



**Legislative Assembly  
of Ontario**

First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 5 October 2000**

**Jeudi 5 octobre 2000**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 5 October 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 5 octobre 2000

*The House met at 1000.  
Prayers.*

**PRIVATE MEMBERS' PUBLIC BUSINESS**

CARE HOMES ACT, 2000  
LOI DE 2000  
SUR LES MAISONS DE SOINS

Mrs McLeod moved second reading of the following bill:

Bill 53, An Act to provide for the accreditation of care homes, to protect the rights of tenants and to amend the Tenant Protection Act, 1997 / Projet de loi 53, Loi prévoyant l'agrément de maisons de soins, protégeant les droits des locataires et modifiant la Loi de 1997 sur la protection des locataires.

**The Acting Speaker (Mr Michael A. Brown):** The member has 10 minutes to make a presentation.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'm bringing this bill forward because we in our caucus believe that the provincial government has a responsibility to provide some guarantees of quality of care for the vulnerable seniors who are living in privately run care homes.

My work on the bill began a year ago in response to the stories of seniors who were being mistreated in a Toronto area care home, the Birch Cliff Retirement Home. It was a home that had been operating as a nursing home under government regulation. It became the only home in the last decade to have its nursing home licence suspended, but it opened again six months later as a private retirement home, and there was nothing anyone could do about that.

In reaction to this story, the city of Toronto set up a hotline to hear complaints about retirement homes. The hotline was overwhelmed with calls, calls about filthy conditions and physical neglect of residents. Other horror stories tell of more violent abuse that sometimes takes place.

Some will argue that these situations are all in violation of existing laws and regulations: health and safety regulations, the fire code and, in the worst cases, there are Criminal Code violations. In fact, as awareness of the conditions in some of these homes increases, more

of the violations of existing laws and regulations are being prosecuted.

The problem is, there are no consistent provincial guidelines for the operation of these homes. There's no outline of the rights of care home residents and no body clearly responsible for investigating concerns. Because of this, many deplorable situations are never reported. People don't know what their rights are under existing regulations, and they don't know where to report any complaints. Some abuses, in fact, like physically restraining a senior, do not clearly fall under any existing regulation and many vulnerable seniors are unable or afraid to advocate for themselves. That's why it's important for the province to provide some clear, consistent guidelines for the operation of these homes and to establish an independent body to investigate complaints and ensure that regulations are enforced.

Let me acknowledge that this is not an issue that suddenly emerged last fall. In 1993, the NDP government appointed Professor Ernie Lightman of the University of Toronto to conduct an inquiry into the state of retirement homes in the province. Professor Lightman found that things were even worse than he'd feared. He told the story of attending an inquest into the death of elderly individual living in a care home in a small town in Ontario. There were 30 to 40 frail seniors living in the home with only one teenaged staff person on duty overnight. The individual who died had wandered out of her home in her nightgown and frozen to death.

The problem is, the stories surface in the media from time to time, studies or consultations are carried out and nothing happens. The current government did respond to the concerns last fall by carrying out a consultation, led by the member from Guelph-Wellington. We haven't seen the outcome of the consultation yet, and we don't know whether there's going to be any legislation. I did send the minister a copy of my bill last spring in the hope that it could be useful in drafting a government bill. At this point, however, the minister seems to have been convinced that the private homes don't want to be regulated, which should not come as any surprise. Her recent public statement suggests the government wants to leave this responsibility to the municipalities, which fits with the pattern of this government.

Some municipalities, Windsor, Hamilton and St Catharines, have brought in bylaws to regulate care homes. Toronto and Ottawa-Carleton are now looking at developing their own bylaws. The larger municipalities

have the expertise, if not the resources, to do this. Nothing in my bill precludes a municipality from putting in place bylaws to deal with areas that fall within their jurisdiction. But that does not take away from the importance of having a consistent provincial framework for the operation of these homes. In fact, only three provinces, Quebec, Alberta and Ontario, do not have provincial regulations for retirement homes.

Both Toronto and Ottawa-Carleton, although they are working on their own bylaws, have called on the province to bring in provincial regulations and to provide the resources to enforce them. Alex Munter, chairman of community services for the Ottawa-Carleton regional government, says, "We believe the standards should be province-wide and set by the Ontario government," and from the city of Toronto recommendation, "that the provincial government be advised that the board of health and council considers the seniors in retirement homes to be at risk and strongly recommends that the Ontario government establish province-wide mandatory standards of care and provide funding for the implementation and enforcement of such standards." It's in respect for the municipality's own belief that this kind of consistency from the province is needed that I bring forward this bill today.

It's important at the outset to clarify a couple of issues about what has proven to be quite a complex bill. The bill deals with retirement homes that offer some component of care. The residents in these homes, I want to make it absolutely clear, are tenants and they enjoy all rights under the tenants' act. But they are not just tenants, because they require a degree of care, the provision of meals and some level of personal care. I've tried in this bill to respect the rights of these individuals as tenants but to provide a bill of rights that goes beyond what is currently in tenant protection legislation, which simply isn't adequate to meet the special needs of those who are seeking care in the care homes.

The bill does not put the provincial government into the business of licensing care homes. One of the realities is that there are too many people in unregulated care homes who really should be in nursing homes. They require care beyond what can or should be provided in a private setting. We do not want privately paid-for care homes to become a substitute for nursing home beds, and it is because of that concern that we've tried to be careful in the drafting of a bill which respects the rights of tenants who need care but does not put the province in a position of licensing what would be privately paid-for nursing home substitutes.

We want people to be aware of what's available to them outside the nursing home setting and what these homes can and cannot offer, and we want people to be able to seek redress for complaints from a body that has inspection and enforcement powers beyond what is available to a municipality.

Under this bill, a care homes review board would be set up to keep a registry of care homes and to investigate any complaints of violations of the rights set out in the

legislation. The board would be given enforcement powers, including fines and the withdrawal of accreditation. We have left the accrediting of care homes, recognizing the wide range of homes that exist, in the hands of the private organizations but with recognition of their accrediting ability in the hands of the care homes review board.

That last statement suggests to you just how very complex the legislation is. I've found these are very difficult issues to deal with. The central question, as I worked through the issues around the bill, revolved around what degree of regulation is warranted and what degree of regulation is necessary if we're going to protect people who are living in a private setting, recognizing that these are vulnerable individuals, but they are individuals who, nevertheless, are making private choices about their living situations. It's very difficult to find the balance between recognizing their vulnerability, recognizing the desperation often of families who need to have a setting where they feel their loved ones can be safe and can be cared for and yet those settings are unregulated. There are no guidelines, there's no investigative body which can give them the assurance that the care home setting which they've chosen for their loved one is indeed safe, secure, and one in which their loved one will be treated properly.

#### 1010

I also struggled with the issue of how legislation could be written that reflects what is a very wide range of care home accommodation, and Professor Lightman recognized this issue in his report. There are some care homes in which people are spending \$4,000 to \$6,000 a month for their accommodation, their meals and different levels of personal care. Not everybody can afford that kind of high-end retirement home private care. But it seems to me that people who can only afford, say, \$600 a month, which would be the real low end of care home costs, should still have a right to decent care and treatment.

I've now taken this bill through 13 drafts and I still don't claim that I've answered all of those challenges in the best way. I have come to have great respect for the complexity of this issue. I am gratified that Professor Lightman, who has from time to time provided me with advice—that's one of the reasons there have been 13 drafts—considers this proposal to be what he terms "a huge step forward." I do believe that the bill can serve as a framework for a detailed consideration of what needs to be put in place.

With that in mind, it's my hope that all the members of the House will support this bill on second reading and, beyond that, will see fit to send it to committee so that this issue can receive the kind of consideration it deserves.

I've been in the Legislature now for some 13 years, through three governments. I've been increasingly concerned about this issue, which nobody yet has been able to address. I now appreciate the complexities, but I don't think we can let this be put on the back burner until more horror stories emerge.

**Mrs Brenda Elliott (Guelph-Wellington):** I am very pleased to be able to participate in the debate on this bill today.

All members of this House are committed to ensuring that our seniors can live in safety, without fear and with the best possible services available to them. I credit good motives to the member opposite for her Care Homes Act, 2000, but flawed execution. This is a bill that can be criticized on many levels: part of it is redundant; matters already discussed in the Tenant Protection Act are duplicated in the bill; and the bill also lacks clarity. For example, the definition of a "care home" does not specify the number of residents. An owner-occupied house with a rented basement apartment could potentially qualify.

Specifics aside, this bill has a much more fundamental defect. It is all about prescribing, accrediting, inspecting, registering and regulating. It is not about people. A care home review board with the usual bureaucracy and enormous powers will be created. A majority on the board will be composed of "advocates for the rights of care home tenants," or "relatives and friends" of those in care homes or people in care homes themselves.

This is not a bill that speaks to the greater public good. Turning a regulatory body over to advocates for regulation may be good politics for the Liberal Party but it is bad public policy. There was a time when the Liberal Party understood this. During its five years in government, the Liberals set up an advisory committee to look at retirement home regulation, and it rejected provincial regulation. It suggested retirement homes be a municipal responsibility, as in fact they are.

The NDP, during its time over here, also produced a report that opposed provincial regulation and inspection. Instead, the NDP advocated a consumer protection approach that included a call on the government to assist the retirement home industry in self-regulation—wise words then, wise words now, and a view this government supports.

The Ontario Residential Care Association, or ORCA, as it is commonly known, has several years' experience in accrediting member retirement homes. With the support of this government, ORCA has now created a consumer complaints and information service, a hotline for complaints: one phone number province-wide for complaints, regardless of whether or not the retirement home belongs to the association; and not just for complaints, but also for information, so that seniors will be better informed about their options.

It is noticeable that the bill before us today contains virtually no public education component. ORCA is committed to raising public awareness. They have budgeted and they have planned for it. The hotline is just one of the initiatives this government has implemented or supported in creating a comprehensive strategy to meet the needs of seniors. We come second to no government in this country in ensuring the safety and comfort of our seniors, regardless of the lifestyle options they may choose or require.

Some need long-term care in what used to be called nursing homes or homes for the aged, so this government

has committed to building 20,000 new long-term-care beds and refurbishing another 13,000 by 2004. That is 33,000 more beds than the total produced by the Liberals and NDP during the 10 lost years.

Other seniors will stay at home with family, and will have a multitude of varied programs to aid them to do so. Our home care spending tops \$1 billion, a 43% increase over budgets in the Liberal-NDP era. Many of our programs are firsts in Canada: innovative, flexible and with much local and professional input. An example of such a program is the \$68.4-million program we are investing over five years to help people who struggle with Alzheimer's disease and related dementias. This is also a program that will help caregivers.

Whether people live in a long-term-care facility, a retirement home, the family home or apartment, they deserve and should receive support from this government. To put what I am saying another way, seniors do not conform to a cookie-cutter, one-size-fits-all approach that is so evident in this simplistic bill.

Retirement homes come in a wide variety of types and sizes, offering different menus of goods and services to those who choose to live in them. Some people want meals, others don't; some want medical supervision, others don't. Retirement homes are just that: they are homes. They are places where people choose to live, where decisions on meals, medical care and other factors are made by the resident and not by the home; a home with extras and not an institution. Seniors appreciate these options, the flexibility and the freedom that comes with the wide choice. Forcing retirement homes into a single-care mould is no solution to anything.

Members are already aware that the broader public concerns are covered by police, fire, public health and building code legislation, as well as the Tenant Protection Act. Municipalities, of course, can go further. They have always had the right to bring in bylaws to cover retirement homes, a right this government encourages them to exercise when required. Five municipalities already have had bylaws in place for some time. Local options, flexibility and choice all disappear if retirement homes are provincially regulated. Red tape, bureaucracy and rigidity would only increase.

Here in Ontario, we lead all of Canada in per capita spending on long-term care and community services, and this government is committed to facilities that have a home-like atmosphere, that respect the elderly and respect their privacy. We seek to ensure that seniors who live in retirement homes can do so with confidence and with a sense of safety.

This is, as my colleague across the way acknowledged, a very complex issue. But for the many reasons I have listed, I will not be supporting this proposed piece of legislation today.

The quality of life for seniors all across this province is improving. I am proud of that; our government is proud of that. I am sure my colleagues in this House are also very proud of the achievements Ontario has made in making life better for our seniors, and that includes our

mothers and our fathers, our grandmothers and our grandfathers, our elderly neighbours and our elderly friends.

**Mr David Caplan (Don Valley East):** I am indeed very pleased to be here to speak to this bill. It is a much-needed piece of legislation, and I would like to congratulate Lyn McLeod, the health critic for the Ontario Liberal Party, who was prepared to act when the Harris government has decided it would rather bury its head in the sand and try to point fingers at the municipalities.

There are two things I would like to discuss in my very brief remarks. First, we have a real need for amendments to the so-called Tenant Protection Act. Second, I would like to speak briefly about the situation in my community here in Toronto and what they have learned from their study and investigations.

**1020**

Let me first talk about the need to amend the so-called Tenant Protection Act, because I've heard some real concerns about the eviction procedures related to care homes in the current act. Tenants in care homes are among the most vulnerable renters in our entire society. Legal clinics and other advocates have been clear that this section of the act is very open to abuse and have raised with me cases of inappropriate and discriminatory treatment of tenants.

Part of the problem is that currently there's no real benchmark for assessing whether or not a landlord is able to provide appropriate care. Without any requirement for a professional assessment, this decision is left up to tribunal adjudicators, and there is no requirement of the Ontario Rental Housing Tribunal that these adjudicators be experienced or knowledgeable in areas of providing care. It's ironic, given the fact that when the Tenant Protection Act was at public hearings, government members of the committee, particularly then parliamentary assistant Steve Gilchrist, gave assurance after assurance that there would be a formal role for community care access centres, but when the bill was tabled this formal role was nowhere to be found.

Thankfully, Bill 53 addresses this concern very well. It provides that, by law, a formal assessment must be completed by the local CCAC. Professionals will determine the level of care needed, not adjudicators relying on the advice of home care operators. It will also provide some real guarantees about accommodation decisions that are made by professionals, and I hope the government will consider adding the role for advocates of legal representatives as part of the process when they adopt the appropriate regulations.

But this bill needs to be coupled with procedural reforms that I've been calling for, for at least 18 months. It might be interesting for members of this House to know that in the case of tenants of care homes, they're not even guaranteed the same rights as regular tenants. Unlike other tenants, care home tenants do not have to receive a notice of termination, a document which is normally the starting point of discussion and mediation. Instead, the care home operator can move immediately to

serve a notice of hearing on a tenant, a notice which only gives a resident five days to respond in writing to fight an order of eviction.

What is a sick or vulnerable tenant to do when faced with these deadlines? What if they're in the hospital or there is an issue around competency? It seems unfair that they would be more vulnerable to default orders than any other tenant in Ontario. I have to insist that when the government is putting in place regulations governing this process after this bill is passed, they give special consideration to this problem.

Finally, let me deal briefly with the conditions here in Toronto, in my own riding of Don Valley East and other ridings around the city. My office has received dozens of calls about the conditions in care homes. This House would be well aware of recent reports of the board of health of the city of Toronto, which was clear. The report said that 76% of retirement homes in Toronto have problems. This is retirement homes alone, not including other forms of care homes in our city, including boarding homes and other facilities.

The city was clear in their recommendations. They said it is the role of the province to set standards, not the pass-the-buck approach the Harris government uses, trying to foist their problems off on municipalities. It is the provincial role to set standards. It is the role of the province to regulate the sector, like it does for other areas of care such as nursing homes. But again, the province has done nothing except pass the buck, pass the blame to municipalities for not doing enough and spending money on an association—the Ontario Residential Care Association—which itself has indicated it has a toothless act to work under.

The crisis in Toronto and in homes throughout Ontario should be a wake-up call for this minister and this government to act. Unfortunately, as we have seen on other issues like disability issues, and now on care homes, the Harris government is prepared to do nothing except pass the buck and pass the blame.

I congratulate my colleague from Thunder Bay-Atikokan. She has taken this excellent initiative, and I am pleased to support it here today. I encourage all members of this House to do so.

**Mr Garfield Dunlop (Simcoe North):** It's a little confusing here this morning. It's a pleasure to rise in private members' time to make a few comments on second reading of Bill 53, and I thank the member for Thunder Bay-Atikokan for her interest in this issue. But unfortunately I cannot support it, because I see a lot of red tape and bureaucracy here.

This government is committed to doing what is necessary to ensure that Ontario's seniors live their lives in dignity and respect. I think there's no more proof of that than our commitment to 33,000 new beds by the year 2004. Bill 53 will not help them do that. Bill 53 is about the power to set standards in retirement homes. It duplicates what already exists.

Last week, the Toronto board of health issued a press release that was headlined "City Seniors Suffer from

Lack of Standards in Retirement Homes.” Residents in many retirement homes throughout the city are not being properly cared for and have no government protection to stop neglect, the board’s chairman John Filion charged. I know that councillors like Mr Filion are involved in municipal election campaigns, and I believe that is what this is all about, something to draw some attention to him. But this has to be one of the strangest press releases ever issued about retirement homes.

The Toronto board of health has enormous powers to ensure public health and safety in retirement homes under the Health Protection and Promotion Act. If there are any health care violations, the board has not just the power to act, but the duty to act. Toronto council, in fact, on which Mr Filion sits, has a duty to act in regard to retirement homes in many other ways. Should there be violations of the building code or fire regulations, the municipality has a responsibility to act. It is the municipality’s failure if it has not done so.

I can think of an example right in my own riding. Right after I was elected last year, I was called out to a retirement home. The owner was quite upset with the fire department because they had made him add some fairly expensive fire and safety security equipment to his house. I commended the fire department at that time, because there were 11 people there. This is a beautiful facility, but the fact of the matter is that he had to abide by the laws of the municipality.

But let us assume the problems discovered were of a nature that the municipality was not required to act upon: the problems violated neither health nor fire nor building codes. Perhaps it was a simple landlord-tenant dispute that the board of health stumbled over. In that case the Tenant Protection Act comes into force. Because this is a provincial responsibility, the tenant may take the complaint to the Ontario Rental Housing Tribunal.

But what if the problems the board of health found fit into none of these categories? Perhaps the difficulties were more housekeeping in nature: complaints about dirty but non-health-threatening hallways, for instance, or rude behaviour by staff. Then Toronto council has a choice: it can pass bylaws setting standards for retirement homes within its own jurisdiction, tailoring the rules to fit local circumstances. It has that power and has had that power for many years.

The old city of Toronto had a bylaw with regard to retirement homes. The old city of Etobicoke had a bylaw with regard to retirement homes. Hamilton-Wentworth has a retirement home bylaw and so does the city of St Catharines. This government encourages municipalities to exercise their responsibilities and write a bylaw appropriate to their local areas. Toronto has chosen not to do so. This is the position of the amalgamated Toronto council on which John Filion sits. If he has a complaint about lack of standards for retirement homes, he should take it up with his fellow Toronto councillors.

After all, the city commissioner’s December 1999 report to Toronto’s community services committee supports our government’s call for the city of Toronto to

harmonize existing bylaws governing retirement homes in Toronto. The commissioner noted that the committee’s consultation on this issue generated consensus in a number of areas, including that the amalgamated city of Toronto “harmonize the retirement and lodging homes bylaws to the standard of the former city of Etobicoke.”

Toronto council has the legal authority to act. Let it act. Let it set whatever standards it deems necessary. I don’t think we should have this red tape and bureaucracy across the rest of the province. I support the stance taken by previous governments, including the Liberal government, that municipalities are in the best position to enact bylaws that enforce community standards for retirement homes and the care they provide to the residents of the province of Ontario.

1030

**The Acting Speaker:** Further debate?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I’m very pleased today to speak on behalf of Bill 53 that’s been introduced by my colleague from Thunder Bay-Atikokan. I have in the past had the opportunity to investigate and understand issues of importance for seniors, not only within my own riding but within the province of Ontario. Certainly it came to my attention on many occasions that there was great concern within the province among family members of seniors and senior representative groups about the lack of standards and the lack of consistency of service that was offered for people who would be resident in care homes. So my colleague and I have had a number of conversations and discussions about how this very serious issue might be addressed most effectively.

The member for Simcoe North has said, “We already have the things in place. Let municipalities deal with this.” The reality is that isn’t happening. The reality is that there are many people in care homes in the province who are not accessing the kinds of service and the level of service they need and deserve. So my colleague from Thunder Bay-Atikokan has consulted people who are very respected within the community and consider and provide services and represent the interests of senior groups in the province, people like Ernie Lightman and Judith Wahl.

My colleague has consulted with those individuals. She has asked them, “What do you see as a reasonable solution to the issues that we’ve heard about in the media?” After consultation with those individuals, my colleague has brought this bill before us, this bill that will contribute to a consistent level of service for people in Ontario in care homes. This bill will establish an independent body that will investigate complaints. It will also establish penalties if there are care homes that are not providing the service that they should.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** How much will it cost?

**Mrs Dombrowsky:** The member across the way, from Dufferin-Peel-Wellington-Grey, shouts back at us, “What will it cost?” There are seniors who are being abused in homes, and these people across here are saying, “What

will it cost?" What's the human cost when people are abused? What's the human cost when people have been assaulted? We should save money and allow people to continue to be abused?

I suggest that we are taking a responsible approach in saying that we need this government, in these strong economic times when there are surplus funds available, to consider directing those surplus funds to support, assist and protect the seniors of the province. My colleague the member for Thunder Bay-Atikokan is giving you an opportunity to do that. I sincerely hope that the members on the other side of the House, the members of the government, recognize the opportunity they have here to offer some comfort, protection and a consistent level of service for people who would access care home services in Ontario.

**Mr R. Gary Stewart (Peterborough):** The issues tackled in Bill 53 are issues that governments of all stripes have grappled with for 15 years, yet neither the Liberals nor the NDP took the route suggested by the member for Thunder Bay-Atikokan. Let me give you a bit of a history lesson, if I may.

In March 1990, former NDP critic Dave Cooke raised the issue when in opposition. Across the aisle from him was the Liberal minister responsible for seniors, Gilles Morin. Back then, the issue had to do with a retirement home where matters had suddenly gone badly and residents were left without heat or food for a period before the appropriate authorities were notified. This was under the Liberals. Five years they had been in power at that point, five years during which their party endlessly studied the issue of residential homes and rest homes.

Proposals for a legislative response were promised, yet, as the NDP critic noted, nothing had been done. The Liberal minister responded that even if there had been provincial regulations, this incident would not have been prevented. He also reminded the House—correctly, I might add—that “municipalities can license and regulate rest and retirement homes, and a number of them do.” The minister also noted that he had an advisory committee studying the issue and that it had reported back with all kinds of recommendations. He said no consensus existed.

So what did the Liberal minister of the day do with this report? The answer, as you might expect, as happens these days as well: nothing was done.

**Interjection:** Nothing.

**Mr Stewart:** That's right. The same Liberal government—where the member whose bill we are discussing today sat in cabinet—took the option of doing nothing when it had the chance 10 years ago.

History continues but times change, and soon the NDP was in power and Dave Cooke was in cabinet. What do you think this spanking new government did when they had the chance to move forward?

**Interjection:** Nothing.

**Mr Stewart:** Nothing. That's right. The protests of Dave Cooke in 1990 produced nothing more now than when he was in government. In fact, he was also in cabinet.

Actually, that isn't quite fair. The NDP did labour over the issue of retirement homes and brought forth yet another commission to look into the issue. It was the Liberal response all over again. And what did the NDP commission produce? Well, it came forward with much of the same response as Morin's advisory committee did two years earlier. It spoke of division and no consensus and, perhaps most interestingly, a report in 1992 that did not support provincial regulation and inspection. Instead, it advocated a consumer protection approach which included a call on the government of the day to assist the retirement home industry in self-regulation.

That brings us to today. This government—

**The Acting Speaker:** Thank you. Further debate?

**Mr Gerard Kennedy (Parkdale-High Park):** We see in the House today the unfortunate problem of a government caucus that cannot think for itself; that does not believe its main job today, in this time and in this space, is to look after vulnerable seniors. For some reason, the members opposite have dedicated almost none of their time to talking about the people they were sent here to represent: vulnerable seniors. Instead, we have the sad, lamentable response of this government to put things only in partisan terms when they have in front of them a bill that not only is fair, reasonable, clear and in the interests of seniors, but cleans up after this government. So these partisans opposite, these people reading their speaking notes fed to them by the Premier's office, not able to think for themselves or their own communities, don't look at, don't have regard for, what is actually required for seniors.

Instead of looking at the facts, it is their government that has cut the number of hospital beds. It is their government that has gotten rid of rent control, that has put seniors in vulnerable positions in every community in this province. Instead we have the sheep opposite.

It is sad indeed if the members opposite cannot look beyond the end of their leashes from the cabinet and instead look at the merits of this bill, because the merits are many.

There are seniors who can't get into long-term care. We know how many there are—20,000 seniors. There are 20,000 seniors, probably the largest proportion of whom are parked in retirement homes. We want to be careful, as we speak about retirement homes, to recognize that there are good retirement homes; responsible businessmen who are looking after seniors in accommodation. However, those tend to be those for seniors who can afford to pay for those standards, families who can provide that support. Maybe that's why they fall off the radar of the members opposite. Maybe that's why they can't bring themselves to look to the real needs and requirements of seniors.

I would just invite the members opposite to be in the shoes, to be in the beds, to be in the wheelchairs of those seniors, to understand what it may be like to have your entire pension cheque, as small as that may be, gobbled up by someone on whom you are completely dependent and vulnerable and from whom your government offers no protection.



I am almost embarrassed to have to iterate the very simple rights which this bill would accord to those seniors; embarrassed only because it is necessary for us to articulate simple things, like not being forced to take medication, being allowed not to be locked into a room, to be fed with proper food if that's what the contract calls for.

I ask and invite the audience at home and in the Legislature to look down on this caucus of government members who are here today, flying in the face of the common sense recommendations of this bill, and think of them in their later years stuck in that predicament, having no recourse, no one to turn to, left literally unable to have the support and the succour of their families, and now not even in that situation. They could be malnourished; they could be unsafe; they could be subject to abuse; they could have bed sores because they should be in a better facility.

**1040**

Without the requirement on people who would take money from those people, who would take responsibility in some way, they need to have our responsibility, which is to look after those seniors. There is no escaping that. The members opposite may hide under their pre-programmed speaking notes. They may, incredibly, hide behind some other governments. They've been in government for five years. I can't imagine what the life of a senior would be like these past five years in a badly run retirement house, and these members opposite can't find it in their hearts or in their minds or in their pocketbooks to find room for those seniors.

I find that incredible, because the very simple rights that should be accorded here are accorded to prisoners, they're accorded to people in any other kind of institution, and these members opposite would not put the onus perhaps on some of their business friends—I don't know what acquaintances or what donations or what other things could possibly get in the way of these members opposite finding in their own communities the means to provide safety and security to seniors instead of some of the incredible obstructionist baffle-gab that we've heard today.

This is a bill required for now because it is now that seniors are in an enhanced vulnerable position. There are fewer government programs. There are charges for drugs that didn't used to exist. There is an absence of rent controls. Seniors in my riding have been forced out of buildings because this government wouldn't get in the way of maximum rents, because this government is allowing above-guideline rent increases. So we will find more seniors forced into unregulated communal environments, who will find themselves only able to afford some of these retirement homes. They won't have long-term care, they won't have the care they should have; they will only have what we in this House decide to provide for them. A decent life—they deserve that.

**Mr David Christopherson (Hamilton West):** First of all, let me begin by commending the member from Thunder Bay-Atikokan in terms of her initiative to bring

this forward. I have had a fair bit of experience in this issue, particularly when I was on the Hamilton city council and on the regional council.

Let me say at the outset that all three parties, as governments, have not stepped up to the plate and dealt with this issue. There is lots of blame to go around. I don't think it serves anybody's purpose at this stage to be trying to point fingers and saying, "You should have. You had a chance. Why didn't you do it?" We've all got some serious responsibility and blame in this regard. What matters is taking a look at the future and where we're going to go with this issue.

It is a growing problem. It's a growing concern. Eventually, if things continue the way they are, there are going to be deaths and there are going to be further coroner's inquests into why. And at the end of the day, everything is going to point back to this place, because if we take a look at how this evolved, it starts here. It's got to end here.

Let me just take a moment to reflect on the history and the experience in Hamilton, which, let me say to members, I know is shared by at least the communities of Windsor and Ottawa, because like my hometown of Hamilton, they have initiated bylaws that I understand have been referred to earlier by the government, blaming the municipalities, I believe. If that's incorrect, somebody tell me, but I understand that the government members earlier in the debate were saying that the municipalities haven't done their job or somehow that they are responsible, and, boy, nothing could be further from the truth. Hamilton, Windsor and Ottawa, in particular, showed great courage and a great deal of compassion for their citizens when they stepped in and provided at least some rudimentary legal framework for defending the rights of a lot of vulnerable people.

In the 1960s and 1970s in particular, members of the House will know and many of the public will know that deinstitutionalization began in our psychiatric hospitals. That is to say, suddenly the light was cast upon what was called the back wards of psychiatric hospitals, where people were sort of shunted out of the way. They were no longer out in the community; they were in institutions. The institutions were doing the best they could to cope, but it certainly wasn't progressive. So there was an initiative by the government of the day, which was applauded virtually across the board, to start releasing a lot of people who, yes, had some serious impairment and some problems but who with a little bit of help could exist in the community and could live close to what we would call a normal life.

The problem was that when the doors were flung open and people were released, because they really shouldn't have been kept under 24-hour lock and key—you lost all your civil rights because you had a health problem, in this case a mental illness. It seems hard to believe that that was just a few short decades ago, but that was Ontario. When the back wards of the psychiatric hospitals were opened up and people were released into the community, it was a good thing in terms of returning

them their civil rights. But that's where the government's role in all of this ended. People were just virtually released: "That's it. Take care. Have a nice day. See you."

Communities like mine that had regional psychiatric hospitals began to realize where a lot of these folks were ending up. I just want to say parenthetically to my colleague the previous speaker that yes, seniors are a large part of this, but there's a significant component—my colleague from Hamilton Mountain is a doctor in this area and understands it from that end far better than I—there are a lot of people involved in this who aren't, just because they're aged, having to need supports. A lot of them are young people, people with acquired brain injuries. I see a crowd of young people here today. There are a lot of young people who are in motorcycle accidents, car accidents, sports accidents who have permanent brain damage and have the same kinds of needs as someone who is maybe 82 or 83 years old and for different reasons need supports in terms of what's called the activities of daily living.

A lot of folks ended up in Windsor, Ottawa and Hamilton, and I've got to believe, in other communities. Let me say that we don't know exactly what's happening in the other communities that don't at least have a local bylaw, because it's not being addressed. We don't know the degree to which the problem may be worse or better than in the so-called regulated communities.

Eventually people drifted toward just ordinary rooming houses. They didn't have enough money to afford anything else. They tended to be low-end rooming houses, and the owners of these facilities found that their new tenants had some special needs. I won't get into what happens when you've got a good landlord versus bad—I think we can all well imagine—but let's for the sake of this debate here in this short time available talk about good landlords who cared. You had people who are totally untrained in any kind of health care profession providing medication to people—a horrible situation. But if that landlord wasn't doing it, they weren't getting their meds.

Eventually it became such a problem in Hamilton and Windsor and Ottawa that the municipality, in the absence of the government of Ontario stepping in and saying, "We will regulate, we will provide standards, we will provide inspection and we will provide penalties for those who don't meet the requirements"—we have had in Hamilton a council of the day, and I give them so much credit, who said, "We've got to do something. If the province is going to do nothing at all and stand back, we've got to do something." So they stepped in with what we call in Hamilton the second-level lodging home bylaw. Let me tell you right at the outset that it went way beyond what a bylaw was meant to do. I see my colleague the new member from Ancaster-Dundas-Flamborough-Aldershot nodding his agreement, and of course the member from Hamilton Mountain is here, and also the member from Stoney Creek. There are four of us here today.

#### 1050

The fact of the matter is that if these bylaws were challenged, I'd be willing to bet they wouldn't stand up. But nobody has challenged it because at least it's something. Why hasn't the provincial government stepped in and done something? It comes down at the end of the day to money, because once the province steps in and starts to regulate in any way, shape or form, the provincial government then assumes legal responsibility. Given that this is something that has gotten totally out of control, nobody wants to take the first step, because just putting your toe in the water doesn't solve the problem but it gives you all the legal responsibilities.

That's why as much as possible I would like to see this turned into a positive discussion. I think that's the way the member from Thunder Bay-Atikokan is framing it because, I say to colleagues in the House, irrespective of party membership, this is an area we should be stepping into. In the absence of doing something, at best we have bylaws that are regulating health care. Bylaws aren't meant to regulate health care. Bylaws are for street signs, parking regulations and other types of legal requirements at the municipal level. They certainly aren't meant to do the sorts of things that our law in Hamilton is doing.

We have situations in Hamilton—good and bad. The good we're managing, but it needs more money and more attention. The bad is a nightmare. You've got vulnerable people who are being exploited, who are being warehoused. Yes, as a society we're no longer warehousing them in psychiatric hospitals, but we're warehousing them in private warehouses. We have to do something.

I know that Alderman Caplan and Alderman Andrea Horwath in Hamilton are part of a task force now. I think they just completed their work where they reviewed once again, picked up where my task force had left off in the late 1980s, what we had put forward. I met with the previous Liberal minister. Yes, he was very sympathetic, but I understood much better years later the dilemmas facing that minister.

There are possibilities. Hamilton is offering itself as a pilot project. I would say that this is maybe an offer that could go hand in hand with the bill that's in front of us, Bill 53, and a desire, if it existed, on the part of the government to do something about this. This is huge. This is a huge issue affecting probably tens of thousands, and as time goes on and we, all the boomers, get older, hundreds of thousands of people. It's totally unregulated.

Do I agree with every provision as I see it in this bill? No. But I had a chance to talk to the honourable member from Thunder Bay-Atikokan beforehand. She isn't suggesting that all the details prescribed here are all the answers, and I think that shows the seasoning of that veteran member. It is a focal point for us. On a personal level, given the work I've done, I want to say that I think the fact that she was prepared to use her valuable limited time in this House to bring attention to this issue says a lot about her and why she's in this place. Obviously, she cares.

It would be nice, rather than having the government stand up and say, "Here's why this bill is lousy. Here's why the municipality's at fault. Oh, the NDP didn't do this during their time and the Liberals didn't do that"—look, that's not what's needed right now. All that kind of debate means nothing to the people in our communities who need our help. Only we can do it; only this place can do it.

Is it going to happen? Probably not. But miracles do happen; I suppose it's possible. We could get a minister who decides that this is going to be their issue—and I'm not putting down the current minister. We may find somebody who comes along and says, "Yes, this happens to be something I care about passionately. I'm going to move the yardsticks. I'm going to do something." That's not necessarily the bent of what we hear from this cabinet. Even if we had such a minister, they would face tremendous resistance from the cabinet of today.

At some point, I say to colleagues, this Legislature and whatever party is in power are going to have to do something. If you don't do it, if we don't do it voluntarily because we care and recognize that we have responsibilities to these very vulnerable people, then we're going to be forced into it either by law, because of a court challenge, or because there are enough dead bodies that the public pressure is such that we have to do something. That's not etched in stone. That doesn't have to be the future. There is a chance to do something here, something progressive, something important.

For those of you who don't have any bylaws, talk to your public health unit and ask them what's out there. Think about it. You've got landlords, good and bad, who are basically running care homes with no regulations, no standards, no inspections.

I know how inadequate the second-level bylaw is in Hamilton, and yet I also know that it's a shining example of pioneering and blazing a path in the darkness. I shudder when I think of what's happening in the rest of the communities that have nothing. How many people are being improperly medicated, improperly fed, abused, ignored? We don't know. We don't even know the exact numbers. But it's there and maybe in some of the richer communities you'd think, "We don't have that sort of thing." Yes, you do, you just don't know how many.

My time is up. There's so much to be said about this issue. It's incredibly complex, as I know the honourable member from Thunder Bay-Atikokan has said, and I understand the reluctance on the part of some members of the government to take up this challenge, but somebody has to. Collectively we have let down very vulnerable people and we can't afford to do that any more. It's wrong. We need to do something. Passing this at least sends a message that we care. Don't we care?

**The Acting Speaker:** In response, the member for Thunder Bay-Atikokan.

**Mrs McLeod:** I appreciate the contributions of my colleagues. I do want to express my dismay, my frustration, at the obvious opposition of the government to even allowing this issue to go forward to committee for

consideration. I would have preferred to have had the government bring in legislation of its own last spring and have that in committee for debate. That's why I submitted my bill to the minister last spring in the hopes that it could be part of a government consideration, a genuine consultation on this issue.

I'm struck by the fact that the member for Guelph-Wellington, representing the government, says that the bill is not about people. Seven hundred and nineteen calls from desperately concerned individuals to a hotline in seven months tells you that this is an issue that speaks very clearly to the vital concerns of a great many vulnerable seniors in that community, as is true in communities across this province.

It's apparent that the government has made a decision that it's going to leave the regulation, the setting of standards, in the hands of the Ontario Residential Care Association, which the member for Guelph-Wellington defended so ably. The government has given them \$1 million to set up a hotline to take concerns and ORCA is the association that represents the private operators of the care homes. I think it can do a fine job of accreditation; I acknowledge that. But, as my colleague from High Park-Parkdale has said, this bill isn't speaking to the concerns of people who are in the high-end retirement homes who can pay the \$4,000 or the \$5,000 or the \$6,000 a month to meet the standards that ORCA has set to get that high level of care. This bill is probably speaking primarily to those who can only afford the lower-end care homes, where the quality of care is not assured and where all too often we are hearing the horror stories emerge.

The member for Simcoe North said that the municipalities have failed. Again, it's clear that this is the direction the government is going to go: put the blame on the municipalities, require the municipalities to do any of the enforcement of any violations of existing laws, and for that to happen, the municipalities have to set up their laws. It is time for this to go forward.

**The Acting Speaker:** This question will be decided at 12 noon.

1100

PUBLIC SECTOR EMPLOYEES'  
SEVERANCE PAY ACT, 2000

LOI DE 2000 SUR L'INDEMNITÉ  
DE CESSATION D'EMPLOI  
DES EMPLOYÉS  
DU SECTEUR PUBLIC

Mrs Bountrogianni moved second reading of the following bill:

Bill 104, An Act respecting the payment of Severance Pay to Public Sector Employees / Projet de loi 104, Loi concernant le versement d'indemnités de cessation d'emploi aux employés du secteur public.

**The Acting Speaker (Mr Michael A. Brown):** The member for Hamilton Mountain has ten minutes.

**Mrs Marie Bountrogianni (Hamilton Mountain):**

The incentive for this bill came from some outlandish golden handshakes in the Hamilton area in the last decade which led, quite legitimately, to public mistrust.

In researching this bill, however, I discovered that these golden handshakes are quite common across the province. At a time when we are asking so much from everyone in the public sector, this is really demoralizing for the public. In fact, the accountability to the public in this area is astounding.

I'll give the House some background examples on this in a few moments, but I'd like to go over very quickly what Bill 104 is all about.

"This bill provides that a public sector employee who is not subject to a collective agreement is, upon termination of employment, entitled to a severance pay of no more than an amount equal to 24 months worth of wages."

Given that most of these executives make hundreds of thousands of dollars a year, this is still quite generous—because one of the criticisms of this idea or bill that has come to my attention is that you can't attract good people if you introduce this. If they're making hundreds of thousands of dollars and they still can get 24 months' wages for severance, it's still a very attractive package, very generous. Let the others go work for IBM and Coca Cola, as far as I'm concerned.

"In the case of a severance payment in an amount of \$100,000 or more, the employer is required to obtain the approval of the minister before the amount is paid to the employee." That's the finance minister or delegate of the minister.

This bill also establishes the Public Sector Employees' Severance Pay Council to review all such agreements by public sector employees and determine whether they comply with the act and the regulations.

"The bill also provides that if a public sector employee who receives a severance pay finds other employment in the public sector after his or her termination, he or she will have to reimburse a part of the severance pay determined by regulation to the employer...."

"Finally, the bill requires that if a public sector employee is to receive a severance pay of \$100,000 or more, the employer must make available for inspection a written record," basically making those severance packages public, which is essentially an extension of the government's Public Sector Salary Disclosure Act of 1996, the sunshine law.

Let me give you some examples of some of the situations that are quite disgusting and quite demoralizing to the public.

In Hamilton a few years ago, the former head of the Chedoke-McMaster Hospitals, Dr Jennifer Jackman, was offered \$1.8 million in severance when she left that job. Public sector employees, when they voluntarily leave a job, are not entitled to severance. But with weasel words, with very clever lawyering, whether you leave on your own volition or are asked to leave, you get a hefty severance package when you're in this elite group. That

amount of Dr Jackman's was eventually capped at \$818,000 and payments have since been stopped, pending litigation. This litigation, by the way, is also paid for by taxpayers' dollars. It also left a very bitter taste in the mouths of taxpayers in the Hamilton region.

Mr Scott Rowand was brought in after Dr Jackman as CEO to oversee efficient and effective programming, as well as to be the chief financial steward. He departed, leaving the organization in financial chaos, and still received a \$500,000 golden handshake. He also left on his own volition. This too is in the courts at taxpayers' expense.

Just before Mr Rowand, Dave Watts, the chief financial officer of the Hamilton Health Sciences Corp, resigned and received \$300,000 in severance pay. Again, let me remind you, typically an employee who quits doesn't get a dime in compensation other than the wages they get until the day they leave.

Here's where it gets very significant with the timing of amalgamation and the hiring of new upper executive positions. Doug Lychuk, the city manager in Hamilton, was just rehired as city manager for the new amalgamated city of Hamilton. The new council will have to pay between \$172,000 and \$278,000 in severance if it decides to part company with him. This information, by their way, was not publicly disclosed; it was—

**Mr Brad Clark (Stoney Creek):** —ferreted out.

**Mrs Bountrogianni:** —yes, ferreted out—thank you, member for Stoney Creek—with the freedom of information act, by a reporter in Hamilton.

We're paying these severance packages and we don't have the right, as the public, to call up and ask city hall, "What is the severance package of the new city manager?"

Lychuk's contract also contains a clause that requires the new council to keep any termination a secret until he gets a new job, or until his contract expires in 2003. Where is the accountability here? What incentive does this new city manager have to be accountable to the public, to the council, to pestering MPPs when they're advocating for their constituents? It's not a wonder that many of these people don't answer calls.

The severance package in Lychuk's contract is more generous than that available for most unionized employees with the present city and region. Only those with a decade or more of service would get packages that approach what Lychuk would receive. Howard Levitt, a prominent Toronto labour lawyer, says up to 18 months of severance is generous for an employee who has just been hired. It usually doesn't occur unless you've been hired for six or seven years.

A few more examples:

Bill Piliotis, the former superintendent of human resources at the Greater Essex County District School Board, earned a staggering \$227,736 as a result of a rich retirement package in December 1999. He was then rehired by the public board as a negotiations consultant at \$700 a day. This is double-dipping and shouldn't be allowed. At the very least, we should know about it with-

out going to the Freedom of Information and Protection of Privacy Act.

Al Collins, the former executive of Grand River Hospital, was paid more than \$125,000 in 1998. He resigned abruptly in June 1997 in the wake of a provincial investigation into the hospital's burgeoning deficit. Shortly after he left, the report blamed poor management for many of the hospital's troubles. The reward: \$125,000. What incentive is there for accountability?

Allan Kupcis, the former Hydro CEO who left in August 1997 after a consultant diagnosed mismanagement at the giant utility, was paid \$942,959—I can't even say these big numbers; anyway, close to \$1 million in 1998 as part of his severance package. This is after a consultant diagnosed mismanagement.

Lloyd Preston, the former CEO of Windsor Regional Hospital, left the hospital three weeks into 1998 but still earned more than \$675,000 as part of a golden handshake.

And this isn't a recent phenomenon. In 1992, Roger Hunt, the former president of St Michael's Hospital, agreed to resign in exchange for a rumoured \$360,000 in severance pay, "rumoured" because we still don't know for sure. We don't know the specifics of the deal because it was forged behind closed doors.

The only criticism I've heard so far is—well, one of two criticisms—"We can't attract good people if we make severances public and we have this accountability." I'd like to believe there are people out there who are willing to work for the public for a few hundred thousand dollars a year and 24 months' severance. I can't believe that we don't have people like that.

The other criticism is red tape. Well, please send this to committee and amend it so that the red tape isn't cumbersome. Don't let that serve as an excuse not to look at this seriously. This is simply an extension of the Public Sector Salary Disclosure Act, your sunshine law passed in 1996. The cost of lawsuits to the public is enormous. The public mistrust is growing. If the provincial government wants to be wise and responsible, it needs to put province-wide guidelines in place to oversee executive severances in the public sector.

This is a time when amalgamations are occurring—of boards, of cities—when new contracts are being drawn up, and we as taxpayers, the shareholders here, cannot even know what we are paying in severance packages. Some outlandish, unaccountable deals are being made behind closed doors, under the guise that we want to keep the best. I'd like to believe, and I'm optimistic enough to believe, that there are good people out there who are quite willing to be open and accountable to the public, to their employer and to the taxpayers of this province.

I hope you consider supporting this bill. I can't see how you wouldn't support this bill, and I look forward to hearing your comments on all sides of the House.

1110

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I will be sharing my time with two of my colleagues, the members for Barrie-Simcoe-Bradford and for Stoney Creek.

I am very pleased this morning to join the debate on Bill 104, An Act respecting the payment of Severance Pay to Public Sector Employees. I think this bill, introduced by the member for Hamilton Mountain, is a good start for discussion on a very important issue. I compliment the member for all the hard work she has done to bring this bill forward.

A fair and just severance payout is important for public service sector staff at all levels, but it is vital that we ensure that the interests of taxpayers are taken into account. A good severance package is important in attracting good staff, whether you are talking about government or the private sector. The government, too, must fight against the brain drain. Good use of the people's money requires an investment in quality employees. This government has always put the interests of hard-working, taxpaying citizens first. These interests should be applied as a test to every piece of government legislation. Bill 104 contains several technical issues that I believe merit further study.

The bill does not amend or repeal any existing provisions in Ontario's labour laws. It contains no definition of severance pay, which would really fall under two provisions of the Employment Standards Act. These are severance pay and pay in lieu of notice of termination. From my reading of Bill 104, it would seem that both provisions are meant to be covered.

As members may know, the Ministry of Labour and the government recently completed a process of consultation with Ontarians on the Employment Standards Act, a worthwhile and healthy discussion of views, held in five Ontario cities. A lot of good input was received from unions, businesses and ordinary citizens about the standards that should exist in Ontario's labour market.

Bill 104 would establish a public sector employees' severance pay council, chaired by the Minister of Finance. While this may sound like a good idea in theory, I think some questions about its usefulness need to be asked. This bill could set up a situation where every major severance payment made by the government, a municipality or other government-funded body is no longer a staffing decision but a political one. If Hamilton, Toronto or Kingston dismissed a senior staff member with a large severance, this would have to be reviewed by the finance minister. We could be faced with all sorts of agencies, hospitals, cities or others having many of their staffing decisions go all the way to Queen's Park.

If a former municipal employee is laid off in, say, Windsor, and they are denied the severance they feel they are entitled to by some future minister, will they end up suing the province over it? I understand the problems the member is aiming to correct, but I wonder if this bill goes too far.

The bill exempts from all its provisions public sector employees who are covered by collective agreements. If we were to pass this bill, wouldn't it be fairer to include everybody? Should there really be one standard for union members and another standard for non-unionized em-

ployees? I firmly believe that every government employee should be bound by the same rules in this matter.

This government committed in its Blueprint to increase freedom of choice for workers, to strengthen their right to decide whether they wish to be in a union, through a clear and fair secret ballot. I am committed to fighting for the rights of every worker in Ontario to be able to choose and enjoy the same rights before the law. If this bill passes, it should not place obligations on non-unionized employees that it does not give to union members.

I also note in this bill that the member for Hamilton Mountain is proposing that any severance package over \$100,000 must be made public. The member is surely being guided in this proposal by the Public Sector Salary Disclosure Act, an excellent piece of legislation passed in the government's last term.

Bill 104's provisions in this area are obviously modelled on the PSSDA, which allows the public to see a list of all government employees making over \$100,000 a year. In the same vein, I hope the honourable member will support our government's Blueprint commitment to pass a sunshine law for union bosses requiring them to disclose their salaries, benefits and expenses to union members. Perhaps she may even wish to propose an amendment to this bill to extend the restrictions on public sector severance to include public sector union leaders.

All in all, this bill raises a number of issues that are important for this House to consider.

I would like to again commend the honourable member for Hamilton Mountain for presenting this bill to the House. It contains a number of ideas that I believe are worthy of further study. I intend to support this bill in principle and look forward to seeing it move forward to committee. As the Ministry of Labour moves ahead on its changes to employment standards, it is possible that the member may find her concerns taken into account to such an extent that she could even withdraw her bill. Either way, I will be pleased to work together with the member for Hamilton Mountain on this issue in the future.

**The Acting Speaker:** Further debate?

**Ms Caroline Di Cocco (Sarnia-Lambton):** It's with great pleasure that I stand in support of Bill 104. I applaud the member for Hamilton Mountain for bringing it to this chamber.

The reason I speak to this is because of some very significant experiences in Sarnia-Lambton with regard to some huge payouts—actually, it had to do with a director of education. Again, one of the issues here is that there is no open process about severance pay for individuals who are making way over \$100,000. When it comes to their severance packages, for whatever reason they leave, first of all it's very difficult to find out what exactly is being paid to them. There is also the fact that the money that was paid out to this individual was way in excess of \$600,000. This is a person who is in the middle of his career, who will go on and is going on to work again for the public sector.

There's such a great need in the education system for money that is not available, and yet we're paying huge amounts. This individual, this director of education—this happened in 1998-99. We had a judicial inquiry because of the tremendous amount of corruption that was involved, and this individual played a huge role in wasting millions of dollars of taxpayers' money in the community. As I said, the findings of the judicial inquiry reinforced his role in this corrupt scam.

One of the problems that happened, though, is that in his termination, if they wanted him to leave, he got the golden handshake. So not only did he, in his position, not do his job and abuse his position, but he was given this huge golden handshake. I and a number of my constituents actually brought this—this was before I got into politics at the provincial level—to the attention of the ministry of the day, and we tried to get some accountability. We said, "These are public funds. Can you not somehow intervene and address this \$600,000-plus?" There was other money involved as well. But at that time the ministry said, "No, we can't get involved. There's nothing we can do."

I think it's appropriate that we support—and I'm pleased to see that the government members are going to support—this bill, because it is about responsibility of government to properly manage an abuse that's in the system. Just because they're at an administrative level, it doesn't give anyone the right to abuse the system because it's hidden or because they're able to make the decisions behind closed doors.

**1120**

I want to conclude by saying that this bill is a real way to get fiscal accountability, because millions of taxpayers' dollars have been paid out for severance to high-priced administrators. The member from Hamilton Mountain certainly gave a number of examples where-by—again, if we added it all up, it would be an obscene amount. The savings that would be incurred should be directed into the programs and not just to an individual who is getting a golden handshake.

It is a bill about responsibility. I want to applaud the member from Hamilton Mountain for bringing this one forward. It has been on my mind from the minute I came here, because probably one of the reasons I'm in public office is that I try to get accountability in my area. I spearheaded the quest for the inquiry locally on this issue. It involved this director of education.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate. I certainly understand the intent of what the member from Hamilton Mountain is trying to achieve. Unfortunately, this is the type of act that you can get around quite easily. What she's focusing on, and legitimately so, are agreements that are made between the employer and the employee that are negotiated agreements. That's what the act would cover.

Unfortunately, you can get around that quite easily, as any sharp lawyer could figure out. You could have the settlement that is reached by the individual especially if

you've initiated court action. If you initiate the court action, you can get a court order with respect to endorsing that particular settlement. It would be a decision of the court. If it's a decision of the court, whether it's resulting from the court making the decision at the end of a full-scale trial, which might be the preferred option to get around this act, or just having the agreement or whatever settlement they come up with being endorsed by the court as a court order, this act will have no impact, none whatsoever. That's a loophole that you can find to skirt around this act.

What she's trying to impose are severance controls, and obviously she could with respect to saying the cap is going to be at 24 months. At common law you very rarely find an award for non-union employees that would exceed that cap. I don't think I've seen maybe more than one or two awards that would exceed 24 months. That's usually in a situation where you have a lengthy service and you have an individual who is in their 50s to 60s and in a very high-profile position within the organization.

The problem here—and I'm just playing the devil's advocate because I understand the intent and I understand the anger that's happening out at Hamilton; we haven't had those situations in my riding that I'm aware of—is that there are ways to get around this act. I suggest very strongly that when you also look at a situation where a person who gets severance pay and takes another job in the public sector has to reimburse a portion of that severance pay to the employer—obviously they want to regulate that, but that's something that's going to be looked at as a way to get around this. You won't go the agreement route; you'll go the litigious route.

One other aspect of the bill—and I guess maybe it's just bad drafting or perhaps inadvertently missed. In section 6 it reads: "A council know in English..." I don't know what that means; probably it doesn't mean anything. Probably it should be redrafted as, "A council shall be known in English as the Public Sector Employees' Severance Pay Council and in French..." That's obviously a drafting error that wasn't caught by the member.

I will say that obviously the public has a right to know about the transparency of these severance arrangements and certainly to make sure that they're fair and in the public interest, and I think that's the intent of what the member's trying to accomplish here: fairness to the public, accountability, transparency. I think we all want that with respect to the public sector, but she's focusing on a very narrow area with respect to agreements. What she may be encouraging—and she'll have to look at this a little closer if it gets to committee—is to make sure that all the loopholes are closed.

I'll say in closing that I think there are a lot of loopholes here, though the intent is proper. So I'll relinquish my time and the member for Stoney Creek can take it up later.

**Mr Ernie Parsons (Prince Edward-Hastings):** I'm also pleased to rise to support Bill 104.

I have some knowledge of the public sector work environment. I spent some six years with what at that

time was called the Department of Highways. We went through a number of name changes, to Ministry of Transportation and Communications and Ministry of Transportation, which they presently retain, though they are somewhat a shell of the former organization.

Just as an aside, I would like to suggest that it may be time to go back to "Department of Highways" because this government has clearly indicated very little interest in supporting trains or mass transit, even though they have proven to be highly effective in the rest of the world. This government seems to be interested in automobiles and gasoline taxes and parking cars on the highways around Toronto.

Nevertheless, in my experience with the Department of Highways, I worked with people who drove snowplows and who did construction inspection during the summer and who worked incredibly hard. I also worked with people who were senior bureaucrats. It is popular to make fun of civil servants. I will quite frankly say that, as a former civil servant, I'm proud of my experience. I believe I can be proud of what I did with them.

The bureaucrats that I worked with in the Department of Highways and the Ministry of Transportation were extremely dedicated individuals who worked very hard to better Ontario. But I noted with them, as the government has gone through the privatization of highway maintenance and a lot of the highway design and construction, that there's been a profoundly different treatment for the low-wage earners and the high-wage earners.

The low-wage earners were initially ensured that they could in fact get together and bid to do the maintenance and then never were given the opportunity because the guidelines simply wouldn't permit them to do it. They left with relatively little money. Senior people left with a considerable amount of money. That seems somewhat ironic to me, because a 45-year-old labourer will have a challenge finding other employment. A 45-year-old senior bureaucrat is probably in the prime of her or his life and is able to find other employment much easier. In fact, so often we've seen with public sector organizations in this province that when they've had budget restraints, it has meant doing massive cuts to staffing at the low-income level, the low-wage level, while the higher-wage earners are in a position generally to do much better for themselves.

What I like particularly about this bill—and I will say that it has not been a problem in my area that I am aware of. I certainly have read the media and seen that in some parts of Ontario there appears to be a clear abuse of the process, with people receiving large severances, leaving on a Friday and then appearing at another job paying perhaps as well or even better the following Monday while taking half a million dollars with them. I don't believe that's been the situation in my riding; I'm certainly not aware of it.

But I am aware that there is continued dialogue from the government side that they're spending more money on this and more money on that and yet the number of individuals delivering the services continues to decrease.

I hope that this is in a sense a sunshine law that will allow us to see what of these increased expenditures are accounted for by severance payments. When we see more money spent on health and yet we know that there have been severance payments with hospital amalgamations—a reduction in senior people there—I don't truly believe that should be counted as health dollars. I've had some difficulty finding out how much of the new, increased health budget simply went to pay off bureaucrats. I was hoping the government would react more to the auditor's report, when the Provincial Auditor actually said this government's books are very difficult to analyze. It's extremely hard to find what expenditure went to each area. So I am suspicious that there is more than one instance of \$500,000 or \$600,000 in termination benefits being paid to an individual, and yet that appears as more money for education or health or roads.

This bill means the numbers will be published, and we will be able to get some sense of money that says, "Yes, maybe there are cost savings with amalgamation, but this is the price that has been paid in taxpayers' dollars for that cost saving." So it is indeed my pleasure to support it. Although I think bureaucrats work equally hard whether in private industry or in public life, the reality is that in public life it is a different environment and there needs to be a recognition that their dollars come from the taxpayer and need to be reported and accounted for publicly.

1130

**Mr Clark:** Just a moment ago, the member for Prince Edward-Hastings said this bill is basically a sunshine bill. In reality, that's what it is. Our side, our government brought in public disclosure acts to deal with public salaries, the \$100,000. The public clearly desired to know the salaries for public sector employees. This, in my view, is an extension of that. This, in my view, is something that is desperately needed.

The member for Sarnia-Lambton said earlier she would be curious to know what the grand total was in Hamilton: \$2,850,000 in severance packages, \$2.8 million in golden handshakes that the taxpayers knew nothing about until it was ferreted out. If you think there's anger in my community, that's an understatement. That's a complete understatement. There's frustration, there's exasperation. This has been going on for years.

I congratulate the member for Hamilton Mountain for bringing forth this item, because we clearly need to know where the money is going. They call them golden handshakes. The only people I've spoken to who don't like your bill are bureaucrats and lawyers. Those are the only people who have said, "This bill doesn't make sense. You shouldn't be doing this." You've got to wonder whether there might be some vested interest in that, considering that the bureaucrats would like to see these wonderful golden handshakes maintained, and lawyers, when they're in litigation, also like to see golden handshakes because that helps them too.

At the end of the day, what we're talking about is an unfair situation where in Hamilton, for example, mis-

management, misgovernance were brought forth. All of a sudden there was a decision that the CEO was going to leave. You have to wonder what happened behind closed doors: "If you don't pay me this amount of money, I'm going to sue. We'll go to court. We'll drag it out, and it will all be out there for everyone to see." So then they sit down, and it's kind of like being held for ransom. All of a sudden you get a \$1.8-million offer and she wanders away into the sunset, except the public finds out about it and there's outrage. Then there's reshuffling and backpedalling really quickly to fix it. At some point, the government of Ontario has to say enough is enough.

There are some things in the bill—and the member for Hamilton Mountain and I have spoken about it. I don't support everything in the bill. There are some things that need tweaking, in my opinion. It's not a perfect bill. To be honest, I don't think I've ever seen a perfect bill. They all need tweaking at some point. I've encouraged my caucus colleagues to support the bill and send it to committee so that we can have real debate on it, review it, improve it and fix the situation.

As part of our Blueprint, we're talking about another sunshine law we'd like to see, and that's with union employees, the union leaders and their salaries. Union members are curious: "Well, what exactly are they getting paid?" We don't know. Here's an opportunity to take one step further that sunshine mantra, if you will, that we've started.

I think it's great that the member has brought it forth. I know for a fact, and I assume that all the members from Hamilton-Wentworth would agree, that the constituents in our communities want this. They're angry about it, they want it to stop and they're looking for help. It has to stop here. I look forward to continued public debate on it as it moves forward to committee, and I encourage my colleagues here to support the bill.

**Mr Dominic Agostino (Hamilton East):** I want to congratulate my colleague from Hamilton Mountain for bringing forward this bill. It's a piece of legislation that's long overdue, and frankly it's something the government should have done three or four years ago. Let me read a quote:

"I don't care if it's a hospital board, a school board or a local municipality, these people are representatives of our community. They are also responsible ... to their constituents and I think it is incumbent upon them to come clean, if you will, with the public at large."

"Last week, health minister Jim Wilson described the size of the payout as 'disturbing.' Mr Eves, while not commenting on the controversy, said he wants better accountability when taxpayer dollars are used..."

"Mr Eves said he'd like to see changes but doesn't know whether it's best to make amendments to the disclosure act or give the provincial auditor more authority to look at the financial records."

That's October 9, 1996, on the fallout of the Dr Jackman controversy at the Hamilton Health Sciences Corp.



It has been four years since that legislation was put in place, and four years that that loophole has been left open. I think the time has come, first of all, to close that loophole in regard to disclosure. It makes all the sense in the world. It makes sense clearly from a taxpayer perspective to put a cap on severance packages. It is taxpayers' dollars we're talking about. It is not a question of a private corporation. An IBM or Bell Canada can do whatever they want; they're responsible to their shareholders. If they want to pay \$10-million payouts, that's their choice. Publicly-funded corporations and organizations are accountable to taxpayers, and frankly there's been a history of golden handshakes right across this province that are not too short of obscene. The people who get ripped off, of course, are the taxpayers.

In credit, to some degree, some organizations have the made changes, for example, the Hamilton Health Sciences Corp. With the Jackman deal, there was no provision in the original contract as to what the severance package would be. In reference to Mr Scott Rowan, they signed a provision right up front when he signed the contract as to what the severance package was going to be, and disclosed that up front. So some progress has occurred, but not enough across Ontario and not in a consistent way.

If you look at some of these deals, and I was quite involved in the Jackman deal—the frustration of getting that information out or of trying to get that information, stonewalled by the board, by the administration for almost a year, bits and pieces coming out. It took over a year to find out there had been almost a million-dollar payout to a CEO who had not been fired but who simply chose not to apply for the position at the merging of the two corporations.

I think that triggered a lot anger. At a time when hospitals were hurting and funding was an issue, there were these golden handshakes of a million dollars to CEOs. It's not just Hamilton; it's unfortunately too common across this province.

This piece of legislation is long overdue and I think what's important here is how serious the government is going to be about bringing forward real change with this legislation. It's going to be easy to sit here today and say, "Wonderful, I'll support it."

I appreciate my colleague from Stoney Creek saying this should go to committee, and I hope it does. Because if it's just killed and sent to committee of the whole, we're not going anywhere. I hope you are sincere about sending it to a standing committee. There may be some amendments or some need to fix or change what's in there to make it a little tighter, and I have no problem with that. I think it's a very good piece of legislation, and I think my colleague, who spoke out very strongly in Hamilton-Wentworth and locally on this issue, has brought forward a piece of legislation that is long overdue and badly needed.

I find it bizarre that we had the sunshine law, that everything else was in there—salaries and benefits were in there—but somehow severance packages were left out,

and that's a pretty simple amendment. It's not rocket science; it's not that difficult. The same way that information is filed now through the ministry, the information regarding severance packages should automatically be filed at the point the severance package is paid out.

**1140**

I urge all members of the House to support this. I congratulate my colleague for this progressive piece of legislation, one that makes a great deal of sense, one that is going to ensure there's a transparent process here, one that's going to ensure that public accountability is there, accountability to the board of directors, to the corporations that are involved, and one that's going to ensure, most of all, that taxpayers in this province, whether it's municipalities, hospitals or school boards, don't get hosed every time a golden handshake is given out to someone who leaves.

**Mr David Christopherson (Hamilton West):** It's my pleasure to join in the debate. I'd like to join with my colleagues and compliment the member for Hamilton Mountain for Bill 104, because I think it does respond obviously to an issue that originated for us in Hamilton but, as we're hearing, affects virtually every riding across the province.

I was somewhat dismayed to hear the parliamentary assistant to the Minister of Labour, the member from Bramalea-Gore-Malton-Springdale—we've really got to do something about these names; they're getting so long—throw into what was otherwise pretty much an agreeable debate their changes to the Employment Standards Act. I don't know why he would inject that into this. This is a proposal by the government to increase the workweek to 60 hours and create a formula that will deny people overtime rates they now get. Why you would inject that into this is probably more symptomatic of where your attitudes are, that you see that as a good thing, "Yes, let's make people work longer hours and let's try and do what we can to deny overtime pay," because that's the effect your changes to the Employment Standards Act will have.

Specifically to Bill 104: Like many of my colleagues, there are details of the proposal that I think need a lot of work, but the direction we're hearing from all quarters here today suggests it has support and should be taken to the next step. I understand the government this time is not going to play the game you played last week with Marilyn Churley's clean water act, that indeed in giving your vote of support on the first go-round, this time you're actually going to vote to send it to committee, which means it has life, unlike Marilyn's bill, which was sent to committee of the whole, which for those of us in this place means it's never ever going to see the light of day. That was your game plan, and you got called on it, by the way. It was nice to see that there was a little media coverage on the fact that that's what you were up to. But I understand today that's not the game plan, that this really will go to committee and be in the lineup to be considered, hopefully in a non-partisan way, because at this point it's not a partisan issue.

Let me express a couple of thoughts, though, that are not purely on the populist line. One of the things we've got to be careful of is—and I don't mean this is in any way to be a criticism of my colleague from Hamilton Mountain; this is my own experience that I'm putting on the record here—we need to accept the fact that this government in many ways creates a climate where it's OK to go after anybody who's in the public sector. You're a little gentler today because it's sort of senior level. I would say to government members, for many of you it's more you see it as equals rather than those others who do all that other stuff, those other public sector people whom you claim are a waste. That's why the only thing that matters to you is to be able to stand up and say, "We got rid of 10,000 public sector workers," or "We got rid of 20,000 public sector workers." The fact that hundreds of those workers used to be in the Ministry of the Environment analyzing water is not something you want to talk about. But I do worry that there's this climate—and I don't think we ought to be allowing ourselves inadvertently to feed into that—of going after people who work for the public. I would include in that elected representatives. It's not healthy for a democracy, and so I think we need to be careful. There are senior civil servants who are grossly underpaid by comparison to what they could get in the public sector. Rather than just saying, if that's what they want to do, "Go," it would be nice if we started talking about some of those abuses that are putting pressure on us who have to manage tens of thousands of people in a workforce.

The fact is that you've got bank presidents earning not just their golden handshake but \$5 million, \$10 million, \$20 million, \$30 million, \$100 million a year, with stock options, and you wonder why there is upward pressure on the wages of senior bureaucrats? Let me tell you, somebody who runs major corporations in this province—a hospital corporation—it's no different in terms of the work that's in front of them than it is for a CEO of a private corporation or a publicly traded private corporation that has 20,000 or 30,000 employees. There is a certain set of skills that you want in people who are going to be responsible for budgets of tens of millions of dollars and the size of workforce I've just mentioned.

I don't think it's particularly healthy for the people of Ontario to have senior bureaucrats who see going into the public sector as just a stepping stone, purely and simply. That is going to happen sometimes, but I wouldn't want that to be routine. I wouldn't want that to be the usual process, where they just want to get in here somewhere within government so they can make contacts and step out and make three or four times more, because it's important for us to have continuity, where we can, in leadership positions.

I'm reflecting now on my time in cabinet, where you are responsible at the cabinet table. There is at least one cabinet minister here—a second one just came in—who knows exactly what I'm talking about. When you're dealing with deputy ministers and when you're dealing with commissioners and heads of boards and commissions, you're dealing with serious wage levels.

We ought to recognize that just going after people who work in the public sector, whether it's somebody who collects the garbage, plows the snow off our roads or manages a huge public corporation like a hospital, like the Hamilton Health Sciences Corp, are all in the same universe.

I just want to say, let's just be careful that we aren't inadvertently doing some damage here, because there are people—

**Hon Margaret Marland (Minister without Portfolio [Children]):** Where did David Agnew go?

**Mr Christopherson:** Pardon me, Margaret?

**Hon Mrs Marland:** Where did David Agnew go?

**Mr Christopherson:** I don't know, Margaret. Would you like us to adjourn the House and I'll find out for you? Margaret, I want you to worry about the desks, OK? You haven't solved that one yet—100 years old, remember?

Back to the point: I think the member for Sarnia-Lambton tied into one of the biggest issues that we're dealing with right here, and that's the whole issue of accountability. We need to make sure that we shed some light on this. Until you get inside the issue and find out exactly what dynamics are at play, seeing a dollar figure doesn't offer up a guarantee that something wrong is going on. But in the absence of some information, that's going to be the conclusion, especially when most people are making a fraction of the money that we're talking about. If you're earning \$40,000 a year and you see somebody who walks away with \$300,000, no matter what you might be told, unless somebody assures you that this has been looked at with your interests in mind, you're going to think they were overpaid, and that may very well be. Certainly the one instance raised in Hamilton clearly was, and by the time it went back to the board and was analyzed, they had to make some changes fast.

To me, accountability is a big part of this. Whether or not it should go to a committee—was it of deputy ministers? That may be a bit much in terms of the other responsibilities they have, but certainly the notion that there's accountability and that the people who are paying these severances through their taxes have some assurance that that accountability is taking place I think is a significant step.

**1150**

While we're at it, if we're going to be imposing things on the public sector, maybe we ought to be taking a look at what we should be doing in the private sector. You can't separate the two at the end of the day, when we draw our managers from the same pool. So the idea that we are just going to go after people who work in the public sector and do nothing on the private sector side I find somewhat problematic. I understand the legal implications involved there, but I would hope that if it gets in front of a committee, they would take the time to look at that and say, "If it's fair here, is there something over here correspondingly on the private sector end of things that we should be doing also in the interest of fairness?"

I raise that because the member for Barrie-Simcoe-Bradford talked about the courts and how you could get around this just by taking legal action, finding yourself in a court and winning a court judgment that takes you beyond what the law is or what the guidelines are. You know, he works for employers advising on labour law. I understand he still does some of that even while he's here. That's perfectly legal; I'm not suggesting it's not. I went down that road once. Nonetheless, that's his role and he does that, so he does know of what he speaks in terms of the arguments he makes, and when it comes to finding loopholes and what sharpie lawyers can do, well, you figure it out yourself. But I think the fact that he points this out as a loophole means it's one that we ought to take seriously. Again, to me that speaks to the fact that we ought not to think we can deal with this in seclusion; we've got to deal with it in the broader sense.

I think one of the important components of any kind of accountability and review is that people have a sense that there are in some fashion public representatives there: ordinary folks, particularly from a local community, some opportunity for them to be a part of that. Again, why? Because if all we do is build in an internal review that is in and of itself non-transparent, we're still going to have the same problem. People, the general population, will still not believe there has been true accountability; this is just one more step in a quiet little club in the background sharing up the spoils of their tax money. Certainly I believe the intent of the member from Hamilton Mountain on Bill 104 was completely the opposite.

So again, the accountability is key: who's on there, what's the process, making sure that we're not doing things in isolation as if the people we hire are somehow bred from birth to work in the public sector. We need to recognize that there is a private side of it, and it is driving in large part much of what is happening. So I think it ought to be totally broader in its review, and I think we ought to be doing it in a climate that talks supportively of the fact that the overwhelming majority of people who work for the public do a good job, just like the vast majority of the people in this place are here for the right reason and they do their job conscientiously and they care. We may disagree about different aspects and different directions, but the notion that most people are here because they care, to me, is true. It's equally true of people who work in the public sector, whether they're directing traffic, putting out fires, operating on us in our hospitals or managing these entities.

The government's notion of throwing in this business about union bosses and, "Wouldn't it be nice; I'm sure union members want to know" is more of your propaganda. The fact of the matter is that virtually every constitution I've ever seen in the labour movement points out very clearly what people are making. I don't think this is going to upset anyone. If we want to start going into that arena, though, because that's not taxpayers' money, then maybe the sunshine law ought to apply across the board, virtually to everyone. Then we will all

spend time pointing fingers at each other, saying, "You get this; that's too much," and maybe that's what you want. But this idea that you're going to point out some kind of evil within the labour movement, you're going to put the light on it and let people see, that's just nonsense. It's already there. In fact, you could learn a lot about democracy from the way the labour movement operates, let me tell you—a lot you could learn.

In wrapping up, I compliment my colleague. I think this was one of her first initiatives that she grabbed on to early on. I want to say again, because we can never say it enough, she did a fantastic job in being, certainly, the public leader in terms of us as elected representatives in saving the Henderson. This issue was a part of that. I think this bill deserves the attention it's getting today. I do hope it goes to committee and I do hope we take a look at it in a non-partisan way and fix something that clearly is broken.

**The Acting Speaker:** I would remind members that private conversations more appropriately take place outside.

**Mrs Bountrogianni:** I'd like to thank the members on all sides of the House for their comments, their constructive criticism and their support. I'd like to thank the member from Barrie-Simcoe-Bradford for catching the typo and for alerting me to the loopholes. I'm not a lawyer, so I appreciate that advice. I did have a conversation with your Minister of Labour over the summer and he alerted me to those loopholes. It is my hope that this bill passes and goes to committee, where those can be looked at closely. My intent is not for more litigation; my intent is the opposite, to bring public accountability, to bring some fairness to a process which is tremendously unfair and to reduce litigation costs, because most of these outlandish golden handshakes are actually in the courts right now and we're paying for those litigation costs. It would certainly be ironic if this bill did the same. I don't want that.

The most important part of this bill, in my personal opinion, is the public disclosure part, which is an extension of your act of a few years ago. I think nothing angers the public more than deals behind closed doors on money that they are paying. We are the shareholders of the public purse and we just want to know, as taxpayers, what we're paying.

The criticism of the red tape hopefully will be dealt with in the general government committee. That, hopefully, is where the bill will go if passed. The other criticism was that we won't be able to attract good people if we do this; I've heard that. I didn't hear it today, though, and I was pleased. That obviously means that serving the public should be the utmost objective in getting any of these positions, rather than making millions of dollars. A lot of us here took massive pay cuts to be here and—I can speak for myself—don't regret for a minute the decision because there isn't anything like serving the public.

I am optimistic. I think we will continue to attract excellent executives and keep the public satisfied that we

are being accountable. I thank you for supporting this bill.

**The Acting Speaker:** The time allocated for this ballot item has now expired.

CARE HOMES ACT, 2000  
LOI DE 2000  
SUR LES MAISONS DE SOINS

**The Acting Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 37. Mrs McLeod has moved second reading of Bill 53, An Act to provide for the accreditation of care homes, to protect the rights of tenants and to amend the Tenant Protection Act, 1997. Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

We'll call in the members, but first we'll deal with ballot item number 38.

PUBLIC SECTOR EMPLOYEES'  
SEVERANCE PAY ACT, 2000  
LOI DE 2000 SUR L'INDEMNITÉ  
DE CESSATION D'EMPLOI  
DES EMPLOYÉS  
DU SECTEUR PUBLIC

**The Acting Speaker (Mr Michael A. Brown):** Mrs Bountrogianni has moved second reading of Bill 104, An Act respecting the payment of Severance Pay to Public Sector Employees. Shall the motion carry? Carried.

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: Was anyone opposed on the previous bill?

**The Acting Speaker:** It carried. I didn't hear any noes.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I'd ask the members of the House to agree to send this bill to general government committee.

**The Acting Speaker:** Shall the bill be sent to general government? Agreed.

CARE HOMES ACT, 2000  
LOI DE 2000  
SUR LES MAISONS DE SOINS

**The Acting Speaker (Mr Michael A. Brown):** Call in the members for the vote on second reading of Bill 53; it will be a five-minute bell.

*The division bells rang from 1159 to 1204.*

**The Acting Speaker:** Mrs McLeod has moved second reading of Bill 53. All those in favour will please stand and remain standing until their name is called.

**Ayes**

Agostino, Dominic	Colle, Mike	McLeod, Lyn
Bartolucci, Rick	Di Cocco, Caroline	McMeekin, Ted

Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Caplan, David	Kennedy, Gerard	Ruprecht, Tony
Christopherson, David	Kwinter, Monte	Smitherman, George
Cleary, John C.	Lalonde, Jean-Marc	

**The Acting Speaker:** All those opposed will please stand and remain standing until your name is called.

**Nays**

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

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 26; the nays are 47.

**The Acting Speaker:** I declare the motion lost.

All business relating to private members is now completed. The House will adjourn and return at 1:30 pm.

*The House recessed from 1208 to 1330.*

**MEMBERS' STATEMENTS**

JOURNÉE MONDIALE DES ENSEIGNANTS

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** Il y a deux semaines, j'ai accepté le défi de notre chef, Dalton McGuinty, demandant à chaque membre de l'Assemblée législative de passer une journée entière dans une école de notre comté. À mon grand étonnement, j'ai affronté des classes nombreuses et un manque de ressources essentielles, surtout pour les jeunes avec des besoins spéciaux.

Par contre, ce qui m'a touché le plus, c'est la passion avec laquelle nos enseignantes et nos enseignants accomplissent leur travail. Le gouvernement Harris tente de faire croire par ses annonces partisans que le travail des enseignants et des enseignantes se limite au temps passé en salle de classe. Erreur. Une enquête menée pour le compte de l'association des enseignantes et des enseignants de l'Ontario dévoile que les enseignantes et les enseignants consacrent, en moyenne, 51 heures par semaine à l'exercice de leur profession, soit l'équivalent de 51 semaines de 40 heures par année.

Nous avons d'excellentes enseignantes et enseignants. On se doit de reconnaître leur comportement professionnel, leur habileté d'évoluer et leur capacité

d'innover. On se doit de les remercier aussi pour leur dévouement absolu et les remercier de partager avec nos élèves leur don de talent d'enseignant.

Nos enseignantes et nos enseignants n'ont pas besoin d'un gouvernement qui leur rend la vie dure. Ils n'ont pas besoin d'un gouvernement qui les surveille comme s'ils étaient des incompetents. En cette journée mondiale des enseignants et des enseignantes, je vous offre, au nom de mes collègues, mes vœux les plus sincères. Salut les professionnels.

#### POVERTY

**Mr Tony Martin (Sault Ste Marie):** I want to take this opportunity today to wish everybody here and across the province a happy Thanksgiving. It's Thanksgiving weekend coming up. They tell me that we may have some snow. For some that will be a happy occasion; for others it won't be so happy.

I also remind people, as I'm sure you remind those around your table when you gather as family and friends to celebrate, whether it's Thanksgiving or Christmas or Easter or a birthday or some other occasion, to be mindful of those in our communities who don't have what we have, who are living in poverty. The snow, if it comes, will make it doubly difficult for those folks this particular weekend.

It's actually quite alarming, and indeed some would say scandalous, in a province that has so much, where there is so much wealth and wealth is being generated in such a rapid fashion each day that goes by, that we have so many among us who don't have the basic necessities of life at a level that makes them feel comfortable, makes them feel safe, and gives them a dignity that I think accrues with their humanity.

I suggest as well that people take the opportunity to contribute to those organizations in your community that are gathering food and other stuff this weekend for the poor. You might also consider giving that cheque that you're getting from the government, or at least a portion of it, to some organization that is looking after the poor among us on this Thanksgiving weekend.

#### LONDON CHAMBER OF COMMERCE

**Mr Bob Wood (London West):** I rise today to ask the House to recognize the contribution to our province of the members of the London Chamber of Commerce, some of whom are visiting with us today.

The London Chamber of Commerce has been active in the business community of London since 1857. Through a well-developed committee network, members volunteer their expertise to the chamber, which in turn uses that talent to develop social, political and economic policies that enhance the quality of life in London.

Their vision is to be recognized as London's leading business organization, providing maximum value to its membership by recognizing and encouraging the private sector's role as a driving force in our economy. The

chamber envisages an environment where governments work in partnership with business to improve our quality of life and provide an environment for economic growth where public and private sectors share the same goals for a clean, safe and healthy community while striving to improve London's competitiveness nationally and around the globe. The London Chamber of Commerce has a proud history of accomplishments in London.

I ask that all members of the House join with me in welcoming a delegation of the London Chamber of Commerce to the Ontario Legislature.

#### PIERRE ELLIOTT TRUDEAU

**Mr George Smitherman (Toronto Centre-Rosedale):** I want to stand today and pay my own personal tribute in this House to the recently deceased Prime Minister of Canada, Pierre Elliott Trudeau. I was not able to be in the House for the official tribute earlier this week because, with friends, I went to Montreal and paid respects to Mr Trudeau there, both by walking past the casket at Montreal city hall and also at the ceremony the next day.

Pierre Trudeau had an extraordinary influence on me as a budding politician; he sparked my interest in politics. I believe that the riding I represent, Toronto Centre-Rosedale, which most people recognize as a place of extraordinary diversity, is in fact a living monument to the ideals and values that Pierre Trudeau helped to bring to this country, the work that he shaped to move forward with a view that is compassionate and tolerant toward others and to work hard to have a just society where the economic opportunities for all were seen as something important and a goal for government to pursue in terms of trying to assist those people.

Yesterday the federal government moved to rename a mountain in honour of Pierre Elliott Trudeau. I believe that the Ontario government should be considering some similar recognition for this extraordinary Canadian, the most extraordinary Canadian of our generation.

Here in the city of Toronto a debate is already begun about how to appropriately recognize the important role that Pierre Trudeau played in the lives of Canadians and Torontonians. Whether they rename Queen's Quay, or they name the new Yonge Dundas Square in his honour, or perhaps the suggestion that they rename University Avenue, which would be fitting given that it is also home to a park, G7 Park. Pierre Trudeau put us on that national stage and I would encourage the Ontario government to play a role in recognizing that.

#### WORLD TEACHERS' DAY

**Mr R. Gary Stewart (Peterborough):** I rise today to offer our government's support to Ontario's teachers during World Teachers' Day. We all recognize that teaching is a challenging profession. Teachers ensure that our young people are getting the best education possible

and that students develop the skills and knowledge they need to be successful.

We are fortunate that in Ontario we have many excellent teachers who motivate and challenge our students on a daily basis. We all know what a difference a good teacher can make. Every one of us can remember certain teachers who inspired us to see the true meaning of a particular novel or poem or to understand the significance of historical events.

Teachers help our young people understand the different regions that make up this great country. They help us understand the other parts of the world and the galaxy beyond. Some teachers take on the exceptional task of actually helping us understand algebra.

Our government will continue to work to provide resources and support to our teachers so that they may continue the excellent work they are doing in schools throughout this province.

I'd also like today to welcome Mr Roger Régimbal, who is in the gallery and who is the new president of the Ontario Teachers' Federation. Welcome, sir.

#### CHILD POVERTY

**Mr Gerry Phillips (Scarborough-Agincourt):** Today the Ontario Federation of Indian Friendship Centres released a report entitled Urban Aboriginal Child Poverty. It is a report that reminds us of something about which we should all feel a collective shame. Thousands and thousands of young people, young children, live in poverty and every day go hungry. Today may be an appropriate day for the friendship centres to release the report as we all head home to celebrate Thanksgiving.

The \$200 tax rebate cheques I gather will be mailed out. I listened on the radio today to how people plan to spend it. One person said, "I'm going out to shop for shoes, lots and lots of shoes." Another said, "I'm going to go down to Florida on this." But at the same time, thousands of young children have nothing to eat.

All of us should read this report. There are many quotations in it but one of many that caught my eye was, "I am out of food right now. I am out of food. I have no bread. I have no milk. I don't even have any cereal."

Two years ago my leader, Dalton McGuinty, did a major study called First Steps. We found the same problem then and proposed a number of solutions.

I hope the government will take this opportunity to read this report, read the thoughtful recommendations in this report, and do some concrete action to solve the problem of which we all must be ashamed.

1340

#### OKTOBERFEST

**Mr Wayne Wettlaufer (Kitchener Centre):** Nearly 200 years ago, the crown prince of Bavaria, who later became King Ludwig I, married his beautiful Princess Theresa. Horse races were held as the finale of five days

of wedding festivities on October 17, 1810. This was the unlikely beginning of Oktoberfest.

In 1969, the founding fathers of K-W Oktoberfest saw this Bavarian tradition celebrated at the famous Concordia Club in Kitchener. Since 1969, K-W Oktoberfest has developed its own traditions, becoming the largest Bavarian festival in North America, with the greatest Thanksgiving Day parade in Canada. Hundreds of thousands of visitors from all over the world celebrate annually in over 20 festhallen and by attending one or more of our 45 family and cultural events.

Through the celebration of this spirit of *gemütlichkeit*, the local economy is stimulated and over 70 charities and not-for-profit organizations raise funds to support the high quality of life enjoyed in Kitchener-Waterloo.

Three new attractions have been added to Oktoberfest celebrations this year. One exciting new addition is Ontario Timeship 2000, a high-tech, interactive, intriguing and highly educational exhibition about the mysteries of time. A second attraction is Millennium Thumbprints, which will result in a bronze monument constructed of 2,000 thumbprints, 1,000 of those from Kitchener residents and 1,000 from residents of Berlin, Germany, as a symbol of the linking of our cultures.

Thirdly, for the first time, Oktoberfest will be the setting for the first day of official recognition of German Pioneers Day, which will be celebrated on the first day after Thanksgiving, Tuesday October 10.

Many of my colleagues in this place will join me in this year's Oktoberfest celebrations. *Gemütlichkeit!*

#### WORLD TEACHERS' DAY

**Mr Gerard Kennedy (Parkdale-High Park):** It is with great pleasure that I rise today on the occasion of World Teachers' Day to be able, in this particular jurisdiction, to draw attention and bring praise and credit to the teaching profession in this province—in this jurisdiction, a jurisdiction that is determined to use teachers as a source of propaganda rather than nourishment and support for the children of this province.

Those children are our children. They're children that we want to grow into good citizens. The only opportunity we have as a society to be involved in that essentially private development is through our schools and by our teachers.

The teaching profession that I have encountered as education critic over the last year is a profession that is dedicated to sacrificing themselves, their personal health and their personal wealth to see the development of that citizenship occur. They do so under tremendous situations of duress.

I would like to dedicate and introduce the names of some of the teachers I've seen: Rose and Stephanie and Mel, teachers at Humberside Collegiate, who were there at 6:30 in the morning, starting at 7:45, doing their own photocopying; who spend two to three hours at night preparing their own curriculum; making up for, covering up for, accommodating the deficiencies that are often there from a government that has cut an average of \$918

per student away from the resources they had to deal with.

If we have a hope for our future, for the future of children in this province receiving a good education, it's because that education rests in good hands: the professionalism, the dedication and the caring of Ontario's teachers.

#### ONTARIO AGRICULTURE WEEK

**Mrs Julia Munro (York North):** I rise today to honour our agricultural community, particularly the farmers in my riding of York North. Since 1998, we have celebrated Ontario Agriculture Week to honour our agricultural community. All Ontarians have the opportunity this week to say thank you and to celebrate the contributions of the province's farmers, farm families and all of those individuals who work in the agri-food industry.

In August I attended the York plowing match in Belhaven. It was a pleasure to see how many young people have shown an interest in the 4H plowing club. It allowed grandparents, sons, daughters and grandchildren to participate together in the match. Farming has a future in York North.

The farmers in my riding of York North are an integral part of the community. These men and women are dedicated to making this province a better place to live. Farmers like Don Chapman and John Holtrope, Jack Ruptke in the Holland Marsh, Peter VanderKooj in the Keswick Marsh—all of these people contribute to the well-being. There are many farm families in my riding, like Alvin Brooks, Adrian Van Lutk, and my neighbours the Thompsons, the Lockies, the Johnsons and the Winches.

Our farmers give us so much. I am proud to be able to say thank you to farmers of York North and Ontario.

**Mr Gerard Kennedy (Parkdale-High Park):** On a point of order, Mr Speaker: I seek unanimous consent for a full and fulsome tribute to be made under World Teachers' Day to the members of this House and to the public. We would invite the Minister of Education and all the members of this House—

**The Speaker (Hon Gary Carr):** Is there unanimous consent? I'm afraid I heard some noes.

#### MINISTERIAL STATEMENTS

**The Speaker (Hon Gary Carr):** On Thursday, September 28, 2000, the member for Windsor-St Clair rose on a point of order regarding the Attorney General's statement. The member contended that the statement made no reference to provincial policy and was not in compliance with the terms of standing order 35(a). The government House leader, Mr Sterling, the member for Hamilton West, and the Attorney General also made submissions.

Standing order 35(a) reads as follows: "A minister of the crown may make a short factual statement relating to

government policy, ministry action or other similar matters of which the House should be informed."

The wording of this standing order allows ministers some degree of latitude in making ministerial statements in that they need not be confined, as the member for Windsor-St. Clair suggested, to "government policy." In fact, there are several examples of ministerial statements informing the House.

However, in reviewing the precedents, I find that there are also certain limits that must be placed on the latitude extended to ministerial statements. For example, on October 23, 1979, when a minister was using ministerial statements as a vehicle for announcing an initiative of a municipal government, the Speaker had this to say: "... if it has something to do with another level of government, I think it would be inappropriate to classify it as a ministerial statement." And further, "... it will not be condoned unless the statement can be specifically tied in with government policy."

I have read the statement that was made by the Attorney General on September 28 and I must say I am concerned that it is more a commentary on the activities of another level of government than a statement of important facts relating to his ministry of which the House should be informed. I do not believe that this was the intended purpose of this particular proceeding of the House.

I therefore caution all ministers that the routine proceedings entitled "statements by the ministry" must inform the House of government policy, ministry action or other similar matters, and not be used simply as an opportunity to engage in debate on the activities of another level of government.

In closing, let me say that I am increasingly troubled by attempts to use the proceedings of this House in a manner that is inconsistent with their original intent. I encourage all members to consider and respect the traditions that have served us well in this place.

I want to thank the member for Windsor-St Clair for that point of order.

#### INTRODUCTION OF BILLS

##### HIGHWAY TRAFFIC AMENDMENT ACT (DRIVING WHILE SUSPENDED), 2000

##### LOI DE 2000 MODIFIANT LE CODE DE LA ROUTE (CONDUITE PENDANT UNE SUSPENSION)

Mr Bartolucci moved first reading of the following bill:

Bill 122, An Act to amend the Highway Traffic Act to increase the penalties for driving with a suspended licence / Projet de loi 122, Loi modifiant le Code de la route pour accroître les peines prévues pour conduite pendant une suspension de permis.

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

The member for a short statement.

**Mr Rick Bartolucci (Sudbury):** Speaker, thank you very much for your ruling.

Several sections of the Highway Traffic Act are amended. Pertinent information would be that upon the first conviction there would be a suspension for one year; upon the first subsequent conviction, a suspension for 10 years; and upon the second subsequent conviction, a permanent ban from driving.

There is a further amendment with regard to the seizure of vehicles, that the judge or the court, as the case may be, make one of the following orders:

If the court or judge is satisfied that the person convicted owned the vehicle used in the commission of the offence at the time of the offence, and still owns the vehicle, the court or judge shall order that the vehicle is seized and sold.

If the court or judge does not make an order under paragraph 1, which was just read, the court or judge shall impose a fine on the person convicted equal to the value of the vehicle used in the commission of that offence, as that value may be determined by reliable reference materials commonly used to estimate the value of vehicles.

And further, that the use of these funds, the proceeds from the realized sale of the vehicle under paragraph 1 of subsection (1), and a fine imposed under paragraph 2 of subsection (1), may be used to finance programs that, in the opinion of the Attorney General, promotes safe driving, such as RIDE, MADD or SADD.

1350

WORLD TEACHERS' DAY ACT, 2000  
LOI DE 2000  
SUR LA JOURNÉE MONDIALE  
DES ENSEIGNANTS

Mr Marchese moved first reading of the following bill:  
Bill 123, An Act to proclaim World Teachers' Day in Ontario / Projet de loi 123, Loi proclamant la Journée mondiale des enseignants en Ontario.

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

The member for a short statement?

**Mr Rosario Marchese (Trinity-Spadina):** Every child in Ontario has a right to a quality education. Our province's teachers play a central role in ensuring that children can enjoy that right. For their enormous contribution to the future of our children, Ontario recognizes, or ought to recognize, and celebrate the work of teachers.

At the 44th session of the International Conference on Education in Geneva, the United Nations declared October 5 as World Teachers' Day. Ontario wishes to adopt this declaration to celebrate World Teachers' Day every year.

On Tuesday, I asked this House for unanimous consent to declare October 5 as World Teachers' Day. Today, our House leader requested from the Tories that they permit us to declare October 5 as World Teachers' Day. In spite of that refusal, I hope that they will, in time, support this bill.

## ORAL QUESTIONS

### WASTE MANAGEMENT

**Mr Dalton McGuinty (Leader of the Opposition):** My first question today is for the minister responsible for children's issues. My understanding is that she is in fact on her way, so I will proceed with my other question, to the Minister of the Environment.

Minister, we are approaching the 11th hour when it comes to the city of Toronto making their final decision with respect to the Adams mine dump.

Parents living in the Kirkland Lake community are afraid that the water will become poisoned and so, in turn, will their children. Farmers fear that their livestock will get sick and that then they will lose their farms, which will become worthless. Business people living in the community are afraid of the Walkerton effect; they're afraid that something so terrible will happen that nobody will want to come into their community and do business with them.

People are afraid, Minister, because they have no confidence in the environmental assessment that was held. They feel that it was far too limited. Minister, you must order a new, full, inclusive, environmental assessment in order to defuse the situation. Will you do that?

**Hon Dan Newman (Minister of the Environment):** I want to remind the Leader of the Opposition that a full environmental assessment took place on this project. There were hearings held under the Environmental Assessment Board that lasted some six months. The board looked at the hydraulic leachate collection and containment system. The board hearings lasted six months. The board actually attached 22 conditions to that plan. A certificate of approval was issued, with a further technical analysis done on the project. The certificate carried with it some 66 conditions that must be applied to that project. We've done all that because the job and the role of the Ministry of the Environment is to ensure that the environment is protected. We have done that, and I stand by the EA process that has taken place.

**Mr McGuinty:** If the minister wants to stand by the EA process, he could at least be accurate with respect to the length of the hearing. It was not six months; it was 15 days. In comparison, other environmental assessments for siting landfills have been in the neighbourhood of 100 days. Your EA was 15 days. Traditionally in Ontario they have been 100 days. So you cannot stand in your place today and tell us this was a full and complete environmental assessment.



The rail line up there is being blocked today. People are settling in for the long haul. Here are some of these people: Fran Nychuk, a nurse and the mother of two children; Joseph Gold, a professor at Waterloo for 24 years; Norm McDonald, a retired mine worker at the Adams mine; Charlie Angus, a reporter and magazine publisher. These are not wild-eyed radicals. These are people who are afraid for their future and the future of their children and their health.

You have an opportunity now to defuse this bomb or to light a match. Which are you going to do? I'm asking you to defuse this bomb and hold a full and complete environmental assessment.

**Hon Mr Newman:** The environmental assessment system had problems under previous governments. They both have to admit that, because both their environment ministers are on record that we had to see changes to the environmental assessment system.

I want to point out to the Leader of the Opposition what the Liberals said they were going to do in the 1995 red book: "A Liberal government will review the environmental assessment process with various stakeholders and develop a plan to streamline it, with emphasis on speeding up the process; outlining clear requirements, standards, and procedures before public hearings begin; restructuring the Ministry of the Environment and Energy environmental assessment branch; and reforming the public hearing phase of the process."

We have the Liberals here today calling for the environmental assessment system to be changed. It has been changed—

**The Speaker (Hon Gary Carr):** Thank you. Final supplementary?

**Mr McGuinty:** The minister is absolutely right, in that we did commit to working with the stakeholders in this matter, and important stakeholders in all this happen to be the people in whose community you are going to put this dump. They are telling us they don't want it. They're telling us they are afraid of the consequences. They're telling us they are afraid their children might get sick or worse.

Minister, you now have it in your hands to defuse this situation. There are people up there who are very much committed to ensuring that the garbage never gets to the dump. They are absolutely committed and dedicated to preserving their natural environment and to looking after the health and well-being of their children. I am now imploring you, I am asking you on behalf of that community to do the right thing. I'm asking you to hold a full, complete and comprehensive environmental assessment so that we can ensure we've left no stone unturned and that we've done everything to preserve not only the integrity of the natural environment but the health and well-being of those people in that community.

**Hon Mr Newman:** The facts of the Adams mine case are very clear. The Adams mine proposal has been thoroughly reviewed by a team of professional scientists, including geologists, biologists, environmental engineers and hydrogeologists from several provincial ministries

and also from federal ministries, including the federal environment ministry, fisheries and mines and native affairs. We've also consulted with the government of Quebec to ensure that Lake Timiskaming would not be harmed. A full environmental assessment was held on this project.

1400

#### CHILD POVERTY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the minister responsible for children. Earlier, in fact just a short while ago, your Premier delivered a very eloquent and compelling speech to the business community, and I want to go on record as fully supporting the message he delivered just a few hours ago.

My problem isn't with the message; it's with the messenger. He lacks any credibility when it comes to championing the cause of children in Ontario. This message came from the man who slashed millions from our children's aid societies, from the Premier who cut funding to our women's shelters, from the Premier who took 21% of the income away from parents of Ontario's poorest children.

Minister, you are now in the sixth year of your government. In the last 10 years the number of Ontario children living in poverty has skyrocketed by 118%. That's twice the rate of growth in the rest of the country. How can you defend this kind of failure when it comes to our children?

**Hon Margaret Marland (Minister without Portfolio [Children]):** I apologize to the leader of the official opposition. I was where the Premier was making the speech, and that is why I was a few minutes late. I appreciate very much the comments of the leader of the official opposition in recognizing that this speech, which was just delivered by the Premier of Ontario to the Toronto Board of Trade, was in fact, to use the leader of the official opposition's words, eloquent and compelling. It was even more than that, because it's a commitment to the future of the children of this province, a commitment which this Premier has led the way on since he decided our children were going to be a priority for this government.

This Premier established the first-ever office of the minister responsible for children. This Premier decided to commission a study on the early years, a study that—

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

**Mr McGuinty:** Minister, let's focus on the facts for a minute. Let's talk about the real state of the province when it comes to our children. Today in Sudbury there are 2,310 children whose parents earn less than \$10,000 a year. In London, the number of children using food banks has increased 20% over the last year. There are 2,608 kids in London today who are relying on food banks. I'm ashamed to say that in my own home town of Ottawa, there are 43,315 children growing up in poverty. Right here in Toronto today, we know there are over 10,000

boys and girls from our First Nations communities who are growing up in poverty.

That is the state of affairs in Ontario today when it comes to our children. So I ask you, on behalf of children, who have no time for those speeches and who insist on action, why do you continue to fail our children?

**Hon Mrs Marland:** When the Early Years Study, led by Dr Fraser Mustard and the Honourable Margaret McCain, was presented to the government, the anticipation and the way the report was received by everyone in this province who cares and works with children was amazing. The most exciting thing about the Early Years Study is that this government has embraced the recommendations of that study and step by step we are fulfilling our commitment by the establishment of the demonstration site into the early years. For those members opposite who have read the Early Years Study, and I certainly hope that you have, you will know that when we get it right in the early years, then we will be able to remediate the rest of the years of that child's life. Our commitment is ongoing. We have not only established the demonstration—

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

**Mr McGuinty:** Minister, children can't wait. They've been waiting for six years. They can't eat your words, no matter how eloquent they might be, and there is nothing more compelling and there is nothing more eloquent than action and a commitment of dollars—and there has been none. I looked through this speech today; I perused it very, very carefully to see if there was going to be any new commitment for new funding for new programs to help our children today in Ontario. Not a single penny was committed. Nothing. These are empty words delivered by a Premier who lacks any credibility when it comes to advancing the cause of children growing up at risk in Ontario.

Minister, if you want to do something for children—you can take this to the Premier—then put some money into housing for our children. Put some money into special education for our children. Put some money into mental health assistance for our children. Put some money into women's shelters for children whose mothers are being assaulted. Those are specific kinds of things that you can do that will help our children. In the meantime I ask you, on their behalf, why do you continue to fail them?

**Hon Mrs Marland:** What this government has done for children in this province has never been done before. We actually have initiated a number of new powerful programs that are working. For the first time in this province, every newborn is screened at birth for being at risk. That's 150,000 children who participate in our Healthy Babies, Healthy Children program. The fact that we initiated and introduced to the children of this province the opportunity for preschool speech and language is very, very critical for those children, for when they start school in terms of their ability to learn, their readiness to learn. Those two programs—

*Interjection.*

**Hon Mrs Marland:** Talk to the members of the families, I would suggest to the member who's shouting across the floor, whose children are benefiting—

**Mr George Smitherman (Toronto Centre-Rosedale):** Come to Regent Park.

**The Speaker:** Last warning for the member for Toronto Centre-Rosedale. Minister, your time is almost up; 10 seconds.

**Hon Mrs Marland:** This Premier has led the area of improving the lives and the future of the children, I would suggest not only of Ontario; this Premier took the future of Ontario's children—

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

#### WASTE MANAGEMENT INC

**Ms Marilyn Churley (Toronto-Danforth):** To the Minister of the Environment, are you aware that Waste Management Inc, the company poised to take over and run the Adams mine garbage dump, is being investigated by Canada's competition tribunal? Canada's commissioner of competition says that WMI already holds an unacceptable monopoly over waste management in the GTA. What's going to happen when WMI takes over the Adams mine? It is going to be disallowed. Minister, this reeks. Why are you eliminating competition in the waste management business in Ontario? Is it payback time for the \$74,000-plus campaign donation that your party got from WMI in the last election?

**Hon Dan Newman (Minister of the Environment):** That was quite a creative question, but I can tell the member opposite that the Ministry of the Environment is indeed committed to maintaining and enforcing the environmental laws of this province. Our enforcement activities are consistent with our priorities of protecting the natural environment and human health. That's what I can say to the honourable member.

1410

**Ms Churley:** Minister, you are such a joke. It is ridiculous listening to you answer a very serious question on that level. You don't even understand what I'm talking about over here. Don't you think you've been there long enough now to get with it? Let me clarify for you. Canada's competition tribunal says this company should dispose of landfill sites in order to maintain a minimum level of competition in the industry. If there is concern about WMI's monopoly now, what will the tribunal's position be when WMI takes over the Adams mine site and locks into a contract for more than 20 tonnes of Toronto's garbage?

Minister, I want to ask you a direct question: what advice have your senior staff given you about the implications of the competition tribunal probe into WMI's unfair business practices? I see you just got a note to help you out.

**Hon Mr Newman:** First off, the note was to the Minister of Northern Development and Mines.

With respect to the member's concern with the Adams mine, there was a full environmental assessment done. There were Environmental Assessment Board hearings, there was a judicial review, there was an appeal of that judicial review, there were independent peer reviews, and if she has any questions for the tribunal, I would encourage her to ask those questions of the tribunal.

**Ms Churley:** Minister, you have a responsibility to protect the environment in this province. Of all people in that government, you be aware of the history and what's happening with this company that's about to take over this mine. There is so much uncertainty hanging over this plan, it is hard to believe that Toronto might actually sign a contract today with your blessing. The competition tribunal has yet to issue its ruling. The proponents don't have all the permits required to implement their water contamination plan, and if your ministry and you had any integrity whatsoever, you wouldn't issue those permits.

The Adams mine is wrong, wrong, wrong, and it is doomed to fail, because I can tell you now, if the Competition Bureau doesn't stop it, and if your ministry and your government don't stop it, the Timiskaming First Nations and others, including myself and this party, will.

Minister, let me ask you: which is worse, your ineptness or the that of the federal Liberal Minister of the Environment, who like you has not shown any leadership here? They've refused to take action to call for a full environmental assessment on this. There's—

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

**Hon Mr Newman:** Peaceful protest is a right enjoyed by each and every Canadian, and I think the member opposite is being irresponsible with the rhetoric that she's bringing forward to this House today. As I've said, this is an emotional issue. The member opposite is making matters worse with her inflammatory language. I'm not going to suggest that she's inciting violence, but I think others might. Should this matter become one of public safety, I'm sure that issue will be brought forward, but I'm hopeful the demonstration that is there today will remain peaceful, and I again ask the member opposite for her co-operation in trying to help with this situation rather than to use this for her own political gain.

## EDUCATION

**Mr Rosario Marchese (Trinity-Spadina):** I have a question for the Minister of Education. Minister, People for Education eloquently and graphically asked you today to cut the crap by returning your \$2-million—

**The Speaker (Hon Gary Carr):** Order. The member take his seat. I would appreciate it if the members wouldn't use language like that. Others may, but this is a House where we're trying to use some language—I'd appreciate it if the member would watch his language. The member for Trinity-Spadina.

*Interjections.*

**The Speaker:** The member take his seat. Stop the clock. Order. We've had our little laugh about it now. It's a serious question. The member for Trinity-Spadina.

**Mr Marchese:** They did come with a barrel and a compost heap, returning this \$2-million propaganda. There was reference to that other word that you refuse to let me say, and I think it's quite graphic and quite accurate.

They say in their document, "The information in the government pamphlet in no way matches what parents see every day in their children's schools."

You can easily refute what I have to say, but can you so easily dismiss what parents have to say?

**Hon Janet Ecker (Minister of Education):** I guess I would have great difficulty agreeing with a group that thinks celebrating the excellence of our teachers should be symbolized by dumping bovine excrement on the steps of Queen's Park. I really question their commitment to teachers and education.

**Mr Marchese:** They were a little more eloquent than that. There was no bovine excrement, which is the equivalent of cutting the crap. But there was neither of those two things. They came with a barrel, brought the \$2-million propaganda and said it doesn't coincide with the cuts in education. In other words, somebody is dissimulating around here, and it's not the parents. The parents are the true experts of the system, not you or I, and you can't continue to dismiss them.

M<sup>me</sup> la ministre, I have faith that sooner or later you will be made accountable, and sooner or later it will be revealed by the very people you have just dismissed today that your true intention of keeping your promise about creating a crisis in education is your true agenda. They will reveal it, hold you accountable and vote you out of office.

**Hon Mrs Ecker:** I make a big distinction between individuals who think using cow manure to express their views is saying something positive about teachers and all those hundreds of thousands of parents whose involvement in our education system helps make it better. It's that partnership between the parents and a teacher that makes quality education in this province. That is why, on World Teachers' Day, I think it's appropriate for us to be talking about the quality and contributions teachers make to the system, the thousands of excellent teachers out there who on a daily basis make a difference to the citizens of this province and to the parents who help them in their jobs. Those parents who are putting their efforts into education, who care about public education in this province, who are making sure their voices are heard with teachers in public education in this province are the parents whom I think it is appropriate for us to be communicating with.

**Mr Marchese:** On a point of order, Mr Speaker: Given what the minister has just said on the praise of teachers, will we get unanimous consent today to pass my bill—

*Interjections.*

**The Speaker:** You're asking for unanimous consent for what?

**Mr Marchese:** To pass the bill I introduced today—

*Interjections.*

**The Speaker:** New question.

## CHILDREN WITH SPECIAL NEEDS

**Mr Gerard Kennedy (Parkdale-High Park):** My question is to the Minister of Education. Earlier today, your Premier said to the businessmen of the chamber of commerce that his government would leave no children behind, would let no person fall between the cracks. Minister, today we find that the assessment process for the most vulnerable children you are responsible for, special needs kids—kids with Tourette's syndrome, with Ashbergers, with mental health issues, with disabilities—is going to cut out some 30% of them. Some 7,000 children aren't being approved by your ministry.

I want you to stand today and guarantee the parents of those kids, who struggle in ways most of us can't even imagine, will stop being pushed around by your government—earlier you said a 12% increase; that was after a 20% cut and after less money for special education. I want you to address the parents of Kevin and Justin, of the kids you have abandoned. You've taken their assistance away. They can't do the most fundamental thing we offer to kids in this province, and that is to learn and develop to their potential. I want you to address them, and tell them you will guarantee to them that they will have assistance next year, that you won't do what your assessment process says it will do, which is take away 30% of the funds and 30% of the—

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

**Hon Janet Ecker (Minister of Education):** Not only do we have excellent teachers in this province, but those teachers who specialize in special needs children are perhaps some of the most incredibly dedicated teachers we have in the system. The parents who work so hard with those teachers and work so hard themselves to give their children every benefit deserve our respect and commendation for the work they do.

I would really caution the honourable member yet again, and we've had this discussion many times in estimates. To stand up and say that 30% of our special needs kids are not going to get educational services because of some arbitrary funding mechanism—he is wrong, he knows it, and I really wish he would stop doing this to hard-working parents out there who are fighting hard for their kids, as they should.

1420

**Mr Kennedy:** I want the minister to guarantee those kids that they won't be like the kids in Ottawa and Toronto and other places who've had their assistance taken away in your Mike Harris Ontario, who've lost their assistance. So, Minister, address the question directly. Your figures say you're going to take out \$174 million, but those teachers you talk about are going to be laid off as they have been in Halton, 114 education assistants laid off.

Minister, you're responsible for them. This is your process, and boards like Ottawa stand to lose as much as 50%. You're causing those teachers to spend 15% of the time filling out your forms, doing your bidding, getting

documentation, instead of teaching these kids. Will you disabuse yourself of this system, will you distance yourself from it, and will you guarantee that those kids will not be subject to any cuts and that they will get at least the same funding they had last year, let alone the money you took away from them before that?

**Hon Mrs Ecker:** First of all, our figures say no such thing. The accurate figures say that there has been a 12% increase in special needs funding in this province; the third year in a row there has been an increase in special needs funding, thanks to the support and the encouragement of the Minister of Finance.

The other thing I would like to say to the honourable member: as he well knows, formulas that talk about how boards get money are in no way meant to dictate the program decisions that are made by a school board, the teacher, the principal and the parent for those children. That's why we have individual education plans, so that the supports for that child should not depend on some label an accountant puts on them. The supports should depend on what the principal and the teacher and the parent are working out for the individual education plan for that young person. The honourable member well knows that.

## TEACHERS

**Mrs Julia Munro (York North):** My question is for the Minister of Education. As you know, today is World Teachers' Day. This is a day we can take to recognize the importance of educators across the world and here at home in Ontario. I know of many wonderful teachers in my riding. They make learning enjoyable for their students, and their work is truly an asset to the community.

Minister, it is important that we as a government also recognize the important work the teachers do. Can you please tell this House how this government is supporting teachers as they do their jobs?

**Hon Janet Ecker (Minister of Education):** I'd like to thank my colleague from York North not only for asking this question today but also for her frequent advice to this government with her background as a teacher, another very excellent example of the commitment of our teachers out there.

I would also like to recognize, as my colleague from Peterborough did, Roger Régimbal, who is the new head of the Ontario Teachers' Federation. I'd like to thank the teachers' federation for their work, for example, on such wonderful initiatives as the summer institutes for teachers. One of the wonderful things that has been happening is that every summer we've had literally thousands of teachers participating in training sessions on the new curriculum, on new teaching techniques. It's something the ministry is very encouraged to be funding to work with the teachers' federation. It's one of the great success stories that we have in this province, where teachers are going out of their way to do the best for their kids.

**Mr Munro:** I thank the minister for her answer. I'm glad to hear the minister mention the new curriculum in her answer. I am happy that Ontario's students have an opportunity to take part in that new rigorous curriculum.

This government has completed the most comprehensive modernization of the curriculum. It is also important that we support our teachers as this new curriculum is implemented. Minister, can you tell us how this government is doing?

*Laughter.*

**Hon Mrs Ecker:** The honourable members across the way may well think that talking about more curriculum supports for teachers is a laughing matter, but in this government we believe it is important and it needs new investment. There's \$370 million there for teacher training throughout the school year. We have things like the courses I mentioned, the curriculum planner and—

*Interjections.*

**Hon Mrs Ecker:** Mr Speaker, if you would like to call them to order, I would be quite happy to have you do that. Thank you.

The other thing is that we have taken advantage of the literally thousands of people who want to be new teachers. We are increasing teachers' education spots in faculties of ed by 6,000, because there is an increased number of people who see teaching as a wonderful profession. We are encouraging that. We are taking advantage of that.

I have been in many schools and talked to many teachers—

**The Speaker (Hon Gary Carr):** The time is up.

## MULTICULTURALISM

**Mr Tony Ruprecht (Davenport):** I have a question to the Minister of Citizenship. Our late Prime Minister, Pierre Elliott Trudeau, left us a lasting legacy by proclaiming as policy the multicultural model of integration for Canadians. In 1971 he followed that up by creating for the first time a minister of multiculturalism. Since you are the Minister of Citizenship for Ontario and responsible for multiculturalism, can you tell the people of Ontario how your view of multiculturalism differs from the vision of our late Prime Minister, or is it the same?

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** I'd like to thank the member opposite for the question. Let me say that multiculturalism is a very important part of the fibre and the fabric of the province of Ontario. It's certainly an important fibre and fabric through all of Canada.

There is no question that this province has a wide range of people who come from different countries and different areas, and we of course embrace those people. As people in and outside of the House would know, Ontario takes approximately 53% of the immigrants who come to Canada every year, and we're happy to have

every one of those people come and work in our great country and be proud to be Ontarians.

**Mr Ruprecht:** Part of the basic fabric and fibre of multiculturalism certainly is to supply services to newcomers, since we need them to be productive citizens as soon as possible. Why would you slash immigrant settlement services, if that's the case. If it's fibre and fabric, and that's what you're looking for, why would you gut English language classes for newcomers? Why would you sit on your hands and watch silently while other ministers cut the heart out of adult education and job training programs? For God's sake, why would you let the Premier take the \$35 million given by the federal government for newcomer services away from you and fold it into general revenue? That doesn't sound like a minister guarding the public trust for multiculturalism. Where was your fibre and fabric then, when you let him \$35 million away from this ministry?

**Hon Mrs Johns:** Let me say that this government values immigrants in the province of Ontario and the contributions they make to the social and economic life of this province. Ontario has more than 100,000 immigrants who have come to this province in the last 10 years; just over half of the immigrants who come to Canada, as I said earlier.

The ministry funds \$3.9 million in newcomer settlement programs, and that funds 97 community agencies to provide settlement services for new immigrants. We also have cultural interpreters who help newcomers settle. Through our violence against women prevention initiative, the ministry funds those cultural interpreter services. It helps to train cultural interpreters also.

We have hundreds of services for newcomers, and they are government-wide. We have English as a second language, we have the Ministry of Economic Development and Trade helping immigrant entrepreneurs get settled and start their own businesses. We have the Ministry of Training, Colleges and Universities, which works on assessment and training skills to make sure that people get jobs. We care about new immigrants—

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

1430

## TRUCKING INDUSTRY

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Economic Development and Trade. Minister, unfortunately, your talks with truckers and shippers to find a way to help truckers cope with the rising fuel prices have failed. You also know that with this failure to find a resolution there's a very real possibility that a truckers' strike can happen in this province. At the onset of your talks with shippers and truckers, you said, "Our government is prepared to regulate the industry if the industry won't regulate itself." Minister, my question's very simple: when can we expect legislation? When do you plan to re-regulate the industry?

**Hon Al Palladini (Minister of Economic Development and Trade):** I just would like to say that yes, I did

say that. He's correct on the statement. But I am happy to say that industry has responded in a very positive manner. I believe the working group that we have put together has made some inroads.

This is going to be a very emotional issue. The trucking industry needs to be structurally changed, and that's the reason for the working group. We're not talking about one sole issue. There are various issues that need to be looked at, and this is the responsibility of Brock Smith, who's the independent chair of the working group. That will help talks with the owner-operators, with the shippers, with the carriers, to see how we can make sure that our trucking industry in Ontario is going to be viable and strong.

**Mr Bisson:** Minister, I accept and I agree, as everybody else does, that the issue that faces truckers is more than just gas prices. De-regulation has had a very negative effect on truckers themselves, maybe not necessarily shippers. You made a statement. You said that if these talks broke down, "Our government is prepared to regulate the industry if the industry won't regulate itself," in response to the discussions that you had with the industry. So I want to know, is this is a question of a promise made and a promise not kept, or are you going to come in and bring legislation to fix this problem the industry faces?

**Hon Mr Palladini:** These are challenges that we're faced with every day. This is a situation we're faced with that we know is going to be very emotional with many people in the industry. We understand and we relate to them. We also understand the hardships they're going through because we're going through the same hardships when we go to the pump: fuel prices have escalated. But the problems that exist today are not just related to fuel prices.

I am happy to say that industry has responded, at least to coming forward and being interested in looking at and listening to the issues that are at hand. We need to give that group at least the opportunity to facilitate those meetings and see the results. I'm optimistic because there will be cooler heads. I know this is an emotional issue, but I do have faith in our people that we will resolve this issue.

#### ONTARIANS WITH DISABILITIES LEGISLATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Citizenship, Culture and Recreation. Minister, I want to return to the matter of your betrayal of Ontario's disabled community, and particularly to the secret document that you had submitted to cabinet on the subject of a new Ontarians with Disabilities Act. In particular, I want to draw your attention to those things that you considered putting into law but which you rejected.

It says here that you considered extending the law to eliminate barriers in our hospitals and our schools, but you rejected that.

It says that you considered merely encouraging the private sector to improve access—not compelling, merely encouraging—but you rejected that.

It said that you considered creating a separate agency to help remove barriers for people in Ontario who have disabilities, and you rejected that.

Minister, all the very things that are absolutely essential to a real Ontarians with Disabilities Act you rejected. I ask you again, why have you betrayed the community in Ontario that has disabilities?

*Interjections.*

**Mr Steve Peters (Elgin-Middlesex-London):** You're the biggest barrier in this province.

**The Speaker (Hon Gary Carr):** The member take a seat. Order. Last warning to the member for Elgin-Middlesex-London. You can't shout out like that. Minister.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** Let me say first off that this government is committed to working with Ontarians to make Ontario the best place to work, live and raise their families. We're committed to having that economic strength and to making sure we help people with disabilities to have the same lives as other Ontarians.

We promised legislation; we're moving forward with that legislation. We said we would move forward, within the goalposts of the Common Sense Revolution, to improve the lives of persons with disabilities across this wonderful province. We said we would put forward legislation by 2001, and we intend to do that. I promised yesterday that the legislation would be fair and reasonable, not only for people with disabilities but for people who are in the position of accommodating those needs. We intend to keep that promise.

**The Speaker:** Supplementary?

**Mr McGuinty:** Minister, the jig is up. You have been found out. People now know your real intentions. I produced your secret recommendations to cabinet. You have no intention whatsoever of standing up for Ontarians with disabilities.

Mike Harris promised to enact an Ontarians with Disabilities Act during his first term in office, and he broke that promise. Last term you personally voted for a resolution on the 11 principles that you promised your legislation would include. In particular, you promised that your new act would apply to hospitals and schools. You've broken that promise. You promised it would include a new agency to help remove barriers. You've broken that promise as well. You promised to eliminate barriers in the private sector. You've broken that promise as well.

Minister, you are no longer of any value or any use to Ontarians with disabilities. Do the honourable thing: step aside and resign.

*Interjections.*

**The Speaker:** Member take his seat. Stop the clock. I have to name the member for Elgin-Middlesex-London

and ask him to leave. We can't have a situation like that. I name him and ask him to withdraw from the chamber.

**Mr Peters:** Speaker, I will not withdraw that statement; on behalf of 1.5 million—

**The Speaker:** Member take his seat.

*Mr Peters was escorted from the chamber.*

**The Speaker:** Sorry for the interruption. Minister?

**Hon Mrs Johns:** Thank you very much, Mr Speaker. Let me be very clear about the promises that were made by Mike Harris and this government. Mike Harris promised in 1995 that he would put forward a bill that related to Ontarians with disabilities, and he did that in 1997. At that time the Ontario disability community asked that he pull that back and have another look at it, and we are doing that. We promised in the throne speech that we would come forward with an action plan in this session, and we stand by that commitment.

We also promised we would have legislation by November 2001, and we live by that commitment. The legislation will be fair and reasonable. The action plan will be fair and reasonable. We intend to improve the lives of people with disabilities across the province.

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

#### PLUM POX VIRUS

**Mr Bart Maves (Niagara Falls):** My question is for the Minister of Agriculture, Food and Rural Affairs. As you know, the plum pox virus has affected many peach trees in the Niagara Peninsula and other areas of southwestern Ontario. Many of those farmers with affected trees live in my riding and are becoming concerned about reports of the spread of the virus. The people of my area are also concerned about the future of a very important industry and want to know what is being done to deal with plum pox.

Can you give the House an update regarding plum pox and tell us what is being done to deal with the virus?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** I want to assure my colleague from Niagara Falls and the farmers of his riding and across the province that our government will stand with our commitments to help them through their times of income loss.

Ontario is committed to providing lost income support to growers affected by plum pox, although it is our view that compensation for removal and eradication of the trees is a responsibility of the federal government, as that issue is directed by federal legislation.

To give an independent appraisal of the cost involved, we and the federal government have contacted the George Morris Centre in Guelph to study and quantify the problem and put a dollar amount on the removal of trees and the income loss. When this information becomes available, we will be in a better position to further address this situation. We will continue to stand behind the farmers until the scope and extent of the problem becomes known.

1440

**Mr Maves:** As many members on this side of the House realize, there are 101 or so federal Liberals from Ontario who have a track record of forgetting they are actually from Ontario. They've abandoned the people of Ontario on health care dollars and on a variety of other issues. I fear that the federal Liberal members in Ottawa will continue to abandon Ontario citizens and Ontario farmers.

What kind of response are you receiving from the federal government on their responsibilities with the plum pox virus?

**Hon Mr Hardeman:** We have been working very closely with the federal government on this issue. They have at this point agreed—and I hope they continue to—that they are responsible for the eradication and replacement of the trees and that they will be there to do that. They've also agreed to work with us and the producers in Ontario to cover the income loss as a farm safety net program, which of course will be funded 60% by the federal government and 40% by the provincial government.

My ministry has also been working very closely with the farmers on this issue. We, along with the federal government and stakeholders, are working to implement the Canadian Food Inspection Agency strategy to contain the sites where plum pox has been found and eradicate the affected trees in order to stop the spread of this virus.

As I said, a national survey is being done by the George Morris Centre, and when we get the results of that we will be looking forward to dealing with this further and making sure the farmers of Ontario realize the Ontario government will stand behind—

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

#### HEALTH CARE REFORM

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the Minister of Health. The people of this province have a right to know if there are problems in our health system. We are facing a crisis when it comes to our emergency rooms. You may not be prepared to accept or admit to that, but the fact of the matter is we are experiencing that in Ontario today. Emergency room backlogs have increased every year on your watch since 1996. This past June, greater Toronto area emergency wards turned away ambulances for an average of 246 hours. That's a rise of 66% over last year.

My concern today is that Toronto ambulances have informed us that they are no longer going to be releasing information on the amount of time that hospitals redirect their ambulances. I am asking you, on behalf of Ontarians, not to hide—to guarantee you will ensure we are provided with this kind of information on an ongoing basis.

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** I'm pleased that the member has brought to our attention today that the situation related to emergency room pressures is one we certainly face and that we have faced for a long time. In fact, yesterday

when I met with my colleagues the provincial, territorial and federal health ministers, Mr Rock raised this issue, because there is an awareness that throughout Canada we have a growing and aging population, and each year there are these pressures.

However, I'm pleased to point out to the Leader of the Opposition that despite the fact your party had no plan, since we were elected we have been moving forward with a plan to ensure we have a strengthened and modernized system in our province to ensure that more and more people every year who need services will receive them. We have added more than \$620 million to expand emergencies, hire more nurses, more doctors—

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

**Mr McGuinty:** Minister, I am longing to hear you stand up here at some point in time and admit that the system is worse today than ever before, and it's because you cut 5,700 acute-care beds. There is no room to admit our ambulance patients because there is no room in the upper floors. You've cut the beds. There is no room inside our hospitals. That's why we're having problems inside our emergency rooms.

You didn't answer the question, though. Listen, you people over there are great when it comes to imposing accountability on schools and teachers and, of late, municipalities. I'm asking you to be accountable by providing us with information on what's happening inside our emergency rooms. Will you now stand up and guarantee us that you will personally provide us with this kind of information, regular statistics, telling us what is happening inside our emergency rooms? Will you do that, Minister?

**Hon Mrs Witmer:** As I said, this was an issue that was discussed yesterday by Canada's health ministers. I can assure you, each province and territory is working forward to take the steps to ensure that we continue to strengthen and make sure the emergency services are there for people throughout Canada.

In fact, I would like to tell the leader opposite that we have invested over \$620 million into improving our emergency rooms. We are presently expanding about 57 of our emergency rooms. We've just recently seen an expansion at North York and St Mike's here locally. We have made more money available in order that there will be an additional 100 discharge planners. We are building 20,000 long-term-care beds in order to ensure that people can be more appropriately accommodated, and we have our \$38-million flu campaign to reduce the pressure on the emergency rooms.

#### AIR QUALITY

**Mr John O'Toole (Durham):** My question today is to the Minister of the Environment. This morning I read in one of the Toronto papers that your ministry has not taken any action on the issue of air quality in Ontario. I can tell you that the people of Durham are concerned about the environment, which of course includes the

quality of the air that they and their family and their children breathe.

I want you to reassure not just my constituents in Durham but all of Ontario that your ministry is indeed taking action and perhaps you could share that with the House today.

**Hon Dan Newman (Minister of the Environment):** I want to thank the member for Durham for his question today. I can assure you that the Ministry of the Environment is dedicated to ensuring clean air for all Ontarians.

Ontario is a leader in many areas of this issue. We have taken action to protect the air we breathe. Under the anti-smog action plan, Ontario has committed to reducing smog emissions by 45% by 2015 and committed to an interim target to reduce these emissions by 25% of 1990 levels by 2005. In June 2000, as part of the Canada-wide standard for ozone, Ontario agreed to advance the 45% reduction target from 2015 to 2010.

We can't rest on our laurels. We recognize that there is still more work to do.

**Mr O'Toole:** Thank you very much for that comprehensive response. It reassures me and re-establishes the confidence of the people of Ontario in the leadership you've taken in the ministry.

Minister, I've heard you say in the House before that the US is responsible for over 50% of Ontario's smog. I think we all agree on that as well. Smog does not recognize international boundaries. However, my question is: what is the province's Ministry of the Environment doing to ensure that our jurisdictions are dedicated to improving the quality of air we breathe? That's the question here today.

**Hon Mr Newman:** I agree with my colleague that everyone needs to know more about how to protect the air that we breathe, because, as the member noted, smog knows no boundaries.

We need to work with other jurisdictions to ensure that Ontarians have clean air to breathe. That's why this morning I spoke to the Alliance for Responsible Environmental Alternatives, where I challenged the federal government and other Canadian jurisdictions to meet Ontario's tough new monitoring and reporting requirements for the electricity sector so as to give scientists a more accurate picture of the emissions across North America; to implement measures to capture methane emissions, one of the most potent greenhouse gases from large landfills; to introduce emissions testing for motor vehicles, similar to Ontario's Drive Clean program; and to recognize the need to develop a coordinated North American strategy to improve air quality and fight climate change in the global arena.

1450

#### FINANCEMENT DE L'ÉDUCATION EDUCATION FUNDING

**M. Gilles Bisson (Timmins-Baie James):** Ma question est au ministre de l'Éducation directement. Madame la ministre, vous savez qu'en 1992-93, notre gouverne-



ment, le gouvernement NPD, a mis en place la Garderie Clin D'Oeil dans la ville de Timmins, où il a établi une garderie pour les jeunes francophones de notre région à l'école secondaire Thériault.

Comme vous le savez, grâce à votre fameuse formule de financement, on a une situation à travers la province telle qu'à la Garderie Clin D'Oeil de Timmins, où ces garderies sont chassées des écoles parce que votre fameuse formule de financement n'alloue pas à ces écoles la possibilité de les garder dans leur établissement.

Je veux savoir de vous, madame la ministre : étant donné que vous avez créé ce problème, avez-vous une réponse, une solution, pour que ces garderies, telle que la Garderie Clin D'Oeil à l'école Thériault, puissent garder leur localité, ou êtes-vous préparée à donner l'argent nécessaire pour qu'elles trouvent un établissement qui puisse abriter leur garderie ?

**Hon Janet Ecker (Minister of Education):** To the honourable member—and my apologies for not being able to answer in your language, sir—first of all, we do, in the way we fund schools, protect existing daycare spaces. It is something that can be exempted from the calculation of classroom space. We are looking this fall at better ways to improve the funding of schools for accommodation and space. I can't predict how that policy review will come out, but we have asked boards for their recommendations, their long-term plans on ways and areas in which they think we need to adjust funding.

I think it is important to recognize that we did recognize that daycare spaces within schools, certainly in many communities, have a value. That's why those that were in existence have been exempted from the calculation of classroom space.

**M. Bisson :** Madame la ministre, excusez-moi. Vous êtes la ministre de l'Éducation. J'imaginerais que vous compreniez au moins le dossier.

À travers la province, toutes les garderies qui se trouvent dans les écoles, comme la Garderie Clin D'Oeil à Timmins, se trouvent dans une situation, grâce à votre formule de financement, où elles vont être chassées de ces écoles. Ces gens viennent de me rencontrer, en tant que député de ma région, ainsi que d'autres députés à travers la province, pour dire que c'est votre faute, après ce que vous avez fait à la formule de financement.

Ne levez-vous pas dans cette Chambre pour dire quelque chose qui est complètement contraire à la réalité. Monsieur le Président, je ne peux pas dire les mots qui me viennent à l'esprit, mais la ministre—je ne peux pas même les traduire, parce qu'il n'est pas parlementaire de dire qu'elle a menti.

Je veux vous demander sérieusement, madame la ministre, avez-vous l'engagement ici aujourd'hui, dans cette place, pour dire que vous allez mettre en place les fonds nécessaires pour que ces garderies restent en place dans les écoles ou que vous allez mettre en place le financement pour qu'elles puissent trouver des chez-elles ?

**Hon Mrs Ecker:** I will trust that the translation was accurate in terms of what was said.

First of all, there is not an event that occurs in education today that is not somehow or other blamed on this

government. I appreciate the member's remark in that vein.

However, we did make a special recognition for existing daycare spaces in schools. There is no question that if there is movement and changes in buildings, it may mean that a daycare space is moved. What we have tried to do in those communities is to work with social services and the other community agencies to ensure we do not lose daycare spaces in a community.

I'd be very pleased to have staff take a look at this particular circumstance, first of all to make sure the school board is not doing something that is inappropriate and not allowed for in the funding rules, and if there are other things that we might well do to assist—

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

#### DOCTORS' SERVICES

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of Health. You are well aware that in the Niagara Peninsula we have had, as I know they have had in places such as Windsor and Sarnia and so on, a problem with a sufficient number of ophthalmologists to be able to deal with all of the patients who require their services. In addition to this, you would be aware that there is a drug called, I think, Visudyne, which will assist people tremendously who have macular degeneration.

The question I would like to put to you is twofold, because I don't have time for a supplementary. First of all, when are you going to lift the billing cap on ophthalmologists in the Niagara Peninsula so that we in the Niagara Peninsula can have a sufficient number to serve people and not force them to go miles and miles to other communities? Second, when are you going to approve the use of Visudyne by having OHIP pay for it automatically when it is prescribed by a doctor?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** The member knows when it comes to physicians and number of physicians and physicians reaching their caps, the decision regarding physicians is made each and every year, so that's dependent year-to-year on the particular situation in each community and the need for those specialists.

When it comes to drugs, as the member knows, I don't make that decision. We have a DQTC committee which carefully reviews all new drugs that are approved by Health Canada and then, based upon criteria, makes recommendations regarding the availability. I would point out that our government has added over 1,100 drugs to the formulary and many, many new drugs are available today, such as Aricept and Celebrex, that obviously are responding to the needs of people.

#### FAMILY RESPONSIBILITY OFFICE

**Mr Dwight Duncan (Windsor-St Clair):** Mr Speaker, on a point of privilege: Earlier today, pursuant

to standing order 21, I provided your office with a copy of this letter:

“On Tuesday, October 3, 2000, I was advised by my constituency assistant about a series of conversations with officials at the Family Responsibility Office that I believe infringe on my rights and privileges as a member.

“You will be aware that in 1996 the government closed all eight regional family support plan offices across the province. The Family Responsibility Office was established to replace the old regional offices, with all services centralized to one office.

“The ensuing administrative and political problems resultant from these changes have been well documented. Most members of the Legislature experienced a sharp increase in the number of constituents calling for assistance dealing with the Family Responsibility Office.

“Special liaison officers were established at the Family Responsibility Office to help members deal with the sheer case volume they were experiencing.

“Due to vacation schedules at the Family Responsibility Office this year, my office was left with no contact person whatsoever at the beginning of September.

“Calls to Ms Sherry Reid in the Attorney General’s office resulted in my office receiving a contact person named Sonia Desantis. Ms Desantis indicated in mid-September that she would assist our normal contact, Stephen Lau, because we had more inquiries than any other MPP’s office. You should note, sir, that my office”—and I know other members on this side of the House—“is only permitted contact with the Family Responsibility Office one day per week. This was done without consultation with myself and by direction of the Family Responsibility Office. As of October 3, my office is involved in 14 outstanding cases.” These involved people who had not received cheques that were deposited with the Family Responsibility Office.

“On October 3, my constituent assistant was informed by Stephen Lau that he is ‘too busy to take enquiries regarding constituents who have not received cheques in the past few months.’ According to Mr Lau, his case manager stated that my staff should direct constituents to the Family Responsibility Office’s 1-800 line. Constituents routinely inform me that calls to that line result in waiting of at least one hour. This is totally unacceptable.

“I believe that the most important aspect of being an MPP is assisting people who need help dealing with the provincial government. It is unbelievable that my office has been told that they will not receive assistance due to a high caseload. I have spoken with a number of other members on this side of the House and they have been informed of the same.

“Beauchesne defines parliamentary privilege to be ‘the sum of the peculiar rights enjoyed by each house collectively ... and by members of each house individually without which they could not discharge their functions.’

“Mr Speaker, I can only conclude that the actions taken by the Family Responsibility Office precluded me from discharging my functions as an MPP.

“Accordingly, I ask that you investigate this situation to determine if my privileges have been infringed, and if not, whether in your opinion, I have a legitimate grievance which should be addressed by the Attorney General.”

1500

**The Speaker (Hon Gary Carr):** I thank the member for his point of privilege. The government House leader?

**Hon Norman W. Sterling (Minister of Inter-governmental Affairs, Government House Leader):** I think it’s clear that the member opposite, as have many members of this Legislative Assembly who have constituency offices that are active in dealing with this particular issue, has over time had difficulty with the Family Responsibility Office.

Having said that, the response time, the attempts by this government over the last five years to improve the situation, which was completely chaotic before this government came to office, has been very substantial in terms of the improvement that we, this government, have brought to that office.

Notwithstanding that, it will always continue to be a challenge for any government to provide the service of trying to get, for spouses and for children, payments through the system in a reasonable time in order for the system to work in a very reasonable way. We have tried to deal with that in terms of a piece of legislation to take out of the system the people who are paying their bills so that that can be done directly.

Having said all that, the complaint of the member opposite relates to a service which is provided by the bureaucracy of the government of Ontario. He may or may not like that service; he may not think that service is good enough; he may believe that response time should be quicker. I understand those concerns, but they are not a point of privilege as to what our rights and privileges are in this Legislative Assembly. Our rights and privileges relate to our rights to speak in this Legislature, our rights to vote as members of this Legislature and our rights to represent their interests in this Legislative Assembly.

They do not, unfortunately—and I don’t know how this would ever become a part of the privileges of a member of this Legislative Assembly—relate to demanding a better, different, more expensive, quicker kind of service from the bureaucracy.

So, Mr Speaker, this is not a point of privilege. If there continue to be attempts by this member in particular, but also other members of the Legislature, to raise—

**The Speaker:** We’ve got the drift. I appreciate it, government House leader. I think what would be very helpful is if I clarify exactly what the point of privilege is. In my ruling, I will do that, and outline it to all members. That will be the official ruling of the Speaker, so that with the ruling, all members will know exactly what a point of privilege is. I will do that, rule on it, and outline for all members so that they can refer to exactly what a point of privilege is, and set the boundaries for all the members.

## PETITIONS

### 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 geographic 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 is signed by dozens more of my constituents who are concerned with this issue, and I affix my signature once again in full support of their concerns.

**Ms Shelley Martel (Nickel Belt):** I have a petition regarding the government's ongoing discrimination against 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 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 signed by hundreds of residents in my riding. I'd like to thank Gerry Loughheed Jr for all his work, and I agree with the petitioners.

### GOVERNMENT ADVERTISING

**Mr James J. Bradley (St Catharines):** I have a petition to the Legislative Assembly of Ontario:

“Whereas essential health care and educational services have been deprived of government funding because the Conservative government of Mike Harris has diverted these funds to self-serving propaganda in the form of pamphlets delivered to homes, newspaper advertisements and radio and TV commercials;

“Whereas the Harris government advertising blitz is a blatant abuse of public office and a shameful waste of taxpayers' dollars;

“Whereas the Harris Conservatives ran on a platform of eliminating what they referred to as ‘government waste and unnecessary expenditures,’ while squandering well over \$185 million on clearly partisan advertising;

“We, the undersigned, call upon the Legislative Assembly of Ontario to implore the Conservative government and Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising.”

I affix my signature. I'm in full agreement.

### HOSPITAL SITE

**Ms Caroline Di Cocco (Sarnia-Lambton):** “To the Parliament of Ontario:

“We, the people, the taxpayers, the voters, the undersigned, petition our Parliament of Ontario to allow our new community hospital to be built on the perimeter area of our city for the following reasons: less expensive land; availability of land for future hospital expansion; availability of land for parking requirements; best accessibility to major roads; less expensive building requirements; preservation of tax base in the city of Sarnia; and no need to convert homes into parking lots.

“Such development is in keeping with the official plan for the city of Sarnia and supports the population growth of our city and surrounding community.”

I affix my signature to this petition.

### SNOWMOBILE LEGISLATION

**Ms Shelley Martel (Nickel Belt):** I have a petition organized by the Sudbury Trappers Council that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Bill 101, An Act to promote snowmobile trail sustainability and enhance safety and enforcement, does not exempt trappers from driving a motorized snow vehicle upon a prescribed trail except under the authority of a trail permit for the motorized snow vehicle issued under subsection (2) or except on lands occupied by the owner of a motorized snow vehicle;

“Therefore we, the undersigned, petition the Legislature of Ontario as follows:

“That subsection 2.1(1) of Bill 101, 2000, should be amended to:

“No person except trappers with a valid trapper’s licence shall drive a motorized vehicle upon a prescribed trail except under the authority of a trail permit for the motorized snow vehicle issued under subsection (2) or except on lands occupied by the owner of a motorized snow vehicle.”

I agree with the petitioners. I’ve affixed my signature to the petition.

#### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** To the Legislative Assembly of Ontario:

“Whereas we strenuously object to permits to take water being issued by the Ministry of the Environment without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We request a moratorium on the issuing of permits to take water for non-farm, commercial and industrial use and the rescinding of all existing commercial water taking permits that are for bulk or bottled water export, outside of Ontario, until a comprehensive evaluation of our water needs is completed. An independent non-partisan body should undertake this evaluation.”

I agree with this petition and I will affix my signature to it.

1510

#### OAK RIDGES MORaine

**Ms Shelley Martel (Nickel Belt):** I have a petition regarding my private member’s Bill 71, which reads as follows:

“Whereas the protection of the Oak Ridges moraine and other natural areas are vital to ensuring that Ontarians have a safe and plentiful water supply;

“Whereas the Oak Ridges moraine is an environmentally sensitive area and is an important part of Ontario’s natural heritage; and

“Whereas the Oak Ridges moraine is threatened by uncontrolled development that is destroying natural wetlands, forests, wildlife and groundwater; and

“Whereas it is important for the government of Ontario to have policies for the protection of the ecosystem in wetlands areas; and

“Whereas Mike Harris and the government of Ontario have failed to protect the Oak Ridges moraine; and

“Whereas the policies of the Mike Harris government have threatened the Oak Ridges moraine and other natural areas in Ontario;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To put an immediate freeze on all future development on the Oak Ridges moraine and to immediately pass into law Bill 71, the Oak Ridges Moraine Green Planning Act, that will create a comprehensive plan for the protection of natural areas for the benefit and enjoyment of future generations.”

Obviously, I agree with the petitioners.

#### NORTHERN HEALTH TRAVEL GRANT

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

“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’ll affix my signature in full agreement with the concerns of the thousands of individuals who signed this petition.

#### EDUCATION FUNDING

**Mr David Caplan (Don Valley East):** I have a petition to the Legislative Assembly of Ontario:

“Whereas Mike Harris promised in 1995 not to cut classroom spending but, as we all know, he’s 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 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.”

This petition has been signed by several hundred community residents, and I wholeheartedly agree with it and I will affix my signature to it.

#### McMICHAEL CANADIAN ART COLLECTION

**Ms Caroline Di Cocco (Sarnia-Lambton):** To the Legislative Assembly of Ontario:

“Whereas the government of Ontario has introduced Bill 112, An Act to amend the McMichael Canadian Art Collection Act;

“Whereas the McMichael Canadian Art Collection has grown and evolved into one of Canada’s best-loved and most important art gallery collections of 20th-century Canadian art;

“Whereas the passage of Bill 112 would constitute a breach of trust made with hundreds of other donors to the McMichael Canadian Art Collection;

“Whereas the passage of Bill 112 would vest too much power in the hands of the founders, who have been more than compensated for their generosity;

“Whereas the passage of Bill 112 would limit the focus of the art collection and reduce the gallery’s ability to raise private funds and thereby increasing its dependency on the taxpayers;

“Whereas the passage of Bill 112 would diminish the authority and responsibility of the board of trustees; and

“Whereas the passage of Bill 112 would significantly reduce its capacity and strength as an educational resource;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to withdraw Bill 112.”

I affix my signature to this petition.

#### CORRECTIONAL FACILITIES

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

“To the Legislative Assembly of Ontario:

“Whereas privatization of Ontario’s correctional services is wrong, only publicly run and accountable correctional services can be beneficial to taxpayers, employees and those incarcerated,

“Therefore we, the undersigned, demand that the government of Ontario stop privatization of any correctional service now.”

I affix again my signature in full agreement with these concerns.

#### McMICHAEL CANADIAN ART COLLECTION

**Mr David Caplan (Don Valley East):** I have a petition:

“To the Legislative Assembly of Ontario:

“Whereas the government of Ontario has introduced Bill 112, An Act to amend the McMichael Canadian Art Collection Act;

“Whereas the McMichael Canadian Art Collection has grown and evolved into one of the best-loved and most important art gallery collections of 20th-century Canadian art;

“Whereas the passage of Bill 112 would:

“Constitute a breach of trust made with hundreds of other donors to the McMichael Canadian Art Collection;

“Vest too much power in the hands of the founders, who have been more than compensated for their generosity;

“Diminish the authority and responsibility of the board of trustees;

“Limit the focus of the art collection and hamper the gallery to raise private funds, thereby increasing its dependency on the taxpayers; and

“Significantly reduce its capacity and strength as an educational resource in Ontario;

“Therefore we, undersigned citizens of Toronto, petition the Ontario Legislature to withdraw Bill 112.”

I agree with the petition, and I will sign it.

#### ORDERS OF THE DAY

##### DOMESTIC VIOLENCE PROTECTION ACT, 2000

##### LOI DE 2000 SUR LA PROTECTION CONTRE LA VIOLENCE FAMILIALE

Resuming the debate adjourned on October 4, 2000, on the motion for second reading of Bill 117, An Act to better protect victims of domestic violence / Projet de loi 117, Loi visant à mieux protéger les victimes de violence familiale.

**The Acting Speaker (Mr Tony Martin):** The time was split between the two members from Windsor, and neither of them are here, so it’s the NDP. Further debate?

**Mr Rosario Marchese (Trinity-Spadina):** It would have been good to have had a Liberal here, obviously, to bring us into this debate, but always ready. Always ready, former candidate for the Alliance; always ready, willing and quite eager to discuss Bill 117. I’ve got it

right here, and I want to read what its title is. The title says, "An Act to better protect victims of domestic violence." They never cease to amaze me with their titles. This is one of their most important agendas: the law-and-order agenda of this Conservative government. It follows on the heels of so many other bills that they've passed.

You'll recall the squeegee bill, the Safe Streets Act. Radical stuff, man, revolutionary stuff. They went after those poor little squeegee kids and made it appear like, "Good God, we have restored order in the country. People in the province will now be safe from those rascals in the street."

You remember that some of those young people were cleaning windshields and, man, did it scare the pants off those old men and women. So Harris comes along with his squeegee bill, the Safe Streets Act, and, lo and behold, the rascals and the rogues are off the streets and law and order has been re-established. Why? Because Harris was there to protect us, men, women and children, frail indeed, from these young people, who were just a couple of hundred, I think, in the streets trying to make a couple of bucks. I would make my contribution. I was never really frightened, as the Harris government claimed that most drivers were. I don't know where that fear came from, but they re-established law and order with the Safe Streets Act, the law-and-order agenda.

Then they came up with the other one, the one that's called the Parental Responsibility Act. You remember that one. You recall that with that one, again, law and order—we were going to go after those young rascals who committed offences against property and/or people, and boy, oh, boy, the offence was going to cost the parents big bucks. I think \$5,000 was the sum, and man, oh, man, did we re-establish law and order once again in Ontario, all due to the diligence, the vigilance of the Premier, who, with his omnipotent oversight abilities, was to see that by introducing such a bill, the young rascals would be tamed because the parents would now be on the hook for those offences. Lo and behold, with that bill we have peace, law and order, and good government in Ontario.

1520

**Ms Caroline Di Cocco (Sarnia-Lambton):** We already had one.

**Mr Marchese:** I'm reminded, but I hadn't forgotten: you will recall that the existing law already gave individuals the power to sue individuals where there had been damage against an individual person and/or property. In fact, there was no limit of \$5,000 that one could get; you could claim more even.

This is the paradoxical nature of politics. This is where dissimulation needs to be uncovered. People say things and do not mean what they say, and the bills do not say what they mean, as a result of which we've got a law-and-order agenda that the Reformers out there think these people are implementing, but they're measly little things, little attempts to solve some little problem. In the case of Bill 117, it's not a little problem; it's a big problem we're

dealing with. But they make it appear like they're taking giant steps.

I'm not a lawyer. A former modest teacher is all I am. But I can tell you that reading through this stuff doesn't give me the sense that we're solving the problem. We're making it appear that we're doing more than we actually are, and that's what I object to with the agenda of the Tories. Simply say what you're doing. Say it modestly. Say that these are modest attempts to deal with your perceived problems in Ontario, and then people like me wouldn't feel so angry at your initiatives, when you pretend to say more than is actually contained in those bills.

Remember the bill of rights? Good folks of Ontario, do you remember the Victims' Bill of Rights? To hear Mike Harris and the other MPPs, that bill contained rights given to victims, and everybody believed it. Everybody in the province believed it. Why? Because the title said so. It's the Victims' Bill of Rights. If it's written, it must be so. That's where I get cranked up in this place. If they were actually saying what they want to say, I'd say, "OK. We have a disagreement. They're doing a couple of things, good or bad," and you move on.

But the Victims' Bill of Rights had no rights. Good people of Ontario, taxpayers—yes, you—Judge Day said this so-called Victims' Bill of Rights was nothing but a statement. I believe the judge said it was a beguilingly disguised piece of legislation, or beguilingly disguised as legislation but nothing of the sort. That's it, more or less paraphrased. It was just a statement, no rights. Yet these Tories have the courage, the fortitude to go out and say to the people, "We have a law-and-order agenda." That fits well within the framework of a Conservative-Reform—Alliance-minded person. Yet if they needed the truth they would say, "My God, we've got to get rid of these Tories. What we need is an Alliance Party, because the Alliance Party says, 'We're going to do what the Conservatives are not able to do.'"

Sooner or later the Conservative Party will disappear. It's got to disappear—this one and the national one—because the Alliance has taken root. It has taken like a leech. It has leeches itself on to this body politic, and I suspect it's just a question of a short period of time until most Conservatives say, "We had better just fold the tent and connect ourselves with the Alliance," the party that used to be the Social Credit at one end of the world, then the Progressive Conservatives, then the Conservative Party, then Reform, then this new Canadian Alliance/Reform. Man, oh, man, is it ever a progressive party. It's in constant evolution and, like the good chameleon it should be, it evolves to fit the circumstances of the day. This is the party, and the Liberals had better catch up. It's hard to maintain the level of change these Reformers are able to engage in. Anyway, I'm getting off topic.

Bill 117 is another bill. They started this session with another law-and-order agenda. As if they haven't had four years of talking about law and order, they want to begin the session again with law-and-order issues. Cut

taxes, bash welfare recipients, go after the poor—after four years of suffering through this, they are not able to move on. Unlike some of their leaders, who realize they've got to change their titles, they haven't changed the agenda. People expect a changed agenda, but we're getting more of the same.

That's why I made reference to the other bills: the squeegee bill; the Parental Responsibility Act, which had nothing more by way of powers than we had before; the Victims' Bill of Rights where there are no rights, and now this.

I have to say positively in this regard that obviously there are some things we support. We support the bill inasmuch as it purports to toughen up restraining orders that would help keep battered spouses, partners and children safe. The bill does other things like broaden the category of people who could be protected; for instance, it includes people in dating relationships. It requires the abuser to leave the residence. Currently that only happens on arrest or breach of order. Good things. How can you disagree? But they're not radical. It's under the rubric of "An Act to better protect victims of domestic violence," and makes it appear they have solved this problem of violence against women, and they haven't.

I began my comments by saying there are 95 organizations in the province that met a couple of months ago to talk about the issue of violence as it relates to women. They invited the leaders of the opposition and other members, they invited Mr Harris, they invited the ministers involved and their members—and, by the grace of God, they sent somebody who I think said very little, if anything—and were completely unsatisfied by the end of the day that they had the ear of the government.

Good listeners of this political forum, would you not expect the government to listen to those 95 organizations that deal with women's issues, in particular, violence against women? Would you not expect the government to go and consult with them first and take the best of what they have to offer and introduce that in the form of a bill? But they didn't even meet with these organizations. Neither the minister nor the Premier met with them. Isn't that a complete disregard for those organizations that daily have to deal with issues of abuse and violence?

I couldn't do their job. God bless the fact that these organizations are in place, volunteering thousands and thousands of hours, doing their best with less and less money than ever before to deal with an issue that I couldn't cope with. I couldn't cope with that, because I think violence against women is the most hurtful thing I could be dealing with. As a man, the fact that there are men in our society who have and use, and abuse, the power to beat up women is an offence against human nature, against humankind. That there are still men out there doing that kind of violence against women is to me almost unthinkable. An equally offensive thing to me is that there are men and women out there who could abuse children, little boys and little girls. That to me is the worst offence in this world. I would spare no time and I would make use of the law, yes, to its utmost to make

sure that those who commit, perpetrate, such acts of violence against women, against children, are not spared the toughest legal measures there are. I wouldn't spare them at all.

**1530**

I think we've got to do more as a government. I really do. The government has a responsibility, first of all, to meet with those 95 organizations which have made requests about what ought to be done and have not been listened to. When they take this bill out for discussion, they've got to listen to those organizations, again, because they are on the front lines. You, Premier, are not on the front lines. You, Minister, are not on the front lines. We are blessed in this place, I tell you. Those 95 organizations are on the front lines dealing with issues of abuse and violence, and they are the ones who need to be respected and listened to. If they recommend that we spend \$300 million in terms of prevention, then you ought to be there and you ought to be spending the money.

I wanted to begin by saying that this government has failed us over and over again in its outward disguise and its outward articulation of consulting with people, only to find out that they don't consult. You hear the Minister of Education on a regular basis saying, "We consult teachers. We consult parents." We ask them who, because the people we've talked to don't agree with the minister. One wonders, who are you listening to?

The people in these organizations say that eight of these 95 organizations have suffered cuts in their programs. How? Why? How do you justify that? It's an embarrassment for a government to have initiated such cuts against organizations that deal with very vulnerable people. Eight of those organizations sustained cuts.

Explain yourselves to the public as to why you could do that and get away with it. Explain that to the public when these organizations say, "We need more housing to house victims of abuse, to house people of modest means," to house people who don't have the luck that some of us in this chamber have to have access to a home, particularly when there's an issue of abuse and they need to go somewhere and the waiting lines in our non-profit homes and in our public housing are too long for them to be able to access the home that they need. How could you as a government not have a modicum of a conscience to be able to say, "Yes, they need a home," particularly when abuse has been involved?

This government doesn't want to build housing. They say they are not in the housing business. The other day Mr Clement said he hears the federal government is opening its doors to the construction of housing. Mr Clement was reported as saying—I read it in the Toronto Star—that he's not going to wait for the federal government. Why, he's going to introduce measures of his own.

What an embarrassment. This guy, M. Clement, the Minister of Housing, said, "We're not in the housing business." In fact, they're not. They haven't built one single unit in this province. The private sector they rely on has only built 500 units in the last year. The need for

housing has been clearly documented by neutral people over and over again, and this guy says he's not going to wait for the federal government to start building; he's going to do it on his own. It's so tragic it makes you want to weep. That's why I said last week that when we laugh, we laugh out of desperation, out of the tragedy that we experience and we have to bear listening to you people. We need more shelters, not just in Toronto any more, but beyond, in your own borders of 905 and beyond. What have you done about that? You've done absolutely nothing about that.

We hear from you that the extension of 24-hour-a-day provision of service to enforce restraining orders requires a major investment in staff. The extension of 24-hour-a-day provision of service to enforce restraining orders—that's all very well and good, but does anybody believe that the resources are there or that the resources will be put in order to make that measure effective? I argue no and I say no, the money is not there and the money will not be put in there, and so that measure, while it looks good and sounds good, will be ineffective because the money is not there.

We have underfunded courts, which the government will not admit to. We have a serious backlog in provincial offences court. We have restrictions on people as to who is eligible for legal aid, and we've had cuts there in the past that this government is not restoring in spite of the economic success we've had in the last five years, in spite of the millions and millions of dollars we've had in this economy. They are throwing it away to the corporate sector. Five billion dollars is going to the corporate sector in the next four years; \$5 billion of my money and your money just thrown out the window to the corporate sector, which has experienced the best boom in this province in the last many years. Five, six years of a good economy and they give away five billion of your dollars to the corporate sector and they don't have any money to give to these things that they propose here today to make what they propose effective.

They're going to have a 24-hour line with no extra JPs, of which we are short, and no training, by the way, because this government believes judges are independent and they don't need training as it relates to their judgment on restraining orders or bail orders or anything connected to violence against women.

We need an hour for debate on this; we need hours and hours of debate on this. People will want their say, and all I hope is that this government will go off to the public, have extended hearings so those 95 organizations and people affected will be able to tell this government how inadequate this bill is at it relates to abuse against women.

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

**Mrs Julia Munro (York North):** It's a pleasure to be able to rise and give some balance to the discussion we've heard so far.

There are a number of important details that need to be emphasized. First of all, this issue is one that certainly impacts our communities, families and individuals, and

we all recognize how important it is to have programs that will address this issue.

In a number of ways we have addressed this issue. In community and social services there has been, just as one example, an additional \$10 million to hire additional support workers, partly in order to be able to help children who have witnessed violence, recognizing that obviously, while the impact is great on women, it is greater on children. This money is also used to support additional shelter funding.

In my riding I was able to take part in one of the original victim/witness programs, the VCARS program, and it's really very heartening to see that this program has been expanded by 50%. We are now looking at 26 across the province.

SupportLink, which provides women with access to emergency use of cell phones, has been expanded tenfold.

In housing there is a commitment to \$50 million in rent supplements. This will go to help up to 10,000 families and individuals. This is the record.

**1540**

**Mr David Caplan (Don Valley East):** I can't believe what I just heard come out of the mouth of the member for York North: a rent supplement program which, by the way, was announced over a year and a half ago, and they've only tendered out contracts for 5,000 units. They can't even fulfill those. As of June, their record is 1,339 contracts. This is the record? That's not even for women.

In fact the record, when it comes to domestic violence programs, when it comes to funding and support—they cut shelter funding. They cut shelter funding for women and children fleeing abusive situations and for emergencies. Worse than that, indeed, funding for second-stage housing—you see, it's not just enough to get into an emergency shelter. Women and their children need to have a transitional place to go in order to get back on their feet, in order to get back toward employment, toward education, toward accessing health services. That's called second-stage housing. The Harris government has eliminated funding for second-stage housing entirely across the province of Ontario. I can't believe what I just heard. That is an incredible distortion of what the record of this government is.

I want to congratulate the member for Trinity-Spadina for his remarks because I think he made some very good points about what this government has done, what it continues to do, how this measure, while everybody of course will support it, really emphasizes things that are already happening, provisions that are already in the Criminal Code of Canada. Sure, there's a lot more that needs to be done, but the point is essentially this: these kinds of measures should be in addition to all of those community-based supports, all of the things which are truly effective, not in place of. Unfortunately, that's the approach that this government has taken: we're going to have a few punitive measures but we're not going to have any of the community supports.

**Ms Marilyn Mushinski (Scarborough Centre):** I must say that I believe the tone of today's debate has



somewhat degenerated from the fairly non-partisan, passionate tone that we heard yesterday. I certainly want to repeat the commitment I made in my speech yesterday to continuing to ensure that this government is totally committed to eradicating domestic violence from this province. In my speech yesterday I spoke about the initiatives that our government has made. In fact, I spoke about the 40 programs that are in existence today and most certainly I also spoke about the actual increase in expenditures we have made since 1995. We now spend almost \$135 million, which is an increase of over \$37 million since 1995. We've also made a commitment to spend a further \$5 million that will be added next year, which will bring the total in expenditures to \$140 million.

I'm somewhat bemused by the thespianic rantings of the member for Trinity-Spadina when he says that we've withdrawn all support for housing. As my colleague to my right has said, we have committed \$50 million to rent supplements to help house over 10,000 families.

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to respond to my colleague from Trinity-Spadina. Let me begin by saying that I didn't see his statement as a rant at all but rather his usual eloquent and effective manner of conveying the passion I think he feels on this issue and many others.

First of all, like that member, we support this bill and we recognize that the real problem in the whole question of domestic violence is what's missing and what hasn't happened and in fact what has happened in the past. You can take those aggregate numbers and you can rearrange them on a balance sheet or an income statement, and at the end of the day what's lacking are the types of support that are needed in the whole area of prevention.

I would be remiss if I didn't mention in my own community Hiatus House, headed up by Donna Miller, who has done an excellent job in prevention initiatives, in providing our community with the kinds of supports it needs. I've met Donna on many occasions. I've spoken with members of her board; indeed, I helped raise some funds with them earlier this year in memory of my late colleague Shaughnessy Cohen, who sat on the board of that organization. I can tell you unequivocally that organizations like Hiatus House have felt the pinch very much and have identified a number of shortcomings in the funding and prevention models that we have spoken about and that my colleague from Trinity-Spadina spoke about so passionately.

So I say to the government members, we applaud this initiative, we support this initiative, but in the absence—indeed, in the presence of so many other changes, whether you're talking about housing or counselling or whatever, it really isn't enough. This bill doesn't do everything that should be done. Think about the rest of it.

**The Acting Speaker:** Response?

**Mr Marchese:** I thank the members from Don Valley East and Windsor-St Clair for their kind remarks and would respond to the member for Scarborough Centre, who can so easily dismiss me by saying she's amused by

my rant. It's so dismissive. What we say is a fact, confirmed by every housing provider out there in the province, but she so casually dismisses my comments as rant: "I'm amused by that."

I say, with respect to this initiative, that this bill in fact disguises the real problems we have with this government and disguises the real problems that this government has caused, on the very problem we're trying to deal with. Ultimately the voter will see through it, I am convinced; will see through the dissimulation of this government.

Women's groups say that the extension of 24-hour-a-day provision of services to enforce restraining orders requires major investment in staff, JPs, judges, police etc. Women's groups say we'll need to ensure police and crown lawyers are trained to deal with domestic violence issues, and judges and JPs will need training too. Women's organizations say this act will require increased funding for legal aid to ensure women can access extended restraining orders. Women's organizations say this act will require increased funding for community-based services to inform and support women. The government has said it is willing to expand the number of spaces in male batterers' programs, but nothing has been offered to support women—no counselling, no extra legal aid, nothing.

I say, take this bill out for extended hearings so we can hear from the people and make you as accountable as we need to.

**The Acting Speaker:** Further debate?

**Mr R. Gary Stewart (Peterborough):** It's my pleasure to be able to rise in this House and talk on Bill 117, the Domestic Violence Prevention Act.

Before I start, I have to make a bit of a response to my friend across the way from Trinity-Spadina. His solution, for the five years his party was in government, was, "Give 'em more money." It's interesting to know that when you give them more money, and they gave them more money, there was absolutely no plan, there was absolutely no accountability, there was absolutely no economic research, there was absolutely no efficiency—that was totally thrown out the window—"but we'll give them more money." That is what got us into this situation we took over when we came into power in 1995.

Domestic violence is a very serious crime that has serious repercussions. I think one thing that this bill does, and I think it's long overdue, is that it defines domestic violence to include acts and omissions that cause bodily harm or damage to property, physical assaults and threats that cause a person to fear for his or her safety, forced physical confinement, sexual assault, sexual exploitation, sexual molestation, and any series of acts which collectively cause a person to fear for his or her safety. I suggest that every member in this House should be supporting this bill. I would also suggest that debate should have lasted about 15 seconds and everybody should have said, "We support this bill because we don't support domestic violence."

**1550**

Not only is domestic violence a crime against the person who is abused; it deeply affects children who witness violence in the family. If there is one reason to support this bill, it is the fact that this bill may in a large way protect some of those children who are affected by violence within the family. If I look at the Unified Family Court, which opened in my riding of Peterborough a couple of months ago, and also the supervised access centres which I had the privilege of opening about a month ago, which are run by Kinark family services, I think that those, along with this type of legislation, are very much focused on the children of this province. I suggest to you, if those kids are going to grow up and be responsible citizens of this province, that they have to be looked after in the way they should be—anything we can do to make sure they do not have to witness violence in the home—and when they go to court for domestic disputes, that they are treated well, and when they want to visit their separated parents, whatever it might be, that they have access to those parents in a very professional and kindly manner.

During the last five years, our government has taken a leadership role in helping to protect victims of domestic violence. In those five years, we have created and expanded the domestic violence court program and made it the largest and most comprehensive of its kind in Canada. We've expanded the victim/witness assistance program, the victim crisis assistance and referral program, the supervised access program and the Support-Link program. These are programs that get victims in touch with services that they need. I often think if any one of us in this House were a victim of domestic violence in need of those services, we would have to know how to access them and where they are.

It's interesting to mention again that the member from Trinity-Spadina made the comment that our government seems to be all about law and order. I grew up in a family where law and order were very well respected and should be respected. We were taught to respect law and order, so I certainly have no qualms whatsoever about being accused of being part of a government that believes in law and order.

We have also allocated an additional \$8 million annually to ensure that crown attorneys have sufficient time to meet with victims in preparing their cases for prosecution. This gives victims a voice in the justice system.

We're proud of our achievements and we make no apologies for our law-and-order agenda. We make no apologies for being on the side of victims. We make no apologies for holding abusers accountable, and we will continue to do that as long as this government is the government, which I suggest to you will be a long time into the future.

Improvements to the justice system are critical in helping victims of domestic violence, because the justice system holds abusers accountable for their actions. And why would we not? This is one of the ways of breaking

the cycle of violence. The criminal justice system is a critical centrepiece for combating domestic violence, because it clearly delivers the message that domestic violence is a crime. When the police force and crown attorneys prosecute domestic violence cases, the message that domestic violence is a crime rings loud and clear. For many years domestic violence was perceived as a private family matter—most unfortunate. It was either kept behind closed doors or it was kept in the closet. Thank God it is not any more.

I want to make one comment. When we talk about spousal abuse—and it's been banded about here in this House—I want to emphasize the fact that spousal abuse includes both females and males.

The enforcement of the law and prosecution of cases is an important reminder that domestic violence is a crime. The work in the criminal justice system keeps the public and the abusers focused on the message that domestic violence will not be tolerated in Ontario.

I liken this to changes in the mindset about drinking and driving. Drinking and driving—and we all know it—years ago was socially acceptable. Unfortunately, a lot of deaths occurred because we deemed it to be socially acceptable. Now it is definitely clear that drinking and driving is not acceptable, that it is a crime and that it has a devastating effect on victims and families. There is an ad on television at the moment that I think is one of the finest ads I've ever had the privilege of seeing. It shows a mother and child in front of that grave and you hear an overvoice, "I only had a couple of drinks." It is now not acceptable, nor is domestic violence. I argue that we ought to have had the same mindset about domestic violence that we've had about drinking and driving, because it is a crime. It is entirely appropriate that the justice system treat domestic violence as the criminal act it is.

Our government is keeping its promises to the people of Ontario. We said in the Blueprint that we would do exactly what we're doing regarding domestic violence. We're taking action to keep our streets and our homes safe. We're taking action to support and protect victims. Solutions brought about by the justice system are a critical component of that response. The restraining order reform we are proposing is an important element to better protect victims of domestic violence.

I understand that the federal Liberal government is planning a forum on spousal abuse and that it might consider some changes in penalties. It could happen. It is interesting to note that our federal Liberal government has more forums and more commissions and more discussions than any level of government I've ever heard of. I believe, and our government believes, that actions speak a great deal louder than words. That doesn't seem to be the Liberal way, whether it be here or in Ottawa. This is very much like the health care situation where the Premier of this province pushed to get the money back that the federal Liberals took out of the system. They have to know that they have to play a role, first of all, in health care, but also they have to be part of this solution.

1600

Our government is calling on Ottawa to create a specific Criminal Code provision for domestic violence. All the forums they have, all the commissions, and all the talks are not going to push that forth unless they decide to act, and act quickly.

I want to present a couple of facts, if I may, things we have done that I believe support victims through many community-based programs. Yes, we have further to go, and we will continue to move forward in the future. Some \$51 million has been allocated to support 98 emergency shelters and related services in the year 2000-01. We're committed to supporting women's shelters because they help keep abused women and their children safe. They also provide practical and emotional supports that are essential to helping women escape violence in their lives and supporting those kids who witness that violence. The key word, and I want to emphasize that word, is "support." People in these types of situations, in these homes where domestic violence is happening, need the types of supports that we can offer them.

Funding for shelters includes \$1.7 million which was allocated by the Ministry of Community and Social Services in 1999-2000 for crisis lines across Ontario. These lines operated 24 hours a day, seven days a week, and fielded over 150,000 calls. We recognize the important role that these lines play by offering support and assistance to women in crisis. I believe that we are always trying to improve those services. When I look at 24-hour-a-day service, seven days a week, that's what we have to have, because domestic violence does not only happen at certain times of the day or night. We have to have support—again, I emphasize that word—for these folks who are involved in these types of situations.

Recently the Ministry of Community and Social Services announced \$10 million annually to enable shelters to hire transitional support workers and establish programs specifically designed to help children who have witnessed violence in their homes. These services have been identified as critical services by a broad range of agencies serving abused women and children, including the Ontario Association of Interval and Transition Houses, the United Way of Greater Toronto and the Joint Committee on Domestic Violence.

MCSS has also improved the means by which shelters are funded. We have simplified the funding arrangement by assuming the municipality's share. Some \$21 million has been allocated to over 100 counselling programs for women and their children in 2000-01. Approximately \$50 million has been committed to support innovative community-based projects that focus on vulnerable children and adults as part of the victims' justice action plan, and \$100 million annually has been allocated for the expansion of community-based programs, including the victims' assistance and the crisis referral service, and again SupportLink.

I want to talk about SupportLink for a moment. SupportLink provides safe planning, which can involve cell phones pre-programmed to dial 911, some degree of

comfort and support for those folks who may be involved with this. This would help ensure that emergency response teams are alerted immediately if there is a danger.

An additional \$500,000 was provided to cover streamlined applications for emergency legal aid advice, and the number of hours was doubled to assist abused women seeking restraining orders. Legal aid for those—and there are possibly those people watching today—is a protection, for domestic violence is the highest priority for family law certificates from legal aid. These certificates can be issued immediately and made retroactive for victims of domestic violence. Legal aid provides 90 advice lawyers; two hours of emergency legal advice is available to eligible victims of domestic violence. In 1998-99, almost 3,000 women received assistance through our emergency legal aid service for women's shelters program.

I also want to make a comment about supervised access programs. As I mentioned, we just opened one in Peterborough about a month ago that is being looked after by Kinark family counselling. In that facility, it's like going into a family home type of atmosphere, where the colour of the walls, the toys and support things that are available to the kids, the kitchen facilities, make it a family atmosphere, where kids go in and certainly do not have the sense of fear or frustration that they had in their home. I want to congratulate the government on those types of centres. As I said, I have been in them. They are highly supported by the family court judges. I believe the supervised access centres are part of our ongoing commitment to ensure the well-being of Ontario's children and families.

It's drawing near the end and I want to say, as I said before, that I can't believe we would have a long debate on this particular bill. Anybody who will not support anything that will make domestic violence a crime, who will not help people who are involved in those types of situations, I feel is not thinking of society very well. I would hope that the opposition, as I said, would support this bill and would work with us to make sure this bill goes through quickly and that domestic violence will be less and less in this province in the future. I believe it will be, by bills like this, by support from all members of this House. I would ask that the members do indeed support the bill and don't support domestic violence.

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

**Mr Gerry Phillips (Scarborough-Agincourt):** I'd like to comment on the comments by the member for Peterborough. I'd just say certainly we will be supporting the bill, but again we would say that if you're interested in real solutions, you would respond to the recommendations of the people who are in the field dealing with these problems on a day-to-day basis.

It always is amazing to me that the Conservative government seems to describe problems in a completely different way than reality. Today we heard from the health minister about problems in our emergency wards. They are getting worse and worse and worse after five years of Mike Harris. Our education system is in turmoil.

Without a question of a doubt, I really don't think I've seen it this bad in 20 years, tragically. If somebody can prove me wrong, I'd like to know that. But the Minister of Health will get up every day and say, "No, things are just fine out there." It is a mess.

We've seen in Walkerton the government saying, "The environment's fine. What are you worried about?" Six people died. Things are getting worse; things are unravelling under Mike Harris. Our emergency ward situation is far worse now than when he became Premier. Our education system is in far more turmoil than when Mike Harris became Premier five years ago. The environment is a disaster. We are now the centre of attention internationally. This is the one thing that people know about Ontario: Walkerton. Almost whatever country you go to, they know about the disaster in Walkerton. Here we are having the member for Peterborough—to me it is sad that he actually believes that this is going to be a significant part of the solution. We know what the significant parts of the solution are: we pass this bill but we deal with the very important proposals by the people on the front lines, and we haven't heard them at all.

1610

**Mr Marchese:** The comments made by the member from Peterborough would fit so perfectly in a lesson in an English classroom under the theme Illusion and Reality. Indeed, the whole government's agenda could fit into a whole year's program of an English literature class under Illusion and Reality.

The member for Peterborough attacks the federal Liberal government, accuses them of doing all sorts of things, but essentially doing nothing, and then he says, "Aha, but our Conservative agenda is different." He says, "Actions are louder than words," and makes no apologies for being on the side of victims—like the Victims' Bill of Rights that has no rights. Is that what he means by being on the side of victims, where he actually lets people—the general public and victims themselves—believe that they have rights that are not contained in that bill of which Judge Day had to say, "It is beguilingly disguised as legislation"? But it's nothing but a statement, so the member from Peterborough would have everyone believe that somehow you have rights, and the Victims' Bill of Rights gives them none. That's what "Actions speak louder than words" means.

Then he makes reference to spousal abuse, and includes male and female. Please. Yes, there are some examples of males being abused by some woman but, good God, the abuse is by men against women, and that's systemic. It's an issue of power and it's an issue of the abuse of that power. Please, let's not confuse it. The real issue is violence against women, not the other way around.

**Mr Frank Mazzilli (London-Fanshawe):** It's my pleasure to speak on Bill 117. This is an area that's certainly long overdue, and if there can be a debate at committee at some point of some of the sections in this bill, then that should take place.

Domestic violence or assaults are certainly criminal offences, and the release orders, once someone is charged with a criminal offence, are under the Criminal Code. They're released on undertaking, recognizance and so on.

Restraining orders have generally been used in cases where one would say domestic violence, through some sort of abuse, is proven to the court but where an assault does not take place, where the victim fears that an assault may take place, where the victim fears for their safety from a partner. When it comes to restraining orders, the Family Law Act has never been clear on how to obtain them and where to access them. You had to make appointments. Women often had to make appointments, go see a justice of the peace at some point at the courthouse. What this bill does is to make that process much easier, where judges are going to be more available, where these things can easily be achieved, can be had on short notice.

If there are any difficulties within the legislation that need to be debated at committee, when it comes to assaults and domestic violence and the crossover between federal and provincial jurisdiction, that debate should take place, and it should take place in a productive manner so that we help people involved in these situations.

**Mr Caplan:** I certainly want to congratulate the member for Peterborough on his comments. I'm glad he's going to be supporting the legislation. I think all members of this House will be supporting it because domestic violence is a very serious and a very important issue.

I wanted to focus on some of the comments that he made. First, he castigated the members of the New Democratic Party for spending money. I was watching the clock. The member for Peterborough spent about seven minutes trying to outline how the Harris government cares about this issue so much and how they're spending money. I don't really understand how he would criticize the NDP on the one hand and then laud himself and his government on the other hand. I think this is an area, quite frankly, where we do need to spend some money.

I don't agree with the hypocrisy of saying, well, we have to do something but we're not going to spend any money on it. I don't agree with saying, OK, women and their children can go into a shelter but we're going to eliminate funding for second-stage housing which allows them to get out of shelters. That was a decision of the Harris government, and I really wish and hope the member for Peterborough will stand in his place today and say, "I think that decision was a very wrong one."

I'm committed to making sure that women and children can get out of shelters, can get back into the community, can get some stability in their lives, because shelters are not the only solution. In fact, punitive laws are not the solution. It is comprehensive.

One of the major events which has happened during the life of this government was the May-Iles commission: 213 recommendations to help to solve the problem of domestic violence. Certainly not everything would solve

it. This government's response has been deafening silence on the implementation of those recommendations.

**The Acting Speaker:** Response?

**Mr Stewart:** I'm not going to take a great deal of time to respond to the rhetoric I heard across the way. It's interesting that the last speaker suggested that we've been spending money. Absolutely we've been spending money. It's been spent in a targeted area, targeted spending with accountability, planned spending. We didn't, as my friend from Trinity-Spadina said, throw money at things, because sometimes it doesn't stick and it falls down and floats away, doesn't work.

But I am pleased that the members across did listen to some of the things I said. I'm also pleased that they have suggested they will support this bill. And as I said, it's like any bill: when it goes to committee and goes out and is being looked at and considered by the public, they have that right to do that and we want them to do it.

You know, I look at this bill, and many people across the way say that it's all wrong, yet we're doing something about it. We're doing something about it that has not been done in the last 10 or 15 years when these folks were there. Again, words, not action. We are the action people. We will do it and we will continue to do it.

So I would suggest that you can be extremely critical—that's your job—but when you become critical and maybe suggest that this act is not going to assist domestic violence, I believe that maybe you are supporting domestic violence.

**The Acting Speaker:** Further debate?

**Ms Di Cocco:** I'll be sharing my time with the member for St Catharines.

I do want to start off by saying that I will be supporting this bill, but I want to make it clear that this bill will be almost insignificant in dealing with the complex issues of family violence.

The fact that cannot be ignored is that most women do not contact or go to the criminal justice system. It just hasn't been the case. And as much as it is the case that domestic violence is a criminal act and that it should be dealt with as other criminal acts, there are tremendous societal issues that must be addressed.

You see, that's the difference between Dalton McGuinty and the Ontario Liberals and Harris and the neo-cons. On this side of the House, and I have to say this very clearly, Dalton McGuinty and the Ontario Liberals know and understand that the responsibility of government is more than a punitive approach. That's all this bill does, which is a part of the process, but only a part. To me, the real measure of good leadership is to address the complex layers of community support, the social impact and the generational effect.

I want to outline various areas that in my view are completely missing from the Harris government agenda, and those areas of community support for families of domestic violence are what's missing.

1620

The first aspect that's really important is safety—shelters, counselling, support in rebuilding of lives.

When they do proceed to the justice system, there is often a need to access legal aid, and that is exactly where the Conservative neo-cons don't get it.

There's another important aspect, and that is educational programs that are of value to break down the most difficult aspect of domestic violence; that is, the changing of attitudes in young people.

These are the areas, in my estimation—and I believe Ontario Liberals understand—that truly count. Again, that's where the Harris government is missing in action. It's this government that has cut funding to women's shelters across this province, the first point whereby women and children need assistance. Women's shelters are probably the most crucial point when families are fleeing from abusive situations.

I would like to point out to the Conservative members one of the realities that exist in my community of Sarnia-Lambton. The Women's Interval Home there has seen an increase in the women and children they house. They are funded for 17 women and children, yet they always have 20 to 25 they are dealing with on any given day at the facility. In other words, they don't get the operating funds to meet the needs. They can only afford one crisis counsellor on staff. It's not adequate to deal with the urgent and intensive need in the crises they are experiencing.

That's what I hear. That's what's out there. That is the reality. This government decides that they have to cut these areas, but they'll bring in a bill that has a punitive aspect in the Criminal Code so that it's going to appear that they are going to be tough on crime. The long-term effects require counselling staff, and that's what is missing.

Second-stage housing is needed. As these families move back into the community, they need second-stage housing. Once they are out of second-stage housing, they need housing that is available with rent geared to income.

The interval home in Sarnia is being stressed out to the max because there's another aspect: they are constantly fundraising to meet the needs. So their staff are constantly being stressed not only to deal with the interval home itself, but also to raise money. In our area, they used to raise money through bingos and Nevada tickets. Well, now Sarnia has slot machines and it's got a casino, so they're competing. They are actually getting direct competition from the province, and it has impacted on their fundraising ability. I have to say that this has cut 40% out of their fundraising initiative. It had been perceived, at least, that the fund from the Trillium Foundation was going to assist this gap, was going to fill this gap, but it isn't there for them.

Another aspect that's been cut is the education and prevention program. This was one of the most valuable programs, because they went into the schools and talked to young people about the unacceptable fact of family violence. This multifaceted, complex issue, with tremendous community ramifications—and I'll say it again—and generational impact has got to be addressed at the community-based level, at the point where families are

most vulnerable. This government isn't addressing that. That's where it's missing. The government says that money is not a key, but in these areas it is a key and it is important.

There are two aspects under this legislation that are quite curious, and it's recycling. It's like some of the other legislation that comes down. This new act permits the seizure of weapons. I don't know if the minister knows it, but this provision is already available to judges when setting conditions for bail under the Criminal Code. It's already there. There's another aspect of the act that is being recycled. The new act permits the removal of the alleged abuser from the home, and of course this is already in the act as well. One of the key areas that's missing is the exact place where it's going to make the biggest difference, at the community-based support level. It isn't there, at least not at the level it should be if we're really going to move forward.

The Women's Interval Home in Sarnia really assists in helping many families. In the end, those women and those children are provided another opportunity because, you see, government is about providing opportunity. Providing opportunity doesn't mean you just instill a punitive measure in the Criminal Code and that's going to fix everything. That's not what opportunity is about. Opportunity is about meeting the needs at the stages that are going to directly impact on these women and on these children and giving them the opportunity to rebuild their lives.

This bill is only single-faceted, and this is where the biggest difference is between the Conservatives and the Liberals in Ontario. Because we believe in the community and that the community support has to be there. You have to understand that, but you may not understand what community support is needed because you don't consult. You don't talk to them; you know it all. You have an immediate understanding that, like the advertising, it's all about how are we going to spin this to make us look good? It's not about the reality that exists and how we are going to address it in an effective way; not just efficient, where you're just cutting dollars, but, how are we going to address it in an effective way?

**The Speaker (Hon Gary Carr):** Further debate?

**Mr James J. Bradley (St Catharines):** For the second half of the allocated time I would like to speak on this legislation. As our members have indicated on many occasions, we're supporting this as a small step forward in the area of dealing with domestic violence. But the reason that we take time to debate this legislation, which always annoys government members for some reason, that we should dare to take some time to debate legislation—they just want this whipped right through without any consideration because it's so great. They look for our co-operation. I've never heard them give any credit when there was that co-operation, so we have to recognize that. But we will be supporting this particular initiative.

The reason we've spent some additional time is that this is a very important problem and this is only one step or one aspect that we're dealing with at this time. I think

we recognize, for instance, that there is a requirement for an investment of funding. We often don't want to hear that. People say, "I don't want to see money spent," and the government likes to talk about that. But if you're serious about undertaking solutions to some of the problems, then it requires an investment of funds. Otherwise, don't talk about solving them.

There's a lot of talk about victims' rights on the part of this government, yet the victims' rights office has really not received the kind of funding that's necessary to carry out its responsibilities appropriately.

**1630**

I see that the Premier will be sending out—I don't know whether under his name or the Treasurer of the province's name—\$200 to most households in the province. The backroom boys have a big smirk on their faces because they think this is very clever. They learned it from Jesse Ventura in Minnesota, Republican Governor Ridge in Pennsylvania, and a few other places; they got the idea. It's going to cost several hundreds of thousands of dollars, if not millions of dollars, to mail out these cheques. Of course, a lot of people are always happy to see money they weren't necessarily anticipating showing up. But upon reflection, most people would prefer to see the government, which has already cut taxes considerably, invest this kind of funding in such things as protection of the safety of our water in the province, our health care system, which needs a lot of money, and, in this specific case, dealing with the issue of domestic violence because it is an important issue.

I think of first-stage and second-stage housing in our communities and how they are crowded at the present time and chronically underfunded. Women's Place in St Catharines, and Bethlehem Place—Women's Place being first-stage housing, emergency housing, and Bethlehem Place second-stage housing—are both having to go out to try to fund-raise. You might say it's reasonable that organizations should fund-raise. Let me tell you that they're out there competing with virtually dozens of other organizations in our communities that are also trying to raise money. There's a bit of donors' fatigue taking place out there as people on a daily basis get telephone calls at home or pleas through the mail for funding, or simply are asked to participate in golf tournaments or dinners or other initiatives designed to raise funds.

It shouldn't be that way. If these organizations are providing a service which is genuinely needed, then it seems to me that all of us should participate in the funding of it. If any service out there isn't needed, then obviously it should not receive the funding.

I think first- and second-stage housing is absolutely essential. I know that Women's Place in St Catharines is over capacity most of the time. I know that Bethlehem Place has far more people who are applying for second-stage housing to try to get their lives back the way they would like them to be, and a new start in society, and not an ongoing problem in terms of finances for society. Both of these have been successful endeavours, as have

others in the Niagara region, but both are in dire need of funding.

They must just shake their heads in disbelief when they see the government engaging in a public relations exercise of mailing out \$200 cheques to people. Yes, it's going to gain some popularity as people, as I say, receive something they didn't perhaps expect they were going to get. But there are so many areas where we as a Legislature have a role to play, and one of them surely is in domestic violence.

Frivolous spending by government is supported by virtually no one I know of. I don't think people want to see that. When they see \$185 million spent on government advertising—every time you open up your mailbox, there's Premier Harris's smiling face on a letter from the Premier, and the taxpayer is paying for it. I know the backroom boys and some of the government supporters have big smirks at this. Oh, aren't they clever? They're talking over the news media directly to the people.

I don't know how, in good conscience, a government which pretends to be so concerned about the expenditure of tax dollars can continue to undertake the kind of spending on what any objective observer would see as partisan advertising using taxpayers' dollars. I don't know how they can do it. I'm still waiting for the Ontario Taxpayers Federation, the Canadian Taxpayers Federation—there's another national organization; Jason Kenney used to be involved in it before he was an Alliance candidate. There are some people who think that maybe these organizations are just fronts for the Harris Conservatives or the Alliance—or the Reform Party, whatever you call the people—because they seldom seem to be critical of those kinds of political parties. The silence has been deafening. The cat's got their tongue.

My friend Frank Sheehan, who used to be the member for Lincoln when it was called Lincoln, is a well-known individual in our community. He used to be on the board of education, the Catholic board, at one time. He was the chair or the president of the taxpayers' coalition locally. They used to watch the local government to see that they weren't spending money, they felt, inappropriately. I'm going to phone Frank and ask him if he's seen the latest advertising from this government, because there's money spent on education pamphlets or the Premier's voiceover saying, "Look at all the land we've got now that's so nice for the environment"—they look bad on the environment so they have to compensate for that—or whatever they happen to be advertising at one time or another. Every time you turn the radio or the television set on or open the newspaper or get a pamphlet from the mailbox, it's the Harris government squandering hard-earned taxpayers' dollars on government advertising. But they will not invest in initiatives which I believe would be very helpful in avoiding family violence situations.

Let me get into one other one, as an opportunity, as I mention this. There is some advertising going on now by the ministry of gambling. That's Chris Hodgson's ministry; I call it the ministry of gambling. You'll remember they were trying to force on communities across Ontario

the new Mike Harris gambling halls. What were they called? Charity casinos. They wanted 44 of them going seven days a week, 24 hours a day, 364 days of the year. Surely they would close at least on Christmas.

**Hon Frank Klees (Minister without Portfolio):** Maybe not.

**Mr Bradley:** "Maybe not," says the member for Oak Ridges. Then 365 days in a year, gleaning as much money as they can from the most desperate people in society. Let me tell you, that's one source of family violence, people who end up going to the local so-called charity casino, blowing the paycheque and then coming home cranky, and the kids and the spouse are the people who feel that abuse.

There are some particularly repulsive commercials going on now. Some people think they're funny. They actually are accurate. I think it's for Woodbine. Don't they have the one-armed bandits there now, the slot machines? They show a guy sneaking away on his wife to go to the gambling hall of some kind, and they show somebody else who ties the bedsheets together and he heads out and goes to gamble. You know something? That's not far from accurate. What kind of message does it send to our society—when we're trying to pry people away from these family circumstances—to have them blow their money on gambling, particularly the addicted people or the most desperate people who feel they have no other way of getting it?

The point I'm making there is that can bring about an abusive situation. If the government was clearly serious about this, they would be trying to avoid circumstances and take preventive action when it comes to abusive situations.

This bill is one step. I want to say I'll support the bill because it's one step, but there are a number of other steps that have to be taken and that's why some of us are speaking at some length this afternoon.

**Mr Marchese:** I support the comments made by the members from St Catharines and Sarnia-Lambton, because they are very much in line with what New Democrats think and have been saying. I would add a couple of comments to theirs and would borrow from what Frances Lankin said just the other day in her remarks when she says, along with so much else:

"I don't want to say that intervention orders and restraining orders are of no use, but a lot of people have said that they're not worth the paper they're printed on. I think this bill tries to make them a little bit more worth the paper they're printed on. But you still have to look at where they are in the hierarchy of things: as I said, below bail orders, below peace bonds. If bail orders are more serious, if bail orders already have a Criminal Code offence attached to breaching the conditions, and if that hasn't stopped some of the men I referred to yesterday who killed their intimate partners, how is this restraining order going to?"

She's right. This is the question. We support the measure, but it does hardly any of the more important things that need to be done. We have a quote here that

says, "Only 10% of abused women call the police and only about 25% of abused women make it through the criminal justice system."

**1640**

Although this is an effort to deal with this issue that we support, we're saying you've got to spend a few more dollars. If you have \$5 billion of my money and the taxpayers' money to give away to the corporate sector, which no one asked you to give away, then you've got to find a couple of million to do more by way of prevention, by way of shelter, by way of housing, by way of helping those in the front lines, those 95 community organizations, do the work they need to do. They need support and money, and you need to listen to them.

**Hon Mr Klees:** I'm pleased to rise to comment on the remarks made by the member from St Catharines. As always, he makes his points succinctly and then drifts a bit from the subject at hand. I'd like to remind everyone in the House that we are speaking to Bill 117, which is An Act to better protect victims of domestic violence.

Let me say as well that I don't disagree with the member from St Catharines that this is not the answer in total, by any stretch of the imagination, to the issue of domestic violence in this province. There are some underlying concerns that we have to address, as a government and as a Legislature, but I think it is an important step, as the member indicated.

I think every member in this House has the experience of having constituents come to see us who are the victims of domestic violence, and in those circumstances our hearts go out to them. I think all of us in this House have felt the frustration that the system is not dealing with it and providing sufficient protection, whether it be the mother or the children who are subjected to those circumstances.

I look forward to this bill going to committee. Clearly there will be recommendations that come forward, from members opposite as well as from the public who will participate in that hearing process, that will help us to make this a better bill. It's not an answer totally, we understand, but it's certainly a very important step to addressing this issue of domestic violence in our province.

**Mr Dave Levac (Brant):** I want to thank the member from Oak Ridges for his very thoughtful comments and the invitation to seeing the bill go to committee. I think that's the right thing to say and the right thing to do. As the member for London-Fanshawe indicated, he too looks forward to seeing and hearing some of the recommendations that may result.

The reason the member from St Catharines went into what some people would like to characterize as a diversion is to try to make sure that the government of the day understands that the people of Ontario need to collectively look at the type of legislation we put before us and how it affects the people outside of the legislation. He was giving examples of how domestic violence is perpetrated, where it's coming from, the things we do in

our province that require this type of legislation to be enacted in the first place.

I think we have to be very careful that we don't narrow our scope to simply saying, "If we're not talking about this bill, we're on the wrong track." I would hope that all members of this House recognize that we must look at the overall impact, the things that cause us to make this type of legislation.

Again, we will say that the legislation will be supported. We will say that the legislation is a good first small step toward the things we want to have discussed. You will be seeing legislation in the very near future that starts to incorporate the things that are being talked about outside of the legislation being presented today. So the member for St Catharines was bang on by going outside of the bill, as all of us are doing. I hope the members are taking notes to say that some of the things that are being said on this side need to be discussed at all levels in order to help the people of Ontario wipe the scourge away from us that we so desperately need to do.

**Mr Bart Maves (Niagara Falls):** I rise to respond to the member for Sarnia-Lambton and the member for St Catharines. I appreciate that both opposition parties have suggested support for the bill. Everyone in the room realizes that this is a step along the way to being able to deal with domestic violence. No one ever believed in the beginning that this was a solution in and of itself, and I appreciate that. In the spirit of all three parties supporting the bill, I want to say a couple of things to the members opposite about some misunderstandings on the impact of the bill that their comments have shown they have.

First of all, they have continuously equated the bill with the criminal system. In fact, this is not a criminal order; it's a civil order and fills an important gap for women who are not yet in the criminal system. Secondly, and perhaps more importantly, two Liberal members have spoken about how this bill recycles things that a judge can already order, such as weapons seizure or removal from the home. The fact is that these powers are only available on a Criminal Code charge, and this bill is extending these powers outside the Criminal Code and expanding the protection of victims in a significant manner. I appreciate their support. I think we have to have some clarity around some of these issues of what the bill is doing, because even though they are supporting it, it goes even further than they believe it does.

Again, I appreciate the support being offered from the members opposite. They know that since 1995 we've increased spending to prevent violence against women by about \$37 million. It's a substantial increase. I think we're in the neighbourhood of \$135 million right now. So we are undertaking some of the other areas they've asked us to look at.

**The Speaker:** Response?

**Mr Bradley:** The member for Sarnia-Lambton and I are very thankful to members for their comments on the remarks we made, and we hope the government was listening as to other areas in which they might become involved in solving the problem.



I had a chance this summer—I do this on an ongoing basis but specifically when the House is not in session—to meet with people who are involved, in this case in first-stage housing but also in second-stage housing. They talked, from a frontline basis, about some of the problems they confront. There are problems with such things as intimidation of victims of violence within the court system. They talked about bail conditions out there for people, the access the abuser might have to the abused in some way or another, how long it takes a case to go through the system, the lack of what they believe to be adequate legal-aid funding, the fact that justices of the peace should have mandatory continuous training regarding domestic violence with an emphasis on bail hearing issues and peace bonds, in addition to proper training regarding the jurisdictions of other courts so victims are not incorrectly referred to other areas of the justice system. There are a lot of recommendations they would have in this regard and in how the courts work. Child support orders and whether they are actually followed through with—a point of privilege regarding that was raised by the member for Windsor-St Clair today.

There are a number of issues out there to deal with. I want to see this bill passed—I'm sure all members of the House do—and I want to see further legislation forthcoming. But I also want to see the necessary funding invested in the system to ensure that what is contained in legislation and regulation will be there in reality as well.

1650

**The Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** The halls are getting kind of quiet out there this afternoon. I guess a lot of people are starting to head off for Thanksgiving weekend. I thank you for the opportunity to rise this afternoon to take part in the second reading debate on Bill 117, the Domestic Violence Protection Act. I'd like to once again thank the honourable Jim Flaherty for his leadership in bringing forth this important legislation. We promised this legislation in our platform and again in the throne speech, and we're delivering on that promise.

I'd like to start off by thanking my caucus colleague, the member for Peterborough, for his insightful remarks. I'd like to thank all those people who spoke today, all the members who have contributed to the important debate on this bill.

1650

The legislation is in response to one of the most disturbing types of crime there is in our communities: domestic violence. Not only is domestic violence a crime against the person who is abused; it deeply affects the children who witness violence in their family. This legislation is another important step in our goal to get violence completely out of the family environment.

The Domestic Violence Protection Act is designed to make restraining orders clear and more enforceable according to provisions of the Criminal Code which would mean stronger terms and conditions in the release of alleged abusers. The act would clearly define what

domestic violence is, including assault that consists of the intentional use of force that causes fear for safety, and does not include acting in self defence. It also includes an intentional or reckless act or omission that causes bodily harm or damage to property.

As well, the act would make restraining orders available to a broader range of relationships, including people who are living together in a non-common-law arrangement, same-sex partners or former partners, and relatives who are living together, such as elderly parents and their children. The act would also protect people who are dating. All of these areas are not currently covered by the existing legislation.

The act would allow victims to get restraining orders quickly, 24 hours a day, seven days a week. The act also makes restraining orders easier to enforce by clearly listing specific prohibited activities for the alleged abuser.

There are also provisions that allow law enforcement officials more power to seize weapons. It also permits the removal of the alleged abuser from the home.

The Attorney General's office will make the necessary administrative changes that will strengthen this act if it is passed by this House, such as standardizing forms that would clearly set out specific conditions for the alleged abuser, making the order available to police and serving it to the alleged abuser more quickly, expanding counselling for alleged abusers to help prevent further violence, and continuing education and training for police, court staff, crowns and the bar on domestic violence issues and restraining order enforcement.

If passed, abusers will face stronger terms for detention and release, and victims of domestic violence will be better protected with this legislation.

During the last five years, our government has taken a leadership role in helping to protect all victims, including victims of domestic violence. We've addressed the needs within the justice system by creating an expanded court for domestic violence cases. Right now, it is the largest and most comprehensive of its kind in Canada.

To help children deal with the sometimes extremely difficult justice system, we've expanded child-friendly courts which are specifically designed with the needs of child victims and witnesses in mind. These courts are used primarily in cases involving child abuse and domestic abuse in which a child is a witness. Providing a less threatening environment reduces a child's anxiety and enhances their ability to offer the court a full and candid account of their experiences.

In the area of legal aid, protection from domestic violence is the highest priority for family law certificates from legal aid. The legal aid system provides 90 advice lawyers who visit shelter and community agencies to provide free advice to our public. Two hours of emergency legal advice is available to eligible victims of domestic violence by direct referral to a lawyer of the victim's choice. This program is administered through shelters and community organizations. In 1998-99, almost 3,000 women received assistance through our emergency legal aid.

We've also created the specialized services for abused women in partnership with the Barbra Schlifer Commemorative Clinic. This pilot project assists women who want to leave abusive relationships by providing direct legal services, advocacy and information about family law, landlord-and-tenant and immigration issues.

We've also expanded programs such as the victim/witness assistance program, which guides victims through the justice system and provides safety planning and community referrals.

As well, we've expanded the victim crisis assistance and referral program, which is a community response program providing immediate help to victims of crime or disaster 24 hours a day, seven days a week. It is a team of accredited, highly trained volunteers providing short-term, on-site crisis assistance to victims, and it also refers them to community services for longer-term support. Managed by community-based boards, there are 26 of these sites across the province that work in partnership with local police services.

Under our government, we have expanded the number of supervised access sites which will provide safe distance between non-custodial parents and their children. They are part of our ongoing commitment to ensuring the well-being of Ontario's children and families. The number of court districts served by these access programs has doubled from 14 to 36 under the leadership and guidance of the government.

We have launched the SupportLink program, which will be expanded by as much as 10-fold. Currently, two successful SupportLink pilots are providing wireless phones, programmed to access 911, to victims of sexual assault, domestic violence or stalking. Safety planning assistance is also an essential component of this service. I would like to thank Ericsson and Rogers Cantel for their continued support of this program.

But we understand that more needs to be done in halting the number of domestic violence incidents in our communities. In the 2000 budget, the government invested in safe communities and supports for victims of crime, including providing \$10 million annually for programs to help women and children who have experienced domestic violence, as well as investing \$1 million to permanently establish the Office for Victims of Crime, which legislation has been introduced just a week ago.

The government has committed \$50 million for rent supplements to help house up to 10,000 families and individuals, with 445 of these units allocated to victims of domestic violence. Victims will receive priority consideration for the remaining units.

The budget also provides for \$2 million annually to establish a specialized OPP team to fight crimes that target senior citizens and \$5 million annually for a prevention and intervention program to help teachers identify children at risk of neglect or physical or emotional harm.

We are also making the community policing partnership program permanent and increasing its funding to \$35 million per year; and hiring 165 new probation and

parole officers as part of a new \$18-million, strict-discipline model for community corrections.

In Simcoe North, I had the pleasure to announce Huronia Transition Homes in Midland, an amazing organization that helps women and children break free of domestic violence. This organization will receive \$62,500 to hire transitional support workers. These workers help abused women to develop transition plans and become familiar with resources in their own communities. For example, a woman could be assisted with accessing local community counselling and educational programs. This is part of the Ministry of Community and Social Services injection of \$10 million in annualized funding to enhance supports for abused women and their children.

As well, in Orillia, the Green Haven Shelter for Women recently received additional funding of \$40,000 in operating funding for the same type of help.

Work is now underway to establish these transitional support programs for abused women and their children as well as early intervention programs for child witnesses of domestic violence. I have been informed that the Ministry of Community and Social Services is in the process of choosing service providers, such as women's shelters and counselling agencies.

Our government has met with provincial and national women's organizations, child welfare groups, front-line violence-against-women service providers and other experts in the community. Our government has listened, and we are responding to their calls for additional programs to help women and their children establish a life free of domestic violence.

There are over 40 projects and initiatives in the areas of safety, justice and prevention to help meet the needs of abused and assaulted women in Ontario. In fact, this government is spending more to prevent domestic violence than it ever has in the past.

We now spend almost \$135 million, an increase of over \$37 million since 1995. A further \$5 million will be added next year, bringing the total to approximately \$140 million. I am proud of the actions our government has taken to make our justice system more responsive to the needs of victims of domestic violence. They are important components that support victims and hold abusers accountable for their actions.

While we are doing all that we can to help victims and to curb the number of domestic violence incidents, the provincial government cannot do it alone. There need to be some changes and support from the federal government. More changes are needed to the Criminal Code. Recently, the Attorney General called on Ottawa to change the Criminal Code. Ontario has asked the federal government to add a specific offence in the Criminal Code for violating a restraining order. Although the Criminal Code would be used to enforce breaches, a separate offence would allow for more timely prosecution of breaches and would send a clear message that domestic violence is a serious crime.

Secondly, we'd like the federal government to toughen up bail conditions by reversing the onus of proof in bail

proceedings in domestic violence cases so that accused individuals would have to show that their release would not endanger the victim.

There is much more to be done in this area of curbing the amount of domestic violence. This bill is one more step we are taking to protect victims and hold offenders accountable. We made that promise in the Blueprint and again in the throne speech. We are keeping those promises. I thank you for this opportunity today.

**The Acting Speaker:** Questions and comments?

1700

**Mr Caplan:** I'd like to congratulate the member for Simcoe North for his comments. I am pleased that he will be supporting the legislation. I believe that all members are going to be supporting this legislation.

I want to point out to the member—and I know he did touch on this in his comments—that this really should be the final step. This should be the last piece of the puzzle when it comes to fighting the battle against domestic violence. I think the member made some factually incorrect statements, saying that the current government is spending more and supporting more programs for domestic violence than ever before. I don't believe that is correct, and perhaps the member will want to clarify his comments. I know, for example, Speaker, and I know you would be aware, or all members of this assembly should be aware, that previous to 1996 the provincial government used to support something called second-stage housing, which was to enable women and children to get out of shelters.

The problem is that you can have shelters and a place for emergency transition help, but in order to get out, in order to get a stable community life, in order to get back and well integrated and to have some well-being, you need that transition housing, you need the ability to do that. Yet the provincial government eliminated all funding for that type of housing. It was a lamentable decision and something I know this member touched on in his earlier comments and perhaps will lobby his government, lobby the Minister of Community and Social Services, to restore the funding for that very much needed program.

On another matter, back in 1998 there was the May-Iles inquest; 213 recommendations from the coroner's inquest about domestic violence, and virtually all of them have been ignored, particularly the community-based ones. I would really like to hear the member comment on how the government is listening when they don't even listen to the recommendations of a coroner's jury.

**Mr Marchese:** The member for Simcoe North speaks almost smugly about the millions of dollars they're spending here and there. He makes it appear like they've plugged all the holes where they need to.

I expect the government, in a surplus situation, where there are billions of dollars coming in, to spend more efficiently, effectively and meaningfully in areas of importance to the Ontario public. They're not doing that. They're wasting my money, the taxpayers' money. One billion dollars of my taxpayers' money—ours—is going to you, taxpayer, to give you \$200 back so you can feel

good. One whole billion dollars, in the aggregate, is wasted to make you feel good. And then they tell you, "It's not my money; it's your money. We want to give it back to you. However you spend it, even if you want to give it back, that's not of concern to me, because it's your money. You can send it back if you want or do whatever you want with the money."

In the aggregate, it's \$1 billion wasted, when there are so many things in our educational system that need to be fixed because you broke it; when there are so many things in our health care system that need to be fixed because you broke it; and so many things in areas of social need, like housing, that you disconnected from completely that need to be fixed, and you broke that too. You've got the money now, and they expect you in a good economy to do all those meaningful things so that our society becomes human once again.

I've got to tell you, in the next recession, when it goes like this—and it will again—and there is no money because you've given \$5 billion of my money to your corporate buddies, there won't be any money left to fix the social problems that you have caused. It is a disgrace to have you in government.

**Mr Joseph Spina (Brampton Centre):** With due respect to the member for Trinity-Spadina, I think the only thing that's broken was his head when he fell off his bicycle, because the reality is that the \$5 million my colleague from Simcoe North spoke about, in terms of the context of the program enabled by this bill, was to help abused women break free of domestic violence, and it's not putting money into corporate hands. Here's a specific example, I say to the honourable member for Trinity-Spadina. Yesterday it was announced that the Salvation Army family resource centre in Brampton will receive \$133,439 to hire transitional support workers.

The member says to us as members of the government, "We came here to make things efficient. We came here to make things effective." Well, do you know what? That money goes towards the volunteers and the workers who are specifically designed to help the men, but most particularly the women who need the assistance—not bricks and mortar, not buildings, but people who are there to help people. That's what this bill is all about. I fully support my colleague from Simcoe North.

And fix your bicycle, member from Trinity-Spadina.

**Mr Maves:** The member opposite outlines, actually, one of the key differences between the government of the day and his party. He thinks all the taxpayers' dollars are his and that he should keep them and he should spend them as he sees fit. We think that taxpayers' dollars are theirs and the government should take what they need to spend on the services that the society as a whole agrees they should have.

Because we know so much better than his party how to govern in order to make an economy work—he's absolutely right that the dollars are now rolling in. Because the dollars are now rolling in we are able to spend billions of dollars more on health care, for instance. We replace the money the federal government

takes out with our own dollars, plus we add dollars on top of that. It's because we brought in things like tax cuts throughout the economy that the economy has boomed—not solely for that reason, but that is a large piece of the pie here. It's also because the economy's booming, money is rolling in; that's why we're able to spend an additional \$37 million in this sector of domestic violence.

I want to talk about the member, who gave a very good speech, a very reasonable speech. He has paid attention closely to the bill. I'm not going to be able to find his riding—it's Simcoe North. He did give a good speech. He talked about some key things: the availability of orders 24 hours a day, seven days a week. That hasn't been the case up to now. I think that's very important.

He talked about the fact that there will be stronger terms for detention and release, and victims of domestic violence will be better protected with this legislation. That's also very important. The member opposite has done a very good job outlining the key components of this bill and how it will help the situation in Ontario.

**The Acting Speaker:** Response?

**Mr Dunlop:** Public safety and security has been a priority of our government. We expect that everyone in Ontario should feel safe in their neighbourhoods, their places of work and on the streets and highways, but above all, no one in our province should ever not feel safe in their own home. Any type of domestic violence of any kind is completely unacceptable.

As I mentioned the other day during the debate when I made a comment, I witnessed in my municipal career how the attention to domestic violence evolved. I remember this lady—and I'll mention it again—Mrs Anne Monkman; she was the chair of the county of Simcoe social services committee. She actually pleaded with the members of Simcoe county council—this is back in 1993—to provide assistance to a women's shelter in Alliston, Ontario. I can remember some of the comments that day. I hadn't heard a lot about domestic violence, but I remember a lot of the county councillors really not wanting to provide any funding whatsoever for these programs because they thought, "These things are going to start springing up all over the place, all across our county." And of course they did, and they've served a great use for a lot of years. An awful lot of people have had to go to those homes, but they have helped a lot of families.

But we're a long way from being finished with domestic violence. I understand this is a major step. I listened to the comments from our members across the way. I know it is an important step as far as we're concerned. As we continue on over the remainder of this term of government, and as we debate this further and go through committee, we are planning on making it—as I said earlier, one step now but eventually we will completely eliminate domestic violence in the province of Ontario.

1710

**The Speaker:** Further debate?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I will be sharing my time with my colleague from Brant.

I'm happy to participate in the debate today. I do believe that domestic violence is a very serious problem in the province of Ontario. That there is legislation before us which will attempt to address that I think does give us in this House an opportunity to look at the legislation and critique it from the perspective of how effective its implementation will be, how many women and children and men will be spared from abusive situations because of this legislation, how many lives indeed may be saved because of this legislation. So it has been from that perspective that I've reviewed this legislation and would offer some comment to the members of the assembly this afternoon.

I have listened very carefully to the members of the government who have made presentations on behalf of the bill and I have to say that I'm somewhat disturbed and puzzled by some of the presentations that have been made to the House this afternoon. The member for Peterborough suggested there should be no debate on this bill; it should be 15 seconds and we should leave this room and just support it. I want to say first off that I do intend to support this legislation because I believe that it does include components which will assist individuals who have been abused. But I want to say very clearly today as a member of the Liberal Party of Ontario—and I know that my leader, Dalton McGuinty, shares my view—that this is a very, very small step in addressing a very serious issue. So to the member for Peterborough, who suggested we should just talk about this for 15 seconds, I beg to differ, because I believe there needs to be a lot more done in order to prevent domestic violence.

I believe this bill misses some opportunities that the government has in a very concrete way to provide tools for individuals who find themselves in abusive situations to remove themselves from those situations. I think debate on this bill is very important. I would think the government would want to understand and to hear from members in this House who hear from their constituents the problems that exist in Ontario when people are abused. That's why I'm standing in the House to speak to those issues today. I support it because I believe it is a small step in the right direction, but I'm also here to offer some considerations that I believe the government needs to pay attention to if it is really to pass meaningful laws that will truly assist people in abusive situations.

The first issue I think we need to address is the fact that this government, Mike Harris's government, has cut funding to rape crisis centres. This government, Mike Harris's government, has cut funding to women's shelters. We've heard over the course of the discussion this afternoon about the number of dollars that this government is putting toward women's shelters. But very clearly what I'm hearing in my constituency, from my colleagues, from representative groups, people who work with women who have been abused, who understand the seriousness of the problem and are in contact with people

who work on the frontline, indicates to us that government support for women's shelters is not sufficient to meet the need.

There are more women using shelters today than ever before, and the resources that flow to those shelters have not increased at the same rate as the visitors. This government needs to address that. They need to address the fact that many of the women who go to shelters are poor and they arrive in that state. They don't have the very basics of life.

Another very serious issue is the fact that this government has cut second-stage housing, the support of second-stage housing, the ability of women to make new homes with their children. Therefore, because this option has been removed, women are forced to stay in abusive homes. They have no other option. They cannot afford to take their children out of that abusive environment.

That is a very serious issue for me as the children's critic. We know in society that children who live in abusive environments very likely grow up to be abusive themselves. I would suggest that by removing second-stage housing, this government has not recognized this and has removed an opportunity to change the way children think and understand life as they know it. There is no place for mom to go, if mom is the one being abused. She must stay in her home and the children must witness the abuse. There is no option for mom to leave.

These are critical services that this government has chosen to either reduce or, at the very least, not support the need that there is in the province. Yet this government this week is mailing out \$200 cheques. The Minister of Finance in the budget this year said, "We have more resources than we planned, we have more resources than we need to provide the services to the people of Ontario, so we are going to give people a \$200 cash dividend." I suggest to the members of the government that you are not providing all of the services and supports to the people of Ontario that you need to. I would suggest that some of the \$1 billion that's going to be mailed out this week in tax dividend cheques should be directed toward some concrete measures that will assist people who find themselves in abusive relationships.

On average, 40 women a year are murdered at the hands of their partners. These are women who obviously remained in a relationship because they felt they had no other choice. I was very moved the other day when I heard the member from Beaches-East York, who in a very touching way read the names of the women who have been murdered in this province. She put a face to a name that we read in the paper. I was in my office and I had to drop what I was doing and listen to the member from Beaches-East York. I would suggest that's what the members on the other side of the House need to understand.

This afternoon we've heard some wonderful claims about efficiency: "We inherited a civil service and a government operation that was run very inefficiently and we've come in here and now we're running things

efficiently." But I say to the members on the other side of the House, as efficient as you may think you are, women are dying because they are not able to access the kinds of services they need; not just women but women and children are dying. Think about that when you talk about tax dividends and returning the hard-earned tax dollars to the people of Ontario. Think about the women and children who need supports in their communities and don't have them because your priority has been to provide a dividend, which sounds great in the media and gets you front-page coverage for a few days. But I have to say it really is very sad when a few days later we see the kind of coverage we have about women who have been in difficulty and been murdered.

1720

**The Speaker:** Questions and comments?

**Mr John Gerretsen (Kingston and the Islands):** I'd like to compliment my colleague from Hastings-Frontenac-Lennox and Addington for an excellent speech, as have been most of the speeches on this bill this afternoon. As she indicated, we will be supporting this bill because it's highly needed. But it is but a small step. What really needs to be done is set out in the declaration of commitment that the two party leaders, the third party leader and my own leader, Dalton McGuinty, have signed and that the government member refused to sign on behalf of the government of Ontario.

Let's review very quickly what that declaration of commitment is, to really put some meat on the kind of action being contemplated in this bill and to really deal with the issue of domestic violence. The declaration of commitment stated that a \$50-million fund be established to ensure adequate community-based services and supports to women and children—that's what is needed—and that a \$50-million allocation be made to ensure that legal reforms and services are there for the individuals who need these services. For some strange reason, the parliamentary assistant to the Attorney General refused to sign that.

We all know that the number of legal-aid certificates that are now issued with respect to family matters, domestic violence etc is greatly down from five or six years ago, which basically means that a lot of people who are involved in family court activities are simply no longer getting the adequate kind of representation they were able to obtain previous to that.

We need more than just a bill. We need the resources to make sure the kind of activity the bill is talking about can be dealt with in an effective and efficient way in Ontario.

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

**Mrs Dombrowsky:** I thank my colleague from Kingston and the Islands for his generous comments. I am very happy to be able to stand again and indicate that I believe that while the bill will be supported, I hope that when it continues its journey to becoming a law, the members of the government will allow and consider the input and implement the ideas that will be offered in

terms of amending this to make it a really effective tool in addressing a most serious issue, that of domestic violence.

I think it's very important that we understand why we are here. We believe the bill is a small step in the right direction, but we certainly believe there are many additional steps that need to be taken, that the government needs to recognize and show some leadership on behalf of those who are not able or in a position to be advocates for themselves. I think that is what has touched me most when I have reviewed some of the individual cases that have very sadly brought this issue to our Legislative Assembly for consideration.

I think we have a serious responsibility to very critically consider what we're doing here. Is it all it should be? Is it enough? I think not. So my challenge to the members of the government is to commit to doing all they can to make it the most effective bill against family violence that it possibly can be.

**The Speaker:** Further debate?

**Mr Levac:** I am thankful to the House and I am thankful to the citizens of the riding of Brant for allowing me to make comment on Bill 117, the Domestic Violence Protection Act.

I'd like to draw to the attention of the House the background that I have in education of over 21 years. As a teacher and as a principal, I had to witness and be part of the discussions and the debates that are directly affected by this particular bill.

I will start initially by saying to you and to this House that Dalton McGuinty and the Liberal Party have indicated their willingness to support this bill. Anything that we can do to stop the scourge, we will definitely support.

In my background as a principal and an educator, I disturb myself by bringing my memories of some of the children and some of the parents I've dealt with over the years, but it is nowhere close to the disturbance and the torture that women and children have had to suffer at the hands of men. I was very honoured and pleased yesterday to ask for and receive yesterday unanimous consent that we designate this month as removing of all child abuse in our province. I was very proud to be a member of the Legislature yesterday when everyone recognized and understood that there was a need, unfortunately, to bring attention to that problem.

Some 19% of adult women are poor; 75% of all domestic violence against women is not reported to the police. Of the 25% of the cases that are reported, this bill will not affect every single one. So I repeat: As much as I support the bill, it is a small step.

On the other side, I must say that two members of the Mike Harris government have made comments that impugned this House with regard to our intentions as an opposition—one to the Liberal side, one to the NDP side and one holistically. What we heard was a member saying, "If anyone does not support this bill, I am sad to say that you must be for violence against women."

Speaker, I was about two seconds from standing in my place and saying that should not be accepted. However, I resisted because the members on the other side, when they heard that from their own member, cringed. To you, I say thank you for at least recognizing that that kind of statement cannot be tolerated in this House. That was not an acceptable statement from a member. To imply that anyone in this House or, for that matter, anyone in this province, would accept violence against women, and to suggest that we did not accept that bill—you will see in Hansard that he implied that we were for violence.

For the other member, to suggest that somebody would get hurt falling off a bike and hurt his head—as much as that may be a joke, I personally am involved in a situation where an adult can no longer operate in this province because of getting in an accident and falling off a bike. There are things that should never be said in this House, and we should not accept them from any member.

Those were two members. We would not say those things. Let's make a contrast between the types of things that get said, and I hope the people of Ontario take note of those things. We do not make those differences lightly. I am proud to say that there isn't a member on this side that would make either one of those comments.

Women are asking for expanded helpline service so that women throughout the province—not just in any city but across the province—can access these services. Currently, of the 25,000 calls answered by the helpline, it is estimated that another 50,000 to 75,000 calls are missed. This government has cut funding to women's shelters across the province. They're going to contrast that with words that try to suggest other.

When this bill was introduced I took the time to contact the stakeholders in my riding. Let me provide you with some contrast to what we've been hearing about defending their record against domestic violence.

**1730**

We do not deal with the 75% of women who do not report abuse. The government does not recognize or deal with the devastating effect of emotional, psychological, sexual and financial abuse. Because 19% of adult women are poor, they are already susceptible to abuse, and you don't need a degree to figure out why. If you are poor and have no money, you have to stay in an abusive setting. We need to kick the roots out of those problems.

We did not deal in this bill with the fact that shelters across the entire province are operating over capacity. The example I want to cite for the riding of Brant is the Nova Vita Women's Services' occupancy rates for the fiscal year 2000-01: in April, capacity 106%; May, capacity 112%; June, 116%; July, 120%; August, 138%; September, 123%. In the entire year, there was an overall average occupancy rate of 119%. We are now having Nova Vita pressed to the limit. And guess what? There's more. Since this current government was elected in 1995, Nova Vita has lost \$464,000 in funding, the majority of which went straight to the shelter.

What's important to designate is that this was a progressive and visionary group. They had a men's program

to stop the abuse and its funding was eradicated altogether; \$30,000 for a men's program to teach the men to deal with their anger and to teach the men to remove that stigma for their children, because they witness that crime.

During all of that time from that cut, from 1995 to now, we now see an average occupancy rate of 119%.

It doesn't deal one iota with the critical lack of long-term, affordable housing for women and children. Brantford and Brant county do not have any second-stage housing. We know that this is an effective program to assist women and children in crisis because they get out of the shelter, they move on with their lives and they don't go back to an abusive setting.

The long waiting list for counselling programs at Nova Vita Women's Services to help victims of violence was not addressed in this bill. Currently a woman waiting to enter a counselling program vital to healing and to correct the damage caused by domestic violence must wait over five months.

I'm not going to throw out any more statistics. I'm going to appeal to the government to move immediately when this bill is passed to address some of the concerns I've raised today and some of the concerns that have been raised by the members for Sarnia-Lambton, Hastings-Frontenac-Lennox and Addington, St Catharines, Don Valley East, Scarborough-Agincourt and Trinity-Spadina. Please indicate clearly in this House that your intentions are to move rapidly, effectively, quickly and with the money to help us with the programs that are necessary.

I will speak personally for my riding that represents 119% overcapacity. These women and children should not, must not and cannot be left behind. Dalton McGuinty and the Liberal Party have said time and time again, "We will not leave our citizens behind." No one in the province of Ontario should be left behind. Don't use statistics of how much money you've spent when you know one person has been left behind. It is not acceptable in this day and age and it is not acceptable, no matter what is said on that side, to justify any one person being hurt with domestic violence.

**The Speaker:** Questions and comments?

**Mr Caplan:** I'd like to congratulate the member from Brant, and the member for Hastings-Frontenac-Lennox and Addington for her comments earlier. I think both members have shown tremendous passion for wanting to do something, to take action to stem the tide of domestic violence. I know they reflect the thoughts and feelings of all members of our caucus and of our leader, Dalton McGuinty; I would say of all members of the House.

While in debate you have many passions aroused, and I can understand the strong feelings. I would say particularly to the members on the governing side that we're prepared as an opposition, but also as leaders in our own right in the communities from across Ontario, to work with anybody who is serious and wants to address this problem, whether it be changes in legislation, whether it be providing supports to the community.

I can tell you that in Don Valley East, as in many communities that I've travelled to, the issues surrounding housing support are some of the keys that are identified not only by advocates but by clients, by families fleeing from abuse, by police, by just about every commentator, stakeholder and advocate; these are the real keys toward addressing the questions of domestic violence, to having a stable and positive quality of life. We will continue to speak about these matters. We will continue to advocate for housing, not just for shelter but for stable, decent, safe, affordable housing so that women and children have a place to go once they've fled an abusive situation.

I want to congratulate both members, as I want to congratulate all members, for their contribution. I certainly look forward to supporting this and for it to go to committee.

**Hon Mr Klees:** As the debate on this bill winds up, on behalf of the government I just want to thank all members for their participation in this debate. I want to thank the member for Brant for expressing his views, although I must say, in defence of my colleagues, to whom the member referred and railed upon, that I, on their behalf, take exception to the implication that any member on this side of the House would suggest that any party here would condone domestic violence. There may have been an unfortunate choice of words—and the member will know that on occasion that happens in this place—but I don't think it's appropriate that anyone in the province would be left with the impression that any member of this government would accuse any other member in this House of holding those views. I suggest to you—and I know, Speaker, that you will agree—that that is simply not the case.

We do have a long way to go in terms of addressing this issue. It's a serious one. We all know it is. We look forward to working together on this bill, to make it better than it is today through the committee process.

I want to commend the Attorney General for bringing this bill before the House. He has done a good deal of work on this, and I know that he as well looks forward to having the people of this province, the various stakeholders, various people with experience—unfortunate experience—come to the table as we hold our deliberations, as we hold our committee hearings, to help us refine this bill in the public interest.

**The Speaker:** Response?

**Mr Levac:** I'm going to take the words of the member for Oak Ridges for exactly what they were: maybe it was a faux pas. But I know that if he checks Hansard, the words were direct, and I suggest to him that that is not acceptable here. Not the fact? Read Hansard.

I'm going to leave that and say again that I really appreciate the member's comments that in a bipartisan way we will be able to enact legislation that prevents anyone in the province from being left behind in terms of help and assistance to victims of violence, and in particular women and children, and also that my challenge be taken up that we move toward more legislation and more assistance, taking the ideas that have been circulated on

this side of the House and turning them into legislation immediately, so that the people of Ontario can hold their heads up high and proud, the envy of the world, that we will not accept nor tolerate domestic violence in our province.

That will take a concerted effort by all members. It will take a concerted effort by the government to accept concepts and ideas that are being offered in an honest way by the opposition. It will take will take the men in this province to say no to violence against women. It will not be effective if we do not enact legislation in this province, mostly by men, to say no to domestic violence against the women and children of Ontario.

**The Speaker:** Further debate?

Mr Martiniuk has moved second reading of Bill 117, An Act to better protect victims of domestic violence. Is

it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for a third reading?

**Hon Mr Klees:** I ask that the bill be referred to the justice and social policy committee.

**The Speaker:** The bill is accordingly referred to the standing committee on justice and social policy.

Just before we adjourn for the week, it has been brought to my attention that last week, in introducing the pages, I mentioned that Mikhail Ferrara was from the riding of Hamilton West. I would like to correct that. Mr Ferrara actually lives in the riding of Hamilton Mountain. My apologies on that to Mikhail.

This House stands adjourned until 1:30 of the clock on Tuesday.

*The House adjourned at 1743.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister without Portfolio / ministre sans portefeuille	St Catharines	Bradley, James J. (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	St Paul's	Bryant, Michael (L)
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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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