Newman:** Beginning on April 1, 2000, the Ministry of Health and Long-Term Care will be permitted to directly fund the institute. It's important to note that this date will correspond with the start of the 2000-01 fiscal year. It will authorize the minister to pay grants, make loans and provide financial assistance directly to the institute on the same terms and conditions that are applicable to public hospitals. This act will require that the institute comply with the same requirements, policies and procedures that public hospitals are required to

comply with in order to obtain grants, loans and financial assistance under the Public Hospitals Act.

The University of Ottawa Heart Institute is engaged in a wide range of activities, including research, development and application of cardiac treatment technologies. The institute expressed concerns that without a direct funding relationship with the Ministry of Health and Long-Term Care, its research and development interests might be subject to arbitrary funding adjustments by the Ottawa Hospital. It was feared that this could have had the potential to force the institute to direct funds from its research and development budget to patient services.

Last month, after considerable consultation and dialogue, the University of Ottawa Heart Institute and the Ottawa Hospital formalized a service agreement for the institute's subsidiary relationship. This arrangement outlines the organizational and financial arrangements as well as the mandate, responsibilities and quality expectation between the Ottawa Hospital and the institute. It is important to note that this arrangement will have no impact on the governance structure of either the Ottawa Hospital or the University of Ottawa Heart Institute. The agreement complies with the recommendations of the Health Services Restructuring Commission. It should also be noted that the Ministry of Health and Long-Term Care has provided the Ottawa Hospital with \$5.8 million in one-time funding for the heart institute's allocation.

The University of Ottawa Heart Institute Act is a further commitment by the government and by the Ministry of Health and Long-Term Care to expand and enhance cardiac care services across Ontario. Since 1995, the government has invested more than \$97 million in funding for front-line services for cardiac care patients across the province. This investment has resulted in an increase of more than 50% in the numbers of procedures performed. On an annual basis, this investment has meant 4,200 more cardiac surgery procedures and almost 20,000 additional cardiac management cases, which include catheterizations, angioplasties, stents, pace-makers and implantable defibrillators.

This act, if passed, is good news for the people of Ottawa-Carleton and indeed good news for the people of Ontario. It ensures that the outstanding work of the University of Ottawa Heart Institute will be maximized and harnessed through the Ottawa Hospital to the benefit of cardiac patients.

As we enter the new millennium, this act is indeed an auspicious start for the people of Ottawa-Carleton, who will directly and indirectly benefit from these cardiac services.

I strongly support Bill 39 and urge its passage today.

**The Deputy Speaker (Mr Bert Johnson):** Questions or comments? Further debate?

1620

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** It's not my intention to prolong the debate this afternoon, although I want to assure you that it's very difficult, as the health critic for the opposition, to have an opportunity to do a leadoff speech on a piece of health legislation and

not take full advantage of the hour that would have been afforded to me to discuss the situation relating to health care in the province of Ontario. I am going to waive that privilege in recognition of the fact that there are many pieces of business before the House at present and because we do in fact support this particular piece of legislation. It's a somewhat unusual occurrence in the House that the opposition would be rising in support of a piece of government legislation, and the fact that we do so on this is a clear recognition of our respect for the pioneering role that has been played by the University of Ottawa Heart Institute, both in its research and in the treatment of patients.

It's important that we recognize the kind of leading-edge work that has been done by Dr Keon in establishing the heart institute and in pioneering heart transplants in this country. We think this is a reason to be extremely proud of the Canadian health care system and of the work that can be done when it is well supported with research and with the quality of research that Dr Keon has brought to it. My understanding of the legislation that's before the House is that it quite clearly brings into affiliation with the Ottawa Hospital the heart institute.

I regret the fact that this bill has been called essentially without notice, because I think it did deserve some attention in terms of the specifics of the bill. Although we are in support of the legislation that has been brought forward, there are a number of questions I would have liked to be able to place to the government, a number of issues which I would have liked to have clarified; in fact, issues that I particularly would have liked to have clarified, given the introductory comments that the minister's parliamentary assistant has made today.

I am a little bit surprised that the statement was made that this in no way in changes the governance structure. That statement may have been made because of some of the concerns that have perhaps surfaced that in some way this changes the governance structure of the heart institute in such a manner that it would allow for greater private sector control or private sector participation. In reading the legislation, it is my understanding that that is not the case and that was not going to be one of the concerns that I would raise about the legislation. But perhaps that's why the parliamentary assistant thought it was important to bring forward a statement that says that this in no changes the governance of the heart institute.

I would submit that it does in some ways change the governance of the heart institute, because the legislation is very specific about bringing the Heart Institute under the Minister of Health and Long-Term Care's authorization to pay grants, make loans and provide financial assistance directly to the institute on the same terms and subject to the same requirements that are applicable to public hospitals under the Public Hospitals Act. I don't believe that the Public Hospitals Act in this way applied to the University of Ottawa Heart Institute prior to this legislation being introduced and prior to its passage. If I am in error on that, I would have appreciated some opportunity for clarification.

My only comments and concerns, had I been ready to take advantage of the hour that would be given me to make a leadoff speech on this subject, are that I would want to address the very real concerns I have that apply to all hospitals which are subject to the governance of the minister under the Public Hospitals Act and under the specific changes to the Public Hospitals Act that were introduced in Bill 26 and to the extension of powers that were granted under Bill 26 and Bill 23, which this House passed last week, which extends the powers—incredibly sweeping, unprecedented powers—given to the Minister of Health to micromanage public hospitals, to restructure, to amalgamate, to close public hospitals, to take over boards of governors of public hospitals, that those powers under Bill 23 were extended for another five years. I would have welcomed some further opportunity to have a discussion about whether that kind of micromanagement control which is now being extended to the University of Ottawa Heart Institute is really in the best interests of the institute and indeed of public hospitals and the public community management of our hospitals across the province.

However, since we do respect that this legislation comes forward in agreement between the heart institute, the University of Ottawa and the Ottawa Hospital, and because we on those grounds will support the legislation, I will waive my opportunity both to raise my concerns about these aspects of the Public Hospitals Act, and obviously I have no opportunity to seek that clarification from the parliamentary assistant. So our caucus will be supporting the legislation without further debate.

**The Deputy Speaker:** Questions or comments? Further debate?

**Ms Frances Lankin (Beaches-East York):** I'm pleased to have an opportunity to speak to this bill. But, like my colleague the health critic for the Liberal Party, I do put on the record my concern that yet again an important piece of legislation, the intent of which I fully support, is coming through the House and being given short shrift in terms of the democratic process, in terms of an opportunity to examine some of the specific provisions.

For example, I think the provision in this bill that gives the Minister of Health the power to pay funds and grants and loans to the institute, if she feels it is appropriate to do that in the interests of the public, is a change in financial accountability, and one that I would say is welcome. The terms and conditions the minister may apply to that are not clear, because we have not had an opportunity to explore the actual language of the bill or to have questions and answers with the parliamentary assistant through any kind of committee process involving members of the public, particularly from the two institutions affected. The extent to which the joint partnerships with private sector investment in support of the research that's being done—some of the leading-edge research on the implantable heart pump and some of what will necessarily flow from that in terms of manufacturing processes and the investments in that—is not clear. It's

not clear whether the terms and conditions the minister may impose, which would normally be set out under the provisions of the Public Hospitals Act, are appropriate in this circumstance, or whether it gives the minister enough leeway to put on the appropriate terms and conditions to safeguard against some of the concerns that my Liberal colleague referred to with respect to private sector involvement and control of direction of the institute.

Those are things that I think all of us would be concerned about. All of us will want to make sure the appropriate powers rest with the minister to satisfy public concern around those issues. One can only hope the government has given itself enough scope. But all too many times in this Legislature we have seen pieces of legislation that have been hastily drafted, rushed through a process like this with inappropriate examination, and then the government finds there are problems and we're left trying to fix the problems after the fact. I think we are potentially in that situation again, and I regret that the government's continued, I believe, mismanagement of the democratic process in the Parliament of Ontario leaves us unable to do our job as legislators in safeguarding the public interest.

May I say that the work of the Ottawa Heart Institute is world-renowned. It is an institution to be cherished and celebrated in its successes in the province of Ontario. I had the incredible honour to tour the heart institute a number of years ago. I spent a considerable amount of time, most of a day, with Dr Keon and his staff, as we looked at the state then of development of the implantable heart pump. I was Minister of Health at the time. We met with the research team and saw the actual research as it was proceeding. We also met with a number of private sector partners, potential investors. Of course, one of the things we know is that the support for the research being done there is in the first instance a public sector initiative, but eventually this will become a medical implement, a medical instrument, a product that will need to be manufactured. I think the tremendous opportunities which are now proceeding—to see the development of that and the development of the manufacturing capacity and the intellectual technical capacity maintained within Canadian businesses and Canadian corporations is a very exciting development. It is one that I was fully supportive of as Minister of Health and as Minister of Economic Development and Trade following that.

I think the work that has been done by Dr Keon and his staff is worthy of tribute from all members of this Legislature and of our thanks on behalf of the public of Ontario.

I note that the parliamentary assistant went on to make a number of comments about the government's record on cardiac care in general. He just couldn't resist that opportunity. Neither can I; what can I say? You mentioned investments that the government had made. I want to tell you about an investment I had a very recent experience with, with Toronto East General Hospital, the hospital which serves the population in the riding I represent—

*Interjection.*

**Ms Lankin:**—and the parliamentary assistant as well. You will be most interested in this, and I now expect you are going to follow up and help me do something about this. The government had given approval for the Toronto East General Hospital, which the member will know has very active, well-established and respected cardiac care and acute cardiac coronary units.

**1630**

The interesting thing that has happened is that the government had given approval for the development of a catheter lab. You might know that in the process of exploring the health status of a person's heart, a procedure called an angiogram is often undergone. That takes certain technological facilities, a catheter lab. Well, the space is there. The equipment is there. All the approvals are there. All of a sudden, last minute, the ministry has held off on the operating approval to proceed. So we have five cardiologists there. We have a coronary care unit, an acute care cardiac unit, and we have five cardiologists who do angiograms, none of whom can do them at their own practising hospitals. They all have to go to Sunnybrook or to St Mike's or to other hospitals where there are agreements, and their patients have to be transferred there.

How do I know this? Indulge me for a moment. Two weeks ago I entered our health system yet again, this time through emergency. Two days before Black Monday, thank goodness, I was lying in a hospital bed listening to all the code zeroes, as the hospital was on critical care bypass for that whole period of time. The initial diagnosis was that there was a complication of some sort regarding the heart. I'm glad to say that that in fact was proven, through the process of an angiogram, to be incorrect. The gall bladder is gone; I'm fine.

But back to the heart issue.

**Mr Christopherson:** Now you have no gall.

**Ms Lankin:** Yes, this is now a member with no gall. If you believe that, I've got some swampland in Florida for you.

The process of tests, however, that one undergoes, including an angiogram, led me to the discovery of this problem for Toronto East General. I had to be transferred out of Toronto East General—it was an ambulance transfer, and these days, when all of the ambulances were going around the city and everything was backed up, an unnecessary transfer like this was imposed on the system because of this—over to Toronto Western to have the angiogram and to be brought back later that day, again a non-urgent medical transfer to be made. There is no reason for us to be in this situation where literally hundreds of thousands of dollars have been spent on the equipment for this catheter lab sitting there at Toronto East General, and on top of that, all of the approvals—capital improvements and expenditures—for the changes in the surgical and laboratory rooms having been done, and now not proceeding.

I ask the parliamentary assistant, given his boastful comments about their attention to the state of cardiac

care, to please look into this. He has an interest, as I do. There are many seniors in the communities that we represent. It's one of the highest-percentage areas up in East York and in parts of his riding and my riding. They rely on this hospital as their home hospital. It has a fabulous, I can tell you first-hand, cardiology staff there, incredible staff who are in the acute cardiac unit where I was, and in the accompanying coronary care unit. They need to be able to do their work with their patients within their own hospital, and to stop this game of using up resources in an inappropriate way of transferring people from place to place to place to get the necessary tests, to proceed in a timely fashion to make decisions about patients' care.

I return to the bill at hand. The possibilities that are unfolding with the research that has been done at this institute with respect to the implantable heart pump, what it means for patient care, what it means for increased life expectancy, what it means for the intellectual and technological development of our capacity, in the university sector and the medical sector and the manufacturing sector, and what it means in the long run for the potential establishment of manufacturing facilities and jobs, are quite incredible. I think that one of things we have seen develop over the last five years is the need, as this product comes closer to a point in time where it is ready to enter the market, for the institute to have enough financial autonomy and independence to be able to work out the kinds of private and public partnerships that will advance the research and advance the actual movement to manufacturing and movement of product to market. It's an incredible opportunity.

While I regret that there are some specifics here that we will have to keep our eye on after the fact and hope that we won't have to come back to make corrections, as we've seen in many other bills, I think the intent of what we're trying to do here, an intent which is supported by all three parties in the Legislature, an intent which comes out of a consensus that has developed over time over the last five years in the Ottawa health and academic community, is the appropriate intent. It is good public policy; it is evolutionary, not revolutionary; and I think the time has come.

Again, my comments of both congratulations and great thanks to the pioneering work of that staff under the leadership of Dr Keon over all of these years.

**The Deputy Speaker:** Further debate?

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** I just want to be very brief in this and indicate my support for this bill, the University of Ottawa Heart Institute Act.

It's been a long time since Willy Keon talked to me and other members of the Ottawa caucus and the Ottawa MPPs, not only from our party but from other parties, about the need for some autonomy away from the Civic hospital. Dr Keon and his associates have built the University of Ottawa Heart Institute to be a world-class institute.

Dr Keon, as you know, has had some recent trouble with regard to what I would call an indiscretion back home and my heart goes out to Dr Keon and his family, who I know very well and who reside in the area that I represent.

Dr Keon has tremendous respect in our community. He's a guy who has worked unbelievably hard for the people of Ottawa-Carleton. I phoned Dr Keon and asked him if he wanted us to go ahead with this bill. I suspected what his answer would be, and his answer was: "Of course. The institute is much more important than any kind of notoriety that it might bring to me" at this very difficult time that he and his family are going through.

I just want to say on behalf of myself and my constituents, and many other people in the Ottawa-Carleton area, how much they do appreciate his hard work in bringing this institute to the stage it is now in and how proper it is that we go ahead and support this bill at this time. I think it will lead to even greater things in terms of the care of people, not only in the Ottawa region but in all of Ontario and perhaps in the world because they are doing some leading-edge research in the area of mechanical hearts, in terms of heart transplants, in terms of all of the heart surgery that so many of us are susceptible to.

So I want to indicate my full support for not only this bill but for my good friend Willy Keon and his family at this time.

**Mr Richard Patten (Ottawa Centre):** I'd like to share my time with the member for Renfrew-Nipissing-Pembroke.

The heart institute is located in my riding and I'm very proud of the history of the heart institute. As members have already cited, the institute is world renowned. It is connected to not only a national but an international network of the most advanced research in the field of heart transplant and in the field of cardiac surgery.

It used to do far more pediatric work, and I know this because when I was with the children's hospital for a period of time we did have some dealings with the institute. It has a very strong fundraising arm and it is supported greatly in the community. It is the only other group outside of the children's hospital that has a telethon and is able to essentially raise millions of dollars. So the recognition locally and the recognition internationally is without doubt extremely high.

1640

I also want to take this opportunity to extend to Willy Keon and his wife, Anne, my sympathies at this particular time for the difficult period through which they are going at the moment. We have had numerous representations, by the way, and also articles in the paper and letters to the editor that Willy stay on as a director of the institute. I gather he stays on as a surgeon in any case. My hope is that he would reconsider that.

Thank you for the opportunity to add my name in support of this particular bill. It is long overdue in many ways, and clearly the relationship with the hospital and its funding arrangement will be clearer. It is a specialty

hospital, as you know, because it is an institute, and because of that I think this should add to the clarity of relationships between itself, the hospital the university and the government.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I want to take a few brief moments this afternoon to lend my support to Bill 39. I had the opportunity in the last couple of weeks to speak to Dr Keon about what was intended with this legislation. He, in this matter, as in so many others, was diligent to reach out to members of the community, including members of the Legislature and members of Parliament, to make sure that we understood what his hope and prayer was for the institute. Many of us in the region certainly were contacted, and I wanted to simply take this opportunity this afternoon to make it clear that, like my colleagues Mrs McLeod, Dalton McGuinty and the other members of the Liberal caucus, I support the principle of Bill 39.

For those of us from eastern Ontario, it is more than just Bill 39, as the government House leader rightly observed, and it is appropriate, quite frankly, that we have this legislation at this time, because I think it is necessary for members from the eastern part of the region to speak directly to the incredible work that Dr Keon and the staff at the heart institute have done.

I look across the aisle this afternoon and I see my good friend Judge Guzzo, who is here, and I hope the member from Ottawa West is going to have perhaps a brief comment, because he is one of hundreds and thousands of people from the province and from the country who have had the benefit of the marvellous health care and the pioneering technology that has been developed at the heart institute.

Let me tell you that my constituents in the Ottawa Valley would expect me to stand here today and say categorically how much they have appreciated what Dr Keon and his staff have done at the heart institute over these past number of years and decades. They would agree absolutely with what Mr Sterling said a moment ago. We are all deeply saddened by the difficulties that have attached to Dr Keon in the last few days. It is not for me to stand here today and pass any judgment on what happened on that occasion a few weeks ago. But it is for me to stand here today to say to this assembly and through this assembly to Dr Keon and the good people at the heart institute that we deeply value what you have done. We cherish the leadership that you, Wilbert Keon, have provided to that institute.

Dr Keon is the product of the rural upper Ottawa Valley. He comes from a little place called Sheenboro, just across from Pembroke, in the Pontiac region of the upper Ottawa Valley; a farm boy who came from a large family who has established for himself a remarkable career, a career that has been enormously successful. He stayed in Ottawa and stayed in Canada to develop that heart institute and thereby turned away a number of very lucrative offers to leave the country and to enhance his pocketbook and perhaps his reputation in the United States or in the wider world.

Dr Keon's loyalty was to his community, his province and his country. People in communities like Pembroke, Renfrew, Fort Coulonge, Chapeau, Sheenboro, Barry's Bay and Palmer Rapids are enormously grateful for what he has done—not just at the institute, not just on the operating table. Over the 24½ years that I've been in this chamber, I can tell you I have gone on winter nights to fundraising events in Chapeau, Pembroke and Renfrew and a host of other rural communities, small communities in eastern Ontario and western Quebec, and who was there, after a long, tough day in the operating room or at the institute, but Wilbert Keon? He never forgot who he was, where he came from. He ministered to the people I represent in a way that has been absolutely exemplary. If members wonder why there is such sadness, it is because it is hard for us to imagine a greater icon, someone who represents the absolute pinnacle of public service, than Wilbert Keon.

He was, as I said, just a few short days ago, on the phone to me talking about why he felt it was appropriate public policy for Bill 39 to be enacted. I cannot tell you the sadness I felt, the incredulity I felt the other night when my friend Garry Guzzo came to tell me what had broken on the evening news in Ottawa whenever that was, just a couple of days ago.

Today's Ottawa Citizen has yet more letters. I see Judge Poulin has written to the Citizen today, as has the mayor of Ottawa. The overwhelming theme of the public outpouring in the last few days, whether it's in the Ottawa Citizen or in the Pembroke Observer or in the Eganville Leader, is, "Wilbert Keon, we cherish what you have done, we value your leadership at the institute and we want you to carry on."

On behalf of the people I represent in Renfrew-Nipissing-Pembroke, I simply want to say that I stand here proudly today to support the passage of Bill 39. Perhaps even more importantly, I want to say unequivocally how much I value the contribution that Dr Keon has made to cardiac care, not just in the national capital but across the country, and how much I value his friendship over a long period of time. I want him to know that these are, I know, difficult and painful moments, but we want to say—certainly I want to say, on behalf of my constituents—that I hope he will continue to make in the future the kind of contribution to health care and community leadership that he has made so splendidly over a long period of time.

**The Deputy Speaker:** Mr Newman has moved second reading of Bill 39, An Act respecting the University of Ottawa Heart Institute. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. There will be up to a 30-minute bell.

*The division bells rang from 1648 to 1651.*



**The Deputy Speaker:** “Pursuant to standing order 28(h), I’d like to request that the vote on Bill 39 be deferred until Tuesday, December 21, 1999.

“Hon Frank Klees, chief government whip.”  
So be it.

SERGEANT RICK McDONALD  
MEMORIAL ACT  
(SUSPECT APPREHENSION  
PURSUITS), 1999  
LOI DE 1999 COMMÉMORANT  
LE SERGENT RICK McDONALD  
(POURSUITES EN VUE D’APPRÉHENDER  
DES SUSPECTS)

Mr Tsubouchi moved third reading of the following bill:

Bill 22, An Act in memory of Sergeant Rick McDonald to amend the Highway Traffic Act in respect of suspect apprehension pursuits / Projet de loi 22, Loi commémorant le sergent Rick McDonald et modifiant le Code de la route en ce qui concerne les poursuites en vue d’appréhender des suspects.

**Hon David H. Tsubouchi (Solicitor General):** As we all know, this bill is intended to bring some accountability into situations where a criminal is trying to escape from the police. For the last several years a number of incidents have occurred. The difficulty is that the proper blame has not been put on the criminal.

This bill is intended to bring back some accountabilities into the system to make sure there is a real possibility of suspension for life of someone’s licence if they kill or disable someone in the course of trying to escape from the police.

This bill is also in memory of Sergeant Rick McDonald, who was tragically killed in Sudbury in one of these incidents. Something that I found was important to the family of Rick McDonald, his friends and his colleagues on the Sudbury Regional Police Service was that we name this bill after Rick McDonald.

After talking to Rick McDonald’s wife, Corinne, I know she felt that if some good could possibly come out of this tragic situation, she would feel a little better about it. It wouldn’t bring her husband back, it couldn’t bring back all the innocent victims who have suffered as a result of a criminal trying to escape from the police, but what it could do is bring some accountability back.

This is only part of the job. This bill brings some accountability and licence suspensions and penalties, but the really important part of this bill has to occur through the federal government. I believe it’s important for them to step up to the plate and bring some real accountability in terms of prison time to criminals who try to escape from the police.

**The Deputy Speaker (Mr Bert Johnson):** Questions or comments?

**Mr Peter Kormos (Niagara Centre):** I am pleased that this bill is being called for third reading. We had told

the government, the Solicitor General and his parliamentary assistant, Mr Mazzilli, who has been representing the Solicitor General’s interests in committee with respect to this matter, that we were eager to see this bill presented not only for second reading but also for third reading before the Christmas holidays, before this Legislature breaks for Christmas.

There are some practical, pragmatic reasons that I intend to speak to when I get a chance to speak to this bill. We’re going to be supporting the legislation, no two ways about it. I’ve indicated that from day one.

I will also be talking about other facets to this whole issue that warrant address by this government and facets that, I acknowledge, partly because of the relative speed with which the government wanted to proceed with this bill, were omitted, but facets that I suspect may well be in part due to the failure of this government to adopt a broad-based approach to proper, adequate responses to crime.

So what happens now, you see, is that the Liberals will get to speak to the bill and then I’ll have to wait until they’re finished before I speak to the bill. We’re going to try to do that before 6 o’clock—it’s around five to 5 now—but very much wanting to get a chance to speak to this bill before 6 o’clock. I’ll have the lead-off statement. I’m probably going to be sharing that with at least Shelley Martel and other members of the caucus, who are making every effort to be here, because caucus is spread thin. They’re doing other work. This whole caucus supports this legislation. But by all means, Ms Martel has made a commitment to be here; she, of course, from up in the Nickel Belt, Sudbury area. I’ll be speaking to it. If Ms Martel has a chance, she’ll be speaking to it too. I look forward to that.

**The Deputy Speaker:** Comments and questions?

**Mr John Gerretsen (Kingston and the Islands):** I have a specific question I’d like to address to the Solicitor General. I wonder if he could answer that question in his response. I would like to know how many charges have actually been laid or whether he’s got any statistics as to how many charges have actually been laid under the current section 216.

It’s certainly correct to say that this bill has had a very positive response with the general public. On the other hand, however, I don’t think the general public ought to be deluded into thinking that this is going to resolve all of the problems surrounding this issue. My question to him is, since the intent of the bill is basically to increase the fine level from \$1,000 to \$5,000 and to \$10,000, have charges actually been laid under section 216 of the current Highway Traffic Act? It’s a very simple question. If he has that information, I’d like him to provide that to the House.

**The Deputy Speaker:** The Chair recognizes the Solicitor General for a two-minute response.

**Hon Mr Tsubouchi:** First of all, I want to thank all the members of this House for their co-operation throughout the debate on this bill. It appears that there’s a

fair amount of support on both sides of the House for what I consider a very important bill.

I certainly hope, due to the seriousness, that all of us can support a speedy passage of this bill, as it has received co-operation throughout.

**The Deputy Speaker:** Further debate?

**Mr Rick Bartolucci (Sudbury):** Speaker, I'll be splitting my time with the member for Brant and the member for Kingston and the Islands.

I would like first of all to acknowledge that the Solicitor General did live up to his word that he gave to the families, to the Sudbury Regional Police Service and to myself the day of Rick McDonald's funeral, that he would bring in legislation. It was his hope, it was our hope, it was Corinne McDonald's hope, it was Mr and Mrs McDonald's hope, it was the hope of the Sudbury Regional Police Association and it was the hope of the Police Association of Ontario that this bill would become law before Christmas. It would appear that is going to happen either today or tomorrow.

I would have hoped, in all sincerity, that this bill would have been law a lot earlier. However, given the making of this place and given the dynamics of this place and given how this place sometimes goes from the sublime to the ridiculous, this bill has not been passed yet. It will be passed either today or tomorrow.

I would hope that it would provide some type of closure, in even a minuscule way, to the McDonald family, to Corinne Fewester McDonald, to Rick's brothers and sisters. It's important, as well, that we recognize that the Sudbury Regional Police Association, in fact all policemen across Ontario, need closure as well. I hope this happens.

1700

At the same time, I must at this point in time bring to the attention of the House and the people of Ontario that there is still much work to be done in order to protect our police force, those gentlemen and ladies who serve and protect, but also to protect the public. Certainly our critic will be speaking to that a little later on, as will the member for Kingston and the Islands, but I'd just like to highlight one bill that Rick McDonald worked very closely with me on. He worked with his wife on it and he worked with the Sudbury Regional Police Association, the Police Association of Ontario and the Ontario Association of Chiefs of Police. That is Bill 6, formerly Bill 18 in the last Legislature, An Act to protect Children involved in Prostitution.

If in fact we're very serious about ensuring that our police have the power to do their job, that they are protected, that the people they serve are protected, we have to make sure we pass good legislation. We can't care from what side of the House it comes. Let me speak in a critical way for only a moment. The police forces across Ontario know that Bill 6 will enhance their ability to do their job, but it will also protect children who are sexually exploited or abused through prostitution. This bill, at this point in time, seems to be static. It can only be static for one reason. It can only be static because a

member of the opposition, in this instance the member for Sudbury, chose to introduce this bill on three occasions. The reality is that this is another example of how we can help our police forces do their job more effectively. The most important aspect of their job is to serve and protect. It's to serve and protect the public of all ages.

The Rick McDonald bill absolutely without question is an excellent bill. But Rick McDonald would tell you, if he were here, and certainly his wife would tell you, his fellow members of the Sudbury Regional Police Service would tell you, the police chiefs' association of Ontario would tell you and certainly the Police Association of Ontario would tell you that the Rick McDonald bill is but one bill that they want to see passed. Another one that they feel is necessary in order to provide them with the tools to do their job adequately and to protect those children who are sexually exploited or abused through prostitution is Bill 6.

Let me not stop there, because I have another bill on the books that I introduced last week. It's Bill 32, the Highway Traffic Amendment Act (Youth Protection). What it would do is ensure that any person who solicits children for the purposes of prostitution has their licence revoked for one year. That too would allow the police to do their job more adequately, but would ensure that their main role of serving and protecting is enhanced. That bill too, for whatever reason, seems to be stifled in this place. Premiers across this country met in late summer and agreed that they would all do something to curb the abuse that was taking place towards children through sexual exploitation and sexual abuse.

**Mr James J. Bradley (St Catharines):** What has happened in Ontario?

**Mr Bartolucci:** In fact, to answer my fellow member from St Catharines, nothing is happening in Ontario. I think there's a perfect opportunity, through either one of these two bills, to ensure that something very proactive and very necessary takes place in Ontario. I suggest to you that the other provinces across Canada are doing something about it. Alberta introduced and passed legislation identical to my Bill 6. Since February 1999, they have been able to help 168 children choose or be protected from the lifestyle they were being forced into.

**Mr Bradley:** They're not soft on crime in Alberta.

**Mr Bartolucci:** As the member from St Catharines says, they're not soft on crime. I don't believe for a second that we on this side of the House want to be soft on crime, but I also think we have to understand that in this place there can be good ideas. It doesn't matter if it comes from the Progressive Conservatives, the New Democratic Party of Ontario or the Liberals of Ontario. We should not confuse or cloud the issues with what the federal government is doing. We've been elected by the people of Ontario to represent the views of the people of Ontario. If in fact the views of the people of Ontario would suggest that the federal government, their Liberal representatives aren't doing their job, then they will have

the appropriate forum to cast their vote for or against that particular member.

In this House we must always remember that we have a serious responsibility to ensure that the laws we pass, the laws we are mandated to set, the laws and the policies we want for the people of Ontario are dealt with in this House, without what's happening in the federal government. We should not be overly fixated on what's happening in the federal House.

I would suggest to you that's why this bill, the Rick McDonald bill, is so very good, because it zeroes in on what we can do as a provincial Legislature. It zeroes in on enhancing a policy that will protect not only police officers but will protect the public they serve and protect. That's why this legislation will certainly be supported by the Liberal Party.

I implore all members in this House to have an open view with regard to policies, with regard to programs, with regard to bills, with regard to ideas that are brought to this House through private members' bills, through private members' hour. I would suggest to you there's absolutely no reason in the world for Bill 6 not to be introduced and passed or for Bill 32 not to be introduced and passed. The reality is that's not going to happen. We only wish it would happen. We wish it would happen as quickly as the Rick McDonald bill happened, even quicker, because I think the Rick McDonald bill should have been passed a long time ago.

Understand that our police officers across Ontario want what's best for them, but certainly they want what's best for the people of Ontario, regardless of age. I would suggest to you that the McDonald family will find some comfort in this bill. I think the McDonald family will find that their friends in police forces across Ontario now will be protected to a greater extent. The McDonald family will find that the public at large will be protected to a greater extent.

Why is that so? It's because it's good legislation, and good legislation can move quickly through this House. It's not free of recommendations. Certainly the member from Brant, our critic, will be offering some recommendations shortly. I know the critic in the NDP will be offering some recommendations. It may not be perfect, but it's good legislation. It's legislation that can be added on to as time permits, as the opportunity permits, as the occurrence may come to the forefront which we haven't covered in this legislation.

The fact remains, the Liberal Party is supporting the Rick McDonald bill because it's a good bill. The Sudbury Regional Police Service—and I know I speak for many of the members who have told me they wish that Bill 6 would pass. They also wish Bill 32 would pass. Come the next session of the Legislature, I will be introducing several more private members' bills with amendments to the Highway Traffic Act. I will bring proof that people—police officers and the public at large—want what's best for police officers but want what's best for the public at large.

**1710**

I hope that with passage of this bill, there will be a greater awareness so that the general public understands the very real dangers police officers face every single day, that there will be a better appreciation of our police officers, that we will understand that their lives are very complex, that we will understand that when they go to work every day they're not sure what dangers are lurking out there which could take their lives.

We must constantly be aware that it is imperative that we stay in tune with the concerns of our police forces across this province so that as the need arises, we can bring in legislation like the Rick McDonald bill that will provide greater safeguards, legislation like Bill 6 that would provide greater opportunities for police officers to do their work, legislation like Bill 32 which would ensure that youths who are being sexually exploited or abused through prostitution have a greater chance at being protected.

It is something that is very complex. Policing is never easy. Setting policy that governs policing is never easy as well. We must ensure that the policies we pass are always in the best interests of police officers and the general public.

Rick McDonald's bill does that. So does Bill 6 and so does Bill 32. They shouldn't die because a member on the opposition side decided that he too wanted to protect and enhance the opportunities for police officers to do their work in safety, in order to ensure that the public they serve and protect is protected as well.

**The Deputy Speaker:** Further debate?

**Mr Gerretsen:** Thank you very much, and now that the Solicitor General is in the House I would like to ask him again whether he has any statistics with respect to how many charges have actually been laid under the current section 216. The reason I bring that up is that I don't think the public ought to be under any false illusion—and it's a good piece of legislation—that merely the fact that we're increasing fines under this section is necessarily going to give them or the police officers involved in this particular section better protection. He has already given me an undertaking that he will try to get those figures for me, and I appreciate that.

It's kind of interesting. I think my colleague here has been talking about his bill, Bill 6, for at least the last three years. I remember that he first raised it in Sudbury when we were there for hearings, I believe, on some changes to the Education Act some two or three years ago.

As far as I know, the bill has support from individual members across the House. I don't believe he has received any negative comments about it from either the Attorney General's department or the Solicitor General's department. The real question is, if everybody thinks it's such a good idea, why hasn't Bill 6, which deals with child prostitution matters, been passed by this House?

I see my good friend from London-Fanshawe across the aisle. He's a highly intelligent individual, and I have had many discussions with him about various aspects of

this House. He's a former policeman. The question is, why hasn't this bill passed?

*Interjection.*

**Mr Gerretsen:** He's saying it's a federal issue. I don't want to respond to him, Mr Speaker, because I know I should address you. But if that is really true, if it's purely a federal issue, why did Ralph Klein do it? And why is it that over 90% of all the issues raised in this House during question period by the government members deal only with federal issues, on a continual basis? Today we had two or three examples—I won't go into them—where the questions that were being asked of the various cabinet ministers had absolutely nothing to do with the province. They were all questions to the effect of, "Mr Minister, could you tell me what the federal government ought to be doing in this area or in that area?" Let's face it, how would the ministers here know that? They don't know what the federal agenda is.

It's a typical Reform Party tactic. Of course we never know exactly, when the government members speak, are they speaking as Conservatives or are they speaking as Reformers?

Having said that, I certainly hope my colleague from Sudbury's Bill 6 and his Bill 32, which deals with sexual services, also relating to the Highway Traffic Act, where he brings that in, will be passed very quickly by this House, will be adopted by the Solicitor General and by the Attorney General as being good public policy, because that's in effect what they've said. Just because the idea comes from a member of the opposition doesn't make it any less valid than if it came from a government member. So do something about that.

I would like to address one other issue, and that's this whole issue of drinking and driving, which is tied into this bill as well. I know it doesn't deal specifically with that.

I would like to relate some of the experiences I have had with that as to what happens in other countries. One of my relatives has lived in Japan for the last 25 years, and although I don't know what the current status is, one of the things she always indicated to me, going back five or 10 years ago, is how in Japan it is totally against the culture of the people, against the total mindset of everybody, to be drinking and driving. That is just totally unaccepted there.

One of the reasons it is unaccepted there is that if you're caught in a drinking and driving offence, your licence is gone, period, for a lifetime. It's very difficult to get that back. Everybody who gets behind the wheel of a car knows that if they're involved in drinking and driving, they could be losing their driving privileges for their entire life. Now that's the way it was five or 10 years ago. Perhaps western influences have changed that. I really don't know what the situation is currently, but I remember her mentioning to me many years ago that drinking and driving is totally unaccepted, and the reason is the penalties were so severe.

It's the same thing with this bill. The penalties are much more severe than they currently are under the

Highway Traffic Act, section 216, but the real question is, are we enforcing this section at all? Is it a section that only gets enforced at such times as when major calamities have happened, when somebody dies as a result of a police chase, and quite often we get this whole emotional involvement as to whether the police were using proper tactics and things like that? Unfortunately quite often the issue is sort of turned around as if the police are on trial, when the question really ought to be asked of the person who was driving the getaway car, as it were. That's where the emphasis ought to be.

Having said all that, I come back to the question, and I hope the Solicitor General will have some answers for it relatively soon, as to how many charges have been laid under the current section 216. Because it's great to pass all these laws, it's great to pass all these penalties, but if in fact they are never invoked at any one time, the public may get cynical about the whole process.

I will just leave you with that. I notice my colleague from Brantford, who is well versed relating to the Solicitor General's department, is now here and undoubtedly he will continue with his expert advice to the Solicitor General on Bill 22. I now turn it over to the member from Brantford.

**1720**

**Mr Dave Levac (Brant):** Just before I start into the debate, I want to thank the member from Kingston and the Islands for those kind words and for sharing that time. I would like to also say that I wouldn't mind giving some time over to the NDP if, in their own minds, they could see fit to pass this legislation this evening.

To begin with, the concern I raised with the Solicitor General has been listened to. I want to compliment the Solicitor General for the patience he's showing me in terms of trying to understand how these legislative moments work, and also for giving me some sage advice on whether the specifics of the bill need to be worked on or the general theory behind the bill. He also knows that I said I would offer him some constructive criticism and maybe some ideas on how we can improve the situation, but specific to this particular bill he does have our party's support, and he knows that. He knows that we specifically and very clearly stated to him that we compliment him for introducing this bill, because what it does specifically is that it makes an effort to improve the situation for all our citizens. No one escapes this bill in terms of the scope.

We really appreciate as well the fact that they've taken this bill and not put around it all these other types of legislation that don't relate at all.

One of the other things I will speak to is that my colleague from St Catharines, who—as I can say, since it's my first attempt at true debate in its pure form—will share some time with me and teach me some more of the wisdom of how we debate these bills.

To the specifics of the bill: The suggestions I did have, and I'm hoping the minister would be open to this, is that we take a look at spike belts and the idea of having all vehicles housed with spike belts; an acknowledgement to

the government is that they also make available some funding for spike belts but that we don't have them in all the cars.

Along with providing just the materials comes the proper training. As well as the proper training is the facility being used to do this training. We all know that the college itself needs more teachers, more funding, to give us that top-notch performance that it has up to this point. It's a world-renowned institution. I think we should continue to push ahead and make sure that the funding is available for the specific training on the deployment of the spike belt.

One of the other things I want to make mention of, and we did speak to this a little earlier, is that prior to 1982 there was no official training that took place for all those recruits who came through the police force. When you don't have that specific training for those particular tasks needed to stop these types of chases that are taking place, unfortunately accidents take place.

I would also mention that in my research, we've found out that chases can take as little as 30 seconds. Very, very little time is offered for those officers to make those split-second decisions. My colleague from London is a former police officer who knows that with those specific seconds available to you, the training means everything, in terms of the deployment of the spike belt, the decision to chase or not to chase—with all that training comes that instant response needed from those police officers in a life-and-death situation. That also includes the use of all these other wonderful materials that have been made available in the last little while. So it's the proper equipment and proper maintenance, and especially going hand in hand with that is the necessary training to ensure that our police officers are properly trained and properly deploy those particular things they need.

The second area that I would suggest to the minister is necessary, along with the funding and the training, is the concept of what new technologies are available. We are now learning, with this fast-paced development in our technological age, that we now have satellites in the air that provide tracking for vehicles. We also have, in its infancy right now, the availability of shutdown technology, where we can actually deploy technology to shut a vehicle off. It hampers their electronics and makes the vehicle shut down.

All of these would take the co-operation of the public and private sector and the will for us to ask this to go away. The one thing we will have to admit is that, being human beings, we don't have the ability to stop people from making bad decisions.

But I want to re-emphasize very strongly that proper training of our police officers, which requires funding, is necessary in order for them to make that split-second decision. We cannot stop all training. Up until 1982, we didn't have any training for this particular problem.

I want to reiterate another point that a few of the honourable members have made: We can make these solutions happen inside our province. We have the ability

to make those decisions, to fund those decisions right here, right now.

Once this bill passes, and I'm sure it will, with the co-operation of all members, I'm convinced that we will be able to take the next step, which is to discuss the next level of development for our police officers, our men and women on the street, and the safety of all of our concerned citizens that is necessary for us to have a civilized society, done in a way that respects their privacy, their dignity and for us to be able to say to everyone that we've done our best. So don't leave any rock unturned.

**Mr Bradley:** I'm going to be uncharacteristically brief this afternoon in speaking to this bill. I can tell you that what I would like to see is Bill 32 and Bill 6, from Mr Bartolucci from Sudbury, debated in this House before this House rises for the Christmas recess. They're both excellent bills, both within provincial jurisdiction, just as—I know you've expressed a lot of concern about this, Mr Speaker—Bill 16, An Act Respecting the Price of Gasoline that I have presented to this House. Let me give you the one thing that it does: "The bill prohibits the sale of gasoline at retail for a price that is lower than the cost to a retailer of purchasing and reselling gasoline."

That simply protects the people who, I would say, more in your smaller towns and villages and rural areas, Mr Speaker, that you would be very familiar with—the independent dealers. It saves them. What happens is the big oil companies sell at a price lower to their own retailers than they do to independents; it puts them out of business. I just wanted to mention that, and I appreciate your tolerance of my mentioning that particular aspect of it.

Also, I recognize that this afternoon the time for petitions was cut off in the House. A petition that I think is relevant to this bill I'm going to read and you can determine at the end of the petition whether it's relevant to the bill, Mr Speaker. I'm sure you will do that.

It says:

"Whereas Maters Mortgages investors have battled for a decade to receive compensation for their losses—"

**The Deputy Speaker:** The Chair recognizes the member for Kitchener Centre on a point of order.

**Mr Wayne Wettlaufer (Kitchener Centre):** The time for petitions wasn't allowed today because, according to the standing orders, we had to move to debate of the bill by 4 o'clock. The member knows that, and I think he's skirting the rules now in trying to read a petition in at this time.

**The Deputy Speaker:** That is not a point of order.

**Mr Bradley:** Thank you, Mr Speaker. I want the member for Kitchener as well to see if it's relevant. Let me read the petition to him; it's brief. It says:

"Whereas Maters Mortgages investors have battled for a decade to receive compensation for their losses which were incurred as a result of overzealous action on the part of an official in the Ministry of Financial Institutions as was proven recently in a parallel criminal case;

"Whereas Maters Mortgages investors believe that their civil action against the government of Ontario has been unduly and unnecessarily delayed in the courts by legal representatives acting on behalf of the government of Ontario;

"Whereas the new investors committee of Maters Mortgages (NIC) Inc has requested that legal representatives of the government of Ontario meet with legal representatives of Maters Mortgages investors to discuss the possibility of reaching an out-of-court settlement of the investor's civil case against the Ontario government;

"Whereas many Maters Mortgages investors are senior citizens who placed their life savings in these investments and have suffered from extreme stress and financial hardship and continue to do so;

"We, the undersigned, petition the Legislative Assembly to encourage the government of Ontario to take immediate action to appoint a case manager to expedite the case involving the class civil action of the representatives of Maters Mortgages investors against the government of Ontario.

"Further, we petition the Legislative Assembly to urge the government of Ontario to engage immediately in serious discussions with legal representatives of Maters Mortgages investors with a view to reaching a fair out-of-court settlement with the investors and urge the government to instruct its legal representative to cease any and all legal activity designed to prolong the duration of this case."

I was going to affix my signature to this petition if we were in the time for petitions.

That may not directly relate to this legislation, but I am pleased to put it on the record this afternoon and yield my time to the member for Windsor-St Clair.

1730

**Mr Dwight Duncan (Windsor-St Clair):** I am pleased to speak on Bill 22, An Act in memory of Sergeant Rick McDonald, and say to the government that I too am pleased to support this. At home in Windsor, the Windsor Police Service, in my view, is one of the finest police services in the country, with an outstanding record of serving and protecting our community. This amendment, which is important, is one that I think we should all be prepared to speak in favour of publicly and to support.

I think it's a shame that the government did not agree to include my colleague Rick Bartolucci's recommendations in Bills 6 and 32 in their discussions. It would have been a better piece of legislation at the end of the day. It wouldn't even have had to be an omnibus bill, really, because it's the Highway Traffic Act, by and large, and could all have been dealt with at once.

That being said, and cognizant of the fact that my colleagues in the third party need some time today to speak on this, I too support Bill 22, An Act in memory of Sergeant Rick McDonald, and look forward to its immediate implementation by the government.

**The Deputy Speaker:** Questions and comments? I'm sorry, are you sharing time as well?

**Mr Dominic Agostino (Hamilton East):** Yes, I am.

**The Deputy Speaker:** The Chair recognizes the member for Hamilton East.

**Mr Agostino:** I want to take a few minutes. As my colleagues have mentioned, we are fully in support of this piece of legislation. We think it's a bill that is long overdue, and a bill that's important in this province not only as a reminder of the risks and difficulties that police officers are put to every single day in doing their job across this province, but also to send a very clear signal to those who believe they can choose the flee a police officer in a vehicle and not have to pay stiff consequences for this. I think this bill will go a long way to ensure that a clear message is sent to criminals that they can't simply use a vehicle as a reckless weapon and endanger the lives of other citizens, endanger the lives of police officers and basically put public safety at risk.

While we believe this bill goes a long way, we also believe that other measures must be taken, both provincially and by the federal government, to enhance legislation in regard to vehicles fleeing and being pursued by police officers. We believe that a vehicle becomes a deadly weapon and that people's lives are put at great risk when you use a vehicle to flee police officers trying to apprehend you.

We are calling on the federal government to consider a number of other options as well, to add to the provincial legislation. We believe the federal government should create a Criminal Code offence for escape-by-flight offences. We believe there should be serious minimum sentences that would constitute a real deterrent for people who decide they are going to use their vehicles to escape police officers and, again, put people's lives and police officers' lives at risk. We also believe that in the most severe cases, particularly those involving loss of life, the court should be able to impose a life sentence on those individuals. Frankly, if you kill someone as you are recklessly and intentionally fleeing a police officer, you should face the same sentence as if you use a gun, a knife or other weapon to kill another individual.

In addition, this government has an opportunity to act to help this. One of the issues we have debated in this community and in this province in the last year or two has been the use of police helicopters for many purposes. This is one area where I believe extensive and wide use of police helicopters would go a long way towards curbing any possibility of this type of incident happening. In our own community of Hamilton-Wentworth, our pilot project came to an end on Thursday night. I had the opportunity to spend an hour and a half on Thursday night in a police helicopter as they were out on surveillance in our community. I can tell you first-hand from what I saw there the real potential, the possibility of these helicopters being a real deterrent in ensuring that vehicles do not flee police officers.

It's been a pilot project shared between Peel, Halton and Hamilton-Wentworth where the province has paid part of the cost and we have paid part of the cost. It's used two days a week, but in that short period of time, these 20 weeks, not only has it helped in many arrests

and surveillance, not only has it helped bust a marijuana crop worth about \$2.5 million, but in every single instance—this is important, and I ask the Solicitor General to consider this—every single time the helicopter was involved in a police chase and in pursuing a car, in every case there was no damage, there was never anyone put at risk, there were no injuries. The vehicle was recovered in every instance and the individuals apprehended in every single instance. That is a perfect track record.

The evidence is clear. The problem is that no longer can Hamilton-Wentworth Regional Police afford to carry this program out on their own. They need the help of this province and they need the help of the government. As we're passing the bill tonight, I implore the Solicitor General and the Premier to ensure that we now continue with that pilot project. The municipality's not asking for the full shot. They're asking for a cost-sharing project, the possibility of continuing to share the cost of these police helicopters—a very expensive but useful piece of technology and equipment—with the municipality.

I hope the government now follows up on this legislation with an announcement from the Solicitor General that the Hamilton-Wentworth Regional Police force can continue its helicopter program with the help of the province of Ontario. I know it's going to go a long way, the combination of the helicopter and this type of bill, to ensure that we no longer have to worry about police chases and the damage it does to Ontarians, because the police will have the upper hand.

I will support this bill. Again, I ask the Solicitor General to come forward with an announcement very quickly on cost-sharing funding for the police helicopter program in Hamilton-Wentworth, and I look forward to that.

**The Deputy Speaker:** Comments and questions?

**Mr Kormos:** As I indicated earlier, we will be speaking to this. Unfortunately, it's clear now—what happens here is that each caucus is allowed a one-hour leadoff speech in response to the government. I appreciate some of my Liberal colleagues suggesting that I might be the beneficiary of their largesse, but you see, I don't need your largesse to speak.

**Mr Duncan:** Based on the clock, I'd say you do.

**Mr Kormos:** No, because I'm entitled to address this for an hour. This isn't a time-allocated bill. Unfortunately, I'm left with but 20 minutes before 6 o'clock, which means that almost inevitably the House will adjourn at 6 while I'm midway through my opening comments. That means the matter will have to be recalled. I will be here waiting for the bill to be recalled so we can complete our responses to it, so we can get down to a vote on it.

The House is sitting late this evening and, as I understand it, Tuesday as well. Is it sitting Wednesday?

**Mr Michael Gravelle (Thunder Bay-Superior North):** Wednesday and Thursday till 9:30.

**Mr Kormos:** Wednesday and Thursday till 9:30.

**Hon Mrs Ecker:** Personally, I think Friday night would be a good time.

**Mr Kormos:** I'd be prepared to sit here Friday. It's important that this bill receive appropriate attention.

*Interjection.*

**Mr Kormos:** I'm ready to be here Saturday, quite frankly.

Ms Martel, as I indicated, wants to speak to it. She in Sudbury has a very special interest because of her relationship with the community in Sudbury and the fact that this bill is very appropriately named after Sergeant Rick McDonald.

**The Deputy Speaker:** The member for Sudbury has two minutes to respond.

**Mr Bartolucci:** My response will be very, very brief. Let's face reality here. We can pass this tonight. We can pass this before the House adjourns at 6 o'clock. We can ensure today that this bill becomes law.

I would suggest, with all due respect to everyone in this House, that the time for debate of this bill is over. We now must show our action, show our support with unanimous consent for the passage of this bill so that we can get on with other legislation, but more importantly, as I mentioned earlier, there is closure that has to take place for the family of Rick, Rick's parents, Rick's wife, his brothers and sisters, closure for the Sudbury Regional Police Association, closure for policemen across Ontario. This is a perfect opportunity to provide that closure. I urge all the members in the House to support a quick passage of this tonight.

1740

**The Deputy Speaker:** Further debate?

**Mr Kormos:** Thank you kindly, Speaker. You know that my caucus, my colleagues in the NDP and I have had a strong interest in this bill from its introduction, through the committee hearings. Committee hearings were held at our bequest. We had one day of hearings so that amendments could be put forward. We're anxious to see this bill passed before Christmas. We will do everything that we can to accommodate the government to ensure that the bill will be passed. I'm confident that the bill will be voted upon before this House rises for the Christmas break.

Once again, as I say, I'm prepared to do that this evening. I'm prepared to do it tomorrow afternoon, tomorrow evening, Wednesday afternoon, Wednesday evening, Thursday afternoon, Thursday evening and, if the House should choose to sit on Friday, I'm prepared to do it on Friday if need be. I have no hesitation in committing myself to you to ensuring that this bill gets passed.

Having said that, the bill cries out for some comment. I heard one of the queries put to either the Solicitor General or to his parliamentary assistant. His parliamentary assistant has been working very hard on this. The question put to him was about data regarding either charges or convictions under section 216. Once again, that was an interesting question. Section 216, of course, as you know, is the fail-to-stop provision. This turns the

fail-to-stop into a high-speed-chase provision, right, Parliamentary Assistant? It changes that section so that it covers two sets of circumstances. Before the section was fail-to-stop; that was it, that was the long and short of it.

Fail-to-stops happen—I don't know; they don't happen infrequently. They're probably not the most frequent charge, I'm sure of that, laid under the Highway Traffic Act. It would have been nice to have data on that, although, at the end of the day, it's not critical to a discussion of the bill.

I am a little disappointed because you'll recall, Parliamentary Assistant, that during second reading debate I had speculated about the nature of the offences or the circumstances that give rise to high-speed chases. I relied upon anecdotal information given to me, which I since learned does not comply or isn't supported by the data. Then when we got to committee, the data still wasn't there. I asked you again at committee. It's the sort of data the Sol Gen's ministry should have close at hand. Shouldn't they? Please, to be fair. The ministry of the Solicitor General should have that data readily at hand.

*Interjection.*

**Mr Kormos:** It's being suggested that I should talk slower. I suggest that the Conservative member very carefully consider whether his interjections will prolong this debate or whether the debate will proceed along in the manner in which it should.

I had asked for data. I asked once again at committee. Still haven't got any data. So let's use the best information I have, which is simply reports I get from police officers and people close to these scenarios.

Contrary to what I had believed originally, I'm now advised that the largest single number of high-speed chases are the result of stolen cars, what's colloquially referred to as joyriding, for instance. Then you get into the category of drunk or suspended drivers who take the police off on high-speed chases—or both drunk and suspended drivers. Then, finally, you have what probably is the smallest group and that's the bank robber—lord knows what—the drug trafficker, the far more hardened, seasoned criminal who simply doesn't intend to let himself or herself be apprehended by the police.

You, Solicitor General, know that I was extremely disappointed that the amendments I put forward at the one-day committee hearing—it was because of those amendments that the committee met to consider the bill. I had indicated on behalf of the whole NDP caucus that we supported the legislation and that we were going to participate in ensuring its passage was completed before the Christmas break. I'm confident once again that it will be. But what you've done—fair enough. You've raised the ante for drivers in instances of high-speed chases by virtue of increased fines and jail sentences—do I have this right?—when there are injuries, or of course death, ensuing. I have no quarrel with that.

I understand your frustration in that basically what you're doing is the job of the federal government here, because it's the Criminal Code that's going to be the applicable provision in most of these cases anyway.

When somebody is injured in the course of a high-speed chase, one would like to think that a Criminal Code charge is laid, be it criminal negligence causing bodily harm or criminal negligence causing death, that has with it the criminal conviction, the far broader sentence regarding prohibition of driving, as compared to mere suspension of licence or country-wide, nation-wide, prohibition, and the prospect of significant jail penalties. So I share your disappointment that the federal government hasn't done its job in response to this particular issue.

It's an issue police officers have been coping with—I use the word “coping” advisedly—in a very frustrated way for a long time. As I've told you before, and I'll say it again because it probably should be said, cops in these situations are inevitably damned if they do and damned if they don't. Police officers have to make split-minute decisions about whether to engage in a high-speed pursuit. They're well aware that if they choose not to pursue that vehicle and that vehicle down the road, not being successfully pursued, is then involved as the result of a drunken or careless or reckless or negligent driver and causes somebody else serious harm or death without there even being a high-speed chase, whose neck is on the line? Inevitably the police officer who made that decision not to initiate the chase, rightly or wrongly, and totally unfairly from that police officer's point of view, inevitably, if he's going to be called on the line.

It's a matter of exercising split-minute judgement. I don't think any police officer embarks on a high-speed chase recklessly or carelessly, because police officers know that there's the risk of harm to themselves, yes, to the culprit or culprits in the car being pursued, and tragically, great risk of harm to the general public, other users of the roadway, pedestrians. We've seen all of those circumstances over the course of many years.

This is the first time this Parliament has been confronted with this whole issue of high-speed chases. The Solicitor General says there are going to be guidelines established regarding high-speed chases. I look forward to that. I look forward to being able to respond to and perhaps contribute to the discussion around the setting of those guidelines. But I also want to tell the Solicitor General that at the end of the day it's front-line police officers, those women and men in communities across this province, both municipal police officers and provincial police officers, who should be the primary source of consultation for developing guidelines around high-speed chases—not just their chiefs, not just their media relations officers, certainly not the police services boards, but those front-line cops who are out there doing the job.

**1750**

It's a job that most of us in this chamber—most of us, not all of us—would be unlikely to want to do, or, if we wanted to do it, would be incapable of performing. It's a job that carries with it incredible pressures. You know that there are all sorts of data and discussions about the pressures that policing takes on police officers' personal



lives, on their family lives. There are certain phenomena that prevail among police officers, distinct from the general population, that confirm that, that the role of the police officer goes well beyond his or her reporting to the detachment and going out and doing their job for their eight-, ten- or twelve-hour shift and then going home.

Police officers pay an incredible price by way of the cost not only to themselves but to their kids and their spouses. Again, police officers are under increasing scrutiny in this jurisdiction, as well as virtually every other, finding themselves oftentimes being scapegoated, and subject not only to that incredible scrutiny but to higher and higher expectation levels. There's nothing inherently wrong with that. We should have high expectations of our police officers.

When we have those high expectations of our police officers, we should also ensure that those same police officers have all the possible tools to perform the jobs that we call upon them to do. Those tools include adequate responses by the criminal justice system, or in this case the provincial offences system, so that when they go through the process of apprehension and arrest and, if they're successful in a prosecution, the penalties that are imposed constitute some meaningful deterrent.

At the end of the day the fines alone, for people who don't have the money, probably simply won't be paid. You know, Solicitor General, that we've already got a huge backlog of accounts receivable of unpaid fines. Provincial Auditors have commented on it. You're aware of it yourself.

Jail penalties within the range that the province would consider in provincial offences legislation are for the many kinds of people who would take the police off on high-speed chases a little bit of a joke. You know the standard. For responsible members of the community, regardless of how old they are, any amount of jail time is a deterrent. That's why most people don't commit crimes. Most people don't. But when you're taking a look at the kinds of people who lead the police on high-speed—that's why I wish we had the data, Solicitor General.

I'm looking now at the parliamentary assistant because he speaks for the Solicitor General on this matter. He has during the course of this bill.

Let's assume that the car theft is the number one, biggest single chunk with drunks and suspended drivers. For instance, Christmas brings out—take a look at the results at least down in Niagara, and I suspect that other jurisdictions have similar results. Niagara Regional Police have stopped far fewer cars in their RIDE searches but have laid far more charges of drunken, impaired, over-80 driving.

In many respects that's a good thing. What it demonstrates to me is that the police are being far more efficient in where they set up their RIDE. Do you understand what I am saying? They're able to at least highlight or pinpoint areas where they've got a greater likelihood of apprehending drunk drivers, and none of us has any quarrel with that. I'm not aware in Niagara of

any of the drunk driving RIDE stops resulting in high-speed chases over the course of this recent RIDE season. Let's understand that that's one of the areas, one of the arenas that generates high-speed chases. I suppose at the end of the day a high-speed chase when it's a drunk driving the car that's being pursued, then you multiply the potential danger to the police officer, the driver of that car and to the general public.

It's important that there be tougher penalties. One of the things—and I made a note of it—that you said, Solicitor General, when you introduced this bill for third reading was you talked about it providing “real accountability.” That takes me back to the amendments that were proposed in committee. I didn't surprise the government with these. I told the Legislature during second reading that I was going to bring these amendments forward, and I did. I gave to the parliamentary assistant, Mr Mazzilli—you know Mr Mazzilli, Solicitor General; I'm sure you've met him from time to time—as I promised him, copies of the amendments as soon as I had them, which unfortunately was the same day, but legislative counsel was hard-pressed. I told the Solicitor General and his parliamentary assistant during second reading debate that I could care less if the government took these amendments and pursued them on their own. That would be fine by me; my name didn't have to be attached to them.

You talked about real accountability, and that's what those amendments talked about too. They talked about confiscation and forfeiture of vehicles that are used in high-speed chases. In the case of a stolen vehicle, is that going to be meaningful or relevant? Of course not. But in the case of the drunk and/or suspended driver who's driving their own vehicle—understand, look what happens. It's the suspended driver driving his or her own vehicle that attracts the attention of the police, because the CPIC check or run-through of their licence plate on the highway identifies them as owner. Do you understand what I'm saying, Mr Mazzilli? I think you do.

**Mr Levac:** On a point of order, Speaker: Given the nature of the fine debate that's taken place so far, I would seek unanimous consent for the passage immediately of Bill 22.

**The Deputy Speaker:** Unanimous consent? I heard a no. The Chair recognizes the member for Niagara Centre.

**Mr Kormos:** One moment, I was interrupted.

We're talking about suspended drivers. Let's understand that police officers are following a vehicle, identify its licence plate, the licence plate is related to an owner, and then they get information that the owner is under suspension and try to pull that person over, as they should do. That's not an unfair scenario, is it, Mr Mazzilli? I think not. It's not an unrealistic one, is it? There is a situation, when that driver takes the police off on a high-speed chase, where forfeiture or confiscation of the vehicle would constitute a real and meaningful deterrent, would create true accountability. I'm not talking about the stolen vehicles. I'm talking perhaps about a much smaller class of vehicles where there is and

ought to be some accountability or responsibility held by the owner.

Would this extend to spouses who lend each other their vehicles? It may well. Would it extend to parents who lend their vehicles to children or vice versa? It may well, because the amendments I proposed provided for relief from confiscation, relief from forfeiture if and when the bona fide legitimate owner of the vehicle could prove exercising, as the drafter of the legislation, legislative counsel, put it, "due diligence" to prevent the high-speed chase from being embarked on—

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Speaker: I seek unanimous consent of this House to cease the debate and pass the legislation dealing with Bill 22.

**The Deputy Speaker:** Agreed? I heard a no. The Chair recognizes the member for Niagara Centre.

**Mr Kormos:** I find it pretty remarkable that the Liberal caucus wanted to exercise their right to participate in this debate yet want to shut down debate when their participation is over. They're starting to sound more and more like the Tories, with the Tory tactics on closure, than they ever have before.

The fact is that people can review the Hansard of this third reading debate and read, if they will, the comments of members of the Liberal caucus and determine for themselves whether or not those comments constituted a delay or whether they constituted any meaningful discussion of this important bill before the Legislature.

**The Deputy Speaker:** It being 6 o'clock, this House stands adjourned until 6:45 this evening.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*

## ERRATUM

No.	Page	Column	Line(s)	Should read:
30A	1524	1	2	Charmaine Lerch, who lives in Rivers, Manitoba, is a

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