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of Ontario

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 25 October 2000**

**Mercredi 25 octobre 2000**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 25 October 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

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*The House met at 1330.*

*Prayers.*

MEMBERS' STATEMENTS

EDUCATION FUNDING

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Recently I had the privilege to visit North Addington Education Centre, nestled in the heart of Addington highlands in the picturesque community of Cloyne, home of Bon Echo Provincial Park. It is a unique school community that houses students from kindergarten to OAC under one roof. The school community has an enrolment of 464 students and, together with a very capable staff, they create a most familial atmosphere.

The school complex also serves as a centre for community activities, where young and old enjoy recreational sports, interest classes, clubs and community special events.

This school is very capably managed by principal Brenda Martin, who is an excellent curriculum leader and community builder. What is also unique about this school community is that it is twinned with another elementary school 45 kilometres north at Denbigh and they share the same principal. I was able to accompany Ms Martin to visit the 46 students who attend Denbigh and speak with members of the school council.

It is important to understand that the new funding formula has required the sharing of a principal, an integral role in every school community. The people of Ontario need to know that by restricting how school boards spend school administrative dollars, it means that smaller rural and remote schools have to share these key people. These schools deserve their own principals who are able to be on site and available for all their students and staff.

CHILD CARE

**Mr Wayne Wettlaufer (Kitchener Centre):** I would like to comment on a recently released report entitled "You Bet I Care." This report puts forward the perspective that many daycare operations in Canada and throughout the province of Ontario are mediocre. It provides as the basis for its conclusions a number of what are questionable statistics.

The conclusions of the report were predetermined by the political biases of at least one of the primary researchers, prior to any research having been undertaken. Members of this House might be interested to learn that the contact person whose name appears on the report's press release is a Ms McCuaig. Ms McCuaig has been a candidate for the Communist Party of Canada in federal elections in the 1970s and 1980s. When the Communist Party reorganized in the early 1990s, media reports identified Ms McCuaig as a central executive committee member of that party. She also signed an open letter in support of self-determination for Quebec earlier this year, using her current designation as a director of the Child Care Education Foundation. This lady appears to be committed to the breakup of Canada and to the Communist Party. She is hardly what could be considered an unbiased researcher. Add to this level of political bias the fact that the report was never open to scrutiny by research journalists trained in statistical analysis review, and the validity of the report becomes dubious at best.

The response to the report from the daycare operators in my riding has been one of disappointment and anger. Lori Darling-Paquette, a teacher at Owl Child Care Services, a Kitchener centre that takes in about 170 children, states, "It's degrading to the people actually putting in the effort ... of providing quality daycare services." Lynda Grammeros also complained. I think their efforts should be commended.

FEDERAL ELECTION

**Mr George Smitherman (Toronto Centre-Rosedale):** I want to acknowledge members from my riding who are visiting the Legislature today, and to use the remaining time I have to talk about the federal election campaign.

Settling into the flow as it is in these early days, I thought it was interesting that last night Brian Mulroney came to Toronto to prop up the fledgling campaign of Joe Clark. Talk about desperation. We've got a man Canadians continue to loathe who is the only one who can come to the rescue of the Clark campaign. But at the end of the day, I'm sympathetic to Joe. He's working hard and trying his best.

I also want to talk about Stockwell Day. Just a few days into the campaign, Stockwell Day's promises are extraordinary. Yesterday in St Catharines, Stockwell Day made a commitment that when he is elected he will reverse the flow of the Niagara River. Lyn McLeod's

riding and that of my other colleague from Thunder Bay will no longer be the Lakehead. Apparently he's got a plan to reverse these flows. It reminds one of the Rhinoceros Party commitment in the 1980s to tear down the Rockies to create jobs.

If that isn't enough, speaking about the brain drain, Stockwell Day went to a high-tech company in Ottawa to talk about this issue and highlight it, only to find that the high-tech operator had recently returned to Canada, a place he finds to be an excellent place for investment. Early in this election campaign, we learn that the net brain gain is in the province of Alberta, gaining as they are from Stockwell Day's absence from that province.

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: I request unanimous consent to wear this cord in respect to the fetal alcohol syndrome conference that's going on in Durham today.

**The Speaker (Hon Gary Carr):** Agreed? Agreed. Members' statements?

#### OPPOSITION PARTY

**Mrs Tina R. Molinari (Thornhill):** This year's Sydney Olympics ended a few weeks ago, but the equally exciting legislative Olympics here in Ontario are just reaching their midpoint. Of course there are the traditional events this government excels at, such as tax cutting—166 times; job creation—over 768,000 new ones; and funding health care—up \$4 billion, with more to come.

But recently some new events were added to recognize the special talents of our Liberal friends across the way. The duathlon, which combines the rhythmic clapping of the Liberal caucus with the artistic bobbing and weaving of its leader before question period, is a gold medal performance. The Liberals have set world records in the various backtracking from various past-policy stances events, such as on welfare reform and local amalgamation. And in an event that is rapidly becoming my favourite spectator sport, the Liberals have won a gold medal in the flip-flop floor routine for an unprecedented fifth year in a row.

Liberals have recently spent a great deal of time and energy encouraging Ontarians to donate their \$200 tax rebate to charity, but what, according to the Liberals, should our worthy charity be? Well, according to the Liberal Party's most recent e-news, the charity Ontarians should donate their rebate to is none other than the Ontario Liberal Party. Well done.

This hypocritical flip-flop is so big that I understand there's a move afoot to pad the clerks' table and the opposition's desks to prevent Liberal members from injuring themselves. The Liberals may not be up to the job when it comes to the traditional events Ontarians care about, but they are champions in their own right when it comes to hypocrisy and self-interest.

#### DEVELOPMENTALLY DISABLED

**Ms Caroline Di Cocco (Sarnia-Lambton):** I am once again bringing to the attention of the Legislature that we have a crisis in Sarnia-Lambton regarding developmentally disabled children and their families.

The Harris government changed the rules so that now there is no extra money to deal with crisis situations at the agencies, such as the Lambton County Association for the Mentally Handicapped, the Sarnia and District Association for Community Living, St Francis Advocates, and Christian Horizons. Program money has been eliminated and the funding is now individualized. The agencies in Sarnia-Lambton requested \$2.7 million, and yet Minister Baird provided only \$106,000.

Over 200 families came together last Thursday to address the fact that the provincial community and social services, because of the policies of the Harris government, is failing to assist them. These families with developmentally disabled children require the services provided by the underfunded and resource-strapped agencies. As these families age, the parents are dying, and there is now no place for their children.

Minister Baird is letting down these people who are the most vulnerable in our society. The plight of these families is heartbreaking. Dalton McGuinty and the Liberal caucus understand the real desperation facing these hard-working families who have given a lifetime of dedication to raising developmentally disabled children.

1340

#### WALKERTON TRAGEDY

**Ms Marilyn Churley (Toronto-Danforth):** Today we are privileged to have in the Legislature with us a group of OAC students from Walkerton. I see that Chris Peabody, their teacher, is with them. There may be another teacher, I'm not sure. If so, I'm sorry, I don't know his or her name, but I'd be happy to get that into Hansard later.

The students met with my leader, Howard Hampton, and my other colleagues in the NDP today to tell us a bit about what life has been like in Walkerton over the last five months. I am sure they are interested in hearing firsthand why this government let them down, their classmates and the citizens of Walkerton; why, after so many months, these students do not have a safe source of drinking water; why this government has refused to have public hearings on Bill 96, the Safe Drinking Water Act; why the Minister of the Environment calls research on providing safe drinking water "more red tape"; why, instead of answers and actions to Ontario's environmental crisis, all we get from this government is more talk.

I'd like to welcome these students to the Legislature, on behalf of all of us. Life has been tough on them and their families since the E coli breakout. But their presence here today reminds us of something else that's very important: there is much more to Walkerton than the tainted water. These students here today remind us of

that, that Walkerton is a thriving community, where people are living their lives very much like the rest of us. I congratulate the students today for coming down to see how the democratic process works in Ontario.

#### ORIN REID

**Mrs Brenda Elliott (Guelph-Wellington):** Today I rise in the House to pay tribute to a great constituent of Guelph-Wellington. Orin Reid was a pillar of our community, both as a homebuilder and in his private life as a philanthropist and a local leader. He suddenly passed away in August of this year.

Orin followed in his father's footsteps and established his business in 1978 and for more than 20 years has left a lasting mark on our city, on Wellington county and on Waterloo region. The Ontario Home Builders' Association named one of his projects, the Village by the Arboretum, the Community of the Year last year.

Orin always played a prominent role in the communities where he built. He was the chair of the Partners for Better Health fundraising campaign for both Guelph hospitals. He was an active member of Friends of Guelph, an organization dedicated to redeveloping parts of our city and bringing businesses to Guelph. Orin and his wife, Jane, often worked as missionaries in places like Haiti, and it was not uncommon for them to go to visit and take plane loads of supplies with them.

An obituary in the Toronto Star called him a "friend to the trees," and I couldn't agree more. Orin planted trees in many of his projects, and in fact more than 5,000 trees annually were planted by his company.

Since Orin has passed away, countless people have told me of his acts of kindness, stories Orin never wanted to be known but that people have appreciated and have quietly told each other around the community.

I know all members of the House will join me in extending their sympathies from the people of Ontario to Orin's wife and to their four children.

Often we commend people in this House. Orin was truly a great man and will be missed in my community.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr David Ramsay (Timiskaming-Cochrane):** The Liberal caucus is sick and tired of the Harris government treating northern Ontario like a third-class colony up north. Their cancer treatment program is absolutely discriminatory toward northerners.

Here I'd like to present another example to the House today. Mr Elliot, a cancer patient in Iroquois Falls, was referred to his oncologist in Sudbury. Upon examining Mr Elliot, the oncologist said that he had to re-refer Mr Elliot to southern Ontario because he could not handle this type of complicated cancer case.

What Mr Elliot got was only \$121 difference to go down to southern Ontario. But if Mr Elliot had lived in Hamilton, where he was referred to, and was re-referred

up to Sudbury, he would get up to \$4,000 of food, accommodation and airfare for himself and a companion.

You tell me that's not discrimination. That's discrimination. We have two classes of citizens in this province, depending upon where you live. We're sick and tired of that, and we're not going to take it any more. This government has to change that policy.

Why do you have one policy for southern Ontarians re-referred to the north and another one for northerners re-referred to the south? That is wrong. You're discriminating based on geography. All Ontario citizens, regardless of where they live, deserve to be treated the same by their province. This government doesn't do that. You treat northerners like second-class citizens. We're not going to take it any more. We're going to demand our rights, and we're going to fight until we get equal treatment.

#### SENTENCING

**Ms Marilyn Mushinski (Scarborough Centre):** Last Thursday, the Leader of the Opposition, Dalton McGuinty, a lawyer by trade, rose in this House to state his belief that drinking and driving is a very serious crime.

He further shared his belief that second-time offenders should be doing time. Mr McGuinty says, "Do the crime, do the time." I couldn't agree more. Mr McGuinty says that judges are sending people to jail to serve intermittent sentences to be served on weekends.

Will the Leader of the Opposition demand that his federal Liberal buddies, now in the midst of a premature election campaign, get tough on crime? Will he demand, as our Attorney General and our Minister of Correctional Services have, that the federal government slam the door on intermittent sentencing?

Is the Leader of the Opposition prepared to force the Liberal government to amend the Young Offenders Act in a meaningful way so that perpetrators of violent crime do the time that they so clearly deserve? Is he prepared to support and assist Toronto police chief Julian Fantino in his search for truth in sentencing?

Quite frankly, I think the Leader of the Opposition is soft on crime, all talk and no action. Quite frankly, I believe Dalton McGuinty is just not up to the job.

#### MOTIONS

##### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Sterling:** I move that, notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business: Mr Gerretsen and Mr Crozier exchange places in order of precedence, Mr Johnson and Mrs Munro exchange places in order of precedence and that, pursuant to standing order 96(g), notice be waived for ballot item number 46, standing in the name of David Ramsay.

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

1350

## ORAL QUESTIONS

### NORTHERN HEALTH TRAVEL GRANT

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Premier. Premier, day after day for months now we've been reading petitions from residents of northern Ontario asking you to end the discrimination against northerners who have to travel to get medically necessary care.

Tens of thousands of northern residents have tried to express their frustration, their anger, their anguish that your government pays 100% of the costs of travel for cancer patients from southern Ontario while most cancer patients from northern Ontario receive a maximum of \$419 from the northern health travel grant.

Today we have 50,000-plus more names on petitions, and these are not just from northerners; these are from people all across Ontario who see how unfair and discriminatory your policy is. Some 92% of people polled across this province believe this kind of discrimination against northern Ontario residents is simply wrong, yet week after week, month after month, you and your Minister of Health have been attempting to justify this unfair treatment. Premier, will you finally stop this discrimination and end health care apartheid in this province?

**Hon Michael D. Harris (Premier):** I really appreciate the question and I appreciate the opportunity to respond because had I been asked the same question, with the same misinformation, in a survey, I would have responded the same as did the 50,000 or 60,000 people who were surveyed.

Your colleague the member from Timiskaming-Cochrane raised a case today where, if the facts as he states them are true, the person from southern Ontario would not be eligible for a penny, let alone 30 cents a mile. If the facts of the case are that it has to do with radiation for the prostate, or breast cancer, then the person from northern Ontario would be eligible for the full \$4,000.

I would be happy to make sure that the totally non-discriminatory services that are available for cancer care patients in the various regions of the province apply to every citizen. If your members would spend more time

doing that instead of spreading information that is simply not true, I think we'd all be better—

**The Speaker (Hon Gary Carr):** Order. I'll ask the Premier to withdraw that. You have to withdraw that.

**Hon Mr Harris:** Sorry. Instead of saying whatever you're telling them that's not the facts.

**The Speaker:** That's not good enough, Premier. You need to withdraw it. You need to say, "I withdraw it."

**Hon Mr Harris:** I withdraw.

**Mrs McLeod:** I assure the Premier that I will be sending a copy of his response to Julie Groombridge, Sheila Chalat, Judy Carrol, Eric Seigwart, Heather Curtola, Butch and Judy Carrol, and Dana Zahn in Thunder Bay. And I'll send it to Pat-Stewart Encil, Trevor Warren, Beryle Reynolds, Paul Difant, Janice Skinner, Sue and Dan Piche, Charles Windover, Tim Rice, Andre Fournier, Lisette Landry, Doug McMorran, Bruce Faddis and Monty Duff.

Premier, I want you to know that those people whose names I've just read all have three things in common: they live in northern Ontario; they have been faced with cancer, either their own cancer or cancer in their children; and they've had to pay out of their own pockets to get the care that they and their loved ones so desperately need.

This is not only discriminatory and unfair; this is illegal. You have set a standard for covering all of the costs of travel for cancer patients from southern Ontario. The Canada Health Act and the Constitution of this country say that this standard must be extended to all equally. I ask you again, will you end this discrimination against northern Ontario residents who have cancer?

**Hon Mr Harris:** If you would like to send me the information, I'd be pleased to take a look at it. If they were referred out of the northwestern Ontario district—we're very proud of the fact that, contrary to many areas of specialty, we now have excess capacity for radiation in Thunder Bay for the northwest and in Sudbury for the northeast. Unlike your government and the NDP, which seemed to say, "How many dollars can we spend to ship people to the centres of excellence in southern Ontario?" we took the approach that service close to home was most appropriate. So we've expanded services in Thunder Bay, we've expanded services in Sudbury and we now have the capacity to deal with northern Ontario patients right in northern Ontario, which is our first priority.

If there are patients that you reference who are being referred to southern Ontario, out of their district where we're trying to provide services, Cancer Care Ontario will pay the full cost.

**Mrs McLeod:** Premier, I hope you've just made a policy announcement, because what you have just said is not the case today. If what you have just said is about to be the case, we will welcome that 100% and so will every one of those people whose names I've just read into this record, because every one of them is a cancer patient who has had to travel to get cancer care and has had to pay for that care out of their own pocket.

You have two very different programs, Premier. Let me be clear. You've got a re-referral program that pays all the costs for cancer patients from southern Ontario who have to travel outside their home area to get care—you're planning, incidentally, to double the spending on that program this year—and you have the northern health travel grant program. You know that well; it pays only \$419 per trip no matter what your costs are. The only northern cancer patients who qualify for your gold-seal standard are those who need brachial therapy. The rest are paying out of their own pockets for care, and the communities raise funds to help those families whose children have cancer so they're not doubly devastated.

Premier, on behalf of all those individuals whose names I've read, all those ones you're going to hear about today, all the ones who didn't want to be mentioned, I ask you, have you just told them that you are going to cover all of their costs for cancer when they travel for cancer care?

**Hon Mr Harris:** The request has been to ensure that the same policy for southern Ontario cancer patients applies to northern Ontario cancer patients. If you live in southern Ontario and you require radiation for either breast cancer or prostate cancer—for those two forms, for which, quite frankly, we are not doing as good a job in southern Ontario of providing services as we are in the north—Cancer Care Ontario is reimbursing, on a temporary basis, every person in southern Ontario who is re-referred out until we can get services here in southern Ontario like we have in the north. Anybody in northern Ontario under the same conditions, that is, who is being re-referred out for radiation treatment for either prostate cancer or breast cancer—and those are the only people in southern Ontario who are eligible—will also be eligible for costs under Cancer Care Ontario.

Now, northerners do have another program available only to northerners. Pity, southerners say, but it does discriminate. Only in the north are you given a travel grant, regardless of whether it's cancer or what form of cancer or whether it's heart, if you have to travel 200 kilometres or more.

**Mr Rick Bartolucci (Sudbury):** My question is also to the Premier.

Janice Skinner from Sudbury, who has a rare form of cancer and has to be treated in Toronto, has made 19 trips, spending \$40,000, much of it borrowed. Paul Difant from Sudbury has to travel to Toronto for his treatment of leukemia. He's made 24 trips in the last year and a half, and it's cost him \$10,000. Sue and Dan Piche from Kapuskasing spent at least \$35,000 for travel, meals and accommodation trying to save their son Ryan, who was suffering from leukemia. Unfortunately and sadly, Ryan died, but the Piches are still paying the thousands of dollars they borrowed.

In stark contrast, southern Ontario cancer patients who have to come north receive full compensation for travel, full reimbursement for meals and full reimbursement for accommodation costs.

Premier, you have repeatedly gone on record as saying northerners like Janice Skinner, Paul Difant, Sue and Dan Piche and many others are receiving preferential treatment. Will you stand in your place today and tell those people how they're receiving preferential treatment?

**Hon Mr Harris:** If somebody in southern Ontario is referred for the same form of cancer to Sudbury or Thunder Bay, they get nothing. In northern Ontario, they get the same program you had, the same program the NDP had and the same program we have, which is the northern health travel grant, because they live in northern Ontario, a program not available to that patient with the same form of cancer who lived in southern Ontario. So there is some discrimination. They get some money, whereas in southern Ontario they get nothing.

Now, is it enough? Well, I would say to you in this case it clearly is not, and we have other forms of trying to help.

It is the same as you provided, it is the same as the NDP provided, and if you're now arguing that it's time to update the program and that this discriminatory program only available to northerners should be updated and reflect some increased costs, that is exactly what we are doing.

I appreciate that question and I appreciate the opportunity to explain that the only discrimination here is in favour of the north.

**Mr Bartolucci:** Premier, between 50,000 and 60,000 people all across Ontario don't agree with you. They believe that it's discriminatory policy. Legal experts are now telling you that you're in violation of three acts.

Premier, listen. Let's try to explain this very simply. Janice Skinner, Sue and Dan Piche and Paul Difant get 30.4 cents a kilometre, one way, for the treatment they have to get in Toronto, and there are many, many more. You know that.

People from southern Ontario get full travel costs, full accommodation and full meal costs if they have to go north for their cancer treatment.

*Interjection.*

**Mr Bartolucci:** Excuse me? That's the truth.

Premier, will you please tell the people of Ontario how there is any logic in your policy, which clearly discriminates against northern cancer patients who have to travel. Where is the logic in your program?

**1400**

**Hon Mr Harris:** The forms of travel for the cancers that you're talking about, in southern Ontario you get nothing and in northern Ontario you get 34 cents. Now, 34 cents may not be enough, and that's fair argument to take a look at. Now that we've balanced the books, now that we have the economy booming, are we able to do more and expand the program? I hope we can. We are taking a look at that and, I might add, as part of that review, we are looking at whether people in southern Ontario who travel similar distances ought to be entitled to a travel grant as well. I'm sure you would want to support that.

The facts of the matter are that when it comes to radiation treatment for breast cancer and for prostate cancer, we clearly are not doing a very good job of providing those services in southern Ontario. But we've done a marvellous job in northwestern Ontario and in northeastern Ontario, and we should be applauding that and trying to take that example now to southern Ontario.

**Mr Bartolucci:** You mentioned earlier that you'd love the opportunity to be able to explain that. Tomorrow night, you're going to be in Sudbury for your annual fundraising dinner. Gerry Lougheed Jr and I will be meeting with Janice Skinner, Paul Defant and several other cancer patients from northern communities at the same hotel as your fundraiser. In fact, it's in Georgian Room B, which is adjacent to your fundraiser.

On behalf of Ontarians seeking equal cancer care, I am inviting you to attend a portion of our meeting, which begins at 5 o'clock, to explain first-hand to those cancer patients how they are receiving preferential treatment. With due respect to your office, do you have enough compassion, enough conviction and enough confidence in your government's cancer policies to attend the meeting? Will you be our guest at this meeting to explain your position to cancer patients?

**Hon Mr Harris:** I appreciate very much the member's invitation to set the record straight and give the straight facts to those cancer patients in northern Ontario. My office, in fact, before your offer, has already offered to meet with some of the cancer care patients. I'm not interested in meeting with you—I'm happy to meet with you here—and Gerry Lougheed. I guess this is the Gerry Lougheed who today said this terrible situation started in March, 1999, before the provincial election. I guess this is the same Gerry Lougheed who wrote me on July 8, 1999, three months later, after the election: "Dear Premier Harris: I thought you'd be interested in Cancer Care Ontario's two-hour documentary *Cancer: The Journey Home*, televised on Sunday, June 27," etc. "I hope you enjoyed it. I hope you were inspired about our cancer issues. Have a great summer. P.S. Your government's doing an excellent job in regional cancer care delivery."

*Interjections.*

**The Speaker:** Stop the clock. Member for Hamilton East, come to order. New question.

**Mr Howard Hampton (Kenora-Rainy River):** Premier, with the presentation of a legal opinion today, the question becomes this: do you intend to force cancer care patients from northern Ontario to go to court to seek justice, or will you finally do the right thing? Will you recognize the injustice, and will you put an end to the cancer care apartheid that your government is responsible for?

The reality is this: every day cancer patients from across northern Ontario have to travel 500, 600, perhaps 1,000 kilometres to access cancer treatment. Meanwhile, patients from southern Ontario who need to access cancer treatment are being subsidized, compensated fully by your government. The same patients in northern Ontario don't receive that compensation. Are you going to

equalize the situation, Premier? Are you going to do the right thing or are you going to force people to go to court to get the justice they deserve?

**Hon Mr Harris:** There may be a lawyer's opinion you can get that says there is discrimination. Most likely it will be that southern Ontario people travelling the same distance get nothing and northern Ontario people get 34 cents a kilometre.

With regard to that program, we've indicated this is the program we inherited from you. You inherited it from the Liberals. It was discriminatory when it was brought in, because we didn't have the same services in northern Ontario. This was a way of compensating. We are re-viewing that program. We are looking at the relevance of it. We are looking at: should it be extended to people at an equal distance from services in southern Ontario to change that discrimination and make it equal across the province? We are looking at the amount of compensation that could be paid. We think we are actually in a much stronger position to pay more than you were.

With regard to cancer care treatment, the two specific types of radiation treatment, for prostate and for breast cancer, about which Cancer Care Ontario has admitted, "We have some problems. We cannot provide the services in southern Ontario in a timely fashion, unlike in northern Ontario which is well-served"—

**The Speaker:** Order. I'm afraid the Premier's time is up.

**Mr Hampton:** You can try to fudge the issue all you want. You can try to muddy the waters all you want. The fact of the matter is you've got a patient like Donna Graham in Pickle Lake who has to travel six hours one way by car, often over an icy highway, to access cancer treatment. After she receives that cancer treatment, she then has to return back. She can't afford to fly. She can't afford to take any other means of travel. She has to drive because your government will not compensate her for the cost she has to incur to reach the cancer treatment.

Meanwhile, patients from southern Ontario who have to travel to access cancer treatment are being compensated fully by your government. That's the issue. Don't try to fudge it by comparing or contrasting it to something else. All Donna Graham wants, all she's asking for, is that you compensate her fully for her travel costs so that she won't have to take \$4,000 out of her own pocket just to pay to access the cancer treatment.

This is not a great deal of money we're talking about. You could find justice here without disrupting any of your tax giveaways, any of your advertising campaigns. Why won't you compensate these patients who have to undergo incredible hardship just to access cancer treatment? That's all they're asking for.

**Hon Mr Harris:** In the case of Donna Graham, we are giving her exactly what you gave her to travel to the same hospital for this treatment. We are looking at whether we can do more than your government did. We think we are in a much stronger economic position, thanks to the change from your disastrous policies that bankrupted the province, to actually do so. That's why



that program is under review. Our goal for southern Ontario is to get the equipment and the technicians so that nobody from southern Ontario has to travel out of their district and they won't get anything.

**Mr Hampton:** Premier, this is not about a recession. This is not about the fact that we're living in a North American economic boom now. This is about cancer patients. This is about people like Gladys Whelan, a pensioner who has to travel almost 400 kilometres by car to get to Thunder Bay and then back and who has to use part of her pension cheque. She has missed appointments with her cancer physician because she couldn't afford the travel costs. When she gets to Thunder Bay she encounters patients from southern Ontario who boast, "The government pays my full way here. They pay full air fare. They pay for my hotel. They pay for my taxis."

Fighting cancer is tough enough. It's even tougher when you know you're going to miss some of your appointments because you don't have the money to pay the travel costs. Then you get there and you find that the government of Ontario is paying the full shot, everything, for the person who is in the room beside you. Doesn't that bother you, Premier? Do something about it. Don't force these people to go through three- and four-year court battles to get the justice they deserve.

1410

**Hon Mr Harris:** They pay not a cent more or a cent less than when you were in government for treatment in northern Ontario. Quite frankly, we are reviewing the health travel grant that is there to see if we can pay more than you could. We've clearly acknowledged that we are reviewing this. This is a substantial budget item and it is something that we are looking at.

No program will ever cover 100% of the costs of being sick. We understand that. That's why the Cancer Society assists; that's why volunteers assist; that's why the communities assist in some of the exceptional circumstances. But our goal is to try to ensure that the people of southern Ontario get the same access to radiation in a timely fashion so that they do not have to travel to the centres that are there for those in northern Ontario. We are able to accomplish that goal—

**The Speaker:** Order. I'm afraid the Premier's time is up. New question.

**Ms Shelley Martel (Nickel Belt):** I have a question to the Premier regarding his ongoing discrimination of northern cancer patients. Premier, you were asked this morning if you would meet with cancer patients in Sudbury tomorrow night, and you said, "I don't know if they have requested a meeting. I'd be happy to explain it to them if the opportunity arises." The "it" refers to your latest spin that it's southern and not northern cancer patients who are facing discrimination.

The northern cancer patients who want to meet with you tomorrow night live that discrimination every day. They know that the Toronto or London or Hamilton cancer patient in the treatment bed right next to them in Sudbury or Thunder Bay has just had 100% of their travel, accommodation and food costs fully paid for by

your government, while they themselves can only claim a mere portion of the mileage if they live 100 kilometres, one way, away from the treatment centre. They know that they are paying hundreds and thousands of dollars out of their own pockets when they have to come to Toronto or Ottawa.

The question for you, Premier, is this: instead of lecturing cancer patients tomorrow night, why don't you end the discrimination and come and tell them you'll pay 100% of their travel costs too?

**Hon Mr Harris:** I appreciate the question. I don't know whether it's now your meeting or whether it's the Liberals' meeting. I can tell you that before either one of you invited me, I have offered—

*Interjections.*

**Hon Mr Harris:** You're right. As the Liberals yell and scream, you're right. It is the cancer patients' meeting, and I have offered to meet with them; not with you, not with the politicians, not with Gerry Lougheed, but with the cancer care patients, so I hope we can set up that meeting.

**Ms Frances Lankin (Beaches-East York):** Will you be there tomorrow night?

**Hon Mr Harris:** Well, since you're not involved, it doesn't matter to you when it is. We are making those arrangements.

But let me say this. This is the same member who in June 1990 said this: "The travel grant in this province," speaking about the Liberals, "is woefully and totally inadequate. This Minister of Health"—Liberal—"and this government have done absolutely nothing to change that in spite of the cases we raised in this House. None of the total cost for accommodation, for airfare, for wages lost when people have to take time to go with relatives in search of medical treatment is covered." That's what you said when they were in office. You did absolutely nothing for the five years you were in office. We have said, yes, we will take a look and see if we can pay more.

**Ms Martel:** The question was, Premier, will you end your discrimination against northern cancer patients and announce tomorrow night that you will fully fund northern cancer patients too? This situation has gone on for far too long. In early May, even your finance minister, who is sitting beside you, said that there was something very unfair about this situation. In the same week, your Minister of Health said that a review of this inequity would be done. Here we are over four months later. I have no doubt the review has been done and I have no doubt it hasn't been released because it clearly shows that your government is discriminating against northern cancer patients.

Your government announced several weeks ago that it was prepared to send more southern Ontario cancer patients for treatment in northern Ontario and the United States and fully pay their costs. If you've got money to send more southern Ontario patients away for treatment, then you have money to fully pay the costs for northern cancer patients too.

Premier, when will you end your discrimination? When will you pay 100% of the costs for northern patients too?

**Hon Mr Harris:** I intend when I meet with cancer patients in northern Ontario to explain to them the program so they have the actual facts. I intend to explain to them that in 1990 your leader, Howard Hampton, said this: "Over the past eight months southern Ontario patients who have been referred to Thunder Bay for specialist treatment have received full funding of their airfare, hotel accommodation and meals from the Ministry of Health."

I intend to point out that the Liberals did that, I intend to point out that your leader pointed that out, I intend to point out that the five years you were in office you did nothing to correct that, and I intend to point out that, yes, we have rapidly expanded cancer care treatment in northern Ontario, to the extent that the services there are now better than in southern Ontario. I intend to also point out that I hope we are able, finally, to get radiation treatment available in southern Ontario in a timely fashion as well.

But I certainly intend to point out to them that this problem was there under the Liberals and you did nothing for five years to correct—

**The Speaker:** The Premier's time is up. New question.

**Mr Michael Gravelle (Thunder Bay-Superior North):** My question is to the Premier as well. I want to tell you a heartbreaking story, one that I hope will touch you and one that was clearly made worse by your discriminatory health travel policy.

A five-year-old Thunder Bay boy was diagnosed with acute lymphoblastic leukemia in 1999. Because our regional cancer centre has no pediatric oncologist, there was no other option but to immediately send him to Sick Children's Hospital in Toronto.

Over the next 14 months he and his family travelled between Thunder Bay and Toronto on numerous occasions, with extensive periods of time spent in Toronto. The emotional and physical strain on the family was obviously enormous, and was compounded by the overwhelming financial burdens placed on the family. Despite help from the Canadian Cancer Society, all the family's life savings were spent and their house had to be remortgaged. All in all they spent over \$18,000 of their own money.

This past June, this brave little boy died.

Premier, my question to you is simply this: how can you justify denying this family full financial support as they fought to save their little boy's life?

**Hon Mr Harris:** Let me say that when we get circumstances like this—and with all the best intentions and all the government policies and travel grants and health care in the world, we still have examples like this—this is tragic, and surely this cries out for leadership within the community. If you're doing something to personally help, I'd be glad to assist you.

**Mr Gravelle:** I truly believe that no health care story better illustrates the cruelty of this government's travel

grant policies than the one I have just told. It's simply unconscionable that northern patients are being treated as second-class citizens of this province, which is what happened in this case. Let's be honest: this differentiation between referral and re-referral is absolute balderdash in this particular case.

I sent the Minister of Health this letter last weekend from the mother of this little boy. She and her family deserve to be treated better by this government, as do the many other northern patients who have been discriminated against.

Premier, will you write this family back? Will you tell them that you will meet with them and talk to them about this, and will you also tell them you will stop this discrimination against northern patients?

**Hon Mr Harris:** No patient anywhere in the province is given anything other than 34 cents, unless they live in northern Ontario, for travel for that form of cancer. So there obviously is not any discrimination. Is 34 cents enough in this case? I think in the case of this family you would argue it is not. Is there to be a government program that covers 100% of all costs, including wage loss? I don't know. Your party didn't propose it. Are you advocating that now? The NDP had an opportunity to criticize you when you did exactly the same thing. If southern Ontario patients were re-referred, you paid 100% of the costs to go to Thunder Bay. That was the gist of Howie Hampton's question to you in 1990.

But I tell you, there are individual cases that no government program is going to be able to address. If you would like to assist me, or for me to assist you, in how we can get together as a community, as humanitarians, to assist in this case—

*Interjection.*

**Hon Mr Harris:** If the member from Thunder Bay, your co-member, doesn't want to hear this, I'm sorry. If she doesn't treat the issue seriously, you and I will go ahead—

*Interjections.*

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

1420

## POST-SECONDARY EDUCATION

**Mr John O'Toole (Durham):** My question today is for the Minister of Training, Colleges and Universities. My question concerns your announcement last week of the Post-secondary Education Choice and Excellence Act.

In addition to other improvements, the legislation would provide for the creation of private universities in Ontario. While I agree with giving students more choice, post-secondary education is, as you know, important. It is essential that we maintain high standards, like those at Durham College and University Centre in my riding. People like president Gary Polonsky, board of governors chair Terry Hing, and student president Will Ellis are leaders in post-secondary education in Ontario. Just recently, in fact, Durham College raised \$15.7 million in

a capital fundraising campaign. It also is the only college in Canada to offer ISO standards.

The reputation for excellence that is enjoyed throughout the province in public institutions like Durham should be preserved and expanded. Minister, what steps does this legislation take to ensure that new private institutions will offer high-quality programs to Ontario's students?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities):** In response to my colleague from Durham, who is always a great spokesperson for his college as well as all of his constituents, I want to assure everyone in this Legislative Assembly that quality is the trademark for post-secondary education in this great province and in this country.

In order to establish and maintain and increase our reputation with regard to quality, we will establish a quality assessment board for post-secondary education. This body will assess all new applications to create private degree-granting programs in the province, as well as applied degree programs. They will look for the demonstration of both the quality of the program and the ability of the institution to provide degree-level education and to assure our students that they will be protected in the event of closure.

**Mr O'Toole:** Thank you, Minister, for that very detailed and, I might say, thoughtful response for me personally. I know of your commitment to post-secondary education. Some of our critics, however, are trying to frighten Ontarians by telling them that, under the North American free trade rules, allowing private universities will force us to surrender control of our provincial educational policy. Some critics have even argued that under NAFTA the province would be required to extend the same benefits and funding to private universities as we would to public universities.

Minister, this sounds like another example of empty Liberal or NDP posturing to me. Can you respond to these claims and assure Ontarians that NAFTA or other trade agreements do not threaten our quality post-secondary education system?

**Hon Mrs Cunningham:** It's absolutely important for the members of this Legislative Assembly, when they get these kinds of questions, to understand that both our Minister of Economic Development and Trade and the federal Minister for International Trade have assured all provinces across this country that our post-secondary education programs, our social programs and our medicare systems will not be up for negotiation during the next round of World Trade Organization negotiations. We have all been reassured, especially by our federal Liberal colleagues, so please do not let your party down in this regard.

I will say that we in Ontario retain the authority to set educational policies for our citizens. No one should be discouraged or confused about Ontarians having control of our post-secondary education.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have a question for the Premier. It's about access to quality health care here in the province of Ontario. It's about distance and geography being a barrier to access to quality health care in Ontario. I represent a constituency of the rural north, of the small towns of northern Ontario: Hornepayne, Wawa, Dubreuilville, Meldrum Bay, Iron Bridge. These people deserve to have quality health care.

When access in southern Ontario was not available for certain types of cancers, your government decided that they would pay the full expenses for those people to go north. In northern Ontario, where certain kinds of cancer cannot be treated, those people do not receive the same consideration. Why is that?

**Hon Michael D. Harris (Premier):** Certainly any patients in northern Ontario who require radiation for prostate cancer or for breast cancer, if they cannot get it in northern Ontario, in the northwest or the northeast, we do carry on the Liberal program to pay their costs to the other jurisdictions.

I guess I could ask you why, for the last eight months of your office in 1990, southern Ontario patients who were referred to Thunder Bay for specialist treatment received full funding of their airfare, hotel accommodation and meals from the Ministry of Health. The NDP thought that was shocking, but when they were in office they did the same program. We're not happy either that people from southern Ontario have to be referred out of their district, but as an interim measure we are doing the same thing as they did and you did. Surely, the first choice is to make sure that those patients in southern Ontario get the treatment close—

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

**Mr Brown:** That's exactly the point. In northern Ontario we deserve to have quality health care delivered as close to us as we possibly can. We know that in Sault Ste Marie 50% of the specialists you say should be there, aren't there. We know that in Sudbury one third of the specialists you say should be there, aren't there. Our people are denied that service.

In some ways we understand that there needs to be a critical mass, there needs to be room somewhere in the province. But we need access to that. If you can't improve the service in our communities, then the least you can do is take away the geographical barrier that is there. Why, again, can we not have the same treatment as southern Ontario patients who need to travel long distances to access care? Why can't we have the same program? Why is it different?

**Hon Mr Harris:** You have exactly the same program and all northern Ontarians have exactly the same program as those in southern Ontario have when they're referred out.

But I appreciate, really for the first time, your acknowledgement that the goal is to provide the services as close as you can. I think you would acknowledge that,

in the cases you're raising, of radiation therapy, we're doing a better job in northeastern and northwestern Ontario than we are in southern Ontario. Why is that? If you look at other areas, if you want to talk about services closer to home, no government has done more to provide these services. I can give you a list: \$310 million toward health services structuring in northern Ontario, 138 specialists recruited in northern Ontario; general practitioners, family physicians recruited in northern Ontario; \$14 million on emergency room alternative payment plans; responding to McKenry's report.

That's been our goal: get these services into both northeastern and northwestern Ontario. I hope we can—

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

#### COMMUNITY SAFETY

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Attorney General. Minister, as a result of the federal election, which some regard as far too early and completely premature, federal legislation relating to justice has died on the order paper. Constituents in my riding of Scarborough Centre consider that community safety is a top priority and I'm wondering if you could tell the people of Ontario how the calling of an early federal election will affect them.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** I thank the member for Scarborough Centre for her question. The federal government has shown a remarkable lack of vision and an inability to act on justice issues. They ignored us on the Young Offenders Act and produced an ineffective act. They promised serious penalties for those who stalk victims or invade their homes, and failed to deliver. They did not care enough about women's justice issues and let their inadequate legislation die.

We have also asked the federal government to intervene and bring justice to the native peoples of Ontario who suffered in residential schools. They've failed to tackle this issue in an acceptable manner, preferring to litigate, to threaten bankruptcy to the churches and to confer no benefit on the persons who attended the residential schools. They failed to pass legislation allowing judges to impose consecutive sentences of up to 50 years without parole for multiple murder or sexual assault.

We have offered solutions. They have failed to deliver.

1430

**Ms Mushinski:** Clearly, the recent actions of the federal Liberals are quite shameful. Obviously, like their provincial cousins, they've failed to get the job done. I'm curious to see if the federal Liberals will meet the same fate their Ontario cousins did in 1990.

The Attorney General, in his closing remarks, mentioned he has offered his help to the federal government on many occasions. Would the minister please expand on his earlier points.

**Hon Mr Flaherty:** We have offered our help and insight on many occasions to the federal government. We

have listened to the people of Ontario. We have acted on their issues. We've called on Ottawa to get tough on youth crime. We've said they should lower the age at which a person can be charged with a criminal offence to age 12, toughen sentences and send a message to young people and make it easier for crown attorneys to transfer young offenders to adult court. Clearly, they don't care. They've failed to act. We passed the Parental Responsibility Act, which holds parents accountable for the actions of their children.

As I said, the federal government has failed to protect women from stalkers and people who invade their homes. We called on Ottawa to create new criminal offences for home invasions. We have called for tougher sentences and for mandatory sentencing guidelines. Where they have failed, we have acted.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Tony Martin (Sault Ste Marie):** My question is for the Premier. Last week, you came to Sault Ste Marie and told my constituents they should just stop whining, that if there was any discrimination going on where cancer care is concerned, it was to the constituents of southern Ontario. Was that just plain ignorance, or is it just more of your arrogance?

**Hon Michael D. Harris (Premier):** I appreciate the calm, cool language and demeanour of the member—typical of his party, I might add.

Let me say that you seem to be concerned about a situation that your leader and your critic raised with the Liberal Party when they were in office. For five years, when you had the opportunity to do something, you not only didn't do anything, but you tightened up the criteria and made it more difficult—in fact, refused to pay for some people travelling from northern Ontario to southern Ontario. Even the health travel grant, as I recall, you were tightening up. That was the NDP response: no increase in mileage, no concern at that time for the issue that you're raising now.

We are concerned. We are very concerned that people in southern Ontario are not getting radiation treatment for breast cancer or for prostate cancer in a timely enough fashion—

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

**Mr Gilles Bisson (Timmins-James Bay):** What takes the cake is that we've got a northerner standing here in the Legislature telling us we're a bunch of whiners in northern Ontario and that we should feel sorry because people in southern Ontario don't have health care services. What hogwash.

Premier, if you're sick in Toronto and you need cancer treatment, it's only a matter of jumping on the subway and going down the street, but if you're living in Wawa, Moosonee or Dryden, there's no subway and, in many cases, no airplane. The only way you can get in is to get in your car and drive.

What's so disappointing for us is that the Premier, who comes from northern Ontario and should have some sympathy for northern issues, completely refuses to do anything and in fact is the one who has created this discriminatory policy. Premier, on behalf of all northerners, I ask you this: When will you remember where you come from and for once act in the best interests of northern Ontario and fix this problem?

**Hon Mr Harris:** You're right. The northern health travel grant is discriminatory for northerners, not southerners, because it is greater distances and we do have to travel greater distances. We understand that when we choose to live and have our principal residences in the north, as I do, as you do and as many do. We understand that when we live in remote northern communities there will not be a world-class cancer care hospital right there in the middle of Wawa or of Pickle Lake and we'll have to travel for some of those services. That's why, I think, the Liberals brought in the program. I assume that's why, although you tightened it up and made it more restrictive, you carried on the program, and you did not bring in any increases. That's why we are reviewing the program now, to see if the time has come to enhance the program. We're quite happy to receive advice and input—

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

#### IPPERWASH PROVINCIAL PARK

**Mr Gerry Phillips (Scarborough-Agincourt):** Very recently we got, under freedom of information, our first glance at how much taxpayer money you are spending to defend yourself in the civil case brought by the George family in the death of Dudley George at Ipperwash. Just to mid-January—and this is the first few weeks you used this outside lawyer—we're told you spent \$130,000. We estimate that has now gone to perhaps \$500,000; we'll find out later.

This expenditure is unnecessary. The George family has said to you that the civil action is not necessary if you would commit to holding a proper public inquiry. This is very straightforward: you commit to holding a public inquiry—no one's right to a fair trial would be jeopardized, because that inquiry need not start until that happens—and you would save taxpayers hundreds of thousands of dollars.

Will you make that commitment today, Premier? Commit to a public inquiry to begin as soon as possible, when no one's right to a fair trial is jeopardized, and save the taxpayers hundreds of thousands of dollars, and we would finally see some justice in this province.

**Hon Michael D. Harris (Premier):** I think the very matter for which you are asking for the inquiry would probably cost several million dollars, and those very questions are indeed the same questions that are being dealt with in the lawsuit.

You're quite right: there are lawyers' expenses which are being paid. I can tell you that doing this is not cheap and that the majority of the costs are being paid by the

government's insurer. Unfortunately, that is the cost of being in public office today.

**Mr Phillips:** What you just said was that you are treating the civil case essentially as the public inquiry; it will handle the same issues. The difference is that the George family does not have access to your millions of dollars to defend themselves. They don't have millions of dollars to get at the truth.

What should happen is that you should commit to a public inquiry so we get the truth, so we don't get you, with your millions of dollars of high-priced Bay Street lawyers, taking on the Dudley George family with their relatively modest means.

Again I say to you, Premier, do the decent thing today. Say, "I am committing to a public inquiry. The inquiry will begin as soon as no one's right to a fair trial is jeopardized, and finally we will see some justice." Will you do that today, rather than trying to bankrupt the George family?

**Hon Mr Harris:** I am not taking the George family to court, and I don't choose to be in court. They are taking me to court, and a number of other defendants and the government. I don't think there is any need for that. I have already committed, of course, that when the trials are over I would ensure the information would be made available, one way or another, if it comes through the trials or whatever is there. I think that's the appropriate time. In the meantime, I and other defendants are defending ourselves. As I have indicated, most of our costs—I can't give you the exact amount—are being picked up by the government's insurer. Some of those costs are being recovered, because a lot of the allegations are frivolous and we're winning all those in court, and costs are being assigned to that party.

1440

#### WALKERTON TRAGEDY

**Mr R. Gary Stewart (Peterborough):** My question is to the Minister of the Environment. Today in the gallery, as has been mentioned, we have a group of young citizens from the Walkerton area who I believe have been most inconvenienced because of difficult circumstances there over the last couple of months. Many of us who live in rural Ontario have experienced not having water from time to time because of pump failures on the farm or power failures or whatever it might be. We definitely know what it is not to have the convenience of being able to turn on a tap or get on the handle of a pump and get water. Could you tell me what you are doing to get the water back on in Walkerton?

**Hon Dan Newman (Minister of the Environment):** I also want to welcome students from Walkerton here to the Legislative Assembly of Ontario, and to share with them and all Ontarians what we've done in Walkerton.

To date, we have replaced 4.6 kilometres of water mains in Walkerton. The pipe replacement is complete and work on the service connections is continuing. We've issued orders to stop using well number 5, as well

as ordering a hydrogeological study in areas surrounding the other wells. The Ontario Clean Water Agency is installing the interim filtration system, which will be put in place by October 30. Every house and every building in Walkerton has been sampled as part of our confirmation program to ensure the efficacy of the house-to-house decontamination. We continue to provide an alternative supply of water for local and long-term care facilities, the hospital and the jails, with water trucked in daily from nearby Hanover.

**Mr Stewart:** Certainly, I believe the province has been extremely responsible and receptive to this problem that was created. I think that all Ontarians have to take some responsibility ourselves to make sure that on our own property, whether it be in the rural or small urban, that we do the water testing for our own wells.

I think most important of what these young people are interested in is the very basic question: when will the water be turned on?

**Hon Mr Newman:** I want to say to the member from Peterborough that we've been working hard in the Ministry of the Environment on this very important issue. Once the work in Walkerton is done, we'll provide our final report to the local medical officer of health. It is up to the local medical officer of health to determine when the boil-water advisory is lifted. After all, he was the individual who put the boil-water advisory in place.

We all recognize that the people of Walkerton have been through a lot and are tired of the disruption in their lives. We have to make sure that the water in Walkerton is clean, safe and secure from source to tap.

I want to share with everyone just what the mayor of Walkerton has said about this government. This is what he said on August 17 this year: "From day one, Premier (Mike) Harris, the Minister of Environment Dan Newman, the Attorney General (James Flaherty) and the Ontario support team have done whatever it takes to restore clean"—

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

#### TENANT PROTECTION

**Mr David Caplan (Don Valley East):** My question is for the Minister of Municipal Affairs and Housing. Dalton McGuinty and Ontario Liberals have real concerns about your proposed amendments to the Tenant Protection Act contained in Bill 119. It's clear to me that you had one thing in mind when you proposed these amendments and that's to further restrict access to justice for Ontario's tenants. It's easy to see why and how you're doing this. You're making it easier and easier for landlords to get evictions without having hearings.

Let me give you an example of how this works. You're changing the law to allow tribunal staff, not adjudicators, to sign default orders. This is like saying that a court clerk can issue a verdict without a judge ever having to hear the issue. Default orders in 1998 were

56% of the cases. In 1999 it was 61%. This year it's 64%. It's only going to get worse when Bill 119 goes through.

Why don't you just come clean? Stand in your place in this House today and tell us why you've decided to pick efficiency over justice for Ontario's tenants. Tell us why, when people's homes are on the line, you've decided to opt for speedier paper-pushing over protecting people's rights to stay in their homes and have a fair hearing.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** I'd be pleased to answer the honourable member's question. The fact of the matter is that nothing has changed. This piece of legislation is bringing the Tenant Protection Act into complete concordance with the former Landlord and Tenant Act that his government promulgated and introduced in this House. Under the Landlord and Tenant Act, the officials were allowed to designate staff—staff like the registrar, who is a civil servant, not an adjudicator—and to issue default orders. This merely brings it into line with the Liberal position when they were the government. So are they flip-flopping now or did they flip-flop then?

**Mr Caplan:** The minister really should read his own legislation. I have a copy of KPMG's operational review of the Ontario Rental Housing Tribunal. They made several suggestions and I want to remind you about them.

On page 25 they said, "As applications move through the process, more time and expense is invested in the resolution. Hence the most costly applications are those that proceed all they way to the hearing stage of the process."

They go on to say on page 30, "The default process is one of the main mechanisms the tribunal has to resolve disputes quickly." It goes on to say, "The tribunal is currently not using this mechanism to its fullest advantage."

In other words, the Harris government can save time and money by denying tenants the right to access justice and have their cases heard by a tribunal. It's clear when you read this report and when you see Bill 119 that you have taken the suggestions to heart. It's clear that instead of making changes that would ensure that tenants have a chance to exercise their rights, you have done the opposite. You have guaranteed that thousands more Ontario tenants will lose their right to a hearing, to stay in their homes, because of efficiency and to save money. Why don't you stand up for them today?

**Hon Mr Clement:** Nothing could be further from the truth. Indeed in 1998, under their legislation, actual requests to evict a tenant were 4,077. Under our legislation, actual requests to evict a tenant went down to 4,054.

The honourable member likes to read the report. Let me read another section of the report for the honourable member: "A significant finding of the operational review is that the landlord and tenant groups are generally satisfied with the existing service delivery. Clients prefer the tribunal process because it is less formal, provides greater access and is more user-friendly."

I want to ask the honourable member something. We're for the tenants who pay their rents on this side of the House. We're for the tenants who are law-abiding

and deserve quiet enjoyment on this side of the House. What side is that party and that member on? That's what I'd like to know.

McMICHAEL CANADIAN  
ART COLLECTION

**Mr Ted Arnott (Waterloo-Wellington):** My question is for my honourable friend the Minister of Citizenship, Culture and Recreation and it concerns her Bill 112, An Act to amend the McMichael Canadian Art Collection Act, which I understand has passed second reading in this House and is currently before a standing committee.

It's my understanding that this bill restores the spirit and understanding of the government's original 1965 agreement with the McMichaels, who generously donated their Group of Seven collection to the people of this province. The government is keeping its word.

There are some reports, however, that leave the impression that the province might be swamping the Canadian art market by disposing of the modern art that is currently held at the McMichael Canadian Art Collection. Surely the minister is not planning a fire sale of this type. Would she please clarify this point for the House?

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank the member from Waterloo-Wellington for the question, and I appreciate the interest he has taken in the McMichael art gallery along the line.

Let me say that we entered into this bill, Bill 112, as a result of this government believing that if you make a commitment, if you make a promise, you have to keep that promise. So the legislation restores the gallery back to its original mandate of collecting and displaying the Group of Seven and contemporary artists who have made a contribution to the development of Canadian art in the province.

That certainly is something that's been raised and nothing could be further from the truth when we talk about the fire sales that may happen at the McMichael. That is just not the truth. The art acquisition committee looks to see what art the gallery should be collecting and the board decides how it will be acquired and how it will be sold within the gallery. The board has the say with respect to that. The board is headed by David—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the minister's time is up. Supplementary.

**Mr Arnott:** From the minister's answer, it certainly sounds clear that although the gallery's collection is currently before the board, it will be looked after professionally. However, there seems to be some feeling in the cultural community that one of the effects of this bill is to exclude gallery professionals and other staff at the McMichael from providing input into the gallery's decisions. Can the minister speak to this issue?

**Hon Mrs Johns:** As a result of the committee hearings in the last week or two, we have heard that a number of people are concerned about this very issue, that

volunteers and the people who work at the gallery may not be asked for their opinion with respect to this. From that standpoint, today we intend to put forward an amendment that says that the volunteers, the trustees, the employees, will be able to be asked by the board to contribute to any committee. They'll be asked to give their valued opinion. We think that will clarify anything that's been raised in the committee.

1450

We all agree, of course, on all sides of the House that it's important to have the involvement of staff and volunteers in decisions. We will clarify that today by putting forward an amendment that ensures that if the board thinks they need additional help, they can ask those members to help them with that—not a voting share, but certainly they'll be able to give input.

We appreciate the involvement of everyone who came forward to the committee. We appreciate the work that's been done on that. If all the amendments are accepted and the bill is passed, we think we'll have a good bill to move forward to make sure that we keep the promises we've made and that we also make sure it has financial stability for years to come.

**The Deputy Speaker (Mr Bert Johnson):** The time for question period has ended.

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Mr Speaker: I want to advise the Minister of Health that one of the patients whose case I raised in this legislature over a month ago, Donna Graham, has now passed away. That's the real tragedy of this and—

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

## PETITIONS

### NORTHERN HEALTH TRAVEL GRANT

**Mr Rick Bartolucci (Sudbury):** This is a petition to the Ontario Legislature. It was collected by Hazel Rouleau, who is adamant about—

**The Deputy Speaker (Mr Bert Johnson):** Order. There's an opportunity, if you want to talk to somebody except me, to do it outside voluntarily for the next minute. If it's not voluntary, then I'll help you. I will have order in here for the member who has the recognition from you to speak.

**Mr Bartolucci:** Again, this is a petition to the Ontario Legislature, and these names were gathered by Hazel Rouleau, who is passionate about this issue. It concerns northerners demanding the Harris government eliminate health care apartheid.

“Whereas the northern health travel grant offers the reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC, (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

Of course, I affix my signature to this petition.

**Mr Tony Martin (Sault Ste Marie):** “Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

I sign my signature to this, and I’m going to give it to the page from Sault Ste Marie, Cameron Dutchak, who’s going to deliver it to the table.

#### EDUCATION REFORM

**Mr R. Gary Stewart (Peterborough):** I have a petition that was given to me by the Thomas A. Stewart Secondary School parent’s council and the community. I will just summarize it.

“Whereas numerous bills, introduced over the last few years, intended to reform and to substantially improve the quality of education, for the future of Ontario, have been significantly deficient in doing so; and

“Recognizing that, especially during a time of change, support services such as operational computers, accessible research centres (libraries) and adequate personnel support must be provided.”

There are a number of changes they’d like to see to Bill 74, which is actually the law of this land.

#### NORTHERN HEALTH TRAVEL GRANT

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I have a petition.

“To the Legislative Assembly of Ontario:

“Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

“Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities.”

This has been signed by another 126 concerned constituents who believe it is time to end the discrimination against northern residents.

#### FRAIS DE TRANSPORT AUX FINS MÉDICALES

**M. Gilles Bisson (Timmins-Baie James) :** J’ai ici une pétition signée par beaucoup de personnes de la région du nord de l’Ontario qui dit :

« Les gens du nord exigent que le gouvernement Harris mette fin » à la matière des soins de santé faisant affaire avec the northern travel grant.



« Attendu que, d'une part, le programme de subventions accordées aux résidents du nord de l'Ontario pour frais de transport à des fins médicales offre un remboursement partiel au taux de 30,4 cents par kilomètre » à sens unique seulement, « à l'intention des personnes atteintes de cancer, et que, d'autre part, la politique de déplacement pour les gens du sud de l'Ontario rembourse en entier les coûts de transport, de repas, et d'hébergement ;

« Attendu qu'une tumeur cancéreuse ne connaît aucune politique de transport pour les soins de santé ni de région géographique ;

« Attendu qu'un sondage de recherche Oracle publié récemment confirme que 92 % des Ontariens appuient un financement égal de transport à des fins médicales ;

« Attendu que les résidents du nord de l'Ontario paient le même montant d'impôts et ont droit au même accès aux soins de santé, ainsi qu'à tous les services du gouvernement et à tous les droits de personne inhérents que les autres résidents de la province ;

« En conséquence, il est résolu que les soussignés exigent que le gouvernement Mike Harris propose immédiatement de financer en entier les frais de transport à l'intention des résidents du nord de l'Ontario atteints de cancer » et mette fin à ce système qui existe présentement dans la province de l'Ontario en matière des soins de santé.

Je signe cette pétition avec fierté.

**The Deputy Speaker (Mr Bert Johnson):** Merci. Je ne parle pas de français.

1500

#### NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr John Gerretsen (Kingston and the Islands):** I have a petition here presented to me by the Action on Women's Addictions Research and Education Foundation of Kingston. It's a very short but powerful petition. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the government of Ontario claws back the national child benefit supplement from families on social assistance,

“We, the undersigned, petition the Legislative Assembly of Ontario to stop its discriminatory practice and return the national child benefit supplement directly to its rightful recipient—the family on social assistance.”

I agree with it. I've signed it and I'm handing this petition over to the excellent page from Kingston and the Islands, Jill Quirt.

#### NORTHERN HEALTH TRAVEL GRANT

**Ms Shelley Martel (Nickel Belt):** I have a petition regarding this government's ongoing discrimination of northern cancer patients. It reads as follows:

“Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to

travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

This is signed by a number of people from my riding. I've affixed my signature to it. I'd like to thank Gerry Lougheed Jr for all of his efforts on this matter.

#### PENETANGUISHENE MENTAL HEALTH CENTRE

**Mr Garfield Dunlop (Simcoe North):** I have a petition to the Parliament of Ontario.

“We, the undersigned inmate/patients detained in the maximum secure prison at the Oak Ridge division of the Penetanguishene Mental Health Centre, in Penetanguishene, Ontario, hereby call upon members of the Legislative Assembly to appoint an inquiry into the failure by the Minister of Health to terminate the employment of a staff member ....”

Mr Speaker, the petition is very long. I just wanted to present it to the Legislature.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have a number of petitions here from people from Iroquois Falls, Powassan and many other points in northern Ontario. This is a petition to the Ontario Legislature.

“Northerners demand Harris government eliminate health care apartheid.

“Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

This is a number of 60,000 signatures that are being presented on this issue.

#### PENETANGUISHENE MENTAL HEALTH CENTRE

**Mr Garfield Dunlop (Simcoe North):** This petition is from the inmates and patients at the Oak Ridge facility in Penetanguishene to the Parliament of Ontario.

“We, the undersigned inmate/patients detained in the maximum secure prison at the Oak Ridge division of the Penetanguishene Mental Health Centre (‘Oak Ridge’ or ‘the institution’) and our family members and friends, hereby request that Oak Ridge be privatized.”

Again, it’s a very long explanation. I’ll present this to the Speaker.

#### WATER QUALITY

**Mr James J. Bradley (St Catharines):** This petition is to the Legislative Assembly of Ontario.

“Whereas water is a basic unit of life; and

“Whereas business does not view water as a social resource necessary for life but as an economic resource to be managed by market forces like any other commodity to earn a profit; and

“Whereas governments must not hand this precious resource to the private sector ensuring that decisions regarding the allocation of water centre around business considerations and where the management of water resources will be based on the principles of scarcity and profit maximization rather than long-term sustainability; and

“Whereas business is driven by increased consumption to generate profits and is therefore more likely to invest in desalination, diversion or export of water rather than conservation; and

“Whereas during the Walkerton crisis the local council and PUC relied on Ontario Clean Water Agency’s expertise, experience and in-depth knowledge during those challenging days and continues to rely on OCWA’s expertise to the present day;

“Therefore, we petition the Legislative Assembly of Ontario to not permit the sell-off of the Ontario Clean

Water Agency or any Ontario water resource to the private sector.”

I affix my signature. I’m in complete agreement.

#### FEDERAL HEALTH SPENDING

**Mrs Brenda Elliott (Guelph-Wellington):** I have a petition from a number of my constituents, and it reads as follows:

“Whereas the federal and provincial governments in Canada agreed to share the cost of health care on a 50-50 basis;

“Whereas the federal government’s contribution to the cost of health care in Ontario constitutes only 11 cents on the dollar;

“Whereas the federal government wants to create new health programs before properly funding existing programs;

“Whereas the federal government has not committed to increase funding for health despite its huge budgetary surplus;

“We, the undersigned, petition the Legislative Assembly of Ontario to continue to pressure the federal government to become a true health care partner and properly fund health care in Canada and Ontario.”

I agree with this and affix my signature.

#### EDUCATION FUNDING

**Mr David Caplan (Don Valley East):** “To the Legislative Assembly of Ontario:

“Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

“Whereas community use of schools is necessary to preserve low-cost and easy access to community programming in our riding; and

“Whereas the Mike Harris funding formula is forcing boards of education to charge high fees to groups that require the use of schools for their programming;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Minister of Education to restore meaningful and flexible funding to the Toronto school boards to ensure that they are able to continue to accommodate community use of schools at low or no cost to the community groups renting the facilities.”

I agree wholeheartedly with this petition and I have affixed my signature to it.

## ORDERS OF THE DAY

### RED TAPE REDUCTION ACT, 2000

#### LOI DE 2000 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Resuming the debate adjourned on October 16, 2000, on the motion for second reading of Bill 119, 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 two new Acts / Projet de loi 119, 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 deux nouvelles lois.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated October 17, 2000, I'm now required to put the question.

Mr Wood has moved second reading of Bill 119. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, 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 1510 to 1515.*

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

#### Ayes

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

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

#### Nays

Agostino, Dominic	Conway, Sean G.	Levac, David
Bartolucci, Rick	Crozier, Bruce	Marchese, Rosario
Bisson, Gilles	Curling, Alvin	Martel, Shelley
Boyer, Claudette	Di Cocco, Caroline	McLeod, Lyn
Bradley, James J.	Dombrowsky, Leona	McMeekin, Ted
Brown, Michael A.	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gerretsen, John	Patten, Richard
Caplan, David	Gravelle, Michael	Peters, Steve
Christopherson, David	Hampton, Howard	Phillips, Gerry
Churley, Marilyn	Kwinter, Monte	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Smitherman, George
Colle, Mike	Lankin, Frances	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 51; the nays are 35.

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

Pursuant to the order of the House dated October 17, 2000, Bill 119 is referred to the standing committee on general government.

Orders of the day.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, I believe we would have unanimous consent to have a vote on this next matter immediately after I call the order rather than having a five-minute bell.

**The Deputy Speaker:** Is there unanimous consent? Agreed.

1520

### TOUGHEST ENVIRONMENTAL PENALTIES ACT, 2000

#### LOI DE 2000 SANCTIONNANT PAR LES PEINES LES PLUS SÉVÈRES DES INFRACTIONS DE NATURE ENVIRONNEMENTALE

Resuming the debate adjourned on October 23, 2000, on the motion for second reading of Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties / Projet de loi 124, Loi modifiant la Loi sur la protection de l'environnement, la Loi sur les ressources en eau de l'Ontario et la Loi sur les pesticides en ce qui concerne des peines ayant trait à l'environnement.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated October 24, 2000, I am now required to put the question. Mr Newman has moved second reading of Bill 124, and it is then passed by unanimous consent, 51 to 35.

*Interjections.*

**The Deputy Speaker:** Is that not what you agreed to?

*Interjections.*

**The Deputy Speaker:** I'd like to be able to hear the Clerk so that I can correct myself.

That unanimous consent was not to have the same vote; that unanimous consent was just to waive the five-minute bell.

*Interjections.*

**The Deputy Speaker:** But leading up to that, Mr Newman has moved second reading of Bill 124. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the "ayes" have it.

I think there's some misunderstanding. We have agreed that there will not be a bell.

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

**Ayes**

Agostino, Dominic	Eves, Ernie L.	Mushinski, Marilyn
Arnott, Ted	Flaherty, Jim	Newman, Dan
Baird, John R.	Galt, Doug	O'Toole, John
Barrett, Toby	Gerretsen, John	Ouellette, Jerry J.
Bartolucci, Rick	Gilchrist, Steve	Parsons, Ernie
Boyer, Claudette	Gill, Raminder	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Guzzo, Garry J.	Phillips, Gerry
Bryant, Michael	Hardeman, Ernie	Pupatello, Sandra
Caplan, David	Hastings, John	Runciman, Robert W.
Chudleigh, Ted	Hodgson, Chris	Sampson, Rob
Clark, Brad	Johns, Helen	Smitherman, George
Cleary, John C.	Kells, Morley	Snobelen, John
Clement, Tony	Klees, Frank	Spina, Joseph
Coburn, Brian	Kwinter, Monte	Sterling, Norman W.
Colle, Mike	Lalonde, Jean-Marc	Stewart, R. Gary
Conway, Sean G.	Levac, David	Stockwell, Chris
Crozier, Bruce	Marland, Margaret	Tascona, Joseph N.
Cunningham, Dianne	Martiniuk, Gerry	Tilson, David
Curling, Alvin	Maves, Bart	Tsubouchi, David H.
DeFaria, Carl	Mazzilli, Frank	Turnbull, David
Di Cocco, Caroline	McLeod, Lyn	Wettlaufer, Wayne
Dombrowsky, Leona	McMeekin, Ted	Wilson, Jim
Duncan, Dwight	Molinari, Tina R.	Witmer, Elizabeth
Dunlop, Garfield	Munro, Julia	Wood, Bob
Ecker, Janet	Murdoch, Bill	Young, David
Elliott, Brenda		

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 79; the nays are 0.

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

Pursuant to the order of the House dated October 24, 2000, Bill 124 is referred to the standing committee on finance and economic affairs.

## SOCIAL HOUSING REFORM ACT, 2000

LOI DE 2000 SUR LA RÉFORME  
DU LOGEMENT SOCIAL

Resuming the debate adjourned on October 18, 2000, on the motion for second reading of Bill 128, An Act respecting social housing / Projet de loi 128, Loi concernant le logement social.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, I believe we have all-party consent that the question now be put and that if a recorded division is requested, there be no division bell and we vote immediately.

**The Deputy Speaker (Mr Bert Johnson):** Is it agreed that the bell will be waived? It is agreed.

Mr Clement has moved second reading of Bill 128. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

The members are called in. There won't be a bell.

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

**Ayes**

Arnott, Ted	Guzzo, Garry J.	Ouellette, Jerry J.
Baird, John R.	Hardeman, Ernie	Runciman, Robert W.
Barrett, Toby	Hastings, John	Sampson, Rob

Chudleigh, Ted	Hodgson, Chris	Snobelen, John
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Kells, Morley	Sterling, Norman W.
Coburn, Brian	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tilson, David
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	Molinari, Tina R.	Turnbull, David
Eves, Ernie L.	Munro, Julia	Wettlaufer, Wayne
Flaherty, Jim	Murdoch, Bill	Wilson, Jim
Galt, Doug	Mushinski, Marilyn	Witmer, Elizabeth
Gilchrist, Steve	Newman, Dan	Wood, Bob
Gill, Raminder	O'Toole, John	Young, David

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

**Nays**

Agostino, Dominic	Conway, Sean G.	Levac, David
Bartolucci, Rick	Crozier, Bruce	Marchese, Rosario
Bisson, Gilles	Curling, Alvin	Martel, Shelley
Boyer, Claudette	Di Cocco, Caroline	McLeod, Lyn
Bradley, James J.	Dombrowsky, Leona	McMeekin, Ted
Brown, Michael A.	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gerretsen, John	Patten, Richard
Caplan, David	Gravelle, Michael	Peters, Steve
Christopherson, David	Hampton, Howard	Phillips, Gerry
Churley, Marilyn	Kwinter, Monte	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Smitherman, George
Colle, Mike	Lankin, Frances	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 51, the nays are 35.

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

Shall the bill be ordered for third reading?

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** Mr Speaker, I'd like this bill to go to the standing committee on justice and social policy.

**The Deputy Speaker:** The bill has been referred to the justice and social policy committee.

1530

## RACING COMMISSION ACT, 2000

LOI DE 2000 SUR LA COMMISSION  
DES COURSES DE CHEVAUX

Resuming the debate adjourned on October 11, 2000, on the motion for second reading of Bill 94, An Act to revise the Racing Commission Act / Projet de loi 94, Loi révisant la Loi sur la Commission des courses de chevaux.

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

**Mr Tony Martin (Sault Ste Marie):** It is my distinct pleasure and honour this afternoon to be able to speak on this very important bill before us in this House, because it will affect, hopefully in a positive way, a piece of our industrial infrastructure that has struggled for quite some time but is now beginning to see light at the end of the tunnel. With some support and direction, and given its head a bit by government, it now looks like it has come up with a plan that could see it be successful and contribute in a significant way to the overall economy of

this province. It is an opportunity for a whole array of folks who are involved in the racing industry, who enjoyed some success 10 or 15 years ago but in the last few years struggled somewhat as the whole gaming scene in the province shifted dramatically with the introduction of some new venues and new competition.

If I'm correct in my assumption and my reading of this, particularly after having had a very good meeting with the executive director of the Ontario Horse Racing Industry Association, Jane Holmes, who assures me this is going to be good for them, it will be supportive of what they want to do and is good for the industry overall.

I just want to put this into some context for folks out there, because they may not be all that familiar with the horse racing industry in the province. I am sure there will be others in this House who will have a bit more personal knowledge than I have of the industry, because I do not follow the horses. I have, from time to time over the last few years when I've been in other jurisdictions with family members, attended some horse racing meets and have lost some money and won some money. I found it rather a fun thing to do, interesting and exciting, particularly when you have a wager on.

I am sure that in Ontario, as we look at some of the very well-known and popular venues that are out there—and there has been some consolidation over the last couple of years, but certainly there are several very good horse racing venues in southern Ontario. There is Sudbury Downs in northern Ontario, which has been a very well-run and successful operation and hopefully, with the passing of this bill, will be even more successful.

The person I speak of as the executive director of the Ontario Horse Racing Industry Association is Jane Holmes, who took time out of what I'm sure was a very busy schedule to come and share with me some of what this piece of legislation will mean for them, some of the history of the evolution of this legislation and how important it is that we not hold it up too much in this place as we put on the record some of the concerns we have.

I have to say as well this afternoon that we in the NDP caucus do have some concerns, but not enough to stop the passage of this bill. We will put them on the record so that the government knows of them. The horse racing industry knows that we understand that there is still a way to go as we try to figure out what is the best framework within which to have horse racing within the larger context of gaming in this province, and how, in doing that, we also respond in some significant, meaningful way to those in the province who have a concern about the escalating level of gaming and gambling opportunity that is now present and those who will be hurt by it, and what we do to minimize the hurt and then take care of those who perhaps find themselves in some dire circumstances or straits and need some assistance or counselling or whatever because of that.

I've had some folks in my office and I know some of the Liberal members have had some folks in their office. The member for St Catharines in particular expressed

some very grave concerns about the aggressive expansion of gambling in the province and how there doesn't seem to have been enough consultation with the larger community that often sits alongside the gaming industry, of whatever nature, that is going to be affected directly and is, yes, going to be able to take advantage of some of the positive spinoff by way of the economic opportunity that is there but is also going to have to deal with some of the downside of that industry that we know is there. I don't think there's any denying it. It has been quantified to some degree now because we've had a fairly varied gaming operation or scene evolve in this province over some 10 years now, and some government agencies and people outside of government who have some concern about this have done some research and some study. I think we all need to take some time to take a look at that material and information and meet with those people so that we hear and understand what their concerns are and then as a government hopefully have the commitment to make sure that we're doing everything we can to serve all the people of Ontario when we pass legislation in this place and do what we can to provide some relief or assistance or some help to those folks as well.

However, horse racing is a fact of life in Ontario, and has been for quite some time, and I think we need to support it, because it is a very healthy and important economic or industrial piece of many parts of this wonderful province and there are some really wonderful people involved in the horse racing industry, whether it's breeders, whether it's people who train the horses or ride the horses or take care of the horses or in fact manage the industry where the selling and breeding of horses is concerned, or whether it's the racing end of things. There are people who work very hard at that, who are committed to making sure that it's a vehicle of tremendous integrity in this province and continues to serve all factors of our community and our society in a positive and constructive way, and who are working themselves in partnership with others to minimize the downside that so many are so very legitimately concerned about.

The Ontario Racing Commission Act was first passed in 1950. It created the Ontario Racing Commission to govern, control and regulate horse racing in the province. The government appoints the members of the commission and selects the chair and vice-chair. The ORC is responsible for licensing owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise riders, tradespersons and other persons working at racetracks and to set the conditions of those licences. The Ontario Racing Commission collects licensing fees and imposes fines and levies.

#### 1540

The high degree of regulation and licensing reflects the extent to which this industry is absolutely dependent on the public believing that the races are not fixed or that the industry is not being dealt with in any way that is slanted. It's a question of integrity. Is there integrity in the product?

I know that a while back when the government was looking at privatizing or contracting out a lot of the services, it looked at the whole package at one point, where the Ontario Lottery Corp was concerned. When I spoke to the people in that industry who had worked so hard for such a long period of time to build up that vehicle that we, as a government, used to provide people with an opportunity to take a chance, to buy a ticket, on the possibility of winning some money, and we provide that to everybody across this province in a fair and equitable manner.

The issue that came up over and over again was to make sure that whatever we did protected the integrity of the product, that there was nobody out there who thought for one second that there was some fixing going on within the operation itself that would lend to somebody having unfair advantage over somebody else.

Certainly that's been one of the main reasons the government felt very strongly back in 1950, and continually since then, that it was important to regulate the horse racing industry so that the integrity remained intact and that we didn't get ourselves painted with the brush that is happening in so many other jurisdictions where gambling is concerned. We read stories in some of the magazines that come out—Fortune magazine has had a few very troubling stories about some of the goings-on in the lottery industry.

In many jurisdictions in the United States and across the world, you get an incursion of those unsavoury types in one organization or another who are not there to provide a product that is fair and equitable and provides a fair return to the owners or operators of a particular venue, but in fact are there to tip the scales so that they, themselves, reap most of the benefit. If, at the end of the day, a few winners get some money, it's really not in keeping with what everybody out there thinks is fair in terms of return when you walk into an establishments, whether it be a casino or you buy a ticket at a kiosk for a lottery or go to a horse racing venue.

We want to know, the government wants to know and I think the province wants to know that everybody involved in that industry is being dealt with in a fair, equitable and upright fashion, and that they are being allowed to participate in the way they have the potential to, to maximize both their contribution and, at the end of the day, their ability to make a living working in this industry.

Even though we are supportive of the efforts of the whole of the racing industry to come together around a plan they think will serve them well, we want to put on the record that we have some concerns where the question of continuing integrity is concerned.

We have some concerns that those who participate so actively in the industry now continue to be able to do that, to have a say, to be able to challenge in some meaningful way, to see some response and some reaction to some of the things they will bring to the table—nothing is ever perfect; there are always things we need to be fixing and making better—that they are allowed to con-

tinue to participate in the way they have up to now by way of their expertise and skill, and at the end of the day be rewarded accordingly and make enough money to take care of themselves, feed their families and contribute to the economy of their local area in a way that we know any industry has the ability to do as long as a big chunk of the control and activity continues to be close to and part of and directly connected to the operation of that particular venue, so that, for example, some of these racing venues that are so very important from a community economic development perspective to many parts of this province do not simply become a franchise or some other less important outreach of some bigger operation headquartered in New York or Tokyo or London.

As so often happens, particularly under the leadership of this government, where they want to get government out of the way, where they want to reduce regulation, where they want to let the free market reign, we simply become the end on a conduit to a huge vacuum cleaner that sucks money out of our jurisdiction, makes a small number of people very rich and leaves the rest of us struggling to keep our heads above water and make ends meet.

This industry has been struggling for quite some time now, primarily because, as I said earlier, of the incursion, the evolution, the development, the arrival of so many other gaming venues in this province, the introduction of lotteries, the introduction of casinos and the slot machines now that are going into various and sundry establishments that have affected very directly—

*Interjection.*

**Mr Martin:** I'm not casting blame here; I'm just saying that's the reality in Ontario today. Yes, we as a government introduced casinos to the province, you're absolutely right, and it has had a very difficult, challenging effect on the racing industry. But while we were at it, we did recognize there were going to be some difficulties for the horse racing people. My colleague who used to be the Minister of Consumer and Commercial Relations in this government is now the member for Toronto-Danforth. They keep changing the names of the ridings and it makes it difficult for somebody nowadays to remember where everybody's from, although I suppose I should remember my own colleague's riding.

**Mr John Gerretsen (Kingston and the Islands):** You've got so few of them, you should.

**Mr Martin:** That's right. There are only nine of us, but we do such a tremendous job here for nine. Our voice is probably equal to, if not greater than—how many Liberals do we have here?

**Mr Monte Kwinter (York Centre):** There are 36.

**Mr Martin:** There are 36 Liberals. We know we have a challenge and that it's difficult, but we're up to the challenge and we work very hard at it. That's why I'm here this afternoon, trying desperately to put on the record some of my very sincere and legitimate thoughts on this issue.

As I was saying, the horse racing industry has been challenged over the last 10 or so years with the intro-

duction of new venues for gaming and gambling. Under the leadership of the then Minister of Consumer and Commercial Relations, Marilyn Churley, we brought together all of the players to say, "What can we do? What is it that we could do with you, for you, to improve the opportunity that should be there for you to continue to make a living and to have this industry prosper and grow?"

The member for Toronto-Danforth says this wasn't unlike some of the work we did in Sault Ste Marie where we restructured so many of the very important industrial pieces up there, and in Kapuskasing and Thunder Bay. The formula was the same. You're faced with a challenge and industry is having some difficulty. You understand the import of that industry to the local economy in that area. You don't just say, as this government does now, "Leave it up to the free market. Let the market determine. It's free enterprise, everybody for themselves out there. Government should just stay out of the way, shouldn't get involved. Just let it all unfold."

We know what happens when you do that. A lot of good industry which with a little help could have been better, given some support, leadership and assistance from government could have changed track a little bit to take advantage of new opportunities. But that doesn't happen under this government. Under our government, we in Sault Ste Marie brought together all the players around the table and said, "Define the problem, the challenge. What is it that we can do together? What is it that you can do individually to assist?" and came up with a plan that everybody bought into and, in the end, was successful.

I'm not saying we don't struggle, that life doesn't go on and that with the economy that we're in today, particularly for resource-based areas of the province where we continue to make things and make a living by the sweat of our brow and the intelligence that we have, we aren't challenged in many significant ways. But because of the leadership given, because of the commitment made and the resources brought to the table by the Bob Rae government of the day, we still have a very vital and viable Algoma Steel operation in Sault Ste Marie. We have a very successful St Marys Paper that is just putting out product like there's no tomorrow, generating profit and sharing that with their stakeholders and workers in a very generous and positive way for our community, as they take that money and spend it then in the local stores and shops of Sault Ste Marie and environs.

You look at the Algoma Central Railroad and the work we did there, and Lajambe Lumber, and the list goes on and on, where we as a government came in, brought people to the table, everybody involved, asked them what they thought, defined the challenge and came up with a plan that we then worked with the folks to carry out. And we had success. It happened in Kapuskasing, it happened in Thunder Bay and could have happened in many, many other communities across this province had we been returned to power in 1995 when

we went to the electorate. Alas, that's life in this business, and here we are.

**1550**

But I have to say that in fact we have a piece here of that very important work that was started when we were government to bring people around the table, to ask those very important questions, to, as I said before, define the challenge, look at all the factors, work with everybody, give some leadership, and then decide together what it is we need to do to make this particular piece of a very important industrial infrastructure successful again. So that's what we have. We have the development of the Ontario Horse Racing Industry Association, which Marilyn Churley had a big hand in. As a matter of fact, she was telling me earlier today that she herself participated at many of the meetings, chaired those meetings, contributed in many significant ways, even went to some of the horse racing venues. She tells me that she went to a couple of the Queen's Plate events, actually wore the big hat and put on the white gloves and mingled with the very good folks who go to—

**Mr Gerretsen:** Did she pick a winner?

**Mr Martin:** I'm not sure if she picked a winner or not. I didn't ask her that. But she certainly was there and she was certainly supportive of the people in the industry, showed her personal interest. And not only did she go to the venue and wear the costume of the day, but she came back to her office and sat down with her political staff, who were very much involved in the evolution of this OHRIA, and struggled with them to try to find an answer to some of the very real and difficult challenges they were facing at that particular point in time.

The key feature of the bill we have in front of us today, Bill 94, is to make the Ontario Racing Commission self-financing. That means that the Ontario Racing Commission becomes responsible for all its own expenses and that all monies it receives through licensing fees, fines and levies will no longer go to the province's consolidated revenues. The commission appears to have complete discretion to determine what those licensing fees will be.

The self-financing also means that for the provincial government the racing commission's net gains or net loss will be off-book. It lets the government off the hook, in some senses, if the industry continues to struggle financially, but on the other hand, if it does well—as we expect it probably will now that it's been given a bit more freedom to do some things it needs to do and has been given some further opportunity to have other gaming operations happening on their premises—and they start to make a whole lot of money, that money goes to the industry itself, as it should. But it seems to me that if we're at all interested in some fairness and contribution by every industry, as it is successful, to the common good of a jurisdiction, there should be some ability or vehicle—put a formula in place—to have some of that money at some point come back to general revenues so we might have more ability to provide the infrastructure that we know is going to be necessary if we're going to

have the good flow of traffic, if we're going to continue to be able to provide sewer and water to those facilities and the communities that support it, and if we're going to be able to work with communities that surround those particular venues to make sure they continue to be healthy and can respond to some of the challenges that will be presented as racing becomes successful and grows and prospers in this province.

There is always a common cost, no matter what industry it is. Nobody any more lives in a vacuum, nobody any more is out there completely and totally on their own. They have to be connected in significant and meaningful ways to the bigger picture, the overall economy of a particular jurisdiction, in this instance the province of Ontario. This is one of the concerns we put on the table. As I said before, it's not one that's going to stop us this afternoon from passing this important piece of work, but I think it's something we have to keep in mind as we move forward, as we continue, hopefully, to work together with the racing industry to make sure they do well and that at the end of the day the profit they generate somehow is used to contribute to that pot that's used to provide the infrastructure and help those communities that will be affected, both positively and negatively, by the growth of this industry as we give it its head here today to self-manage.

I wanted to talk just a wee bit about the Ontario horse racing industry that has been driving this legislation and working very effectively with government to make sure we got to where we are today. As I said before, their very able spokesperson, Jane Holmes, came to see me to talk about this and to answer any questions I might have. She assured me that everybody involved in this—and I mentioned a list before: the licence owners, the trainers, the drivers, the jockeys, apprentice jockeys, the grooms, the jockeys' agents, the jockeys' valets, the exercise riders, the tradespersons and so many other people involved in this industry were supportive, she said, of this bill.

As a matter of fact, I didn't hear from any of those groups as this bill worked its way through the system and I'm sure they knew it was out there, because when we were government, we involved them in some discussion around what it is that we could and should be doing. They did not contact me or call me. I made some calls to the various stakeholders to see if there were any real, significant concerns, and they assured me that at this point in time there weren't. I need to let them know, though, if any of them are watching today, that we're still here, that we're not going away, and we will be monitoring the imposition of this and the evolution of this as it plays out out there.

The Ontario Horse Racing Industry Association claims to represent all parts of the industry except the jockeys, who have their own organization, and they believe that everybody supports the bill. Indeed it appears to be, at least in part, a product of their lobbying. The Ontario horse racing industry argues that competition from the government's entry into gaming in recent years—

lotteries, casinos—has hurt horse racing in Ontario and that it needs this legislation in order to better grow the industry. When asked what the critics say about this bill, the Ontario horse racing industry claimed that at this point in time there really are no critics.

But I know there is one critic group out there that we really do need to listen to and take seriously and do some further work with that you won't hear much about today, I don't think, where this is concerned. That's the group out there who are concerned with the expansion of gambling opportunities in this province. They speak on behalf of communities, the communities next door to some of the new venues that are popping up across the province, and they claim they have a right to be consulted, have a right to have a say in the introduction of, for example, VLTs in a particular venue close to them or the addition of more VLTs to a particular place in the province. I think they're right. I think we need to monitor very closely and clearly the further development of gaming.

I know I was involved very directly in some very difficult discussions when this government moved to wipe out the roving casinos that used to be active in this province, a vehicle that government initially sanctioned and licensed and sent out there to travel the province and provide opportunity for charities to make a few bucks to cover some of the costs of what they did on behalf of the people of their community. With one fell swoop, they woke up one morning to find out that, boom, they were out of business because of the new charity casinos. Sault Ste Marie has been a beneficiary in terms of one that was set up in my community just a short a time ago and it is actually doing quite well. But this has put a whole lot of small business people out of business and we still don't know how it's going to affect those charities across this province that were so dependent on the Monte Carlos for some of the money they needed.

#### 1600

I know that a very big new operation has been fired up, the Trillium Foundation, to distribute some of this money. I'm not sure if the people who were making money before are getting what they need now and how that distribution is working itself out. We need to be concerned about that, we need to be looking at that, we need to be asking further questions and we need to be working with all of those people out there, whether they be the anti-gambling people, whether they be some of the church community people, whether they be some of the bingo people.

Many of you will know how important bingo has been to the common life of many communities across this province, whether it be a church community, a sporting community or a cultural community. In many significant ways, bingo used to be the lifeblood; that's where you made the money. Volunteers came in and worked for free so that people who wanted to have a night out to do a little gambling where bingo was concerned could do that. It was done in a safe environment that had lots of integrity attached. We need to be talking to those folks as gaming evolves in this province, and we need to be



involving them in the discussion we're all going to have around what impact the hopefully successful evolution of horse racing will have in this province on all those areas of common life in the communities that are going to be affected.

Even though we on this side are supportive of this initiative today, because it's being called for by the industry itself, everybody seems to be on board and a lot of work was done, particularly by the previous NDP government, to bring people around this struggling, fragile industrial sector, so that we're at a point now where things seem to be getting better, where there seems to be a light at the end of the tunnel and the industry people themselves say this bill will go a long way to giving them the freedom they need to develop further and be further successful, we have some concerns, and I've put them on the table.

One of them is our fear, as we move further and further away from regulating this industry, when we regulate all the other gaming and gambling venues that are out there, that we not lose complete and total control over it, because if we do, then the question of integrity begins to raise its head, the question of who at the end of the day will end up being involved in and controlling and running and owning some of these operations. That's a concern. Where is the money that's generated going to go at the end of the day? We agree that a big chunk of it should be going into the industry itself so that those who are involved in it can make a good living and take full advantage of the profit that's going to be generated. But if there's untold profit, as there very well could be, how do we make sure that some of that money goes into making sure that they are paying for some of the infrastructure that supports them in their successful industry? We need to do that; the government needs to be involved there.

Of course we also need to involve the people out there who have some very real and genuine concerns about the escalation of gambling, about the introduction of more and more slots and the impact that will have on communities, on people in communities and on some of the other very simple, less sophisticated gaming venues such as local bingos.

I want to thank you for the opportunity to put these thoughts on the record. I'm going to turn the floor over now to my colleague from the Liberal caucus who also has some very important things to say before we today pass this bill and make the industry happy and give them their head, so that in fact they can be successful and work with everybody else to make sure the whole of the province is well served by this industry.

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

**Mr Gerretsen:** I want to make a few comments, not so much about this bill, but about an individual who has been involved with this organization for the last number of years. It isn't very often that I'm complimentary to the government in the selection of a chair of a particular commission, but let me say that I totally agree with the appointment or, I should say, the reappointment of Mr

Stanley "Sonny" Sadinsky from Kingston. He's a prominent lawyer and law professor at Queen's University. He was originally appointed by the New Democratic government back in the Bob Rae days. He is well regarded by all, not only parties but I'd say by the commission itself. I think this is an excellent appointment. I should also say that he's a near neighbour of mine.

He's an individual who's extremely highly regarded. As I think you will hear later on from my colleague Mr Kwinter, he's highly regarded within the industry itself. I would like to compliment the government on his reappointment—he was recently reappointed to a three-year term—as being an excellent choice of a gentleman who can really, truly lead this commission in the way it should be led in these changing times.

I might also note that his wife Gillian Sadinsky is a radio personality in Kingston and a journalist. She currently chairs the United Way campaign that is going on not only in my particular riding but is carrying on throughout the community. We certainly have two individuals in this family who, each in their own way, are contributing to the welfare of Ontario.

I would like to put my congratulatory note on the record to this government so that I don't always get accused of being negative about the government. You've made an excellent choice in renominating Mr Stanley "Sonny" Sadinsky as the chair of the commission.

**The Deputy Speaker:** Comments and questions? The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I don't need to respond in that the comments from the member for Kingston and the Islands didn't have anything to say re my speech here.

If he's supportive of the chair and this person—

**Mr Gerretsen:** On a point of order, Mr Speaker: I think it's an excellent speech that the member gave. I just want that to be on the record.

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

**Mr Martin:** Thank you very much to the member for Kingston and the Islands. Very briefly, we are supporting this bill because the horse racing industry has chatted with us and because of the involvement of our government when the then member from Toronto-Danforth, Marilyn Churley, did so much work with the industry to pull together a plan, and this seems to be the evolution of that plan. We want to see it move forward.

However, as I said, we have some concerns. The primary concern is around the escalation of gaming and gambling in this province, both as it affects other gaming operations and the ultimate saturation that may occur if we don't control that in some way, but also because of the impact it can have on the wider and broader community, with the opportunity for those who shouldn't be gambling to have easier access.

How do we respond to those out there who have some very legitimate and real concerns around the moral and ethical value of gambling? That's something we need to continue to struggle with, continue to look at and work with those people out there who have developed positions, who are very concerned and interested in this

and want to be heard. Having said that, we look forward to supporting this this afternoon.

**The Deputy Speaker:** Further debate?

**Mr Kwinter:** I'm pleased to join the debate on Bill 94, An Act to revise the Racing Commission Act and to tell you that Dalton McGuinty, the leader of the Liberal Party, and our Liberal caucus will be supporting this bill.

The bill basically is relatively simple. What it does is allow the Ontario Racing Commission to become a self-financing agency of the crown. It provides for the appointment of a director, which is a new departure for the commission, and it allows the commission to set fines. The reason that is significant will come a little later in my remarks, but heretofore, in the previous act, there was a limit as to the amount of a fine. That was \$300. When you consider today's economy, that wasn't even a slap on the wrist; it was like an additional licence to do things that were improper. So the ability of the racing commission to set its fines and collect its fines will allow them to put some teeth into their particular operation.

1610

I think that is really important, and I think that is why it has the support of everybody in the industry. The Ontario Horse Racing Industry Association, which is made up of all the disparate entities in the horse racing industry, is supportive of it. The major tracks, the Ontario Jockey Club, the smaller tracks, are all supportive of this bill. They're supportive of it for a very good reason, in that they want to make sure that the confidence of the people who are coming to their racetracks is utmost in their minds. They want to make sure that the people who come to the racetrack know there is a regulatory authority in place to make sure that the races are legitimate, that the bettors get a fair shake and that the negative impact of racing that was portrayed in lots of movies in the 1930s, 1940s and 1950s, where people felt it was an unsavoury place to go, is changed. I think that's critical.

Having said that, and assuring members that we will be supporting it—I understand we have all-party agreement that not only will we give it second reading but third reading today, which means that it will not be going to committee—I feel I have a responsibility to comment on some of the provisions in this bill. Hopefully in the regulations there will be some sensitivity to these things and maybe it can be reflected.

What I'm going to do in the time that I have is to actually go through the bill and talk about some of the things I think are important.

First of all—and I think this is interesting in light of the comments of my colleague from Sault Ste Marie—the objects of the commission as laid out in the bill are “to govern, direct, control and regulate horse racing in Ontario in any or all of its forms.” It's important to understand that it only deals with horse racing. It's significant and important to understand that.

One of the other things—this is new, and I think it's quite significant. It touches somewhat on what the member from Sault Ste Marie was talking about, and I want to

use an example. It says, “The commission shall exercise its powers and perform its duties in the public interest and in accordance with the principles of honesty and integrity, and social responsibility.”

That is what I want to talk about briefly. Social responsibility is a new onus that is put on the Ontario Racing Commission. I happen to be very supportive of the racing industry. I was the Minister of Consumer and Commercial Relations back in 1985. I brought forward a racetrack assistance program that really did help the industry in its darkest hour, when they had lost their monopoly on providing legal gambling because of the lotteries and now because of the casinos and things of that kind, and they embarked on a public relations and facility upgrading program to enhance the experience of people who go to a racetrack. As I say, I was the minister when that happened, and I am very proud of that particular thing.

Notwithstanding that I'm known, and I certainly am proud, to be a friend of the horse racing industry, let me tell you about a concern that I have. The Ontario Jockey Club has been running some ads. I think they have taken them off now. There were two in particular: one showed someone playing cards at home, excusing himself, dashing out, tearing off his clothes, throwing sheets out of the window and running to the track; another one showed the housewife who opens up a trap door in her kitchen, goes down, again, takes off her outer frock and is wearing evening clothes, and rushes to the racetrack. Advertising of that kind is counter to what I think responsible advertising should be, because it really pinpoints people who are addicted to gambling. One of the things we've noted with the casinos, with tracks—it isn't a big number, but it's a number, and in many senses it's a number that people are very conscious of, and the industry is conscious of it.

I just felt that this series of ads, with a different theme, could have been more effective. Again, I say that as constructive criticism. I think that's something the racing commission, with its new mandate for social responsibility, should have some input in. I've gone through the act. There is nothing that says that jockey clubs or racetrack owners have to submit their advertising to the Ontario Racing Commission, but I think that's something that could be addressed because, again, there is a social responsibility.

The other provision in this legislation is that the commission really is responsible for the appointment of everybody who has to do, and the words in the act say, “the actual running of horse races.” So this is a regulatory body. This body does not run the racetrack. The racetrack is run by the owners, whether it be the Ontario Jockey Club or individual owners in Windsor or throughout the province where there are racetracks. This legislation sets down the powers of the regulator, but they don't run it, they just regulate it. I think that's important to understand.

One of the concerns I have is that historically—and these figures unfortunately aren't as current as I would

like, but in 1995-96 the Ontario Racing Commission had a budget of \$4.4 million and had 61 employees. Their budget was \$4.4 million. The revenue that was turned over to the government, that they got, was \$1.8 million. So there was a shortfall of \$2.6 million, and that came out of the consolidated revenue fund, that came out of the government's coffers, and I am sure that's one of the motivations for bringing in this act: to relieve the government of that responsibility and make the commission a self-financing agency of the crown.

I think that's fine, the industry thinks that's fine and the commission thinks that's fine, but somewhere along the line there was a shortfall of \$2.6 million. Now, this legislation allows the commission to set its fines. It's no longer restricted by the \$300 cap, which means that they can in fact put fines in that are commensurate with whatever the offence is. Any of you who are baseball fans saw what happened to Roger Clemens when he threw the bat; the commissioner of baseball fined him \$50,000. I can't see any incident, short of criminal action, where they would ever set a fine of that size, but somewhere there's going to have to be a makeup of that shortfall.

The reason I bring that up is because in the explanatory notes that come with the act it says it is not expected that licence fees will go up. Well, if licence fees are not going to go up, you're going to have to have an awful lot of infractions and crimes you're going to levy these increases on, to get that amount up.

Now, I think there's an answer, but it's not in any way spelled out in the act, and maybe it should be done in the regulations. I'm sure members will know, or they should know, that at one time the takeout by the government, out of the monies bet, was 7.4%. That was considered to be draconian. It was far in excess of what the government's take is on other gambling venues and other gambling activities. Now, 2.4% of that was given back to the horsemen for purses and equine research, which meant there was a 5% take by the government.

With all due credit to this government, in the last budget the treasurer reduced that to 0.5%, a very dramatic change. It has allowed the racetracks to increase their purses, it allows more money to go to equine research and, I assume, although I don't now, some of that money will be going to finance the racing commission. I just feel it's important that there be that acknowledgement, that somewhere along the line we understand that this is going to happen, because otherwise we're going to have a very dramatic increase in licenses, notwithstanding that the intent is not going to do it.

**1620**

Another concern I have is that in the past, \$1.8 million went to the consolidated revenue fund, and this act specifically provides that all monies earned or received by the racing commission will not go to the consolidated revenue fund. It says that "the commission shall apply" its money and revenue to exercising its powers and performing its duty, which is great.

There is a Catch-22 clause in here that bothers me. It bothers me because I don't quite understand how it

works. What that says is, "When ordered to do so by the minister, the commission shall pay into the consolidated revenue fund the part of its surplus funds that the minister determines." So it's in the sole purview of the minister to determine, "If you have any surplus funds, you've got to put that into the consolidated revenue fund."

Further along in the act, in the explanatory notes, it says, "[The money that] the commission receives from exercising its powers, performing its duties or holding investments, that's surplus to your operating needs because you've been able to put it in an investment, and yet the minister is saying, "We have the right to take, at the minister's discretion, any of your surplus monies and put them into the consolidated revenue fund." I'm just concerned that if that is exercised without discretion, we could be defeating the whole purpose of this bill, which is to make the Ontario Racing Commission self-sufficient and self-funding.

The other concern I have is one that really applies not only to this particular piece of legislation but to all legislation that we are bringing forward from a couple of weeks on. That is, there are provisions in this act that correspondence, documents, contracts can be delivered personally, sent by regular mail addressed to the person at the person's last known address, a copy sent by fax transmission to the person's last known fax number, or sent by any other method specified by the commission.

It would seem to me that somewhere along the line, when Bill 88, the Electronic Commerce Act, comes in, there's going to have to be an omnibus provision that all acts in the government that require or prescribe that certain documents be sent provide that they can, in fact, be sent as provided for in Bill 88. But we have an opportunity now, before this legislation gets passed, to literally bring it into the e-commerce era. I think that would be important.

The last area of concern that I have is this. At the present time we have—and I want to use a facility that I'm the most familiar with, the one that is the pre-eminent racing facility in Canada and one of the most pre-eminent racing facilities in North America. That is the Woodbine track owned by the Ontario Jockey Club. At the present time, the Canadian Parimutuel Agency, which is an agency of Agriculture and Agri-Food Canada, regulates parimutuel betting. So we have a federal agency that regulates that. We have the Ontario Racing Commission, whose sole responsibility is racing. Again, the comments by my friend from Sault Ste Marie—the slots at Woodbine are under the jurisdiction and regulation of the Alcohol and Gaming Commission of Ontario.

The racetrack is the landlord, and for being the landlord they get a set percentage of the revenue. They don't run it, it's run by the Alcohol and Gaming Commission of Ontario, but the racetrack gets a percentage and it's fixed. They get that just because they're the landlord.

Given that the Ontario Racing Commission has responsibility for regulating the racetrack and there's no

real differentiation between the casino part of the facility and the racetrack, although in effect they are two different audiences, and the racing people are hoping that people playing the slots will take a few minutes and look at the racing and that the synergy of that—and I think results have shown that it is happening. But it would seem to me that somewhere in this act there should be an acknowledgement that we're into a totally different environment where we have racetracks cohabiting with casinos, and there is no mention of it. There's no delineation of responsibility.

I've talked to the chairman of the racing commission. He said, "Oh, there's no problem. We're doing fine." The regulations that are set out and the act that is set out aren't meant to deal with things that are going fine; they are meant to deal with things when they're not going fine so that responsibility can be apportioned. It would seem to me that there could have been some recognition of the new reality in racetracks. I should tell you the racetracks are very happy that they're able to increase their purses, that they are able to increase the quality of their racing cards and that the racetracks are enjoying a resurgence, which I think is fabulous. But having said that, we have an opportunity, I think, to make sure the things that could go wrong are anticipated and provided for in this legislation.

Again, I want to say that we will be supporting this bill at second and third reading. It was a pleasure to participate in the debate.

**The Acting Speaker (Mr Tony Martin):** Comments and questions?

**Mr Gerretsen:** Let me just congratulate my colleague from York Centre for an excellent presentation on this bill. It goes to show you that constructive criticism can be made in this House without a lot of wrangling and that criticism of a particular bill or potential problem areas of a bill, some of the areas we should be concerned about, can be pointed out to the government and indeed to all of us here in the Legislature. Certainly he's an individual who has a great amount of knowledge, not only of this industry but also of the ministerial responsibilities that are part of this industry and of this particular ministry.

If there's just one area that I totally agree with him on, it is the notion that the moment we start putting slot machines at racetracks, whereas it may be a good thing for the racetrack industry—because we all know that over the last 10, 15, 20 years there has been a steady decline in racetrack use. As a matter of fact, I can remember attending a track, Assiniboia Downs in Winnipeg, not too long ago, about two or three years ago, and I was just amazed that there weren't more than about 50 people at the entire track, where they tell me that 10 or 15 years ago there were thousands of people for the horse races. Where I can certainly understand that putting slot machines there will change the industry, there has to be a clear-cut understanding that the total environment of racetracks is going to change completely. The minister and the commission should take that fully into account in operating the tracks and in operating the commission.

**The Acting Speaker:** Further comments or questions? If not, response?

**Mr Kwinter:** I want to thank the member from Kingston and the Islands for his comments and I reiterate that this is going to be good for the racing industry. It's going to give confidence to patrons that there is the ability of the Ontario Racing Commission to do its job, to have the flexibility to adapt to changing circumstances as we develop in our society.

Again, on behalf of Dalton McGuinty and the caucus, I want to assure all sides that we will be supporting this at second and third reading.

1630

**The Acting Speaker:** Further debate?

There being no further debate, Mr O'Toole has moved second reading of Bill 94, An Act to revise the Racing Commission Act. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading? Agreed.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** Pursuant to standing order 72(c), I'd like to ask for unanimous consent to move to third reading of Bill 94.

**The Acting Speaker:** Agreed? Agreed.

#### RACING COMMISSION ACT, 2000

#### LOI DE 2000 SUR LA COMMISSION DES COURSES DE CHEVAUX

Mr O'Toole, on behalf of Mr Runciman, moved third reading of the following bill:

Bill 94, An Act to revise the Racing Commission Act /  
Projet de loi 94, Loi révisant la Loi sur la Commission  
des courses de chevaux.

**Mr John O'Toole (Durham):** At this time I'm pleased to say that there's been unanimous consent, and all three parties have had an opportunity to express their support and to air their concerns.

**The Acting Speaker (Mr Tony Martin):** Any further debate?

Mr O'Toole has moved third reading of Bill 94. Is it the pleasure of the House that the motion carry? Carried.

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

#### VICTIMS' BILL OF RIGHTS AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA CHARTE DES DROITS DES VICTIMES D'ACTES CRIMINELS

Resuming the debate adjourned on October 24, 2000, on the motion for second reading of Bill 114, An Act to amend the Victims' Bill of Rights, 1995 /  
Projet de loi 114, Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels.

**The Acting Speaker (Mr Tony Martin):** Further debate?

**Mr Jerry J. Ouellette (Oshawa):** I very much appreciate the opportunity to discuss this bill.

The creation of the permanent Office for Victims of Crime keeps our government's Blueprint promise to create such an agency. It also fulfills our budget commitment of \$1 million to support the office.

The creation of the office definitely gives victims a stronger voice in that there's a direct relationship, and let me explain. I can remember quite distinctly—I believe it was September 15, 1994—where I lost a friend of mine who was killed in an armed robbery. The impact on the individuals and the family that took place in that particular incident was extremely dramatic. During that time I had spoken with the individuals who worked at the location and I heard grave concerns from a number of the people there. I knew Officer Ann Crawford from Durham regional police, who was in a support position with the police department at that time, and she tried to help out those individuals. The police services are providing a service out there. However, this gives a direct relationship that will support those individuals in such a critical position.

As we mentioned, the legislation would permanently establish an office for the victims of crime. The office would play a pivotal role in advocating on behalf of victims. It would provide advice to the government on ways to ensure that principles set out in the Victims' Bill of Rights are respected. It also would advise the government on legislation policy and practices relevant to victims of crime and develop provincial standards for victims' services and the use of a victims' justice fund.

As well, I know that particular incident was very instrumental in my position on a lot of issues that took place in 1994, on what happened to the individuals, not only then and during, but afterwards, and how they were affected so dramatically; it was very significant. I very much appreciate Officer Ann Crawford trying to assist in that situation and doing the great job that she did in helping out, but there just wasn't a dedicated, full-time individual who could help out on a regular basis.

That was only one case in the region of Durham. There are a number of other cases. With a permanent office, we're able to provide a direct, one-on-one relationship that will be able to help those individuals who need the help, and they do need that out there.

We know as well that more needs to be done, and that's why we are proposing a permanent Office for Victims of Crime. It is also why we continue to ask the federal government to live up to its responsibilities to victims of crime.

There are some things that the members here probably wouldn't know, and that is that a family member of mine, my sister Anne in Manitoba, actually sits on the federal committee to deal with this issue. She travels across Canada dealing with victims of crime as it relates to certain incidents, particularly the one in Oshawa that I

mentioned earlier. She goes around and is gathering input to be implemented, possibly Canada-wide.

The difficulty here is that there was a lot of talk. In the province of Ontario, it's happening here. We are assisting. We are committing funds and we're making those things happen for those individuals who happen on those circumstances.

We mentioned how the office would advise on the establishment of provincial standards and maintaining those standards. One of the difficulties, as I'm sure everyone is aware, is that the individuals themselves, once they've been in a situation like that—and I talked to the family members and tried to do what I could to assist them through this process, but the maintaining of standards was so critical because at that time there was no one. It was all a judgment call on how things were taking place and how that family was affected. They felt very slighted about the entire process and felt there wasn't anybody who really understood there. There wasn't somebody there who could relate to the incident that happened to them and how it affected their family.

This office will be able to fill that void for the individuals who are being served, individuals who actually have had more experience—not only experience, but quite possibly could be victims themselves—in assisting and being able to understand the needs of those individuals.

Particularly in this incident, the loss of a loved one was extremely traumatic, not only for the direct family members but also for the employees in that situation, and there was nobody there to assist. As I mentioned, the family was rather upset that there was no standard; judgment calls were taking place. They appeared to be going through a process. It was kind of a mill: "This is what we're doing now. This is how it's done. Have a nice day. Thank you very much. Goodbye." We're trying to put faces to real needs, and that's happening here.

Maintaining of those standards is so critical as well. It's fine to establish standards, but who's going to enforce them and who's going to take care of them? The office will be designed to do that.

Where are the funds coming from to fund this particular office? That fund is coming out of the victims' justice fund. It essentially is created out of a surcharge on fines so that individuals will receive the funding and we're sure it's there. Not only that, but the commitment of the \$1 million we made in the government Blueprint is shown there to follow through on that.

#### 1640

I know that back during the last Legislature I introduced a private member's bill. It essentially dealt with performance evaluation of judges. The attempt was to bring in through the judiciary some form of recognizing those judges who work out there and do the great job they do and have the ability to remove some of those judges, as we so frequently hear, who just aren't keeping up to the standard that's necessary.

When I did the research for that, I met with a lot of organizations and groups, and a number of them were

victims' groups. During that time we had a number of pieces of legislation come forward. In that bill there was an aspect that was put forward to me by a victims' group, and I know they were very supportive of it. It was a support position, and the minister at the time was the Solicitor General, the Honourable Bob Runciman, who approached me and said it was a great piece of legislation and that they were going to take that piece from my bill and implement it in other aspects.

I got that commitment and it is now being done. Where individuals were coming up to parole, this particular victims' group wanted to have the ability to stand up and make presentations so that they could, when a parole decision is being made, have some input into that decision. There was a commitment that it would proceed so that these individuals have that ability to do that very thing. They were very glad to hear that somebody out there was actually listening and wanted to take that challenge and champion that cause, and we were able to bring it forward in legislation and deal with that specific issue.

I know that particular group was extremely supportive of it and still is. I know that the actual commitment by the government to bring forward this legislation for the Office for Victims of Crime is being supported by a great deal of organizations out there. Not only do we hear from them, but it's an opportunity for them to give direct input into the government and put faces to causes where they need them.

At this time I'll conclude my remarks.

**The Acting Speaker:** Further debate?

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Je regardais la loi qui était déposée, le projet de loi 114. C'est la Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels.

Lorsqu'on réfère à l'autorisation d'enregistrer ou au droit d'enregistrer une arme à feu, je me demande—ce gouvernement, depuis le dépôt—

**The Acting Speaker:** Sorry, member, I made a mistake here. We're supposed to do comments and questions and then we come to you.

**Mr David Caplan (Don Valley East):** We're doing comments and questions.

**The Acting Speaker:** You're doing comments and questions? Oh, sorry, I thought you were into the debate. OK. We'll get it straight yet.

**M. Lalonde:** Merci, monsieur le Président. Ça arrive, des erreurs, de temps à autre.

C'est un plaisir pour moi de parler pour quelques instants sur ce projet de loi 114, Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels.

C'est bien beau, ce projet de loi. Je me demande jusqu'à quel point le gouvernement va respecter le contenu de ce projet de loi. Depuis le dépôt du projet de loi fédéral sur le contrôle des armes à feu, on s'aperçoit que le gouvernement conservateur de la province de l'Ontario n'a jamais été en faveur du contrôle des armes à feu, puis aujourd'hui nous référons dans ce projet de loi qu'on doit aussi identifier les armes à feu.

Je veux juste dire que lorsqu'on embauche les personnes qui devraient être appointées, je me demande jusqu'à quel point on va regarder le genre de personne que nous allons nommer. Je ne veux pas dire que les personnes n'ont pas toujours été qualifiées pour leurs appointements dans le passé, mais on sait toujours que les appointements sont faits des personnes qui sont de proches amis du gouvernement, et il y a souvent des doutes sur la qualité et aussi sur leurs connaissances dans le domaine.

Donc, c'est un projet de loi qui mérite d'être débattu jusqu'à un point. On veut se rassurer que le gouvernement va respecter le projet de loi tel que présenté, mais nous regardons toujours avec réserve la façon de laquelle le gouvernement va implanter ce projet de loi 114.

Je regardais aussi une section qui dit: « L'Office conseille le procureur général sur ce qui suit: (a) les façons d'assurer le respect des principes énoncés au paragraphe ... »

Monsieur le Président, j'aurais pu en discuter plus longuement, mais mon temps est écoulé.

**Ms Shelley Martel (Nickel Belt):** With all due respect to the member from Oshawa, who spoke in glowing terms about how this office is going to help victims, I think some of the members on the government side need a reality check, because the office is supposed to "advise the Attorney General on ways to ensure that the principles set out in subsection 2(1) of the Victims' Bill of Rights...are respected." That whole bill was a joke. It's not me who says that; that was confirmed by Justice Gerald Day of the Ontario Court who said in May 1999 that there are no rights included in the Victims' Bill of Rights.

The Premier came in in 1995 and promised that he was going to protect victims' rights, that he was going to have an incredible bill that would do just that. The first time that law was tested in court in this province, a justice, Mr Day, said there existed no rights at all with respect to this legislation. In fact, he said, "I conclude that the legislation did not intend for section 2(1) of the Victims' Bill of Rights to provide rights to the victims of crime." This is the bill that Mike Harris was so proud of, that these members were so proud of, that was going to do so much for victims of crime, that was going to get them their day in court and give them some justice. The judge said it's not worth the paper it's written on.

I say to the member from Oshawa, the government would be better served today if it had come in and actually introduced a real bill of rights to provide real rights to victims of crime, to give them something so they could have their day in court, so they could see some justice in this province. What's in place right now is a joke. We would be much better served by doing something about legislation that provides no rights than to pretend we're doing something at all, which is what the government is trying to do today.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to make a response to the member from Oshawa's comments. I must say, though, I assume the

member for Nickel Belt was suggesting in jest that we introduce a bill that provides no rights. I hope it was in jest.

However, I want to remind the House exactly how this bill came about. The creation of the office for victims' rights was announced in the 1998 throne speech and was recommended by the Ontario Crime Control Commission, after hearing from the public and victims' organizations. It became Canada's first Office for Victims of Crime. The organization was mandated to consult with service providers across Ontario to assess the state of victims' services in the province, and they've done that.

This bill is to establish a permanent Office for Victims of Crime. Reference has been made to subsection 5.1(4) of the bill, which says what the office is going to do—it's going to advise the Attorney General on a number of things—and subsection 2(1), which lists the principles that apply to the treatment of victims of crime. It lists a number of other things, the final one being "matters of legislation and policy on the treatment of victims of crime and on the prevention of further victimization."

In short, this bill is going to provide a voice for victims. I congratulate the member from Oshawa.

1650

**Mr Caplan:** I'd like to follow up on the comments of the member from Oshawa and I'd like to ask him if he's actually read the judgment of Justice Gerald Day. If he hasn't, I'd like to provide it for all the members of this House.

I have it here. Back on March 3, 1999, he wrote his judgment. I should tell you that Karen Lee Vanscoy, Linda Marie Even and Tracy Lilian Christie tried to claim their rights as victims, as set out in the Victims' Bill of Rights. Here's what the justice says, and I will quote it directly: "In light of the above"—and he gives his rationale and reasoning—"I conclude that the Legislature did not intend for section 2(1) of the Victims' Bill of Rights to provide rights to the victims of crime. The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

It goes on in paragraph 23 to say, "As such, the applicants' submission that their statutory rights have been violated fails simply on the basis that there are no rights provided in the Victims' Bill of Rights to be violated. Therefore, in respect of question (i), does section 2(1) of the Victims' Bill of Rights provide statutory rights to the applicants," or to victims of crime, "the answer is no."

It was interesting that when this bill was introduced on September 25, An Act to amend the Victims' Bill of Rights, 1995, I fully expected that when I read this piece of legislation, the Attorney General would stand in his place and members of the government in debate would say, "We're finally correcting the error that was made by this Legislature, by the Harris government, in not providing rights that were going to embed rights of victims in legislation. But Bill 114 doesn't do that. I would like to hear the member for Oshawa explain if he will press

the government to ensure that victims have real rights, not just a policy statement.

**The Acting Speaker:** Response?

**Mr Ouellette:** I'd like to thank the member for Glengarry-Prescott-Russell, the member for Nickel Belt, the member for Don Valley East and the member for Dufferin-Peel-Wellington-Grey for their comments. There are a number of issues I'd like to bring forward and I'll start off in the order the members opposite spoke.

First of all, the member spoke about the federal Firearms Act. I believe he's referring to C-68. He made some comments regarding our government in that situation. Our government has never said that we oppose real gun control. As Terry Ryan, the president of the local police association, says, there are certain positions that our government has supported in C-68 and there are certain provisions of that act that will not deter criminal activity. That's right from Terry Ryan and he would be more than happy to respond on any aspects. We could go on from that.

I'm sure the member for Glengarry-Prescott-Russell knows, or maybe doesn't know, that my father was the chief of police in Thunder Bay and my contacts with the policing community are rather deep on the issues, so we hear a different perspective on what's going to be effective and what's not going to be. Like in all issues, that's why we have opposition parties, because people have different perspectives.

Qualified individuals—I'm sure that the ability to provide qualified individuals is very key.

I know I'm running out of time. One thing I should say is that everything begins with listening. Our own motto as members, our members' crest specifically says that we must listen to the other side. This will actually begin by establishing those committees, listening to the sides of those individuals who didn't have that opportunity before. There were provisions there that were available, but now we have a full-time office specifically to deal with that.

In regard to Mr Day, I'm afraid I'm not going to have the time to say what I'd like to say. I would like to say, though, that I did bring forward a bill for judicial accountability to ensure everyone is qualified.

**The Acting Speaker:** Further debate?

**Mr Steve Peters (Elgin-Middlesex-London):** I just want to inform the House that I will be sharing my time evenly with the member for Windsor-St Clair.

I want to make some comments in general about Bill 114 and then talk about a specific case where this government, and using the words we just heard in listening to the other side, has not listened to the other side, where this government has abandoned a family in this province. What has happened to this family is a real travesty. I'm going to relay that story.

I think it's important to understand that in the report that was issued in June 2000, A Voice for Victims, there were a number of recommendations that the government has chosen not to listen to, and that those recommendations have gone unimplemented. I think that's a really

sad day. It is a sad day that the government hasn't listened, and they really should.

I want to talk to you about a case right now that is—I can't show pictures in the House, but I would encourage anybody to look at these pictures that I have with me to see the damage that's been inflicted on a victim, not only the physical damage that has happened to this individual but the damage that has happened to his family as a result of this crime and how this family has been abandoned by the Mike Harris government, an abandonment that should never have happened. I hope somebody on the opposite side today will take up the cause and help me help this family to have the rights they truly deserve. I encourage any of you to look at these photographs today.

Let's just give you a bit of a history lesson. This is an issue that's surrounded by tragic circumstances. Brian Crocker from my riding is a father and a husband. He was shot three times at point-blank range at his home in December 1995. Through unbelievable odds, if you could see the damage inflicted, he survived. This isn't the only fight, though, unfortunately, that Brian Crocker and his family has had to fight with this government.

The individual who was responsible for the crime was found guilty but not criminally responsible and was placed in a psychiatric institution. There were a number of criminal review board hearings concerning this individual, but the victims, Brian Crocker and his family, were not notified of these hearings. Then, to make matters worse, after one of these hearings that the victims were not notified of, the assailant was transferred from the Penetanguishene psychiatric facility to the St Thomas Psychiatric Hospital, and again the victims were not consulted. This is a facility that's located less than five kilometres from the home of the Crockers.

The review board took another look at this, and in November 1999 the criminal review board agreed with the family that there was a threat posed to this family in having the assailant living in such close proximity to them. That was November 1999, and still we have had no action by this government. Mr Crocker is in fear for his life. The psych hospital is not in any position to be of any assistance.

I think it's a sad day to see that there's such disarray within our mental health system that isn't allowing a review board order by the provincial government to transfer a patient, that the mental health system can't follow through, that one arm can't understand what the other arm is doing and can't fulfill an order. That's a real travesty and a real instance of this government, which claims it is there to help victims, abandoning this family.

It's interesting when you look at this review board hearing that the last line of the review board hearing from November 1999 commands that the psychiatric hospital, by order of Her Majesty, execute the terms of this disposition. The Crocker family is still waiting. November 1999 to October 2000: that's 11 months, and this order has not been followed through.

I want to take it a little further because the Crockers came to see me, and in May 2000 a letter was written to

Elizabeth Witmer, Minister of Health. I want to read into the record some of this letter.

"Once again I find myself having to write a letter to you in order to bring to your attention a very serious matter. My husband, Brian, [and] myself ... are very concerned that the Ontario Review Board decision of November 8, 1999 ... has not been acted upon as of today's date." That's May 10, 2000. The letter goes on to talk about some of the injuries that Mr Crocker was inflicted with and some of the issues that their family has had to deal with.

**1700**

On May 11, I stood in this Legislature and presented a statement with a package and pleaded with the Minister of Health to please intervene in this case, because it was obvious within the psychiatric hospital system that the Crocker family was not having their wishes attended to and, worse yet, an order by the criminal review board was not being adhered to. The minister took my package and assured me that she would look at it. The minister wrote back to me on May 29.

"Dear Mr Peters:

"Thank you for writing on behalf of Mr Brian Crocker requesting the immediate implementation of the Ontario Review Board's decision to transfer ... a patient from St Thomas Psychiatric Hospital to Whitby Mental Health Centre (WHMC).

"I understand the concerns that Mr Crocker has for his safety. Let me assure you that the Ministry of Health and Long-Term Care ... and the administrators of St Thomas Psychiatric Hospital and WMHC are exploring every possibility to expedite the transfer.

"I hope this information is helpful to you."

So the Crockers had some hope in May that the Crockers, as victims, were finally going to have the right that they thought that they had within this government. But that hasn't happened. That has not happened. The Crockers continue; they write again to the minister, urging her to do something because of the lack of action that is taking place.

There is a decision in July. There was another review board hearing. This is a quote from the chairperson of the review board hearing, July 5, 2000: "The board finds ... on the evidence heard and filed that [the individual] continues to represent a significant threat to the safety of the public and that the evidence does not support any change to his privilege level or form of disposition." The board agreed that the original order should continue, that he should be transferred.

That didn't happen. It's a really sad day and it shows us what has happened to our mental health system in this province, a system that the government says they are reforming but a system that can't follow through on an order; a system where one branch of government doesn't know what the other branch is doing; a system where, when one branch of government orders another branch to do something, the Ministry of Health doesn't fulfill that. I think that's a sad day. How can you as a government



stand up today and say that you're there fighting for victims' rights?

Here's a case right here, of Brian Crocker, where you as a government have abandoned the Crocker family. You as a government have not followed through on the orders that have been given to you. I plead with a member on the opposite side to take this case, to help me, to help the Crocker family. Show that this government is committed to helping victims of crime in this province, because to date there's been no indication from anybody on that side of the House that they are prepared to help this family, no indication that they are prepared to do anything to help a family that is a victim of a crime, and that's a sad day for Ontario.

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to join this debate on Bill 114, the Victims' Bill of Rights Amendment Act, 2000.

Let me begin my brief remarks by quickly reviewing what this bill is. First of all, this is a short bill, a three-section bill. It provides for the—I won't use the word "creation." It provides for statutorily implementing this Office for Victims of Crime, which has in fact been established for more than two years now and already reports to the government.

In June 2000, the Office for Victims of Crime published their report, *A Voice for Victims*. I should point out that at this stage most of the recommendations made in that report remain unimplemented by the government.

This bill amends the Victims' Bill of Rights, 1995. That was a key plank, a key part of the government's crime-and-punishment agenda that was designed to show how tough this government is on crime and on punishment. The government made a lot of political hay at the time about that, because I think it's fair to say all of us are concerned about crime. I believe the members of the government when they speak about these issues with some passion and some desire to reduce crime, as we all do. The problem isn't in the talk, the problem's in the walk, again the Victims' Bill of Rights which the government trumpeted at the time and continues to trumpet as their great achievement.

I'd like to read to you how that Victims' Bill of Rights, 1995, was described by Justice Day in *Vanscoy v Ontario*, 1999. This is a judge speaking about the Victims' Bill of Rights: "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." He's saying it really doesn't do anything: a lot of talk, not a lot of walk. It really doesn't do anything.

There's been a number of other areas. Again, the government talks a tough game about crime and punishment. They like to get up and attack the federal government about a lack of initiatives on crime and punishment, the federal government's failure to deal with a variety of crime and punishment issues. Let's talk for a few minutes about some of the things that the Harris government has waffled on, or not dealt with, in the whole area of crime and punishment.

This government was missing in action and failed to seek intervener status at the BC Court of Appeal when the law banning the possession of child pornography was struck down. It was only after Dalton McGuinty and the Ontario Liberals called upon this government to intervene that our Attorney General announced that he'd be attending an appeal to the Supreme Court of Canada, and from all accounts, the Attorney General of Ontario embarrassed this province in front of the Supreme Court.

The Tory government insulted victims of gun violence by supporting court challenges of the Firearms Act. This was the very legislation that was put into place following the tragic events at Montreal's École polytechnique on December 6, 1989, where 14 women were killed. Let me say unequivocally that I support gun control. I support the federal registry. I believe it's good legislation. I support the position of the chiefs of police of this province on that legislation and I do not agree with the Harris government's views with respect to guns, especially their ideas that 12-year-olds should be able to have guns.

Let's look at another area of Tory waffling on crime and punishment. By the way, this government had the opportunity to renegotiate the deal with Karla Homolka and they refused to do that. They like to present petitions about the federal government, but when given a chance they wouldn't do it. They wouldn't change the deal with the devil. They let it stand. So they have a lot of areas of waffling; that's just one.

The Tory government insulted victims of gun violence on any number of occasions, and that, by the way, was in the *Toronto Sun*. I remember the headlines: "Tories Won't Revoke Deal with the Devil."

**Ms Marilyn Mushinski (Scarborough Centre):** That's below the belt.

**Mr Duncan:** The only thing below the belt is the cheap grandstanding by government members like Marilyn Mushinski who grandstand continually on this issue and do nothing.

1710

**The Acting Speaker:** Sorry, we refer to members in the House by their ridings.

**Mr Duncan:** The member for Scarborough Centre, Marilyn Mushinski, who talks a good game, but supports the deal with Karla Homolka—that's the bottom line. That was the deal struck by the AG's office in Ontario. If they really believed it, they'd revoke it and fight it all the way through the courts.

It took a press conference, again, by the Ontario Liberals and Dalton McGuinty and MADD, to get the Attorney General to look into the fact that his crown attorneys were permitting conditional sentences for drunk driving. Here they go again. Big tough talk about impaired driving, but what does the record show? It shows that there are crown attorneys who are routinely permitting conditional sentences for drunk driving. My leader, Dalton McGuinty, called for a zero tolerance policy for drunk driving causing death or injury and for repeat offences. They didn't do that either.

There's one last initiative that should be brought forward. I have a constituent named Robert Montforton. I know he's watching right now, because he's been watching all these proceedings. A year ago I wrote to the Attorney General. Mr Montforton was stabbed in 1971. He was left a quadriplegic. Under the Compensation for Victims of Crime Act, you had a lifetime maximum of \$250,000. His benefits were scheduled to run out in June of this year. Last November I wrote to the Attorney General advising him of this circumstance and asking for him to take action in any numbers of ways to address this.

I wrote him again in January. I spoke to him. I questioned him in the House. I did that in March, April and May. Mr Montforton's benefits ran out on June 1, 2000. All summer the Attorney General refused to take phone calls or deal with this. Finally, in Bill 119, they stuck in the provisions that would increase the lifetime limit. Interestingly enough, they didn't raise the lifetime limit for victims of crime, for somebody like my constituent, by even keeping pace with inflation since the last time the lifetime adjustment was raised, and I believe that was in 1986.

They like to talk a game and present petitions, they like to portray themselves as tough on crime, they like to blame the federal government for this, that or the other thing, they like to imply a whole bunch of things, but at the end of the day, it's all talk and no action.

They made the deal with Karla Homolka.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** We did not.

**Mr Duncan:** I stand corrected. The minister is absolutely right. They refused to renegotiate the deal with Karla Homolka. The minister is absolutely right. They wouldn't reopen it. They wouldn't change the deal with the devil. That's why they're so upset. Their record on crime and punishment is abysmal. There is it is right there, right in the Toronto Sun: "Tories Stand by Deal with the Devil." That's it. That's not me; that's the Toronto Sun. There it is right there.

Undo the deal. You didn't even fight for it. They didn't even fight for it. So they're all talk, they're no action. They like to create the impression they're tough, and they're not. People like Mr Montforton and other victims of crime can see the truth in this government and its lack of respect for victims of crime.

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

**Ms Martel:** Because Bill 114 is described as An Act to amend the Victims' Bill of Rights, 1995, I thought it would be useful to go back to the original bill to see how this bill might support it, might enhance it, might make it better. It's interesting what the Attorney General of the day, Charles Harnick, said when he introduced Bill 23 for second reading on Wednesday, December 13, 1995.

He said the following: "We introduced this bill for first reading but a couple of weeks ago and the basis upon which this was introduced was the fact that this government will not accept a system that allows victims of crime to suffer twice, first at the hands of the criminal

and second under a justice system that does not respond to and respect victims' needs."

A bit more: "This bill meets our commitments to Ontarians to bring forward a Victims' Bill of Rights, something we promised during the last election campaign, and it'll bring, we believe, meaningful change to the way victims are treated in the criminal justice system."

Just one more: "We are taking action to restore justice, fairness and victims' confidence in the justice system. The people of Ontario have demanded these changes and we are taking action."

What did Justice Day have to say about this government bill and all the rhetoric by the former Attorney General Charles Harnick, who is no longer with us? He says, "It is nothing more than a statement of government policy wrapped in legislation." What's interesting is that the government's own lawyers from the AG at the time argued in court that, despite its name, the bill only offered principles, not rights.

I say to the government members, give me a break today. If you want to amend the Victims' Bill of Rights, get rid of Bill 114, repeal the 1995 bill and bring in a piece of legislation that actually gives rights to victims. Do it now.

**Ms Mushinski:** I do feel compelled to respond to the verbal diarrhea that we heard emanating from the mouth of the member for Windsor-St Clair.

**The Acting Speaker:** I would ask you to withdraw that word, please.

**Ms Mushinski:** I will withdraw the comment. I'll refer to it as verbal garbage because that indeed is what it was. I've never heard such rubbish coming out of a member from the Liberal side as that, this coming from a member whose cousins in Ottawa have completely and totally ignored our government's attempts to try to toughen up the Criminal Code.

They ignored us on the Young Offenders Act when our own Attorney General attempted to contribute some positive feedback based upon what our constituents had been saying in our communities. They ignored that. They promised that they would impose serious penalties for those who stalk victims or invade their homes. They've done nothing about that. They've let all of that legislation die. They don't care enough about women's justice issues. They've let all of their inadequate legislation die.

We've also asked the federal government repeatedly to intervene and bring justice to the native peoples of Ontario who suffered in residential schools. Who has let that die? It's their federal cousins.

Those people are not up to the job. They never did anything when they were in government. Certainly they're just like their cousins. They're simply not up to the job.

**Mr James J. Bradley (St Catharines):** It's unfortunate that over the years the quality of the debate has deteriorated to what it has today.

I simply rise on this: I've had a situation, as people know, in my own riding which is very unfortunate. I'm always very reluctant to speak, because I hate raising the

issue. Somebody wrote a letter to the editor the other day saying, "Do we have to talk about Bernardo and Homolka all the time and put the families through the pain?" I know the French family very well. They are very good friends of mine. Day after day—

*Interjection.*

**Mr Bradley:** No, I say to the member, your Premier played the game of trying to get in on the Homolka deal for political purposes. I listened to the questions and I listened to the so-called petitions. We both face that.

I hate seeing, on any occasion, the name "Bernardo" showing in headlines or anywhere else. I have no use for the individuals who perpetrated that crime. I feel so sorry when I see the families put through it, no matter what it is.

I should invite the member who is interjecting down to St Catharines to meet the French family and see what they go through every time some newspaper reporter or some television reporter wants to deal with the Homolka or the Bernardo situation.

1720

But I do recall, only because I hear it constantly coming from the government benches, the news in the Toronto Sun, March 19, 1996: "The deal with the devil, written in blood, is now etched in stone. Attorney General Charles Harnick yesterday said his government will stand by the plea bargain deal with schoolgirl killer Karla Homolka." He believes he had reason for that, but I guess what annoys me is that I keep hearing the names being used on the other side, and here we see a situation where the Attorney General chose not to overturn the deal with the devil.

**Mr Tilson:** This bill is about the victims of crime, and the Liberals have spent a great deal of time on matters that aren't specifically dealing with the bill. They're entitled to do that, I suppose. It's a vague connection. There are victims in the issues they've raised.

It would be useful if they would talk to their counterparts in Ottawa. They certainly have more influence than we do or than members of the New Democratic caucus do. We've made some specific requests. We've repeatedly asked the federal government to make changes to the Criminal Code that would result in victims being better protected and offenders being made more accountable for their crimes. We've repeatedly requested, for example, that bail conditions be toughened by reversing the onus of proof with respect to bail proceedings in domestic violence cases. We have a bill in committee now that's related to that.

The province can only do so much. Much of this is the responsibility of the federal government. I don't hear my friends on the Liberal side talking about that. I don't hear them talking about that at all. They are trying to blame federal criminal matters on our shoulders. We are doing what we can with the jurisdiction that we have.

We have made promises to establish this office. It was promised in the last election. We're doing exactly what we promised to do. We promised to put money into it

and, as has been said by speakers on this side, \$1 million is going to be put into this program.

We believe there may be other things the province can do, and we're going to do our best to do that, but the bulk of the responsibility falls on the shoulders of the federal Liberal government, and they haven't honoured their commitments to the people of Ontario.

**The Acting Speaker:** Response?

**Mr Peters:** I'd like to make some comments. I want to thank the member from Nickel Belt because the case I raised today of the Crocker family is the case of a family who have been victims of crime more than twice. They continue to be victims of crime as a result of inaction by the Harris government. I can tell you that the Crocker family does not have any confidence in the justice system, a justice system that is not a federal issue but a provincial issue; no confidence in the Harris government.

The member from Scarborough Centre showed a total lack of respect for the issue. She didn't listen to what I talked about and the travesty the Crocker family has faced as a result of the Harris government.

The member from St Catharines talked about another family who are victims of crime as a result of the Harris government—again not anything to do with the federal government.

The member from Dufferin-Peel talks about laying blame someplace else, but again it's inaction by the Harris government. The Crocker family suffers not because of the federal government; the Crocker family suffers because of the Mike Harris government.

Dalton McGuinty, the Liberal Party and Steve Peters are going to stand up for victims of crime in this province.

My colleague raised another important issue, the issue of Mr Montforton, and again that's not something the government side can blame on the federal government. The blame lies with Mike Harris and the government on the other side.

I think it's a sad day when we sit here and have to raise issues of victims of crime. The government says it's going to help victims of crime, but we've got two issues right here—and goodness knows how many across this province—where the government has let them down. It's a sad day, and the blame lies with Mike Harris and the Tory government.

**The Acting Speaker:** Further debate?

**Mr Bert Johnson (Perth-Middlesex):** I want to add my comments on Bill 114, An Act to amend the Victims' Bill of Rights, 1995.

I want to read from one of the local papers in my area for July 18, 2000:

"Stratford—A 53-year-old father ordered his two young daughters out of the house during a domestic dispute Sunday afternoon that ended with the murder of their mother and their father being charged...."

"Laurie Vollmershausen, 35, was pronounced dead at Stratford General Hospital. Her common-law husband, Joseph Theodore Willemsen, is charged with first-degree murder.

“Willemssen appeared in court Monday afternoon wearing orange prison garb, his grey-black hair dishevelled, his head bowed low and his left arm heavily bandaged up to the elbow. An injury to his wrist and left thigh were ‘apparently self-inflicted,’ police say.

“Willemssen, who had to be asked twice to stand while the charge was read, declined an opportunity to speak to duty counsel, murmuring ‘no’ and shaking his head.”

The reason I wanted to quote that was that domestic abuse is one part of victims that is often overlooked. For some reason, we in Ontario—I don’t think it’s just in Ontario, it’s probably Canada-wide, but we think there are two crimes, that there’s assault and murder and those things that are done by criminals, and that there’s assault and murder and those things that are done by husbands to their wives. I’m not sure that we in society have set a double standard for ourselves, but I’m also not sure we are treating the problem.

Certainly from my point of view it would have been almost impossible to put a finger on or to rely directly on the cause. Our society of course develops by the mating of young men and young women. They court and, for whatever reason, we find it’s mostly males—it isn’t a high proportion but much higher than what any of us imagine or can justify—who abuse, beat, assault and murder their wives.

It’s much too late in most cases after the crime has been done, but I wanted to say that’s why we’ve brought in the bill that’s in front of us, Bill 114, because it very definitely lays out the program the government is going to follow. I’m not going to read it even though it’s not very long, but it goes through the steps that would be taken to set up the office for the Victims’ Bill of Rights and the offices that will be providing that service throughout Ontario.

I would like to quote a little bit. This is from one of the large Toronto papers and I guess it would probably be about October 17 or 18, which brings us to several months after the July tragedy in Stratford. I might add that I neglected to state that the example I gave you from the community in my riding, Stratford, came hard on the heels of an even worse tragedy in the Waterloo region, and I’m referring of course to the Luft family.

1730

As I said before, there doesn’t seem to be a way of preventing it. There doesn’t seem to be a way of saying that this family has had a difference, that they had an argument and they raised voices at each other and couldn’t get along, but with this other family we should somehow intervene and say as a society, “You can’t do that,” or stop it at the stage of the shouting, the disagreeing and so on. We don’t seem to have a way of determining which are the family disputes and which are those that are going to lead to one of these tragedies.

I’m quoting:

“In the small city of Moose Jaw, a jury yesterday began hearing the gruesome facts of a murder case. Their deliberations are their own, quite rightly, and have

nothing to do with the federal election frenzy that has broken out this week like an unwanted virus.

“Still, the fact that such a jury has been assembled at all should give voters pause in the run-up to our national verdict.

“The jurors are hearing an early parole request by Colin Thatcher, the former Saskatchewan cabinet minister found guilty of murdering his wife JoAnn Wilson in 1983.”

The reason I am bringing this up is to demonstrate what is happening in our judicial system that is not addressing the penalty and, in my opinion, is making it quite necessary that we implement further offices and advocates and help via this amendment to the bill of rights legislation formerly passed by this House. The reason I bring it up is that the jurors are being asked in this case to make a ruling on Colin Thatcher’s penalty of 25 years under the “faint hope” clause.

**Mr Duncan:** On a point of order, Mr Speaker: What does any of this have to do with the bill before the House? It’s only a three-paragraph bill, and the Colin Thatcher case has nothing to do with this bill.

**The Acting Speaker:** I’m sure the member is going to bring that to our attention here in just a short time.

**Mr Johnson:** Yes, absolutely, and indeed I have referred to very specific things in it. Unlike the member for Windsor-St Clair, who wanted to interrupt, I have been talking about the amendment to the Victims’ Bill of Rights. As a matter of fact, if what I’m commenting on—I have a sense of humour, Speaker. I just can’t help it. The member for Windsor-St Clair was telling quite a tale in this House not too many minutes ago, and I was going to say that if the truth were a city, we might call that a tale of two cities.

*Interjections.*

**Mr Johnson:** OK, for those who don’t know, Stratford is in my riding—

**Mr Duncan:** On a point of order, Mr Speaker: While I rather enjoyed that reference, I just didn’t understand it. Perhaps the member could put it in clearer terms.

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

**Mr Johnson:** That’s quite all right, because I would be pleased to respond, and I will speak slowly. Mr Speaker, I would comply with the request quite gladly if it were going to add to the debate on what the people of Ontario really expect of this government to develop the plans they’ve outlined in this piece of legislation.

I wanted to point out that there are several things that need to be done. As you know, the federal government is responsible for criminal law and some of the justice system, and the provinces are responsible for implementing that system, so we provide the courts, we provide the chambers for the judges, we provide the police, we provide a lot of those kinds of supports, and the federal government provides us with the criminal law and acts that we have to implement, they provide the judges and things like that. So it is a co-operative system, and rightly so.

Without this piece of legislation we might very well have been criticized for not implementing those, but by doing this we are absolutely—

**The Acting Speaker:** I am really rather enjoying your presentation, but I'm not hearing it because of the chatter here at the front end of the hall. I would ask people to please keep it to a low murmur so that we can hear the member for Perth-Middlesex speak.

**Mr Johnson:** I appreciate that, because the people at home can hear through these magical devices we have that just put this sound through the microphone, up through the booth and out over television, but it shouldn't miss those members across the aisle who indeed shouldn't have to go to Hansard to read these comments. I think they're appropriate, they're certainly poignant, and they have everything to do with what we're discussing today. The people in my riding expect me to get up and comment not only on government bills and how they do the job, but if there are shortcomings in them, then I would also feel rightly privileged to point those out as well.

The reason I wanted to make that comment a little while ago about the editorial in one of the local Toronto papers was because they had outlined some of the things that are missing right now.

Two things: one is that I can recall very vividly a Prime Minister of this country saying that under the Young Offenders Act, for instance, "I'm going to make youngsters more responsible for the crimes they do." That sounded good, and when the Young Offenders Act came out, lo and behold, it said that nobody can tell their names; nobody can know who they are.

How did that make youth more responsible? For instance, I had at one of our service club meetings in my community a local fellow who had gone on to be a member of the Waterloo regional police force. He said he had investigated a break-in at the home of a man who had gone to Florida for the winter. When the fellow got back, he said, "That's bad." I guess he went through his insurance and was talking to the fellow, and he said, "By the way, who broke in? Who was it?" He said, "Under the law, I can't tell you who it was." The fellow said, "That's too bad, but I'll solve the problem. Next winter when I go south, I will get my next-door neighbour to look after my house." I'm not sure of the legal ground that I would be on to finish that story, but I think that if I left it there, a lot of people would make a conclusion that that should be told. What I'm suggesting is that one great big hole in the Young Offenders Act is that we can't identify the criminal. I don't mean that the seven-year-old boy next door who throws a rock through his neighbour's window should be plastered all over the front of the big national newspapers, but I don't see anything wrong with the neighbour being able to say, "Don't give Johnny any stones. He hasn't learned yet where to throw them."

To my way of thinking, and I think a lot of people have made this conclusion, by making that secret we

have not done a service to the youngsters of this country. We've probably done quite a disservice.

Up until last Saturday there were several pieces of legislation—the controversial replacement of the Young Offenders Act, increased penalties for stalking and home invasion, consecutive sentences for multiple murderers rather than letting them serve the time for two crimes at the same time, a revamped Immigration Act that would, among other things, help prevent criminals from pouring into Canada. In any case, those pieces of legislation that this country, presumably, needs and wants because they were introduced and so on have been thrown open and dusted under the carpet. They'll never see the light of day because the federal government, after a little over three years, has called a general election that will cost \$200 million and leave right out in the cold bills like this that may have improved life for some of the victims we feel so strongly about, for whom we're creating this office.

**1740**

I have a few other comments that I would like to make. I want to go over some of the things that will specifically be enacted when this bill is voted on and passed. This bill will help victims of domestic violence by implementing the most comprehensive domestic violence court program in the country. An additional \$10 million will be spent to further expand the program to provide emotional support and prepare victims as they deal with the criminal justice system, will expand the victim/witness assistance program.

We plan to do more. You ask me, "What more?" Listen.

To help ensure that the voices of victims are heard as they go through the justice system, 59 additional crown attorneys were hired to interview and prepare victims and witnesses.

To help victims of crime, wherever they are in Ontario—and don't forget that Ontario goes so far. Mr Speaker, I don't have to remind you that your riding comprises a very large portion of it. I want to tell you that, far and wide as it is, we're going to spend \$50 million through the victims' justice action plan to further expand the services for those victims of crime.

It's right here in the bill. Somebody asked me where. If we call that page 1, if we call that page 2, then just follow along on page 3 and I'll read it, very slowly.

Five hundred thousand dollars has already been provided to streamline applications for emergency legal aid, which has doubled the assistance to abused women seeking help.

The Ministry of Community and Social Services is also involved. I'm ever so glad to see the conscientious Minister of Community and Social Services in the House. I'd just like to commend the attention, dedication and commitment that this young man has made to that ministry. His ministry has allocated \$51 million in 2000-01 for emergency shelters and related services under the violence against women program.

Ten million dollars in annualized funding has been allocated to help children who have witnessed domestic

violence, to establish a transitional support program, and \$21 million has been allocated to more than 100 counselling programs for women and their children in 2000-01.

Another justice ministry, the Ministry of the Solicitor General, has allocated \$10 million annually for the expansion of services, including community-based programs such as victims' crisis assistance referral service and SupportLink, and to make services more flexible to meet the needs of northern communities.

The Minister of Municipal Affairs and Housing is involved. If I had more time, and I may have a little bit later, I'd include some of those programs. I have literally a litany of those programs to go over and I'm ever so glad that you offered the opportunity for me to point this out to the fine members here and in the audience.

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

**Mr Alvin Curling (Scarborough-Rouge River):** Let me just see if I can refocus this thing. We're talking about the victims' rights bill, and you'd never know it from the member for Perth-Middlesex because he rambled along, not knowing what he was saying, until someone maybe slipped him some notes there.

This has been around since 1998—the same government that put in this victims' rights legislation. This legislation they put in has lips but no voice. All you see there is that it has been inactive for the last two years. I just want to recall to the dear member for Perth-Middlesex: remember that report, *A Voice for Victims*, sitting in the desk somewhere for two years, recommendations that should be implemented? Would you believe that most of those recommendations have sat there inactive?

Here is a government that is very committed to doing something for victims of crime, and nothing has been done. Is that the kind of commitment you're talking about? No wonder he had nothing to say in the 20 minutes he had. It's because they have done nothing. Even though they were guided by some recommendations, inaction is still their motive.

Take for instance the area of hate crime. B'nai Brith has been beseeching you about the increase in hate crimes that have been going on. What have you done? Nothing. Hate crime has increased tremendously in this province, but this government sat on their little tushies and did nothing so far.

I think again, as the critic for the Attorney General has always said, that this government is a lot of talk and no action. There's a lot of noise and nothing is coming out, just wind. I hope they will give them some more things to do, and do something for victims of crime when you get around to it.

**Ms Martel:** With all due respect to the member for Perth-Middlesex, most of what he had to say didn't have to do with Bill 114 at all. So I want to bring him back to Bill 114, because I would assume that he and his colleagues on the Conservative side want people to think that through this bill they're doing something for victims, that in this two-page bill there's something here that's going to give victims some more rights in the justice

system, give them some more fairness, give them their day in court, give them some remedy when their rights have been violated. I'm sure that's what he wants people to think. But the fact of the matter is that this bill doesn't do anything like that, and neither does the 1995 bill that this Conservative government brought in. Bill 23 has been exposed for the fraud, for the charade, for the joke that it is, and it wasn't me who exposed that. It was a justice in an Ontario court who did, who said very clearly that the bill had nothing to do with giving rights to victims, who said very clearly that in fact all the bill did was to define some principles. Justice Gerald Day made it very clear that it's nothing more than a statement of government policy wrapped in legislation.

What else did he say? I like quoting him so much I'm going to find some more. "I conclude that the Legislature did not intend for section 2(1) of the Victims' Bill of Rights to provide rights to the victim of crime." Imagine that. The justice said that the bill does nothing to provide it and that in fact the Legislature had no intention of providing rights to victims when the bill was passed.

Do you know what? The public, and victims in particular, would have been better served if the government had just trashed this piece of garbage—and that's what it is, Bill 114—and brought in a real bill that will give victims rights in this province.

**1750**

**Mr Tilson:** The member for Perth-Middlesex has said a number of things that have obviously irritated the other side, saying for example that a lot of what he has said is irrelevant to this bill. It's quite the contrary.

The problem that has been created by the federal government is that they have created a void. All of these things—domestic violence; crimes by young offenders; public victimization in public institutions, for example, schools—were mentioned by the member from Perth-Middlesex. Those are criminal offences, and there's a void that has been created by the federal government. They promised to bring forward amendments to the Young Offenders Act. Madam McLellan made a great speech that she was going to do this and do that, and she implemented this wimpy bill and then it died. That was the number one bill and it died.

If you read the bill, the provincial government under the Constitution is limited in certain things as to what it can do with respect to the Criminal Code. The Criminal Code is a federal piece of legislation. We're talking about criminal law and we're talking about victims who have been victimized by these people who commit crimes under the Criminal Code.

There's a section in Bill 114 that the opposition keeps referring to but they won't read it. Well, I'm going to read a section as to what this bill says. The Office for Victims of Crime shall advise the Attorney General on a number of things, which include "the development, implementation and maintenance of provincial standards for services for victims of crime." What's wrong with that? They say they don't like it. Well, they don't like anything.

**Mr Duncan:** I'm pleased to have the opportunity to respond to my colleague from Perth-Middlesex, a member whom I genuinely hold in some affection and esteem. But I say to him, as my colleague from Sudbury pointed out—and let me assure you I'm not irritated by it—that this bill really does nothing. It amends an act, being the Victims' Bill of Rights, this government's cornerstone policy, that Justice Day says “is a statement of principle and social policy, beguilingly clothed in the language of legislation.” I went and got my dictionary because “beguilingly” is a big word. It has something to do I think with—it kind of misleads or isn't entirely truthful.

**The Acting Speaker:** You used the term that “beguilingly ... isn't entirely truthful.” You can't say that indirectly.

**Mr Duncan:** Let me withdraw that.

The judge said, “beguilingly clothed in the language of legislation.” Here is the operative clause: “It does not establish any statutory rights for the victims of crime,” period. Full stop. All talk; no action. You can talk about Colin Thatcher, you can talk about gun control—and I support the federal government's gun registry and gun control. Let me be absolutely unequivocal about that. I support that.

This government is all talk and no action. They've dropped the ball on many occasions. This two-page bill is nothing but a smokescreen. It is designed to make it look like they're doing something for or about victims of crime when in fact they're not.

The member for Perth-Middlesex I know feels very strongly on these issues, and I hope he will persuade his caucus colleagues to bring forward meaningful legislation with respect to victims of crime.

**The Acting Speaker:** Response?

**Mr Johnson:** I'd like to thank the members from Scarborough-Rouge River, Nickel Belt, Dufferin-Peel-Wellington-Grey and Windsor-St Clair for their comments, and I wanted to address the member from Scarborough-Rouge River. I not only will have to speak awfully slowly, I'm going to have to speak awfully loudly. It is the critic's job to criticize and, yes, this bill doesn't say anything about hate crime, but it also doesn't say anything about taking illegal fish in Hudson Bay. This bill is to implement government policy. We have said that the victims of crime act must be implemented, and this bill helps to implement it.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** You're losing them, Bert.

**Mr Johnson:** I'm sorry. I'll go a little slower.

The government has said, in policy, that we want to help those victims of crime.

*Interjection.*

**Mr Johnson:** For you who would like to interrupt, I'll say that isn't quite enough for us to espouse that as a policy. We must implement it into legislation that can withstand the criticism of some of those who have already made comment on it and have made up their mind on it.

The member for Nickel Belt says it doesn't do anything. I guess I'll have to read it to her again and go slowly. You're absolutely right. This does not give any rights, but like I said, it also does not control poaching in Hudson Bay. What it does is implement the government's stated policy to help those who need it.

**Mr Duncan:** Mr Speaker, on a point of order: I did not want to interrupt the member for Perth-Middlesex as he was concluding, but my colleague sent a picture over to him via a page, and the member for Huron-Bruce intercepted that message and it was not delivered. I would ask if that is something that the minister was entitled to do and, if not, what are the rules with respect to that?

**The Acting Speaker:** Minister?

**Hon Mrs Johns:** My colleague had two minutes to make a statement, and I didn't want him to be interrupted during the time. I'm happy to send the information over to him, but I don't think we should be interrupting during the two-minute statements when they have to compile information from four people speaking. I think it was a deliberate intent to disrupt the speaker.

**The Acting Speaker:** I would caution the minister that it is actually inappropriate for you to intercept a message sent by a member to another member in this House by way of a page. That's out of order. However, I would also caution the member that when somebody else is giving a speech in the House to be sensitive to interference in that speech in a way that might stop the flow or impede his ability to deliver his message. OK? But the minister was, in my view, out of order.

It being 6 of the clock, this House stands adjourned until 6:45 this evening.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*

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