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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 14 June 2001**

**Jeudi 14 juin 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 14 June 2001

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 14 juin 2001

*The House met at 1000.  
Prayers.*

PRIVATE MEMBERS'  
PUBLIC BUSINESS

IPPERWASH PROVINCIAL PARK

**Mr Gerry Phillips (Scarborough-Agincourt):** This is a resolution:

Be it resolved that the Legislative Assembly of Ontario:

Acknowledges that the letter from the George family dated May 30, 2001, now removes the basis upon which the government defeated a motion calling for the establishment of a public inquiry into the events surrounding the shooting death of Dudley George at Ipperwash Provincial Park in 1995; and

Endorses the proposal of the George family for a process that will finally determine the facts about the events at Ipperwash Provincial Park and provide advice on how to prevent future occurrences.

**The Acting Speaker (Mr Bert Johnson):** Mr Phillips has moved private members' resolution number 7. Pursuant to the standing orders, the member has 10 minutes to make his presentation.

**Mr Phillips:** I want to make three points. The first is, should there be some form of an independent public inquiry into the events at Ipperwash Provincial Park?

Let's remember that this event took place shortly after the Harris government was elected. A First Nations person was killed in this confrontation—the first time, I might add, in well over a century that a First Nations person was killed in a confrontation about a land claim—and an OPP officer was convicted with criminal negligence causing death.

There are an overwhelming number of questions about the events and there are an overwhelming number of instances where the Premier, the cabinet, and the government say one thing, and then evidence comes out that contradicts them.

I say to the public, if you're interested in this issue, log on to—there is a six-page summary of the evidence. People say to me, "What evidence do you have about this?" I say, "Here are six pages of written evidence from files, from memos, from police records, from Hansard, where there are contradictions." If you want to get this six-page summary, log on to [www.ontarioliberal.com](http://www.ontarioliberal.com).

For those who are watching who would like to have a chance to read the evidence, I want to go through merely three or four of dozens of examples.

The Premier has indicated he had no involvement at all in this issue. On December 20, 2000, here in the Legislature he said, "Oh, yes, that document confirms that the OPP commissioner was at a meeting that I was at, something I indicated quite freely five years ago at the time of the Ipperwash situation. I can tell you the OPP commissioner sought an injunction and we gave him one." He was saying he was at a meeting on September 6, the day Dudley George was shot. The next time we had a chance to question the Premier about this, he had changed his mind completely: "I think I may have indicated that we did meet with the OPP commissioner. I'm told we did not meet with the OPP commissioner." That's one example.

Second, the First Nations took over the park because they have evidence of a burial ground. The government said there's no evidence. Sure enough, after the shooting death and when they were examining their files, the government found in its own records here at Queen's Park evidence of a burial ground and the government was forced to drop all charges against the First Nations. That's the second example—no burial ground, there's no reason for them to go in there, and then the government itself finds the evidence.

The government said they had no influence on the approach of the OPP, the type of injunction they were seeking and the approach the OPP was taking. Here is a transcript of the two commanding officers talking with each other about two hours before the shooting. They'd found out that here at Queen's Park things had changed from what they wanted. The one commanding officer said, "Well, that injunction surprises me ... they [the government] went from that, the regular type of injunction to the emergency type which you know really isn't in our [OPP's] favour ... we want a little bit more time."

Another example of records from the police: the disappearing files. This is Mr Runciman himself. When asked about key files that were eliminated, erased the day a senior OPP officer left the employment of the Solicitor General's office, here's what Mr Runciman said: "There was a deputy minister prior to my current deputy who was in office during this period of time. Indeed we are concerned about the loss of these files in terms of our ability to retain very important and critical files. I share your concern" about that.

Anyone who wants more of this is welcome, as I say, to log on to our Web site. I don't think there's any doubt

there is an absolute need for a public inquiry. I believe there's substantial evidence of inappropriate behaviour, but I am totally prepared to let an independent, hopefully a respected judge, look at the facts and make a determination for all of us so once and for all we can reach a conclusion on this.

The second point I want to make is that the government is now essentially saying, "Oh, well, let the civil case be the inquiry." For the public's information, the George family has launched a civil suit against Premier Harris, three cabinet ministers, the local member and others. This is a gross injustice, to force the facts to be determined by a civil case.

Point one I want to make is that it is the George family, the survivors of Dudley George, who are funding this. Sam George would love to have been here today but he can't afford to be here. He has to work. He is a man of very modest means. I filed with all the members here the fact that fighting him in this civil case is the Premier, who has already spent \$430,000 of taxpayer money on outside lawyers. We have asked how much money is being spent by Mr Runciman, Mr Hodgson, Mr Harnick and Mr Beaubien and have been denied that information. But it's clear that with similar defences, well over \$1 million of taxpayer money is being spent fighting the George family. This is not fair. If we believe there's a need to find out the facts about what happened there, and the truth, surely we can't expect the George family—and believe me, they are fighting this with modest means—to be able to fund a court case that will bring out the facts.

#### 1010

The second thing I'd say is the government's saying, "The George family decided this is the route they wanted to go, so tough luck. They're just going to have to live with the civil case." Let me say to the public that the George family, from the day they launched this civil case, said, "We don't want to do this. The only reason we're doing this is because we have no confidence that the Premier will call a public inquiry. This is our only option." They've said from the first day they started this that they would drop it. They sent the Premier a detailed letter dated May 30, 2001, saying, "Listen, true to our word, we will completely drop our civil case."

They say they are willing to fully and finally drop their wrongful death lawsuit. The lawsuit would be put in abeyance during the inquiry process and would be "formally and finally terminated" when the inquiry final report is presented. It could not be clearer. They want to make absolutely certain that there is actually an inquiry conducted. That's why they said they would drop it fully and finally the day that report is tabled.

The thought that to get at the truth of what happened at Ipperwash we are going to force a family of one of the victims to fund, essentially for the public, the case of finding out the truth—if this were Walkerton and we were to say to the family of someone who died at Walkerton, "Listen, we're not going to have a public inquiry into Walkerton. If you want to find out what happened there, sue us. You go and hire a lawyer and you

take us through court. We'll fight you every step of the way, and we'll spend millions of dollars fighting you. If you want to know the truth, then you take that approach."

I say a gross injustice has been done the George family. The judge said that an unarmed man was killed and an OPP officer was convicted of criminal negligence. They went in there because of a burial ground that the government itself found out about. That was an injustice. Now, the second gross injustice is, to get at the truth, we, the Legislature, are going to force them to fund the very inquiry to find out what happened. Surely the matter is now in the hands of the Legislature. Whatever injustice was done at that time, we have an opportunity to not commit a second injustice.

I urge us to look inside ourselves on this. All of you read the facts about what happened and the contradictory evidence. Make up your own minds, and I think you'll reach the conclusion that we owe the George family and the people of Ontario a fair inquiry. We cannot condone forcing the George family to fund this inquiry on their own backs.

#### **Mr David Tilson (Dufferin-Peel-Wellington-Grey):**

I wish to provide some comments this morning on the resolution introduced by Mr Phillips, who is the member from Scarborough-Agincourt.

First of all, there's no question the death that occurred at Ipperwash Provincial Park was a tragedy that touched all of us, that touched the people of this province and prompted an outpouring of sympathy from the people of Ontario.

As Mr Phillips has indicated, there is currently a civil action that's related to this incident now before the courts. It's important for all members of this House to realize that statements within the Legislature are public statements, and when these statements refer to matters that are before the courts, the court case could be affected. It is for this reason that caution must be used in the matter at issue.

I'd like to say that it is the best policy for any member of the Legislature, as it is a fundamental principle of our justice system, to refrain from commenting on these matters until the court process has been completed. In fact, I'd like to refer to the standing orders of this Legislature, section 23(g)(i):

"In debate, a member shall be called to order by the Speaker if he ...

"(g) Refers to any matter that is the subject of a proceeding

"(i) that is pending in a court or before a judge for judicial determination."

The position of most members in this matter has been clear and consistent from the beginning. It is based on respect for due process under the law.

**Mr Phillips:** On a point of order, Mr Speaker: I wonder if the member might, in order to be clear to the public, read the entire thing where it says—

**The Acting Speaker:** No, that is not a point of order.

**Mr Tilson:** Members in this place should avoid trying to prejudice any case before the courts. That's been a

long-standing practice in this Legislature. Mr Phillips has debated this matter before and has asked numerous questions. On each occasion, the government has kept its remarks brief. And it is for this reason that I will refrain from being drawn into an improper debate.

Once again, as the Attorney General of the province of Ontario has stated, it is because these matters are before the courts that the government has repeatedly stated that other options will not be considered until all court proceedings are completed. It would be improper and premature to make a decision or to comment further while these matters remain before the courts. Relying on the courts and the due process of law was the action taken by the government. It would not be appropriate to argue the court case in this Legislature. This is not a court of law. It does not make judicial decisions and does not interfere with the court process.

Mr Phillips has told this Legislature that the plaintiffs have offered to hold their action in abeyance if a public inquiry is conducted. As I understand it, there is no provision in the rules of civil procedure for an abeyance. Accordingly, the parties would have to obtain a stay from the court subject to the terms agreed upon by the parties as to a continuance of action at a later date. Even if the parties agree to a stay of proceedings, it may well be that the court would exercise its discretion to move the matter forward.

Five years ago, the plaintiffs, as referred to by Mr Phillips, chose to commence a lawsuit. That civil action is underway. The same issues are the very issues that Mr Phillips wants to have reviewed in a public inquiry. As the member knows, the public inquiry process is rarely used, and for good reason. Under the terms of the Public Inquiries Act, a public inquiry is normally launched only when broad systemic issues are involved, issues that transcend the conduct of individuals. For situations where the conduct of individuals is questioned, the civil and criminal courts are well equipped to find the truth. Thousands and thousands of litigants have recourse to the court system each year.

The head of an inquiry is normally a judge or a retired judge, while a civil proceeding, of course, is also conducted by a judge. A public inquiry is based on terms of reference given it by the government, whereas a civil proceeding turns on the issues as defined by the parties themselves. The parties to a civil action are the plaintiff and any defendant they choose to involve, and such third parties as the plaintiffs and the defendants may choose to involve. The plaintiffs set out the parameters and the boundaries of the lawsuit. The party suing for damages establishes the issues that they believe need to be examined.

**1020**

An inquiry normally holds public hearings, and of course court proceedings are generally open to the public. The recommendations of a public inquiry are generally broad in nature and address systemic problems, not just individual actions.

An important difference in outcomes between an inquiry and a court is that an inquiry cannot make a finding

of civil or criminal liability. The action currently before the court is asking for a determination of civil liability.

An inquiry can, after giving due notice, include in its report what is analogous to a finding of misconduct against one or more individuals. It cannot find them liable in a criminal or civil sense. In fact, under the Public Inquiries Act, evidence given to an inquiry cannot be used in a criminal or civil proceeding against the individual who gave it. Even if an inquiry finds that misconduct occurred, the aggrieved party cannot collect damages on the basis of that finding.

A civil proceeding, on the other hand, can clearly assign blame and impose binding consequences. Discoveries can go on for several days if the parties disagree. A judge decides on what is relevant and can require a party to re-attend if necessary. This discovery process is not available in a public inquiry.

Another step in a civil proceeding is a requirement for the parties to produce all relevant documents in their possession, subject to claims for privilege on such grounds as solicitor-client or public interest immunity. Requirements for document production and claims of privilege are also features of public inquiries.

In a civil action, there is normally a pre-trial to get ready for trial. Copies of expert reports and other exhibits are provided to the parties at this stage, just as they would be during the course of a public inquiry.

Ultimately, there is the trial itself. The plaintiffs can be called as witnesses. They're examined by their own lawyer and then cross-examined by defence counsel. Plaintiffs' counsel can then reply to points brought up in cross-examination. The defendants can call witnesses, who are examined and cross-examined, and the defence replies. Both then can make closing submissions on all issues of fact, negligence and damages.

Finally, the judge renders a decision and provides reason for the decision to the parties. All court documents—transcripts, evidence, exhibits and the decision—are ordinarily available to the public.

That's the civil litigation process.

There is no doubt in my mind that there is no potential finding about the causes of the events at Ipperwash that could be made by a commissioner that could not be made by a trial judge. Again, I remind members that there is a civil action before the courts, the very civil action that is referred to by Mr Phillips. Surely the member has faith in our civil justice system. For hundreds of years, our country has relied on the justice system. Every year, thousands and thousands of litigants rely on the civil courts to obtain justice. As the mechanism for the peaceful resolution of disputes, the civil courts have been a foundation stone for our very civilization.

The resolution suggests that the justice system in this province is an inferior process. The similarities between public inquiries and civil proceedings are quite striking. Typically, both are presided over by judges, both have the power to call and examine all relevant evidence and witnesses, and both make their records and findings public. The most important difference is that a commis-

sion cannot make findings of civil liability, whereas a judge can. There is a strong case to be made that a civil trial would be a better way of getting justice for the parties to the lawsuit.

The government of Ontario did not launch this civil proceeding. Other people took the government to court, which they have every right to do. The proceeding is well underway. It has progressed significantly since 1998. A schedule has been put in place. Thousands of documents have been exchanged. The case is being managed by a judge assigned to deal with all pre-trial matters. I am confident that this process will ensure a swift and sure progression of the case.

Numerous court proceedings have already taken place. Over the next few months, all the parties will be examined for discovery. There would be no point, as is being suggested in this resolution before the House by Mr Phillips, in starting from scratch with a whole new process. There would be no point in that at all.

The Premier of Ontario has said—he's said it in this House; he's said it in scrums outside this place—that when the court proceedings are exhausted and there are any questions that remain unanswered, the government would look to the best ways to answer these questions. The appropriate steps would be taken at that time to ensure that all matters have been reviewed.

In the meantime I, and I hope all members of this place, have confidence in the justice system. I have confidence in the courts that they will answer all of the questions that the plaintiffs are raising and that justice will be done.

**Mr Dalton McGuinty (Leader of the Opposition):** I am pleased to rise in support of this resolution introduced by my colleague the member for Scarborough-Agincourt.

I want to start again by lauding the conviction and courage shown by my colleague. Gerry Phillips is deeply committed to finding the truth surrounding the circumstances at Ipperwash Provincial Park. He has worked tirelessly behind the scenes and in the public eye to get at the truth. His continuing work on this issue is a testament to this man's decency, his work ethic and his commitment to doing simply what is right. I think all members, and I mean all members, should acknowledge and applaud the attributes of this member. Mr Phillips's work is proof, in this age of cynicism felt by so many for what we do in this place, that this place is still quite relevant, if only because one MPP can still make a very real and positive difference.

The member for Scarborough-Agincourt would be the first to tell you, however, that his contribution has been small compared to the contribution of the George family. There is no doubt about that. This is a family that has shown enormous courage. They suffered the deepest personal loss one can imagine when their loved one, Dudley George, was shot dead in a protest outside Ipperwash Provincial Park. They lost someone they loved suddenly and without warning and, perhaps the unkindest cut of all, without explanation.

One would understand if the George family simply walked away to take time to heal. But instead, they have

taken on the most powerful interests in the province. They're not seeking revenge. They're not seeking attention. They're not seeking personal gain. All they are seeking is the truth, the truth about Ipperwash. Despite very modest resources, the George family has fought for the truth now for six long and gruelling years. They have fought both in the courts and in the court of public opinion, and they have fought tirelessly and courageously, which begs the question, why has it been such a long and difficult fight for the George family? There's only one answer to that, and that's because of the government's deliberate stonewalling.

The family was given no choice. They had no alternative but to bring a suit against the Premier and members of this cabinet. But what it really wants, what it really seeks at the end of the day, is a full, impartial public inquiry. And who would blame them, when they have lost so much in such mysterious circumstances? Who can blame them when the government's and in particular the Premier's story keeps changing? The Premier's own version of the truth recently changed and then he backtracked, and then he backtracked a second time.

**1030**

Throughout this, this Premier and this government have shown nothing but contempt for the George family. This government has been more than willing to subject the George family to the undue financial hardship that results from their having to pursue a civil case so that it can obtain the truth. The George family has now indicated it is prepared to drop the suit if this government would simply begin a public inquiry. Throughout, the government has maintained it could not proceed with a public inquiry because of another matter before the courts. Now the George family is telling this government, and particularly Mike Harris, that they are prepared to relinquish their right to pursue this matter in the civil courts if the government would merely undertake to do what it has committed to do all along, which is to hold a public inquiry. Now, faced with that reality, this government has answered that it will not grant any such inquiry.

It's ironic that a government that felt so threatened by a roadblock at Ipperwash Provincial Park is now throwing up roadblock after roadblock in the way of justice and finding the truth. I have to ask, what is the government so afraid of? Months ago, Ian Urquhart of the Toronto Star put it eloquently in a column. Mr Urquhart wrote, "There is one downside to a cover-up, no matter how well it is executed: it tells everyone that there is something to hide." It seems to me that if the government had nothing to hide, surely it would support a public inquiry.

The George family has said that all it wants is the truth: the truth about Ipperwash, the truth as to why something went horribly wrong despite and—this is important—the OPP's lengthy history of dealing with these situations peacefully and successfully.

The George family wants the truth about the government's hard-line approach. They want answers to some

very important questions. They want to know what really happened at Ipperwash. They want to know whether the Premier himself was directly involved. They want to know what political direction, if any, was given to the OPP by members of the cabinet. They want the truth about Ipperwash. That's all they want, and that's all the member for Scarborough-Agincourt has been fighting for on their behalf: the truth.

At the end of the day, if we collectively, as members of this august assembly, are committed to anything, surely it is to finding the truth. It is for that reason that I, without reservation, support this resolution.

**Mr Howard Hampton (Kenora-Rainy River):** I rise in support of this resolution. I think it's important at this point in time to reflect upon what got us here, why we're here and how similar situations have been handled by governments in the past.

The facts are reasonably well known. Dudley George was shot dead by a member of the Ontario Provincial Police in the summer of 1995. We have seen a number of media stories that indicate the Ontario Provincial Police did not follow their own guidelines for dealing with disputes with First Nations, particularly in the case of land claims, that the OPP for some reason ignored their own guidelines. We know the OPP also did not follow their own guidelines for the use of the OPP tactical squad or the OPP special unit. It's incredibly unusual for the Ontario Provincial Police not to follow their own procedures. Something must be incredibly important or incredibly powerful to force the Ontario Provincial Police to abandon not one but two of their codes of procedure.

We also know, and this is quite strange, that at the time this was happening an elected member of the Legislature, who happens to be a government member, was in fact in the OPP command post on site. That is incredible in itself, because what it suggests is political interference in the day-to-day activities of a police force; in other words, a mixing of the discretion and the law enforcement responsibility of police forces with political activity or political interference. That's a very serious situation, almost as serious as the fact that the Ontario Provincial Police abandoned two of their own procedural codes in this context.

We then have memoranda that indicate that some direction from the Premier's office was exercised with respect to the conduct of the OPP. There are memoranda that link either the Premier or someone in the Premier's office to the statement, "Get the"—I'll delete the word—"Indians out of the park." Another memorandum says that the Indians must get out of the park and the OPP must ensure this. I'm paraphrasing what exactly it says but that's the content of it. That again suggests political interference by the Premier's office in the conduct of the OPP, which is most unusual in a democracy, which is frankly totally out of sorts in a democracy, that there should be that level of political interference in the day-to-day conduct and exercise of the authority of a police force.

So we have not one strange situation here, not two peculiar situations here, not three unusual situations here,

not four incredible situations here, but more than that, we have a government that in the face of all this refuses to call a public inquiry to determine how it could be that an unarmed, innocent man could be shot dead by the police force, a police force that has abandoned two of its own protocols, a police force that has a member of the government in their command post leading up to this situation, and a police force that, it would appear, received instruction, either directly or indirectly, from the Premier's office.

This is an incredible number of events that are linked together, yet there is a refusal by this government to call a public inquiry into this situation. Instead, what do they do? They literally force the family of the deceased person to go to court to try to hold the government accountable. Imagine how outlandish that is: a government that preaches accountability, but has done everything it can to avoid accountability in this instance, forces individual citizens to go to court to try to hold it accountable. That is even more outlandish.

**1040**

It's worth noting, it's worth comparing how the government has dealt with this situation where its own activities, its own statements may somehow be connected to the events. It's worth noting how they've handled this situation with respect to Dudley George and then comparing it to other situations.

In the first two years of the first term of this government there was another situation here at Queen's Park where there was a conflict, an altercation, between OPP officers and people who were protesting here at Queen's Park. In fact, it was such an awful, such an ugly altercation that it made not only the national news but the international news. No one died in that altercation—it was a conflict, it was an altercation, but no one died—yet almost immediately the government agreed to call a public inquiry to determine what had happened, how this altercation came to be and what could be done to avoid such awful situations in the future. The government immediately was prepared to call a public inquiry.

I think it's passing strange to anyone that the government would be prepared to call a public inquiry in one case almost immediately, yet the government has done virtually everything it can within its capacity to avoid calling a public inquiry in another incident where an innocent, unarmed citizen was shot down, was killed, and where all kinds of evidence has come forward that indicates that there was something quite untoward, quite unusual, very peculiar, that happened here which really cries out for a public inquiry. That is the direct comparison.

But there is another comparison that I think needs to be made with respect to the Walkerton situation. Again people died and several other people became very ill—over 2,000 people became very ill. The government did not want to call a public inquiry into that situation, but after some of the information, some of the evidence percolated into the public view, the government felt it had to call a public inquiry. I can only suggest that what

finally forced the government to call a public inquiry there was the fact that information did percolate into the public view, information which indicated that there was something terribly wrong in the water testing, something terribly wrong in the way the results of the water testing were not forwarded on to provincial officials. There was evidence that percolated into the public view that indicated that something had gone very wrong in the normal process of things, such that contaminated water killed people.

With respect, I think we're faced with exactly the same situation surrounding the death of Dudley George and Ipperwash park. All kinds of information has now percolated into the public view which indicates that there ought to be a public inquiry, which indicates that the situation is very similar to Walkerton: something untoward, totally out of sorts, something that indicates that officials were either not doing their job—information that indicates that the Ontario Provincial Police abandoned two of their own protocols, two of their own directives in terms of how they ought to conduct themselves. These are very similar circumstances to Walkerton that call out for a public inquiry, yet again the position of the government is that they're going to force this family—a family that does not have a lot of financial resources, a family that is not well connected in either legal or political circles—to spend literally hundreds of thousands of dollars to get information from a government that, if you believe the government's rhetoric, should be willing to step forward and hold itself accountable by means of a public inquiry.

What has the government done? Initially, the government's response was that once all the criminal cases are out of the way a public inquiry can be held. Well, the criminal cases are out of the way. They've been disposed of. My God, they've gone to the Supreme Court of Canada. So the criminal cases were disposed of and the request was made of the government, "Will you hold the public inquiry now?" No. The response of the government then became, "There is still a civil case outstanding, and a public inquiry cannot be held until the civil case is dealt with."

The George family has now come forward and said they're willing to, in effect, terminate the civil case. They are saying, despite the fact that they have been forced by the government to spend thousands of dollars they don't have, "We are willing to abandon this. We are willing to terminate the civil case. We're willing to do away with the civil case. Will you hold a public inquiry now?" And what is the response of the government? The response of the government is once again no. A government that preaches accountability, a government which has so much rhetoric and propaganda about accountability, is unwilling to hold a public inquiry to demand accountability about how an unarmed, innocent citizen of Ontario was shot down.

The farther you go down this road, the more you follow this government's expressions, this government's excuses, the more absurd they become, the more un-

believable they become. Thus we have the need for this resolution today.

All members of the Legislature who've watched this sad, sad episode over the last six years since the summer of 1995, if you've followed the statements of the Premier and the former Attorney General and the former former Attorney General and the now Attorney General—I think we're all forced to conclude that this resolution should have the support of all members.

The criminal cases have been disposed of. The George family is willing to do away with the civil case. The government should call a public inquiry as they did in the case of Walkerton and as they did in the case of the altercation, the conflict which happened here in the first two years of the government between a number of protesters and the Ontario Provincial Police.

The government is running out of excuses. Every excuse they have brought forward has now been disposed of or can be disposed of. Yet the government refuses—refuses—to hold a public inquiry to find out: who was accountable, what happened, why did it happen, how was an innocent, unarmed man shot down by the Ontario Provincial Police force in this province? It refuses to hold an inquiry to determine how these things can be avoided again, how this very sad, very sorry situation that resulted in the wrongful death of a citizen of Ontario could be avoided.

The government refuses to take that step of accountability. The government continues to try to find sorry excuses, lame excuses, to avoid that kind of accountability, thus the need for this resolution.

I hope all members who follow this discussion and this debate will feel compelled to support this resolution.

**Mr Michael Bryant (St Paul's):** I rise today in support of this resolution, of course, and really want to direct my comments to the government's arguments and respond to those arguments.

We've heard today some of the same old stuff that they have been peddling for some time, and it's time they be held to account in a public arena for these straw man arguments.

Laced with contradictions and an obdurate, paranoid insistence on avoiding a full airing of the truth, a full airing of what happened in a tragic incident involving government ministers, involving public servants and involving the tragic shooting death of Dudley George at Ipperwash Provincial Park in 1995, today marks the latest lame offensive by this government.

The first argument made by the government in opposition to Ipperwash is that the defendants want to have their day in court. It is as if it were a criminal trial: the defendants have somehow been wrongly accused and they want to clear their name.

#### 1050

When you talk about the defendants having their day in court, that's what they're referring to. But not in this case. This is a civil action, and the joke is that these same defendants, some of them, actually went to court and said, "We don't want to have our day in court." Today in



the House, and before, the Attorney General has said that the defendants want their day in court, yet outside this Legislature particular defendants have gone to the courts and tried to have the case dismissed against them. They said, "I don't want to have my day in court." So either they are telling the truth now or they were telling the truth then, but it can't be both ways. This argument that the defendants want to have their day in court is a crock.

Next, the argument is made that the civil case is already under way. The Attorney General knows very well and the parliamentary assistant knows very well that most litigation is not settled until the discoveries are done and the pleadings are all in and the motions are complete, and often the settlement takes place on the courthouse steps on the eve of a trial, or in the middle of a trial, or even after all the evidence has been submitted. Why? Because you wait for the other side to blink. The argument that the civil litigation is already under way is as circular an argument as you are ever going to hear. On that basis we will never, ever have another public inquiry held in the history of this province.

Another argument is, "The justice system can serve the full airing of these issues well." He knows very well that that's not the case, and that is why we didn't rely upon the victims of Walkerton to hold civil litigation in order to hold the government accountable for what happened, as the member for Scarborough-Agincourt argued.

Let's be clear here: there are very important differences between a public inquiry and civil litigation, and the government knows that. But to hear the government argue about the virtues of civil litigation, you'd think they were having second thoughts about the merits of holding a public inquiry in Walkerton. Based upon the arguments made today in this House and before by the Attorney General, we ought never to have a public inquiry, because somehow the civil litigation system will solve such matters. I say to you that they have no support for that opinion. They know it is not the truth. They know that, in fact, it is not an accurate statement of the difference between civil litigation and public inquiries.

I'll back up my arguments and I would like to see the government back up theirs. I have in my hands a legal opinion from Professor Patrick Macklem of the faculty of law at the University of Toronto. He has provided a legal opinion as to whether there ought to be a public inquiry in Walkerton based upon any alleged legal obstacles. He sets out, and I'm going to quote at length here, but it is worth quoting at length on this point, why you'd want to hold a public inquiry. Professor Macklem writes:

"Public inquiries are often able to investigate, inform, and educate in ways superior to those available to the judicial and legislative branches of government. The judicial process," he says, "according to the Ontario Law Reform Commission, tends to assign blame by 'fragmenting issues into a limited set of categories established by existing norms,' whereas a public inquiry enables a broader examination of social causes and conditions." I will continue: "Accordingly," he writes, "public inquiries

often perform an important social function, contributing to"—and he takes this from the Ontario Law Reform Commission—"a dramatic transformation in popular perceptions of some previously poorly illuminated aspects of Canadian society and institutions."

What is the poorly illuminated aspect in this case? We have the spectre of a scandal. We have the spectre of government ministers being inappropriately involved and being involved in some way in the shooting death of a citizen of Ontario. Well, that's going to hang out there. That's always going to hang out there, until we get a public inquiry that gets to the bottom of it.

As Professor Macklem argues, the civil litigation process will determine rights as between parties, the civil litigation process may result in determining who owes what in terms of damages, but a judge, as the government knows very well, cannot make any recommendations for the future, as a public inquiry can. A judge is constrained by legal and evidentiary rules that should be there but are by and large not there. They're free to get to the bottom of matters in a public inquiry. So Professor Macklem concludes in his letter of September 8, 1998, to the Coalition for a Public Inquiry into the Death of Dudley George: "The government of Ontario faces no legal barriers to the establishment of a public inquiry to identify the causes of the death of Mr George, to determine whether or not his death could have been prevented, and to recommend means for preventing the occurrence of similar events in the future." He goes on to say that not only are there no legal barriers but he recommends an inquiry. In his words, "There are strong policy reasons for establishing a public inquiry as quickly as possible and no valid policy reasons for refusing to establish such an inquiry. Given that both law and policy fully support the establishment of a public inquiry, the government of Ontario's continued refusal to hold an inquiry can only be explained in terms of a politically motivated unwillingness to subject certain governmental decisions, procedures and actions to public scrutiny."

It is a damning indictment of this government. It's not coming from the official opposition; it's coming from an esteemed scholar from the University of Toronto, a faculty that a number of government members are graduates from. Professor Macklem also wrote a letter in regard to this particular resolution, making it very clear that "in light of the fact"—in his words—"that the plaintiffs have offered to drop the litigation in exchange for an inquiry, a public inquiry ought to be called into this matter immediately."

There is no support for the government's position that an inquiry ought not to be called. Their arguments are strong-arm arguments. There is a paranoia here, and the paranoia is backing up our insistence and will continue to drive us to get to the bottom of this matter on behalf of the George family and on behalf of Ontarians.

**The Acting Speaker:** Further debate? The member for Scarborough-Agincourt has two minutes to respond.

**Mr Phillips:** To wrap up: first, I say to the public of Ontario, any charge I've made on the Ipperwash situation

is backed up by facts. I ask you and urge you, if you're interested in this, to log on to [www.ontarioliberal.com](http://www.ontarioliberal.com), and there's a six-page document that will indicate the hard written evidence to support the fact that there was inappropriate behaviour by the government. There is no question of the need for a public inquiry on this.

The government is saying the civil case will do it. Surely that argument holds no water. Would we ever have said to a victim in Walkerton, "You don't like what happened at Walkerton? Sue us. Go to court. Fund your own case of going after us." But that's what we're asking the George family to do. It, frankly, is a disgrace. I say to the member who spoke on behalf of the government that this family, the George family—I talked to Sam George and I said, "Sam, it would be helpful if you were here." He can't afford to be here today. He can't take another day off work. The government has spent \$1 million defending themselves. Believe me, the George family, residents of Kettle Creek reserve, are fighting the best they can to get at the truth. They said from the start that the only reason they launched the civil case is because they've got no confidence that Premier Harris will ever call an inquiry. They've said from the start that they would drop the civil case the day that inquiry was properly called.

There is no doubt about what's happening here. The government made a huge mistake, in my opinion, around those events at Ipperwash. The government is afraid to let the truth come out and the government is now doing another gross injustice. The Legislature today unfortunately may very well make that gross injustice, and that is, to force the George family into bankruptcy to get at the truth about Ipperwash.

1100

POLICE SERVICES  
AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI  
SUR LES SERVICES POLICIERS

Mr Tilson moved second reading of the following bill:

Bill 59, An Act to amend the Police Services Act /  
Projet de loi 59, Loi modifiant la Loi sur les services  
policiers.

**The Acting Speaker (Mr Steve Peters):** Pursuant to standing order 96, the member has 10 minutes for his presentation.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** This bill started off as an issue which involved a large portion of my riding, mainly the town of Caledon, which is served by the Ontario Provincial Police. The south half of the riding, which includes Brampton and Mississauga, is served by the Peel Regional Police Service. It's been found for the last number of years that those two police forces should be one, and agreements have been made from time to time with the Solicitor General of Ontario to allow the Ontario Provincial Police to continue.

Originally I was going to introduce this bill for the purposes of simply solving the problem that existed in the town of Caledon, because policing in the town of Caledon is quite different from policing in, for example, Brampton or Mississauga. Caledon is basically a rural community, whereas Brampton and Mississauga are urban communities.

However, in researching the topic, I discovered that this situation existed throughout Ontario. It existed in Sudbury, it existed in Timmins, it existed in Kenora and it existed in the Kawartha Lakes area, which, as you know, is Lindsay.

I then decided I would make the bill apply to all of the province, and hopefully members, particularly members who are in those areas or members who find themselves in a similar situation, will support the bill to alleviate this discrepancy that exists in the Police Services Act.

The bill, I would say to you, amends the Police Services Act to allow municipalities an additional choice in the provision of police services, which is called hybrid policing, which is based on criteria. Section 5 of the Police Services Act requires municipalities to provide police services by means of only one of a number of listed methods. So this bill, if passed, would allow municipalities to combine two or more methods where the municipality contains remote or widely dispersed communities or where police services have historically been provided by a different method in a discrete area of the municipality.

That, in summary, is the intent as to why this bill has been introduced. It's a very short bill. It consists of one page, which members have before them, and it's quite clear what the bill is trying to do. As representatives of the public, we have the ultimate responsibility of ensuring that the residents of this province are protected by adequate and effective police servicing. The bill aims to make sure that our communities have the flexibility to determine the police service delivery arrangement that suits them best. In my particular area, I can say that overwhelmingly the people of Caledon believe that the type of policing they have in that area serves them best.

Bill 59 provides municipalities that are responsible for providing such police services with another option in service delivery. Under the current Police Services Act a municipality must choose one of six delivery alternatives: maintain its own police service; contract with an adjacent municipality for police services; contract with the Ontario Provincial police, either alone or jointly with one or more municipalities; amalgamate its existing police service with one or more municipal police services; form a joint police service with one or more municipalities; or adopt another method approved by the Ontario Civilian Commission on Police Services.

As I have stated, all of these options require a single provider or delivery agent per jurisdiction. That is the problem that exists in my riding and, I know, the ridings of Sudbury, Timmins, Kenora and the Kawartha Lakes area.

It provides more flexibility in police service delivery by adding the option of what I have said is commonly

described as hybrid policing. Hybrid policing, for those of you who don't know what that means, is an arrangement that allows more than one police service to provide services to different areas within a single municipality. Typically, the need for hybrid policing arises from municipal restructuring that incorporates, amalgamates or merges areas that were policed by the Ontario Provincial Police and other police services. Currently, municipalities that have restructured must adhere to the requirements of the Police Services Act and adopt a single police service under one of the service delivery options that I have mentioned.

If Bill 59 is passed by the Legislature, it would be possible for the local police service to continue in its traditional jurisdiction while another police service covers the balance of the new municipality. Bill 59 takes into consideration the needs of areas with remote or widely dispersed communities; for example, a municipality with remote or widely dispersed communities might derive cost-effectiveness or efficiency benefits if the outlying communities are policed by a neighbouring police service or the Ontario Provincial Police while the core of the municipality is policed by the municipal police service.

The bill allows some municipalities to maintain historic policing relationships, as exist in the town of Caledon, when undergoing restructuring and amalgamation. This legislation provides more flexibility and choice in providing police services while maintaining the requirement for adequate and effective policing services.

I urge all members of this House to support Bill 59, which allows municipalities more choice and an opportunity to choose the method of police service delivery that suits them best. I assure you that all the current government's mechanisms will remain in place to ensure municipalities satisfy their responsibility for providing adequate and effective policing services.

In the few minutes that are left, I'd like to look at the benefits of amending the Police Services Act to require a single police services board in hybrid policing situations. Under the Police Services Act, the local police services board is responsible for ensuring adequate and effective policing services in the municipality. However, the mandate of the board with governance over municipal police service differs from that of a board overseeing an Ontario Provincial Police contract.

Therefore, without the requirement for a single police services board, as proposed by Bill 59, two separate boards would be required in some hybrid policing services. Caledon, incidentally, for the last number of years hasn't even had a police services board, which I'm sure is a strange situation in this province. Each board would have a different composition and role according to whether governance was exercised over the municipal police service or the Ontario Provincial Police contract.

In such situations, there would be duplication and greater possibility of differences and inconsistencies between policing services in the different parts of the same community. Bill 59 eliminates this possibility by

requiring a single board. This would facilitate consistent police services within the municipality and would give the local police services board the authority to fulfill its responsibility to provide adequate and effective policing services.

In conclusion, I would ask that all members of this House support Bill 59. We want to make sure that our communities have the flexibility to determine the police service delivery arrangement that suits them best.

**1110**

**Mr Rick Bartolucci (Sudbury):** I am pleased to rise and speak to the private member's bill introduced by the member from Dufferin-Peel-Wellington-Grey. Before I get into the specifics of the bill, I have to give some background on why this bill has a profound effect on the city of Greater Sudbury. It wouldn't have had any effect on the former regional municipality of Sudbury, but we're forced to look at this hybrid policing because in the government's quick move to amalgamate certain jurisdictions, they didn't really think out the process of policing too well. So this is not really all about choice; this is about a need to fix a situation that was caused by amalgamation in Sudbury, amalgamation in Ottawa-Carleton, amalgamation in Kawartha Lakes, amalgamation in any jurisdiction across Ontario.

Let me talk a little bit about this amalgamation, first of all, and then I will deal directly and specifically with how it affects our now city of Greater Sudbury.

Under our municipal restructuring, we ended up with less representation. In fact all the amalgamated areas ended up with less representation. We also ended up with more costs. The amalgamation in our community involved seven municipalities, along with underserved areas and some areas that were not being serviced. We took seven municipalities that were virtually debt-free—several of them had surpluses in their budgets. They were running effectively, efficiently and were certainly meeting the needs of the constituents they represented. The government forced amalgamation upon us. We now have one city of Greater Sudbury that is approximately \$10.3 million in debt. None of the promises the short-lived Minister of Municipal Affairs and Housing, Steve Gilchrist, made have come true or will come true without drastic alteration. We have a city, made up of seven area municipalities, that is now in debt. I wouldn't think that was in the best interests of the citizens of the new city of Greater Sudbury.

You also have increases in user fees. We now have a sewage fee. That's a tax. Before, we had a water rate; now, we have a sewage rate as well, almost doubling almost the fee that citizens of Greater Sudbury have to pay.

We have a council that is burdened with a 100-page agenda when they meet. There is not adequate time for discussion of issues pertaining to the protection of citizens in Greater Sudbury, items such as Bill 59, which is an important bill for the citizens of Greater Sudbury. We have a council that has virtually no time to discuss this bill or these types of issues.

We have centralized power. We have area councillors who are unhappy: they feel they're being excluded from the decision-making even though they represent the 162,000 people who make up the city of Greater Sudbury. So we have some major problems in our city that we have to address, and certainly councillors are doing that.

One of the deputy mayors of Greater Sudbury, Eldon Gainer, who sits on the police services board, understands this problem, understands the problem that was created with the amalgamation when you have more than one police force policing this vast area. So we have to do something to ensure we address proper policing, effective policing, cost-effective policing, meaningful policing, policing to meet the expectation of Chief Alex McCauley, Deputy Chief Jim Cunningham and Inspector Ian Davidson.

I was approached by Andy Humber, a police services board member and also a fundraising Tory, for the other side, to support this bill. Upon first reading it, I had some concern, not so much for the city of Sudbury—and at the end of the day I'm going to be voting in support of this because it will help the city of Greater Sudbury save some money, because amalgamation certainly didn't save the city of Greater Sudbury any money; in fact, it's cost us \$10.3 million so far. But there are some concerns with the bill, and I would hope this bill gets to committee because we will want to address some of them.

In discussion with the chief of police for Sudbury and asking him about Bill 59, he doesn't have any major opposition to Bill 59. To be honest, if the administration at the city of Greater Sudbury police services has no problem with it, then I have no problem with it.

The bill, as they read it, would allow for a form of hybrid policing, which is exactly what the member said. In the case of Sudbury this is important, because some of the area that was recently amalgamated to form the new city of Greater Sudbury—specifically the areas to the north and east of the new municipality—is largely surrounded by the jurisdiction of the Ontario Provincial Police and has been policed in the past by the OPP. The cost to the new city of Greater Sudbury to assume policing of these specific areas would not be proportional to the service requirements, and that's one of the main reasons why I will be supporting this. It would mean that the service would have to obtain certain types of vehicles, such as snowmobiles and boats, in addition to the equipment they already have, at an excessive cost amount. On the other hand, the Ontario Provincial Police, in this particular jurisdiction, are already equipped for that as they have policed in the past and they are policing the particular area around the city of Greater Sudbury.

Here is a very important point that I want to make and one of the strong reasons why I'm going to be supporting this. We're probably going to be saving about \$2 million by supporting this bill. Listen, our community has to save money. It is imperative that our community be provided policing services in a cost-effective manner, but in an effective manner as well. We had that and we need this

bill to ensure that that continues, because of the forced amalgamation by the government on the citizens of the city of Greater Sudbury.

I think this bill provides measures to allow for the continued progressive type of policing that we've had in our community in the past, without disruption and without an inordinate amount of extra costs to our taxpayers. That's a big reason why I'm going to be supporting it.

I also think it's important to understand and to make clear to the people of the city of Greater Sudbury and to the people of Ontario who have experienced amalgamation—forced amalgamation, mostly—that these are the types of problems that the government either didn't think through, didn't anticipate, or weren't good business managers in seeing what was going to happen once amalgamation took place.

It's imperative that Bill 59 be sent to committee, be passed, I would hope, and then be enacted into law so that the citizens and the people I represent in the city of Greater Sudbury can remain confident and have the high confidence level they have in their police force with the addition of this hybrid policing which will take place.

#### 1120

I must commend the member, who did come over to see me. He sat down in a spirit of co-operation—isn't that unusual? This is a private member's bill. I believe the government can learn from this Conservative member. This member came over. We sat down; we had a conversation. He said, "This is how I think this bill can help your citizens. What are your concerns?" We were able to have a very good dialogue, and I thank the member for that. This is the way I think government should happen. There should be mutual understanding, mutual confidence in each other, and I have confidence in the member who is presenting this bill, because I know he's clearly thought this bill out. I would hope that the government learns from this member. You can get support from the opposition when you deal in an open, effective, efficient manner to ensure that all citizens are protected.

This bill will allow for that in the city of Greater Sudbury, and so, Speaker, I stand before you to say I will be supporting this bill when it comes time for a vote. I thank the member for helping out my community, for ensuring that my community doesn't have to spend unnecessary dollars because of the wrong-spirited amalgamation that took place, that wasn't well thought out by the government. Again, I ask the government to learn from the member that there is a way to effectively pass legislation in a very, very short period of time, through consultation and meaningful opportunity for input, for the greater good of all.

**Mr Howard Hampton (Kenora-Rainy River):** I want to spend a few moments to talk about why I think this private member's bill has been brought forward. I think the public needs to understand what happened here.

Over the last six years, up until two months ago, we had a number of forced municipal amalgamations, where the provincial government, through the Minister of Muni-

cipal Affairs, basically took the position that from on high, from his office in Toronto, he knew best about how municipalities should be organized, about how municipalities should be forced to amalgamate; he knew best about what services should be provided in municipalities and how they should be provided.

So the government passed a number of pieces of legislation which have forced some municipal amalgamations in the province that frankly, in many cases, don't make a lot of sense. Or they've forced municipal amalgamations where, as the municipalities have tried to do what the minister from on high has ordered them to do, they've discovered that it's incredibly expensive, they've discovered that there are indeed direct and specific contradictions, and they've discovered that there are institutional obstacles that have to be overcome and there's no legislation which will help them do it. So ostensibly this private member's bill has come forward because in many cities, towns, municipalities across the province, forced amalgamation is a mess.

I think if we were real sticklers in this Legislature, if we as private members of the Legislature adopted the same position that Ministers of Municipal Affairs of the government have adopted, we would be taking the position that the government should fix its own mess. It was this government that created, in several municipalities across the province, not only problems with police services, but problems with fire services, problems with ambulance services, problems in terms of social assistance and so on and so forth. We would be saying to the government, "You created this mess. You forced municipalities into these amalgamations," which now, it occurs, not only did not make sense in terms of service delivery, but don't make any financial sense either, because in fact they are proving to be more costly. Bigger is not better, bigger is not cheaper; in fact, bigger is proving to be more expensive. If we were real sticklers and if we were following the kind of position that this government has traditionally taken, particularly the Minister of Municipal Affairs, we'd be saying to the government, "You created this mess. Now you fix it."

But the problem is that I don't think the government is willing to fix it, because that would require it to admit that it was wrong. It would require the government to admit that they didn't have all the answers, that their initial round of forced amalgamations in many cases was not thoughtfully prepared, was not well thought out and in fact has left municipalities, in many cases, in very serious circumstances, some would say in almost disastrous financial circumstances. So the government of the day doesn't want to admit that it badly misplayed this, didn't think it out very carefully and has saddled municipalities with some very difficult problems.

How do you escape from this? Well, what you do is you find a government member and you say to the government member, "Why don't you present this as a private member's bill? You'll save the government some embarrassment and you might even get some credit for doing something that needs to be done out there: bailing

the government out of some bad amalgamation decisions."

I think that's how we got here. I'll give the member, Mr Tilson, credit: this is needed legislation. In my riding, there are two cities, the city of Kenora and the city of Dryden, where, in effect—and these weren't forced amalgamations; these were what I would call gun-to-the-head amalgamations where the municipalities were told, "If you don't do this, the province will do it." So the municipalities, with a gun to their head, said, "I guess we better do this."

In each case it's proving to be expensive and it's proving to be cumbersome, and in each case now they have this problem with police forces. The rural municipality has traditionally been handled by the OPP and the former urban municipality has had its own municipal police force. It has created rivalries. It has created in effect, some would say, from the public perspective, a not very attractive competition. And it's resulted in something that's quite expensive.

There is a similar situation in Thunder Bay where they did make a decision under the present act without the proposed amendments, and now you have a situation where the OPP used to patrol the rural areas. In fact, they have a beautiful new command centre, a beautiful new set of offices, but they don't even patrol that area any more, because once the municipal amalgamations took place, the municipality was forced to decide, will it be OPP policing or will it be municipal policing? So now you have the municipal police, in effect, policing the area around where this brand new OPP command centre is located. So some real problems, some real sore spots have resulted.

This kind of legislation is needed. But I would hope that we would hear the member—since I think he's going to get virtually unanimous support from all sides of the House—say once again that this legislation is necessary because the government didn't think through its forced amalgamations and its gun-to-the-head amalgamations in the first place. If the government of the day had thought this through carefully, they would have recognized that they were going to create these scenarios: that it was going to create duplication, it was going to create rivalry, it was going to create conflict, in some cases it was going to result in an overexpenditure, in other cases it was going to result in the kind of duplication of services wherein you have ongoing additional costs.

So I would hope that we would hear him address that issue and that we would hear him point out that by taking action as a private member, he is actually saving the government from having to admit it didn't think it out very well or very carefully, and that the government has egg on its face now in several municipalities across the province because it didn't figure it out.

**1130**

How will this work? I suspect this will help some municipalities, but even with these provisions, at the end of the day I think we're still going to see municipalities caught in a difficult spot and I think I owe it to people to tell them why.

There's another issue here, and that is the degree to which, besides creating these conflict situations between OPP policing and municipal policing, the province has in addition downloaded all kinds of services on to municipalities without downloading any revenue sources. Even if this private member's bill passes, you're still going to have municipalities stuck in the situation where they're saying, "How can we find a way to get our policing costs down?" They have much more responsibility now, but they don't have additional revenue.

This provision will help some municipalities. It'll help them out of the difficult spot where you're actually seeing two police forces, the OPP and a municipal police force, forced into a sort of rivalry. It may create a truce for a while, it may create a peaceable space for a while, but the other reality is that municipalities, with the downloading of ambulances, seniors' housing, social housing, a major chunk of social assistance and a number of other issues, are going to be forced to try to find ways to amalgamate, eliminate, downsize, resize, all in an effort to provide these services without the financial resources necessary to finance the services.

In fairness to the member, his bill couldn't deal with that problem because a private member's bill cannot deal with finances, cannot deal with the appropriation of public funds. That's the other side of the problem, and I think that needs to be acknowledged here. This legislation will help. It will help some municipalities, but I would say it is only going to create a peaceable space for a while. Because of the added issue of downloading, municipalities are going to have to continue to find ways to amalgamate. For example, some municipalities are amalgamating fire service and ambulance service and calling them both emergency service, hoping they can do away with some positions or amalgamate some responsibilities.

That's just by way of evidence that this uncomfortable situation is going to continue for municipalities even with this legislation.

I would hope the member would acknowledge that if we're really serious about dealing with the badly thought out, some would say the thoughtless, forced amalgamations, his private member's bill will help some municipalities in the short term, but that the problem out there is much bigger, is much more expensive and will force municipalities into a continuing uncomfortable position.

It probably would have been better for the government to have brought forward legislation, because if the government had brought forward legislation, then we could have dealt with the whole problem. But I have to say again I understand why we will not see government legislation. We will not see government legislation because the government doesn't want to admit it created many of these problems. It doesn't want to admit that when it forced the amalgamations or put guns to the heads of the municipalities and said, "You must amalgamate," it had no answer, it hadn't considered these. The government won't bring forward legislation because then the other side of the envelope, the fact that services

were downloaded on to municipalities without downloading the revenues necessary to provide the services, all of that would be open for debate. That's why we won't see government legislation. That's why this issue will be handled, in effect, piecemeal by means of a private member's bill.

This will help, but I would say to the member that I think we are going to be back here time and time again over the next couple of years, dealing with other piecemeal issues, because I think you know, as I know, that there are several other contradictions in terms of municipal services that have been created out there by this government's ill-thought-out rush to force amalgamations.

Another way the government has admitted they didn't have all the answers and have created problems by doing this is that they admitted earlier this spring that as a government they're not going to force any further amalgamations. They were forced to admit they could not find any so-called cost savings from the forced amalgamations that have happened so far. Bit by bit, piece by piece, we're getting admissions that this hasn't worked.

I would say to Mr Tilson, the member who brought this forward, that I think we're going to be here on several occasions over the next couple of years dealing again with these issues in a piecemeal fashion, very likely dealing with issues, for example, of social housing, seniors' housing and ambulance services, very likely dealing with a number of other services that have been downloaded on to municipalities, or that have been forced on to municipalities through amalgamation or that have created problems in terms of service delivery because of forced amalgamation and the government doesn't want to acknowledge it, so I expect the acknowledgement will come through private members' bills.

Having said that, I congratulate the member for bringing forward something that is necessary. I think government members should congratulate him for saving the government from having to admit, in an embarrassing forum, that it didn't have all the answers, that in fact it had some very wrong answers.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate on Bill 59, An Act to amend the Police Services Act, put forward by the member from Dufferin, David Tilson. I'm going to speak in favour of the bill, and I would like to start my comments by commending the member for Dufferin-Peel-Wellington-Grey for his efforts on this legislation. I know he's worked very hard on this.

Bill 59 is a good bill that the government believes will benefit many communities throughout the province. The bill would amend the Police Services Act to add a further choice for municipalities that are considering, or will be considering, their policing options.

By allowing the option of hybrid policing, some remote or widely dispersed municipalities will be able to retain cost-effective hybrid policing arrangements.

For example, the Sudbury transition board and the task force on police services have identified an additional

\$2 million in costs to service northern communities in the newly amalgamated municipality, if required to use only one police service. These communities are currently policed by the Ontario Provincial Police. Bill 59, if passed, would allow Sudbury to choose to either expand its municipal service and incur the additional cost, or allow the OPP to continue policing these communities. This bill gives Sudbury and other municipalities that choice.

Bill 59 would also enable some communities that have a historic relationship with a police service to retain that relationship through a municipal amalgamation, subject of course to other relevant sections of the Police Services Act. The town of Lindsay within the city of Kawartha Lakes, for example, could fit these criteria. In some cases, a hybrid policing arrangement would allow a community to retain a police service they are familiar with and with which they are comfortable. This bill gives Kawartha Lakes and other municipalities that choice.

The government believes hybrid policing is now a viable option for municipalities because the government recently implemented new policing adequacy standards. Adequacy standards will ensure consistency throughout each municipality, including municipalities with a hybrid policing arrangement.

The Ontario Civilian Commission on Police Services is in place to ensure that each municipality is providing adequate and effective police services regardless of the policing option they choose. This is essentially about choice.

#### 1140

As well, Bill 59 mandates a single police services board in hybrid policing arrangements. This single police services board will ensure consistency and prevent duplication. I know the Ontario Association of Police Services Boards is supportive of Bill 59. The hybrid policing option also has support within the policing community. For example, chief of police Terrence McLaren of the Peterborough Lakefield Community Police Service has stated, "I fully support the decision of local municipalities to have the right to choose their policing providers, and further, I believe that hybrid policing options should be made available as a choice." Bill 59, if passed by this Legislature, will provide municipalities with that choice.

There are some key components of this bill. It's a very short bill, because basically what it's providing is choice for municipalities with respect to the type of policing they want within their municipality. It's going to look at municipalities with remote or dispersed communities—for example, Sudbury or Timmins—and municipalities with historical policing relationships—for example, Caledon, Kenora, or Kawartha Lakes, where Lindsay is—and require governance by a single police services board in hybrid policing arrangements.

There are exceptions which would allow a municipality to contract with a neighbouring municipality's police service or the OPP with no contract, and therefore there is no police services board in an OPP situation.

So I believe the rationale for the bill is there and there are a number of advantages.

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) :** C'est un plaisir pour moi de participer à ce débat ce matin sur le projet de loi 59, Loi modifiant la Loi sur les services policiers, pour permettre aux municipalités d'offrir leurs services policiers d'une autre façon.

Lorsque nous écoutons le débat depuis le début à 11 heures ce matin, je me pose plusieurs questions.

On réfère souvent à une commission de police. Est-ce que la commission de police va être appointée par le gouvernement ? Nous n'avons pas cette réponse. Actuellement, nous savons que le gouvernement actuel a le pouvoir d'appointer des commissaires siégeant sur les commissions de police. En Ontario, depuis les fusions, nous savons que la majorité des municipalités rurales sont maintenant desservies par la police provinciale de l'Ontario, même si actuellement la police provinciale dessert un certain nombre des municipalités. Mais je me rappelle que le gouvernement s'est impliqué dans le nombre d'officiers demandés par une municipalité.

Selon les critères qui étaient établis et selon les ressources que nous avons dans Glengarry, Stormont et Dundas, nous avons 51 policiers de la sûreté provinciale ou de la police provinciale de l'Ontario. Mais lorsque les comtés de Stormont, Dundas et Glengarry ont pris la responsabilité des services de police, le solliciteur général a dit, « Dorénavant, vous devez avoir 59 policiers. » Cela voulait dire 450,000 \$ à 500,000 \$ de plus pour les payeurs de taxes de la région, lorsque nous regardons que la politique de ce gouvernement est de délester et délester toujours aux municipalités, mais sans aide financière.

Si je regarde dans ce domaine, est-ce que cette nouvelle loi va vouloir dire que dorénavant—dans les municipalités, nous savons tous que nous avons des officiers de règlements. Est-ce que les officiers de règlements vont tomber sous cette commission ou est-ce que nous allons continuer à avoir deux services différents de protection ? Quand je parle de protection, nous avons les officiers de règlements pour les règlements municipaux, le stationnement local, et aussi des services de police concernant le code de vitesse, le Code de la route. Mais est-ce que la sûreté provinciale va continuer à donner les services pour les causes criminelles ? Lorsque nous avons transféré ces services aux municipalités, nous avons décidé que la police provinciale de l'Ontario s'occuperait des causes criminelles. Cela reste encore en suspens.

J'aimerais avoir la réponse aujourd'hui : premièrement, est-ce que les officiers de règlements vont se rapporter à la commission sous cette loi, et est-ce que la province va donner—

**The Acting Speaker:** The member's time has expired. Further debate?

**Mr Doug Galt (Northumberland):** Thank you very much, Speaker, for the opportunity to speak on Bill 59. My compliments to the member for Dufferin-Peel-

Wellington-Grey for bringing forward Bill 59, really a choice in the policing field.

It was a wise man who once said, "One should not undertake a task until one is willing to finish it." Since we took office in 1995, we've been committed to the regrouping of municipalities. Actually, it was nothing new at that point; that goes back to the last 30 years or so. But we recognize with the regrouping the savings in tax dollars, the improved efficiencies of municipalities and the reduction of the number of municipal politicians.

Certainly we recognize there's more work to be done, and that's particularly related to police services. I've certainly seen it in my riding. Right now Port Hope is joined with Hope township and they have two police forces. One is the OPP to Hope township, and the municipal police force to Port Hope. Indeed, that would be the preferable way to continue, I believe.

But also in Quinte West there was literally no resistance to the amalgamation: I received one phone call prior to the amalgamation. But when it came to putting the police force together and creating a common police force for those four municipalities that came in to form Quinte West, my phone lit up and the number of letters I received was quite significant. It had to do with which force; not with the kind of service that would be used, but it was, "My force is better than your force," and it created a lot of strife in the community. This bill would overcome that, because here would be the opportunity for a combination of two or more methods of policing, and that would be particularly true in communities where there had been a historical difference prior to the amalgamation.

There's no question that the number one focus of the member putting forth this bill is public safety. Since adequacy standards were brought in at the beginning of this year, January 1, 2001, there's a reduced need for having only one police service within a community.

The member has laid out some three criteria that would be required, and I think they're quite well put: (1) in municipalities with remote or dispersed communities; (2) in municipalities with historical policing relationships—for example, in my riding; and (3) require governance by a single police services board. That makes an awful lot of sense. He's using the term in the bill of "hybrid" policing, and this seems like a very logical and descriptive term to be using.

I mentioned a few minutes ago about the amalgamation of Hope township and the town of Port Hope: they're still struggling with the name for the amalgamated community. But here is a good example where I believe hybrid policing could work, if that's the desire of this new municipality.

I'd like at this time to congratulate the communities in my riding that have amalgamated. They've come a long way from having a county council of some 30 members a few years ago to a county council now of some seven. There are now seven municipalities in Northumberland. In Quinte West, which is also part of my riding, four municipalities there came together. So they've come a long, long way in restructuring.

There was a minister's order back on March 28 that would establish a transition board and also a police task force that deals with this issue. Of course, there's not the authority to put it in place until the new council decides just how that should be.

Amalgamations have for the last 30 years been a very delicate issue in rural Ontario, but there's no question of the advantages of them coming together with the reduced taxation, with the savings that have occurred. You can look across Ontario and see the tremendous savings that have occurred.

I support this. It's certainly a big step of efficient government that the Harris government has been promoting for some time, so I certainly support this single police board. The one police force is not necessarily the right or necessary route to go. The importance is that there be common standards for all the police to work by, so I can very enthusiastically support the bill put forward by the member for Dufferin-Peel-Wellington-Grey.

**1150**

**The Acting Speaker:** The Chair recognizes the member for Simcoe North.

**Mr Garfield Dunlop (Simcoe North):** Thank you very much, Mr Speaker, and my congratulations on seeing you in the chair this morning. You seem to be doing a fine job and it's great to see you there.

I'd like to thank you for allowing me to speak to Bill 59, An Act to amend the Police Services Act, and I thank the member for Dufferin-Peel-Wellington-Grey for bringing forth this legislation. I know the member has worked hard on researching the bill. I commend him for his efforts on that and on presenting the bill today. I would also like to thank the members for Barrie-Simcoe-Bradford and Northumberland for their comments from our side of the caucus today, as well as the people from the opposition who have spoken in favour.

This bill, if passed, would amend the Police Services Act to allow municipalities an additional choice in the way they provide police services to their constituents.

It's my understanding that section 5 of the current act requires that municipalities provide police services by means of only one of a number of listed methods. This bill would allow municipalities to combine two or more methods where the municipality contains remote or widely dispersed communities, or where police services have historically been provided by a different method in a discrete area of the particular municipality.

I feel that the result of this type of amendment would allow municipalities to maintain cost-effective hybrid policing situations, which would save millions of dollars in taxpayers' money when implemented right across our province. Our government and the people of this province expect us to do everything we possibly can to help save taxpayers money, and that is one reason why I will be supporting this bill today.

The bill would also allow relevant communities to retain police services with which they are comfortable and allow them to avoid potential divisiveness of amalgamation or disbandment.



Our government understands the dangerous work that men and women in the police services across this province do every day.

Simcoe North, my riding, is the home of the Ontario Provincial Police general headquarters. I have the chance to meet many of these men and women on a daily basis. I would like to take this chance today to talk a little bit about some of the important projects that the OPP have done locally, but that have also helped to improve public safety across our province.

For example, during the winter months the OPP performs an important role in patrolling the many snowmobile trails that criss-cross our province, thousands and thousands of kilometres of snowmobile trails. The OPP is involved in a partnership with the Ontario Federation of Snowmobile Clubs to improve safety on our snowmobile trails. The snowmobile trail officer patrol consists of volunteer and sworn special constables who patrol snowmobile trails and assist police officers conducting spot checks. The OFSC provides funding for the program, while the OPP assists by providing training and police officers.

RIDE checks apply to snowmobile trails. During the 1998-99 season, where there were 32 fatalities in the province, with 26 of those in OPP jurisdiction, alcohol was involved in 59% of those recorded fatalities. We as a government look forward to working on public safety to avoid the amount of alcohol that's being used on our roads and waterways as well as the snowmobile trails across our province. During the 1999-2000 season, there were 16 fatalities in the province, with nine being in the OPP's jurisdiction.

In the summer months the OPP patrols all of our roadways, of course, but they play a very important part in the waterways across our province.

I just wanted to say, when we're talking about the amalgamation of municipalities, that in Simcoe county, in my riding, we amalgamated in 1993-94. We were very fortunate with the way the police services unwound, and today we have the OPP as well as the Midland police services and the Barrie police services and the south Simcoe services looking after most of the policing in Simcoe County. As an example of some of the good work they do, and it follows on our Safe Schools Act, just recently a partnership was put forward between the public board and the Catholic board, as well as all the police services in Simcoe county, to put a proposal together so that the boards could meet the initiatives of the Safe Schools Act.

Mr Speaker, I'd again like to take this opportunity to thank you for allowing me to say a few words today. I will be supporting this bill from Mr Tilson. I forget his riding, where he's from, already.

**The Acting Speaker:** The mover of the motion has two minutes to reply.

**Mr Tilson:** I appreciate all members of the House who are participating in the debate.

A couple of weeks ago, as parliamentary assistant, I made a presentation to the Ontario Association of Police

Services Boards, which was holding a small convention here in Toronto. I spoke about a number of things, mainly Attorney General-related, but at that time I also referred to this bill, which I had been working on for some time. As a matter of fact, I had been working with some of the people at the convention. So in response, I'd like to read a letter that was sent to me by the president, Tom Laughren, dated June 12, with respect to this bill.

"Thank you for taking the time from your busy schedule to speak at our annual conference in Toronto on May 25th. It may interest you to know that there were over 500 delegates at our conference representing police leaders and members of police services boards from across this great province. Your words were well received by our members and we were particularly pleased to hear of your private member's bill, Bill 59. The Ontario Association of Police Services Boards considers this an important piece of legislation that will give municipalities an additional choice in the provision of policing. Police services boards have long been the trustees of the public interest for policing at the local level. Your legislation will further enable boards and councils to exercise this trusteeship with local circumstances in mind.

"The board of directors of the Ontario Association of Police Services Boards passed a resolution supporting Bill 59 at their meeting Thursday May 24th, 2001. We urge your colleagues in the House to join you in support of your bill."

It appears that that support is here in the House. I will say that members of the opposition did comment about restructuring. They're fair to do that; that's their job. However, since that time the new adequacy standards have come in with respect to policing, on January 1, 2001.

**The Acting Speaker:** The time provided for private members' business has expired.

#### IPPERWASH PROVINCIAL PARK

**The Acting Speaker (Mr Steve Peters):** We will deal first with ballot item number 13, standing in the name of Mr Phillips. Is it the pleasure of the House that the motion carry?

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

All those opposed to the motion will say "nay."

In my opinion, the ayes have it.

We will have a recorded vote.

#### POLICE SERVICES AMENDMENT ACT, 2001

#### LOI DE 2001 MODIFIANT LA LOI SUR LES SERVICES POLICIERS

**The Acting Speaker (Mr Steve Peters):** We will deal next with ballot item number 14. Mr Tilson has moved second reading of Bill 59, An Act to amend the Police

Services Act. Is it the pleasure of the House that the motion carry? The motion is carried.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I would ask for consent of the House to order this bill for third reading.

**The Acting Speaker:** Is there unanimous consent? There is not consent.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

**Mr Tilson:** I'd request that the bill be referred to the standing committee on justice and social policy.

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

#### IPPERWASH PROVINCIAL PARK

**The Acting Speaker (Mr Steve Peters):** We will now call in the members; this will be a five-minute bell.

*The division bells rang from 1200 to 1205.*

**The Acting Speaker:** Mr Phillips has moved private member's notice of motion number 7.

All those in favour of the motion will please rise.

#### Ayes

Agostino, Dominic	Crozier, Bruce	Levac, David
Bartolucci, Rick	Dombrowsky, Leona	Marchese, Rosario
Bountrogianni, Marie	Duncan, Dwight	McGuinty, Dalton
Boyer, Claudette	Gravelle, Michael	McLeod, Lyn
Bradley, James J.	Hampton, Howard	Phillips, Gerry
Bryant, Michael	Hoy, Pat	Ruprecht, Tony
Caplan, David	Kennedy, Gerard	Sergio, Mario
Colle, Mike	Kwinter, Monte	Smitherman, George
Conway, Sean G.	Lalonde, Jean-Marc	
Cordiano, Joseph	Lankin, Frances	

**The Acting Speaker:** All those opposed, please rise.

#### Nays

Arnott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Sampson, Rob
Barrett, Toby	Johns, Helen	Snobelen, John
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Klees, Frank	Sterling, Norman W.
Clement, Tony	Marland, Margaret	Stewart, R. Gary
Coburn, Brian	Martiniuk, Gerry	Stockwell, Chris
DeFaria, Carl	Maves, Bart	Tascona, Joseph N.
Dunlop, Garfield	Mazzilli, Frank	Tilson, David
Ecker, Janet	Miller, Norm	Tsubouchi, David H.
Elliott, Brenda	Molinari, Tina R.	Turnbull, David
Galt, Doug	Munro, Julia	Wettlaufer, Wayne
Gilchrist, Steve	Murdoch, Bill	Witmer, Elizabeth
Gill, Raminder	Mushinski, Marilyn	Wood, Bob
Hardeman, Ernie	Newman, Dan	Young, David

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 28; the nays are 45.

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

All matters relating to private members' public business having been completed, I do now leave the chair and the House will resume at 1:30 pm.

*The House recessed from 1208 to 1330.*

## MEMBERS' STATEMENTS

### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** At the present time there is a court case underway where the Ministry of the Environment is arguing that it does not have to consider its own statement of environmental values when making decisions on water-taking permits because these values are not enshrined in legislation. In this case, a permit to take water was granted which allows a company, OMYA Canada, to remove up to 4.5 million litres of water a day. No environmental impact study was conducted, and local residents who are appealing the permit say the ministry has ignored its own statement of environmental values by not taking an ecosystem approach to the decision to grant this permit. My private member's bill, Bill 79, will incorporate the statement of environmental values into the Ontario Water Resources Act, ensuring that future ministry decisions consider the impact on the ecosystem.

Water is one of our most vital resources. It gives sustenance to our families and nourishes our crops. Ontario needs policies and legislation that will protect our water and give consideration to the interests of those who might be impacted by any changes to the groundwater supply. I urge all members of the Legislature to make a clear commitment for our environment. On June 28, support the second reading of Bill 79, the Water Source Protection Act.

### KIDS' FISHING DAY

**Mr Jerry J. Ouellette (Oshawa):** I'd like to congratulate the volunteers from the Durham region who assisted in putting on Kids' Fishing Day. The event took place Saturday last at the Kendal Hill crown land site, where we were able to bring out over 400 children who typically have not had the opportunity to enjoy the outdoors.

I'd like to thank the organizers from the Clarington Big Brothers and Big Sisters, the Scouting troops from Clarington and also the organizers and volunteers from the Eastview Boys and Girls Club, the Northview Community Centre, Simcoe Hall Settlement House, the YWCA, the Oshawa Community Health Centre, and the South Oshawa community policing officer, Chris Partridge.

As well, I'd like to thank the large number of site volunteers from the South Central Ontario Big Game Association and the Clarington game commission, who worked with the organizers, the Pickering Rod and Gun Club for handling the lunch, the Orono Fish and Hunt Club for taking care of first aid and the Ajax Rod and Gun Club for taking care of parking arrangements.

On Saturday we were able to provide over 2,400 recreational hours of outdoor activity, including of course fishing, and a special treat of seeing a turtle coming up

and laying its eggs. We had a nature trail hike, where the Metro East Anglers explained the various bird calls and insect and plant life. My wife, Dianne, and my sons, Josh and Garrett, did a great job running the kids' frog pond, where kids learned about marsh life and activities. All in all, hundreds of kids had the opportunity to enjoy the outdoors, just be kids and learn of the great circle of life. And, I might add, there are still hundreds of rainbow trout available to be caught at the Kendal Hill crown land site.

#### NURSING HOMES

**Mr Mario Sergio (York West):** In events of the last few days we have seen two very tragic situations. In my own riding of York West a nursing home, Casa Verde, lost two seniors. Two residents of that particular home were killed by one of the other residents. A third member of the house is in serious condition, and I also feel for that particular person. My condolences to the members of the families, to all who live in that particular home and to the staff of Casa Verde as well. I think this goes to all the residents of the other nursing homes in Toronto and in the rest of Ontario. I think this is a wake-up call for our own government here in Ontario.

The other tragic situation, the other shock, is the accusation and the continuous attack of the Premier of Ontario on the most vulnerable, the most feeble people, the seniors in Ontario. It is as if it is their fault our health care system is in such a dreadful situation. It is not our seniors' responsibility; it is the responsibility of the Premier and this government to provide the necessary care so that our seniors can live in good, clean conditions in those nursing homes.

#### GEORGINA BUSINESS EXCELLENCE AWARDS

**Mrs Julia Munro (York North):** I rise today to pay tribute to the town of Georgina in its efforts to recognize the importance of businesses, both large and small, in my riding of York North. On May 30 of this year, I had the pleasure of attending the second annual Georgina Business Excellence Awards gala. This year the gala was appropriately titled Aiming for the Stars, which is what these entrepreneurs do every day by making their businesses successful and beneficial to our community.

I would like to take a moment and acknowledge the six winners. Congratulations to La Rue's Haulage for their excellence in community service; the Briars Resort Inn, Spa and Conference Centre for excellence in large business; Apples of Gold Gift Shop for excellence in small business; Lockmar Farms for excellence in agri-business; the Queensway Marketplace for excellence in customer service; and Gallacher's Catering, which received the young entrepreneur award.

As pointed out by the mayor of Georgina, Jeffrey Holec, we do not often get the opportunity to acknowledge our entrepreneurs and their staff, who offer so much

to the community in the form of friendly service, good products and community giving. The Business Excellence Awards do just that.

#### NORTHERN CANCER TREATMENT

**Mr Rick Bartolucci (Sudbury):** "Fundamentally unfair" and "improperly discriminatory"—these and similar phrases are peppered throughout Ombudsman Clare Lewis's report on cancer travel funding. This report today offers vindication to northern residents who have lobbied for over a year to end the discriminatory treatment being foisted upon northerners.

For one year northerners have been petitioning this government to end the health care apartheid. For one year, Gerry Lougheed Jr and Ontarians Seeking Equal Cancer Care have lobbied this government. For one year Janice Skinner and René Boucher have asked this government to end the health care apartheid that has been practised in this province when it comes to northerners travelling for health care. This government turned a deaf ear to them. In fact, the Premier mocked them in Sudbury, Sault Ste Marie and North Bay, and in Thunder Bay where he is today, saying it was southerners who were being discriminated against.

However, Clare Lewis clearly states today, "The current situation is fundamentally unfair." His conclusion is that it is "improperly discriminatory." His conclusion for this government is to end the health care apartheid now. My question is, when will this government do it?

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** I rise today to give voice to a group of individuals in Hamilton who held a news conference this morning and who presented petitions to me with 3,000 signatures. There's a delegation here today in the members' gallery. What they're seeking from this government is justice.

I'm talking about vulnerable individuals, most of whom have one disability of another, who are in lodging homes, retirement homes or special care facilities. They receive what's called a personal needs allowance. That means that after their basic expenses for lodging and food are covered, they get \$112 a month to live on. That's everything for all their personal toiletries, clothing and whatever sort of social life one can eke out of \$112 a month. The fact of the matter is it has been \$112 a month since it was last increased by our government in 1991.

Since then this province has seen the biggest economic boom North America has ever enjoyed. These individuals didn't get one penny of it. But you had billions of dollars, yes, billions of dollars to give to your corporate friends and your rich friends. The most vulnerable people in our society didn't see a single penny. They're entitled to justice; they're entitled to dignity; they're entitled to a decent living, and you have an obligation to provide it.

I'm going to ask Christopher to take this report and put it on the Premier's desk. Maybe he'll read it and maybe these people will get some justice around here.

*Interruption.*

**The Acting Speaker (Mr Bert Johnson):** I want to be very clear. There's absolutely no demonstration in any of the galleries. In spite of what you may see on the floor of this House, these members will be basically going by the rules that are laid out. One of the rules they've laid out is that there's absolutely no demonstration. I wanted to make that clear because it's very important.

**Mr Christopherson:** On a point of privilege, Mr Speaker: Since this delegation is from my home community, obviously they feel strongly about this issue, but I would like to give you my personal assurance that that will be the last outbreak. They were here to make a point and not to do any other disruption.

**The Acting Speaker:** The point should have been made before.

1340

#### GRAND VALLEY LIONS CLUB

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** It's my pleasure to stand in the Ontario Legislature this afternoon to acknowledge the 50th anniversary of the Grand Valley Lions Club, located in my riding of Dufferin-Peel-Wellington-Grey.

The Grand Valley Lions Club will be holding a special anniversary banquet this weekend to mark this important anniversary. My wife and I will have the pleasure of joining Lion members on Saturday to celebrate their work within Grand Valley and to thank them for their efforts.

This service club has been an active booster of the Grand Valley community and has supported many worthwhile projects that have benefited all residents. A small sampling of their work includes their ongoing commitment to support the local Headwaters Health Care Corp and the Grand Valley Medical Centre, both of which have been an important part of the Grand Valley Lions fundraising efforts. The building of the arena, and more recently the addition of an elevator, as well as support and maintenance of the ball park and tennis court, is beneficial to all sports-oriented Grand Valley residents.

The Lions motto, "We serve," is very appropriate for this local group of committed individuals who volunteer their time and energy to improve their community. On behalf of the province of Ontario and the Grand Valley community, I congratulate President Paul Clements and all the Grand Valley Lions members, both past and present, for your commitment and wish you another 50 years of great work in your community.

#### VISITOR

**Mr Ted Arnott (Waterloo-Wellington):** On a point of order, Mr Speaker: I'd like to recognize the presence

in the chamber in the east gallery of Mr Andrew Turnbull of Toronto. Welcome, Andrew.

**The Acting Speaker (Mr Bert Johnson):** That is not a point of order.

#### NORTHERN CANCER TREATMENT

**Mr Michael Gravelle (Thunder Bay-Superior North):** I don't think any of my northern colleagues would disagree with me when I say that the one issue that has united us all has been the battle to remove the discrimination faced by northerners who must travel outside their own communities for medical treatment, yet only receive a subsidy through the northern health travel grant.

This issue certainly came to a head last year when the Ontario government announced they would pay 100% of the costs for southern Ontario cancer patients who had to travel to northern cancer centres for their treatment. This discriminatory treatment outraged every northerner, and despite a massive petition campaign and endless questioning in the House from all of us, we're beginning to think that nothing can stop this government from treating northerners as second-class citizens.

That is, until today. The provincial Ombudsman's report that describes the Ministry of Health's policy related to funding travel for northern breast and prostate cancer patients as "improperly discriminatory" is nothing less than a true vindication for everyone who has fought this battle. While it is only a first step, it is a momentous one, because it finally acknowledges the unfairness and inadequacy of the northern health travel grant in a very specific way.

While I hope the Minister of Health will accept the Ombudsman's final recommendation that he should provide equal funding to all breast and prostate cancer patients who must travel for treatment, I also want to send a message to Premier Harris, who is up in Thunder Bay today: Premier, do the right thing. Announce tonight that you will accept the Ombudsman's conclusion and that you will put an end to this long-standing discrimination against northerners.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** On a point of order, Mr Speaker: The member for Waterloo-Wellington stood up and recognized Mr Andrew Turnbull. What he failed to add to that was that he's a recent graduate of Queen's and is the son of the Solicitor General, David Turnbull.

**The Acting Speaker (Mr Bert Johnson):** That is not a point of order, but we welcome him in any case.

#### BOWMANVILLE MUSEUM

**Mr John O'Toole (Durham):** I rise again today in the House to talk about the marvellous work being done in my riding of Durham; for instance, to preserve our rich heritage.

For four generations now, the Bowmanville Museum has followed its mandate of preserving our rich heritage for future generations to enjoy. This year marks the 40th

anniversary of the Bowmanville Museum. The museum has actively been archiving information with the help of volunteers like Doris Falls and Lois Whitfield, and preserving memorabilia showcasing Bowmanville's rich heritage.

The museum, located in one of the more beautiful and older sections of the town, was established through the generosity of Sarah Jane Williams and her late husband in the late 1950s, when she donated \$50,000 to the town to set up the museum. The museum continues to garner strong community support and last year received a community museum operating grant of over \$10,000 from the province of Ontario.

Over the years, the Bowmanville Museum has become a favourite visiting place for residents and tourists alike because of its dedication to detail of the early 1900s, its unique antique doll collection, and fun family events such as the annual Canada Day celebration and various craft shows.

Congratulations on the 40th anniversary go to the curator, Charles Tawes, and Ellen Logan, a tireless supporter who has worked to make this museum a vital and central part of the community.

In this year of the volunteer, I would like to mention just a few of the serving volunteers from the Friends of the Museum committee: Susan Laing, Jane Wright, Florence Griffin, June Clark, Winifred Considine and Richard Grey, who is a student volunteer, as well as Diana Hutchinson and Larry Paradis, who served for many years on the board. By the way, I served with him on that board; it was a pleasure.

With the summer soon with us, I urge Ontarians to take some time out not only to visit Bowmanville Museum but their local museum to explore our rich provincial heritage.

#### SPECIAL REPORT, OMBUDSMAN

**The Acting Speaker (Mr Bert Johnson):** I beg to inform the House that today laid upon the table is the report of the Ombudsman on his investigation into the Ministry of Health and Long-Term Care's funding for breast and prostate care patients who must travel for radiation treatment.

#### INTRODUCTION OF BILLS

##### UNITED COUNTIES OF PRESCOTT AND RUSSELL ACT, 2001

##### LOI DE 2001 SUR LES COMTÉS-UNIS DE PRESCOTT ET RUSSELL

Mr Lalonde moved first reading of the following bill:

Bill 83, An Act to permit municipal regulation of peat disturbance and extraction in the United Counties of Prescott and Russell / Projet de loi 83, Loi autorisant la réglementation municipale de la perturbation et de

l'extraction de la tourbe dans les Comtés-Unis de Prescott et Russell.

**The Acting Speaker (Mr Bert Johnson):** Is it the pleasure of the House that the motion carry? It is carried.

Does the member wish to make a short statement?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** The bill gives authority to the municipal council of the corporation of the united counties of Prescott and Russell to pass bylaws to control peat extraction within the counties.

1350

#### ORAL QUESTIONS

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: We were informed today that the Minister of Health would be here for oral questions. Is he coming in, Mr Speaker?

**The Acting Speaker (Mr Bert Johnson):** That is not a point of order. You may set it down, but I will proceed.

#### EDUCATION FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Education. Yesterday, before the committee considering your private school voucher program, appeared a very important individual representing a group of significant experts. In fact you might go so far as to call them the architects of the modern public education system here in Ontario. Among that group were four deputy ministers, at least a dozen board of education directors and some superintendents. A tremendous amount of expertise went into the preparation of this presentation and they offered some very important insights which I wanted to give you an opportunity to consider and to comment on here today.

They particularly said the following: that your policy "will encourage more parents to seek education for their children outside of the public system." They said, "A vicious circle will be instituted: reduced enrolment will lead to less funding and will thus lead to a reduction in programs which will encourage parents to consider alternatives and will thus"—

**The Acting Speaker (Mr Bert Johnson):** Question?

**Mr McGuinty:**—"lead to reduced enrolment."

This tremendous collection of public education expertise is telling us that your policy is going to lead to less funding and less enrolment, which in turn will lead to less—

**The Acting Speaker:** Thank you, Minister?

**Hon Janet Ecker (Minister of Education, Government House Leader):** First of all, I appreciate that many of the people there were very distinguished representatives from governments of days gone by who built a public education system that along the way, however, was a system that, when we went out to the people in 1995 and said that system needed significant change, the voters of this province agreed.

The voters of this province said that despite the good work those people had done to build a good public education system, they agreed that a better curriculum had to be in place, that a tougher and more rigorous curriculum had to be in place. The voters agreed with that. They agreed that despite the work of these architects the honourable member mentions, we needed testing to make sure that our students were learning the new curriculum. So while they did build a lot of very good things in the system, we also found that the voters recognized the need—

**The Acting Speaker:** Thank you. Supplementary; the leader of the official opposition.

**Mr McGuinty:** I cannot believe you are giving the appropriate weight to the authority found in this presentation. Listen to what else they said about your policy, these four deputy ministers, people who themselves have shepherded legislation through this Legislature and laid the development of the modern education act. They said the following:

“It has been the public school system, and the public school system alone, that has tried, with considerable success, to accommodate all these diversities by developing a number of strategies to encourage people to live peacefully with one another’s differences.

“Our blunt fear is that ... the proposed measures will produce in the fairly near future an increase in racism and religious intolerance. This will not come about through deliberate fomentation but through ignorance and fear of the unknown.”

These experts are telling us, Madam Minister, that your policies will breed intolerance and racism. Who should we trust in these matters: you, who tell us that you have no studies, no reports, or these experts?

**Hon Mrs Ecker:** It’s not a question of asking about trusting the government. It’s a question about trusting parents. If the honourable member is asking us to believe that parents are going to put their children in situations that are not good for them, that those parents, who are going to make judgments and decisions about choice for their children—I know the honourable member of the opposition here does not trust those parents. He also clearly doesn’t trust those independent schools, some of which are in his own riding, that have values that respect the Muslim faith, the Christian faith, the Hindu faith, that have values that respect alternative forms of education. Maybe the honourable member does not trust those schools to do what’s in the best interests of children, but on this side of the House, we do trust parents in terms of making the best choice for their children. That’s what this proposal does. It respects that parental—

**The Acting Speaker:** Thank you. Supplementary.

**Mr McGuinty:** Madam Minister, as to the issue of trust, clearly we don’t trust you and Ontario parents don’t trust you when it comes to protecting public education for our children. By the way, that’s the place where 96% of our kids happen to go. We don’t trust you to protect their schools and their education. That’s what this issue is

all about. These very reputable experts, who devoted their lives to public education, said the following:

“Significant public hearings should be undertaken to assess the public reaction to such a dramatic shift in education policy.

“This precipitous action was not included in the mandate that this government was given in either the most recent election or the one before.... How else can we describe this action but undemocratic?”

Very strong language. Why are you proceeding with a policy—

**The Acting Speaker:** Minister.

**Hon Mrs Ecker:** First of all, this government respects other people’s views. Obviously the honourable member has some difficulty with that. We do understand that feelings and views around this particular proposal by the government are very strongly held by people. We don’t disagree with that.

This government brought forward higher standards for the public education system. Why? Because the work that those experts he quotes, while it started off very well, I’m sure, when we went out to the people in 1995, the people said, “The public education system in this province is important to us, the values are important to us, but changes need to be made. There need to be higher standards. There need to be tests. There needs to be a better curriculum.” It’s interesting, those architects of public education, as he describes them, did they come out and support us when we did that? No, but when we put forward a proposal that respects parental choice—

**The Acting Speaker:** Thank you.

#### NORTHERN CANCER TREATMENT

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Health. The Ombudsman of Ontario, Clare Lewis, tabled a report today which is, in a word, damning of your government’s discriminatory policy when it comes to treatment of northern Ontario families whose members happen to suffer from cancer. In his conclusion the Ombudsman says, “The Ministry of Health and Long-Term Care’s omission to provide equal funding for breast and prostate cancer patients who must travel for radiation treatment is improperly discriminatory.”

Will you now admit, Minister, that you and your government have on the law books of Ontario a policy that is clearly discriminatory and will you undertake now to correct this discrimination?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I thank the honourable member for the question. Indeed, from our perspective, we take the words of the Ombudsman quite seriously. Obviously he has tabled a report today which we are now privy to as parliamentarians. We will certainly take his views seriously and under advisement. In our view, the view stressed by the Premier for a considerable period of time, we want a fair and just policy when it comes to these kinds of issues. We are indeed seized of the issue and

will report back when we have a fairer and more just way to deal with it than the one identified by the Ombudsman.

**Mr McGuinty:** Minister, this could hardly have come as a shock to you. The policy you've got on the law books today in Ontario says that if you live in northern Ontario and you've got to travel for your cancer treatment, you get 30.5 cents a kilometre one way, and that's it. But if you live in the south and you have to travel for cancer treatment, you get your full cost of transportation, you get your meals and you get your accommodation. Clearly, for all who have considered this matter, whether you live in the north or you live in the south, this is patently unfair and discriminatory.

The question I've got for you on behalf of northern Ontario families is: how much longer are they going to have to wait? Why can't you announce here today in your place that you will no longer tolerate this, you're going to fix it today?

1400

**Hon Mr Clement:** We are seized of the issue. We have the report in our possession now, just as the honourable member does. From our perspective, we want something that works for all Ontarians, northerners and southerners and individuals who find themselves afflicted with this terrible disease. So we are seized of the issue. We want a fair and a just solution. The moment we have one that works better than the ones that were constructed before we got into office, we'll be the first ones to table it.

**Mr McGuinty:** Minister, your government has presided over this discriminatory policy for years now. Hundreds of northern Ontario families have felt the undue financial hardship as a result of your discriminatory policies. We've had people presenting you with petitions. Gerry Loughheed has worked day and night putting forward his position on behalf of northern Ontarians. My caucus colleagues in the north have been working very hard to correct this policy. We are waiting for you to do something.

Minister, I have something else to ask of you on behalf of northern Ontario families, particularly those who've already been subject to your discriminatory policies. Will you reimburse them as the result of this discrimination that you have today in the province of Ontario? Some of our families have had to pay \$30,000. The question to you now, very directly, will you reimburse northern Ontario families who've been subjected to your discriminatory policies?

**Hon Mr Clement:** As I say, we received the report today. One of the issues of the report which had to be altered, I suppose, was as a result of the fact that there are no more re-referrals out of province as a result of some new policies by Cancer Care Ontario and by the government of Ontario. But when it comes to the matters that are found in the report, of course we're now seized of that. Again, we want a fair and a just solution that works for all of Ontario. We're not trying to divide northerners from southerners, or trying to say that northerners should be treated better or worse than southerners. All Ontarians

should be treated equally and perhaps the honourable member, when he is not on his flight of rhetoric, can concede that and be part of the solution.

## EDUCATION FUNDING

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. A damning report released today by an economist, Hugh MacKenzie, proves that you are starving—

*Interjections.*

**The Acting Speaker (Mr Bert Johnson):** Order. I want to hear the question, and if I can't, I'm going to have to rectify it. Please allow me to hear the person who has the floor. The Chair recognizes the member for Trinity-Spadina.

**Mr Marchese:** This study proves that you are starving our schools while you feed the wealthy with income tax cuts. It's an indictment of your funding formula that has ripped \$2.3 billion from our public schools, that has hammered communities with school closures, fired caretakers and teachers—insufficient textbooks and computers, and so much more. These are staggering cuts we're talking here, and you plan to suck more money about of the public system with your scheme to fund private education.

Other than the religious communities that came into the hearings, people were saying to you they want you to end this scheme and reinvest in public education. Are you going to do that?

**Hon Janet Ecker (Minister of Education, Government House Leader):** First of all, that report certainly did outline terribly staggering cuts, which this government does not support. I'm very pleased that the honourable member has raised it so that we, all three parties, can clearly say that we would not support such an action, because no one has taken such an action.

Clear, accurate, audited figures clearly show that education spending in this province was \$12.9 billion when we came into this government. It is now \$13.8 billion. That is a growth of new dollars into the public education system, a growth beyond enrolment. This year alone over 360 million new dollars have been invested out there for our classrooms, and we will continue to put money into the public education system because it's a very important priority.

**Mr Marchese:** Minister, Anna Germain, who came to the hearings this morning, said, "I am sick and tired of listening to people like you and your other members who say you haven't taken any money out of our public education system. I'm a parent and I see the cuts daily." She's sick of hearing those comments from you.

You clearly have taken out, and the hard numbers show you've taken \$2.3 billion out of the education system. You slashed the Toronto public board budget by 20%. It's you, not some imaginary government, who have done that. You've cut \$1 billion from urban boards across Ontario.

Now you plan to rebattle this \$300 million more by offering an incentive of a tax credit to get people out of

the public system and put them into private schools. Those people are saying, "My number one priority is investment in education, not public dollars for private schools." Are you going to let them down?

**Hon Mrs Ecker:** We have listened to that. We have put more money into our public education system, over 350 million net new dollars in this one year alone. That's a one-year increase; that's on top of the several hundreds of millions that we put in last year.

I understand that there are still pressures in our classrooms. We are asking school boards to make the same kinds of priorities, decisions around priority-making to live within a budget, just as we all do in a household or any kind of organization budget. But not only is there more money there; is it enough? I understand there's disagreement about that and I wouldn't disagree with a board that says they want enough. They've always said that, I understand that it is their task to push for that, and they will continue to do that. But there is more money in classrooms.

We have fewer school boards, fewer school board bureaucracies because parents were very clear: "Don't waste money on Taj Mahal office buildings. Let's put the money in classrooms." So there's over \$800 million more—

**The Acting Speaker:** Final supplementary.

**Mr Marchese:** Please, Minister, school boards are not the problem. They don't control education financing any more. You do. You control all the money, so you can't blame them any longer. Anna Germain is angry at you and all the committee members who say that you have not cut money out of the education system. Teachers are angry at you and the parents who've witnessed and experienced the cuts will not be deceived any longer by you.

You have taken \$2.3 billion out of the educational system and your scheme to fund private schools is a death blow to our public schools. That's what they're telling us. That's why 1,000 people wanted to speak at the public hearings whom you have shut out from those hearings. People directly hurt by these cuts need to be heard. While you have cut short the hearings and deputants, we and they demand that you listen to their request to support public education, reinvest in public education and end public dollars to private schools. Will you listen to them?

**Hon Mrs Ecker:** I appreciate the honourable member's passion on behalf of public education. It happens to be one that he and I share. That's one of the reasons we've increased spending for the public education system. It's one of the reasons that we are setting higher standards through a better curriculum, standardized testing, report cards parents can understand, a comprehensive teacher testing program, accountability to parents, parental choice and knowledge upon which to make that choice in the public education system.

The biggest threats to public education in this province are those individuals who continue to allow politics to disrupt the classroom. That is the biggest threat to edu-

cation, the thing that teachers and parents and students complain to me about. That is what the biggest threat is, not the increased dollars we will continue to put in a public education system.

#### NORTHERN CANCER TREATMENT

**Ms Shelley Martel (Nickel Belt):** I have a question to the Minister of Health. Today northern cancer patients have been vindicated. On October 31, I wrote to the Ombudsman on behalf of Anna Watson and Gladys Whelan of Fort Frances, Ontario, and I asked him to initiate a special investigation of your government's discrimination against northern cancer patients. On December 13 the Ombudsman replied that he would conduct this same investigation.

Today Clare Lewis submitted his report to you, and he said that your omission to provide equal funding for breast and prostate cancer patients who must travel for radiation treatment is improperly discriminatory. His remedy is that you should equally fund northern cancer patients too.

Minister, will you finally do the right thing and immediately, retroactively reimburse those northern cancer patients for 100% of the costs they incurred to access cancer treatment too?

1410

**Hon Tony Clement (Minister of Health and Long-Term Care):** I can tell you we have been reviewing, to be fair and just to all Ontarians, both the cancer referral system and the northern health travel grant, a program and a methodology that the NDP created with all of its inequities. This is exactly what we're trying to fix.

The honourable member was part of a government that set the system up. Now she decries the system. I find that a bit inconsistent, but certainly from our perspective we do want a more fair and a more just system to replace the system that the NDP created.

**Ms Martel:** This issue has nothing to do with the northern health travel grant and your answer is unacceptable. Your government, in April 1999, set up a special program to help to fund 100% of the costs of the travel, the food and the accommodation for southern Ontario cancer patients to access care far from home.

You deliberately excluded northern cancer patients from that same special program and they have had to pay thousands of dollars out of their own pockets to pay those costs. I appealed to the Ombudsman in the hope that he would agree that your government was discriminating against these patients, and he did that today.

I ask you once again. The time is over. It's time to end this discrimination. Will you finally retroactively reimburse northern cancer patients for 100% of their costs?

**Hon Mr Clement:** I can tell the honourable member that we received the report today. It refers, itself, to the northern health travel grant, which you continue to mix



up with the cancer re-referral system. Trying to mix the two up does not—

**Ms Martel:** He says they're two different programs. Tell the truth.

**The Acting Speaker (Mr Bert Johnson):** Member for Nickel Belt, I'll ask you to withdraw.

**Ms Martel:** No, I won't withdraw. It's about time he told the truth.

**The Acting Speaker:** I name the member for Nickel Belt, Shelley Martel.

*Ms Martel was escorted from the chamber.*

**The Acting Speaker:** Minister, were you finished?

**Hon Mr Clement:** I would only say that the report to which she refers and which was the basis of her question, the Ombudsman's report, did also review the northern health travel grant. That was what I was referring to, because there has been some mix-up in this House from time to time between the cancer re-referral grants and the northern health travel grant.

We want to review the travel grant and all other grant systems in this province to make sure that they are fair and just to northerners as well as to southerners, and to make sure that we have a better system than the one the previous government, the party that asked the previous question, set up.

#### HOSPITAL FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Health. KPMG has released its report now on the impact that requiring hospitals to balance their budgets will have. This is what it says: hospitals are looking at up to 73,000 fewer inpatient admissions, up to 2,200 fewer staffed beds, up to 900,000 fewer outpatient visits, increased cancellations of elective surgeries, increased backlogs in emergency departments, all this as a result of requiring hospitals to balance their budgets without adequate funding to meet the needs of Ontario families.

Mr Minister, what I want to know is, how is it that you have over there \$2.2 billion for additional corporate tax cuts, but you don't have enough money, apparently, for the Ministry of Health to ensure that we meet the needs of our families when they've got to go to Ontario hospitals?

**Hon Tony Clement (Minister of Health and Long-Term Care):** The honourable Leader of the Opposition makes a fundamental mistake. He assumes that this government is against adequate funding for hospitals. In fact, we have funded hospitals at record levels, both last year and the year before, and it will be a record level this year.

When it comes to ensuring that our hospitals have the resources they need to do their job, that patient care is number one in this province, this government doesn't have to take a back seat to anyone, because we have funded, we have been there for priority programs, we've been there for cardiac care programs, we've been there for cancer care programs, we've been there for all of the priority programs and the operating programs of the

hospitals. We've been there in the past, we've been there in the present and we will be there in the future as well.

**Mr McGuinty:** Minister, I believe this report, and I think it's absolutely devastating in terms of the kinds of consequences that are going to befall Ontario's hospitals, but more importantly, Ontario's families. I believe you understand just how serious those consequences are and for that reason you had a meeting recently with OHA representatives and told them that you're prepared to allow them to run deficits. Instead of adequately funding them, you're going to take the easy way out and you're going to allow them to run deficits.

Minister, will you confirm here and now that instead of adequately funding Ontario's hospitals so that our families don't run into the kinds of problems I've just outlined here, you are in fact going to allow Ontario's hospitals to run deficits?

**Hon Mr Clement:** That is just not accurate. How the worm has turned. This is a Leader of the Opposition who used to want to be measured as a Leader of the Opposition, as a potential Premier, by being accountable, being fair and being reasonable. Here's what he used to say—

*Interjection.*

**The Acting Speaker (Mr Bert Johnson):** I'll ask the member for Thunder Bay-Atikokan to withdraw that remark.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'll withdraw that particular comment and refer the minister to the report.

**The Acting Speaker:** The withdrawal has to be unequivocal.

**Mrs McLeod:** I'll withdraw the comment, Mr Speaker.

On a point of order, then, Mr Speaker: Just to correct the record from the minister's statements, I would draw his attention to page 22 of the OHA report, which clearly says they're going to exempt hospitals from—

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

**Hon Mr Clement:** Here's what the Leader of the Opposition used to say. Here's what he used to represent. He used to say things like, "I think clearly there is going to have to be some savings found in our health system, some efficiencies in our health care system." That's what he used to say. He used to say, "One of the things we've got to do is this: to instill our hospital administrators with a sense of accountability to the system and not just to their own institution." That was a Leader of the Opposition who aspired to higher office, who could be called a leader. We don't have that leader any more. We have a pale imitation, a person who has jettisoned his principles, jettisoned his values and beliefs for mere ambition. That is a sad, sad state of affairs.

#### DOCTORS' SERVICES

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** My question is for the Minister of Health and Long-Term Care, and I'll try to be easy on the minister this afternoon. Minister, I must admit you took the wind out of my

sails this afternoon with the announcement you made with regard to foreign-trained doctors.

*Interjections.*

**The Acting Speaker (Mr Bert Johnson):** Order. My hearing all of a sudden has gone bad because I can't hear. I can't hear the speaker, I can't hear the man that's been recognized to speak and I think that's shameful.

The Chair recognizes the member for Lambton-Kent-Middlesex. I would ask you to start your question again. I'd like to hear it all.

**Mr Beaubien:** My question deals with under-serviced areas in rural Ontario when it comes to medical practitioners and the difficulties some foreign-trained medical practitioners have to go through to obtain licensing in Ontario. I realize that you made an announcement this afternoon and talked about an alternative route to registration in Ontario for international graduates. Apparently, this proposal would allow candidates with royal college certification to be assessed quickly through the existing training programs in Ontario. If deemed at a royal college standard, the College of Physicians and Surgeons of Ontario would provide a restricted registration. These individuals would then write the certification exams with a specified time frame while in practice. However, I'm told this program requires government funding to cover the costs of assessment and additional training, if required.

Minister, would you please expand on the amount of funding and the type of funding you're going to provide for this program?

1420

**Hon Tony Clement (Minister of Health and Long-Term Care):** I thank the honourable member from Lambton-Kent-Middlesex for this question, because we are trying to ensure that excellent physician services are available to meet all of our community needs throughout Ontario. That means rural and remote areas, northern areas, as well as urban areas. Foreign-trained doctors can be a valuable pool of skilled providers.

Today I announced two programs which, combined, will more than double the number of foreign-trained doctors able to practise in Ontario, from 36 annually approved to 90 annually approved. We'll be expanding the existing international medical graduate program by 14 additional training positions, bringing the total number from 36 up to 50, which is a 110% increase since 1999, I should say. We've got a new program to assess foreign-trained doctors, 40 new doctors each year to underserved communities. We are living up to the needs of rural and remote Ontario as well as all of Ontario.

**Mr Beaubien:** Minister, I thank you for that answer, but certainly in Lambton-Kent-Middlesex one of the problems that's occurring at the present time is that municipalities and hospital boards are attracting medical practitioners with financial incentives. It appears that whoever has the deepest pockets will be the ones that attract the medical practitioners. That creates an awful lot of concerns with municipalities and hospital boards that

do not have the financial wherewithal to deal with that issue.

How do you plan to deal with this issue to make sure that the distribution of these medical practitioners will be distributed fairly across the province and certainly in rural Ontario?

**Hon Mr Clement:** Again the honourable member has a good point. That's why, as part of this announcement today, we announced that we're investing \$1.4 million this year for these initiatives, in addition to the \$5.2 million that we spend annually for the international medical graduate program.

As more foreign-trained physicians enter the training programs, I can tell the honourable member that that investment of taxpayers' money will grow to \$7.9 million annually by the year 2006-07. So we are there. We understand it takes more than rhetoric, more than empty promises, more than unbridled ambition to run a government; it takes the leadership to make the right decision, to fund the right decision, to be there for genuine community concerns. We are there on the side of individuals who are in underserved areas. We are putting our money where our mouth is, and I'm proud to be part of the Mike Harris government, which understands what the real needs of Ontarians are.

#### AIR QUALITY

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of the Environment. Today, Minister, if you look at this map, we have a smog alert right across the province of Ontario, from St Catharines to Sault Ste Marie, from Windsor to Ottawa. Over three quarters of the people of Ontario today are choking on smog. No matter what you say or your government says, the problem is getting worse every year.

Meanwhile, the TTC and other transit systems across the province are struggling to provide service to the people in their communities. Minister, people on a smog alert day will take the TTC or their local transit service, but they're finding more and more that it's breaking down, that it's becoming unreliable because of lack of funding for maintenance and replacement of the equipment. They go back to their cars as a result, and the smog increases.

Minister, will you tell that reactionary crew in the Premier's office to forget about the \$2.2-billion gift they're giving to the corporations and instead invest it in public transit?

**Hon Elizabeth Witmer (Minister of the Environment):** Smog advisories have been issued now ever since 1993. When I took a look at the smog advisories, I noticed that the occurrence of smog days is certainly not a representation of who is in government. In fact, let me tell you that in 1994 there were two advisories, covering six days. In 1995, there were six advisories, covering 11 days. In the year 2000, there were three advisories, covering four days.

Obviously, it appears that we are all committed to dealing with the issue of smog. However, the number and

the duration of smog advisories is dependent on weather conditions, it's not dependent on who is in office. But I am pleased to let the member opposite know that we have—

**The Acting Speaker (Mr Bert Johnson):** Thank you, Minister. Supplementary.

**Mr Bradley:** I've been going through the estimates of the various ministries, including your own. I found that the capital budget of the Ministry of the Environment is down 72%; the total MOE operating and capital budget is down 56% since you took office. But here's one that's gone up: the Ministry of the Environment spending on communications is up by 19%, to \$4.3 million. Spending on spin doctors, that is, communication consultants, is up 70%, up to \$1.248 million for the photo-ops and for all the public relations.

I wondered, too, if people in Toronto would be able to get some relief from the heat today, but of course half the beaches are closed because of E coli contamination.

Minister, I simply ask you this: as Minister of the Environment, will you now demand that the cabinet invest money in public transit the way every other state and provincial jurisdiction in North America does?

**Hon Mrs Witmer:** The member across knows full well that the capital budget at the Ministry of the Environment has shifted to the SuperBuild fund. He also knows that this year the operating budget at the Ministry of the Environment increased by 13%, from \$190 million to \$215 million this year. He also knows that we have this year participated in the second annual smog summit. We made eight commitments. We have partnered with the federal government, we have partnered with the municipal governments; and every level of government recognizes that air quality is everybody's business. They've also recognized there is no single magical solution; however, we do recognize that by working together, we can improve and we can move forward to reduce the amount of smog, not just in this city, not just in this province, not just in Canada, but worldwide. We're working together with our partners, and we hope that—

**The Acting Speaker:** Thank you, Minister.

#### STEVENSON ROAD INTERCHANGE

**Mr Jerry J. Ouellette (Oshawa):** My question is for the minister directly in front of me, the Minister of Transportation. Minister, as you know, I have been working on an issue since 1995. Although, to answer a lot of the questions as to why I would ask the question in the House, a lot of people wonder how often and how important a question is, and although we've discussed it regularly, and I've been working on it since 1995, where we've met with the region, we've met with the municipality, we had Minister Clement deal with the issue, we had Minister Turnbull raise the issue with the chamber, many are wondering exactly what is happening with the Stevenson Road interchange in the riding of Oshawa.

**Hon Brad Clark (Minister of Transportation):** I'm not sure whether I should look over there or just turn around and talk to you. I thank the member for Oshawa

for his question. I'd like to assure him that the government is committed to highway improvements in Durham region that will support economic growth and benefit the travelling public.

*Interjection.*

**Hon Mr Clark:** Maybe the member for Hamilton East never goes up to Durham, but he should check it out from time to time.

The Stevenson Road project is part of a partnership agreement between our government and the region of Durham. As part of the environmental assessment process, my ministry has held a public information centre this past March to obtain public comment on the preferred design. I understand that public reaction from the local residents was quite favourable.

*Interjection.*

**Hon Mr Clark:** The member for Hamilton East is not favourable to the project, apparently.

We are currently undertaking the preliminary design and environmental assessment work for the new Stevenson Road interchange, and we anticipate this study will be completed later this summer.

I would also like to mention that this interchange project is just one more example of our government's record investment of \$5.3 billion in highway infrastructure, fuelling economic growth across Ontario.

**Mr Ouellette:** I thank you, Minister, for getting that on record so a lot of my constituents can have a copy and read that.

As well, when we discussed the issue of the interchange, the area of the eastbound on-ramp on the Park Road area was to be kept open. Exactly what is happening with the eastbound Park Road on-ramp, and when are we going to get the shovels in the ground with the Stevenson Road interchange?

1430

**Hon Mr Clark:** I'd like to advise the honourable member that the existing Park Road interchange, which does not meet current design standards, will be partially closed as part of the Stevenson Road construction. Access to eastbound Highway 401 will be available from the new Stevenson Road interchange. We'll also work to maintain access from Park Road to eastbound Highway 401, at least for a few years.

Construction of the interchange will be subject to funding availability and obtaining the necessary environmental approvals and required property. Once these requirements are met, I can inform the member that we hope to commence construction according to—

*Interjections.*

**Hon Mr Clark:** The member for Hamilton East doesn't want to hear this, apparently. We will commence construction according to the agreement with the region of Durham, which is scheduled for 2003.

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** My question is to the Minister of Community and Social Services. Minister, your government's ongoing attack on

seniors, persons with disabilities and other vulnerable citizens is well known. Today, I want to bring to your attention the issue of the personal needs allowance, which is money provided to individuals who are in lodging homes, long-term care facilities and special care facilities. It's the sum total of all the money that they have to spend on their personal needs: all their toiletries, all their clothes. All the money they need to live is that \$112. It hasn't increased since 1991. Your government has found billions of dollars to give tax cuts to corporations and your rich friends, but not one penny for these vulnerable individuals.

My question to you today is, will you agree with the Hamilton Second Level Lodging Home Tenants Association task force that's calling on you to raise the personal needs allowance from the meagre \$112 to at least \$160 a month so these individuals can live in dignity?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** There's no thought being given to doing that, but I do reject what the member opposite suggested, that not one penny in additional funding is going to help those who are most vulnerable in our society.

I can tell you we increased supports to domiciliary hostel operators, who care for some of the most vulnerable people, and that is a big issue in Hamilton. We've increased a substantial amount for people with developmental disabilities, in fact, the biggest investment in developmental disabilities in the history of the province of Ontario. We're putting more money into shelters for violence against women, and we're increasing funding for autistic children and for infant development.

This government has a strong record of providing supports to those who are most vulnerable and the disabled to provide for help and support.

**Mr Christopherson:** Just like your correspondence to me, you dance around the issue. You did not address the issue of the personal needs allowance and why you refuse to increase it from \$112, where it's been for 10 years. When you respond to this question, I'd ask you to direct your comments to the personal needs allowance.

Now, lest you think it's just I and the delegation that's here from Hamilton, I want to bring to your attention that your own Psychiatric Patient Advocate Office, an arm's-length agency funded by your government, has joined in the call. They have said, "Increasingly we're told by our clients that the current amount is not adequate to meet their basic needs and they are experiencing financial hardship before the end of each month. There is broad-based support for such an increase in order to allow individuals adequate finances to meet their basic needs."

Personal needs allowance: \$112, not one penny increase in 10 years. I want you to stand in your place, look these citizens in their eyes and tell them why—

**Hon Mr Baird:** I think if you check Hansard, I very clearly answered the question at the outset. I said that there wasn't an intention to review that issue, that there was not an intention to raise it. We have made providing supports to those who are most—

**Mr Christopherson:** Ten years.

**The Acting Speaker (Mr Bert Johnson):** Order. The member for Hamilton West, come to order.

**Hon Mr Baird:** We have provided a substantial amount of supports to help people with a developmental disability, a substantial amount of record increases in supporting women fleeing domestic violence. We've doubled the budget for autistic services for young children. We're increasing support to young children with a developmental disability.

This government has made support of the most vulnerable a terrific priority. We have had to make choices. It is a difficult choice being in government. We have made the choice to put substantial amounts into developmental disabilities and into preventing violence against women and into young autistic children. We're proud of those supports.

**Mr Christopherson:** Personal needs allowance.

**The Acting Speaker:** The member for Hamilton West, come to order.

#### HOSPITAL FUNDING

**Mr George Smitherman (Toronto Centre-Rosedale):** My question is for the Minister of Health and it concerns the rapidly deteriorating safety of health care services in the Ajax-Pickering community.

Minister, I have a copy of a letter sent by the president and CEO of the Rouge Valley Health System to municipal officials in Durham region. In this letter, Mr Whiting states, "Simply put, the Ajax and Pickering site of the Rouge Valley Health System is unsafe for the growing community it is meant to serve and the planned future to change this situation is fractured."

Minister, Durham region residents have been clear that your funding formula outstrips their capacity to pay, and the health and safety of Ajax and Pickering residents is being compromised in the name of \$2.2 billion in tax cuts for Conrad Black and the corporate elite. The CEO of the Rouge Valley Health System has called into question the safety of the Ajax and Pickering site. What actions are you taking to ensure the safety of Durham region residents?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I can tell the honourable member that the hospital in question has been approved for an unprecedented reinvestment by this province for new care, new facilities, new programs, and that is our answer to the legitimate needs of the community in Durham region, in Ajax, Whitby and Pickering.

This government has been there in more than rhetoric; we have actually been part of the solution. Part of the solution has been as well the community in some manner, and many of these jurisdictions have also been part of the solution. If the individual to whom you refer in some way is rejecting the multimillion-dollar investment of the province of Ontario for the hospital, for the community, and in some way feels that the community cannot be part of the solution and in some way feels that

he is not able to judge or to perform as a result of all the other investments that are going on throughout the province, where other CEOs can perform, then perhaps he should be looking for another job.

**Mr Smitherman:** The minister's answer shows a shocking lack of understanding of the situation in Durham region, or he would know clearly that the community has said—and the minister there could have whispered it in his ear—that they don't have the capacity to pay this huge community cost. Unlike other GTA municipalities, Durham region does not have the breadth of tax—

*Interjection.*

**The Acting Speaker:** Minister, come to order.

**Mr Smitherman:**—dollars that other regions in the greater Toronto area have.

Mr Minister, he went further. He said, "The present lack of infrastructure at the Ajax site, and numerous risk and safety-oriented clinical site issues are weighing on the whole organization, creating extra cost and not delivering the quality care our patients deserve." He goes on to suggest that the viability of the Ajax and Pickering site is being compromised.

Minister, how is it that you can continue to be in support of a massive corporate tax cut for Conrad Black while the Durham region hospital is delivering substandard care and threatening to close?

**Hon Mr Clement:** Again, to set the record straight, this government has made a multibillion-dollar investment in new facilities, new hospitals, new programs, actually brand new hospitals on brand new sites through Ontario. There has always been a community contribution. It is working in Peterborough, it is working in London, it is working in Barrie, it is working in Brampton, it's working in Mississauga. It can work in Durham too because the Durham community—maybe not the Durham council, maybe not the region—wants to see better health care. They want to be part of the solution.

*Interjection.*

**The Acting Speaker:** I'll not warn the Minister of Education again.

**Hon Mr Clement:** But if the honourable member wants to see these investments—

*Interjection.*

**The Acting Speaker:** I'll not warn the member for Hamilton East again.

**Hon Mr Clement:**—they bring jobs, they bring opportunity, they bring new investment, they bring the virtuous circle of new jobs and new opportunities to Ontario—

*Interjection.*

**The Acting Speaker:** I'll not warn the member for Toronto Centre-Rosedale again.

**Hon Mr Clement:**—which you opposed every step of the way. Every tax cut you opposed. Every new ability to—

*Interjections.*

**The Acting Speaker:** Order. I'm naming the member for Hamilton East.

*Mr Agostino was escorted from the chamber.*

**The Acting Speaker:** Thank you. Minister?

**Hon Mr Clement:** I find it absolutely shocking, Mr Speaker.

*Interjections.*

**The Acting Speaker:** Order. You've asked me to enforce your rules. If you have a problem with that, stand in your place and say something that I can rule on, or I'll not tolerate this kind of behaviour.

Minister?

1440

**Hon Mr Clement:** What I find shocking, Mr Speaker, is that this party on the other side of the House who aspire to higher office, who think they can run the province, are cutting at the knees all of the tools available to create new jobs, create new opportunities that pay for the investment in our health care system, in our education system, in safer streets. It is appalling that this group of people, who do not understand the first thing about how to create jobs and opportunity in our province, aspire to that office. But I'm sure the people of Ontario will have their say at the earliest available opportunity.

#### SUMMER SCHOOL

**Mr John O'Toole (Durham):** My question today is to the Minister of Education. Earlier this week the Durham District School Board had to issue a news release announcing the cancellation of this year's secondary summer school programs. Students from the Durham board will now have to apply for summer school positions with the Durham Catholic District School Board.

Minister, in the news release the board is suggesting that the OSSTF's, the Ontario Secondary School Teachers' Federation's, pink letter has forced this board decision. Will you please tell the students and parents, in not just my riding of Durham but across Durham, what is happening with summer school in Durham region this summer.

**Hon Janet Ecker (Minister of Education, Government House Leader):** The honourable member is quite correct, unfortunately, that the local OSSTF union in Durham region has again taken steps to threaten discipline of their own teachers, their own members, if they take jobs this summer with the Durham public board to give summer school opportunities to students, to give opportunities to students to get extra help with the new curriculum. This is funding and training that the ministry puts forward, and the board co-operates to do it. The union is saying, "No, we're fighting with the board, so we're going to take away these opportunities for students."

We've been really pleased with the two school boards, the public board and the Catholic board in Durham, which through working together are going to make sure those students do get the summer school opportunities that they deserve, that they should have, that taxpayers are pleased to support, even though the union is taking

away that opportunity from students. Yet again this is the kind of labour disruption, labour dispute, that I believe firmly is the biggest threat to public education in this province.

**Mr O'Toole:** Thank you very much for that direct response, Minister. It's clear that you do put students first. I agree with you that our students and their uninterrupted access to education are a top priority.

Parents in my riding of Durham want to be sure that our government is doing everything we can do to ensure that their children have access to the education they need. Will you give my constituents an outline of some of our government's efforts to bring stability back to our public education system?

**Hon Mrs Ecker:** I agree that more stability in the labour relations area is extremely important in the education sector. So rather than having this annual labour disruption problem that some boards have experienced, we have legislation before the House that proposes that boards and unions make agreements that will be three years in length. Some boards have previously been able to do two- and three-year agreements. We think that kind of stability is so important and certainly what parents, students and teachers said they needed. So we are proposing in this legislation that all upcoming agreements will be three-year agreements.

The second important priority that is in this legislation is that it proposes to implement the compromise that will restore extracurricular activities in our schools this fall. All of the education partners—the unions, the boards, the ministry—have said they were prepared to set aside their original position. The boards and the government have. This legislation is there. We are waiting for the unions to take advantage of it so they can have those extra-curricular activities that their own members say they enjoy and that we all agree on this side of House are an important priority for students.

#### CEDARVALE RAVINE

**Mr Michael Bryant (St Paul's):** My question is for the Minister of Municipal Affairs. Unfettered construction is taking place right now in the Cedarvale ravine in the heart of the midtown riding of St Paul's. Building on the ravine is causing harm to its natural topography, the viability of the ravine vegetation and, in turn, the health of the trees and surrounding environment. The eastern part of the ravine has protections in place but the western part of the ravine does not, as a result of harmonization failures at the time of amalgamation. The city of Toronto says it can't do anything about it because the Toronto Conservation Authority can only be given these powers through a provincial remedy.

I am asking the minister, will you provide the same kind of protection to the Cedarvale ravine that has been provided to the Oak Ridges moraine; namely, will you provide interim protection until such time as we can get some laws and regulations in place to protect the Cedarvale ravine?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I'll take a look at it. I'll look into it. If the municipality has requested this in writing in the form of a resolution, I can find out where there's at.

**Mr Bryant:** I appreciate that. I thank the minister for that. As he knows, ravines are to Toronto what canals are to Venice, hills are to San Francisco and the Thames is to London. These are a powerful part of our physical landscape and the psyche of our community. As I said, we have this legal lacuna out there, whereby part of the ravine is not protected. The minister has offered to look into it and I appreciate that.

What I would now like to ask the minister is, would a member of his ministry meet with my office so we can sit down and get to the bottom of this?

**Hon Mr Hodgson:** That might be a little bit premature. What I have undertaken to do is to search and see if Toronto council has asked for this by way of a council resolution, that the province look into it.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr R. Gary Stewart (Peterborough):** My question is for the Minister of Labour. During debates in the past few days on Bill 57, the Government Efficiency Act, the opposition quoted from a letter written by two members of your ministry staff. In that letter, these two civil servants are critical of proposed changes to health and safety inspection procedures.

I am sure that this government would not do anything that would hinder inspectors from doing their jobs. Would you please set the record straight on some of the misinformation that was spread in this House as a result of this letter.

**Hon Chris Stockwell (Minister of Labour):** I just want to get on the record very clearly that the health inspection staff, the inspectors, were consulted on this piece of legislation.

The contents of this bill, including the power to investigate work refusals over the phone, were discussed at the industry health and safety program committee, which includes the inspectors. You have to understand that in the Ministry of Labour any change to the legislation is vetted by the staff. They are fully informed. They have a committee that meets and discusses how it is supposed to work.

I want to also suggest that the letter that was sent is truly inaccurate because, if a ministry inspector wants to investigate it, it's completely up to that inspector. If any inspector chooses to investigate 100% of the sites, they can. So it's completely up to the inspector. There is no order telling them not to inspect. I think it's got to be clear that we did consult and there is nothing compelling them not to inspect. I was kind of disappointed with seeing the letter because it doesn't reflect the nature with which we consulted with the ministry staff.

**Mr Stewart:** In the letter it was also stated that the proposed legislation would allow an inspector to investigate a work refusal without actually being present at the

site. Would you please explain to this House how that part of the bill would work?

**Hon Mr Stockwell:** I think I gave an example the other day to the member for Welland or Niagara Centre. There is an example where we had an inspection request and a stop-work was done at a site because one of the individual employees decided that his present supervisor was not qualified to be his supervisor. It seems to me that it would be a simple request to access the information by fax or e-mail to get the designation of that individual. Rather than that, they had to stop the project working altogether; they had to stop work there. The inspector had to get in the car, take a number of hours to actually get out there and some amount of time to hear the complaint, and the whole time the business was shut down, just based on this request that, "This supervisor isn't qualified to be my supervisor."

Under the new law they can simply request they fax that information out. The inspector can review it, talk to them over the phone and make a decision. That's not an unreasonable position to take, both for the employer and the employee.

Any qualified health inspector is—

**The Acting Speaker (Mr Bert Johnson):** Thank you, Minister.

#### AIR QUALITY

**Ms Frances Lankin (Beaches-East York):** My question is to the Minister of Energy. Today, if you took a look at the map of Ontario from Sault Ste Marie all the way down to Lake Ontario, from the eastern border to the western border, you would see this province is covered in a blanket of smog.

I want to remind you that on May 3 you said your policy was for OPG to curtail production at all coal plants during smog alerts, not just at Lakeview but at all coal-fired plants.

1450

Minister, this is a rare opportunity. I want to tell you that we on this side of the House agree with your policy. It's a great policy. It would reduce smog and it would save lives. We'd stand up and cheer if it was in fact correct, but as we've pointed out, it's not what's happening. So we've just got one question for you today. This great policy: when the heck are you going to implement it?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The policy was implemented last year. The coal plants are called upon as a last resort once all the other plants—we are in an extraordinary time with respect to the electricity system because 10 of our 20 nuclear reactors are down. When we're able to get those back on line, beginning with Pickering in January or February of next year, we hope Pickering will come back up.

By the way, in the five years the NDP were in and the five years the Liberals were in, the plants went out with the doghouse. They just were not looking after them at all

and did a terrible job, complete mismanagement. So I'm proud. We're bringing back these assets and we're calling on our coal plants only when we have to. Certainly that is the policy of the government and the policy of Ontario Power Generation.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: Earlier today I filed a point of privilege with the table. With your permission and the permission of the House, I would like to present that point—

**The Acting Speaker (Mr Bert Johnson):** The chief government whip and deputy House leader, on a point of order, is requesting unanimous consent to bring his point of privilege to the floor of this chamber now, which is about 15 minutes earlier than is allowed by the standing order. Is there unanimous consent? No.

#### BUSINESS OF THE HOUSE

**Hon Janet Ecker (Minister of Education, Government House Leader):** Pursuant to standing order 55, I have a statement of the business of the House for next week.

On Monday afternoon we will continue debate on Bill 60, and on Monday evening we will begin second reading debate on Bill 80.

On Tuesday afternoon we will continue debate on Bill 60, and on Tuesday evening we will continue debate on Bill 80.

On Wednesday afternoon we will begin second reading debate on Bill 65, and on Wednesday evening we will continue debate on Bill 80.

On Thursday morning during private members' business we will discuss ballot items 15 and 16, and on Thursday afternoon we will continue debate on Bill 65.

#### PETITIONS

##### MUNICIPAL RESTRUCTURING

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

"Whereas the citizens of Victoria county had no direct say in the creation of the new city of Kawartha Lakes; and

"Whereas the government by regulation and legislation forced the recent amalgamation, against the will of the obvious majority of the people; and

"Whereas the government has not delivered the promised streamlined, more efficient and accountable local government, nor the provision of better services at reduced costs; and

"Whereas the promise of tax decreases have not been met, based on current assessments; and

"Whereas the expected transition costs to area taxpayers of this forced amalgamation have already exceeded the promised amount by over three times,

“Be it resolved that we, the undersigned, demand that the Legislative Assembly of Ontario immediately rescind this forced amalgamation order and return our local municipal government back to the local citizens and their democratically elected officials in Victoria county and remove the bureaucratic, dictatorial, single-tier governance it has coerced on all local residents.”

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

#### EDUCATION TAX CREDIT

**Mr Rosario Marchese (Trinity-Spadina):** I have hundreds of petitions in my hands from people who support public education.

“Whereas tax credits for private schools will create two-tier education;

“Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools;

“Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

“Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

“Whereas tax credits for private schools effectively create a voucher system in Ontario;

“Whereas the Harris government has no mandate to introduce such a measure,

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

“We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario.”

I support this strongly.

#### LORD'S PRAYER

**Mr Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

“Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century;

“Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

“Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

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

“That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of the prayer in municipal chambers in Ontario.”

I'm proud to sign that as I support it.

#### SALE OF SCHOOLS

**Mr Tony Ruprecht (Davenport):** I keep getting petitions about the closing of Hughes Public School, and the petition reads as follows:

“Whereas the Hughes Public School at 17 Innes Ave in the city of Toronto closed down and its premises have been declared surplus by the Toronto District School Board;

“Whereas the city of Toronto has issued a building permit to the TDSB permitting the reconstruction of Hughes Public School for an entity called Beatrice House, for the purpose of a private academic school;

“Whereas the Beatrice House is not a private school registered with the Ministry of Education, nor a mident has been issued to that organization;...

“Whereas local taxpayers' concerns have been ignored by the TDSB;

“Whereas other locations, such as Brother Edmund Rice School ... or Earls Court Public School ... which are being closed down, have been offered to Beatrice House to no avail;

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

“That the Honourable Minister of Education investigate the leasing arrangement between the Toronto District School Board and Beatrice House inasmuch as:

“(1) Boards are to seek fair market value when selling;...

“(2) Boards are to offer the property to coterminous boards;...

“(3) Toronto District School Board has not dealt in good faith with our neighbourhood residents;

“Therefore, we respectfully ask you to consider our plea for justice. The Toronto District School Board has ignored our concerns and due diligence. We as a community tried everything within our power to fight the glaring and obvious wrong done to us, to no avail.”

Since I agree, I'm delighted to sign this petition.

#### EDUCATION TAX CREDIT

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition that's addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu, Sikh or another religion, is best for their children; and

“Whereas many people believe that special education methodologies, such as those practised at the Mississauga Christian Academy, are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and



“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I'm pleased to affix my signature to this petition.

**1500**

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):**

To the Legislative Assembly of Ontario:

“Whereas tax credits for private schools will create two-tier education;

“Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools;

“Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

“Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

“Whereas tax credits for private schools effectively create a voucher system in Ontario;

“Whereas the Harris government has no mandate to introduce such a measure,

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

“We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario.”

I affix my signature.

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** I am very proud to present 3,000 signatures on these petitions from the Hamilton second level lodging home tenants' committee. I might add that this resolution has also been endorsed unanimously by Hamilton city council.

The petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas individuals who are tenants and residents in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a personal needs allowance to meet incidental costs other than those provided by the facility; and

“Whereas the personal needs allowance has been fixed by the Ontario government at a rate of \$112 for nearly a decade and has not kept pace with cost-of-living increases, and furthermore is inadequate to meet incidental costs such as clothing, hygiene products and other essentials,

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately review and increase the personal needs allowance from \$112 a month to \$160 a month for individuals living in care homes, nursing homes or other domiciliary hostels.”

On behalf of the residents of Hamilton West, people in all communities around Hamilton and all of my NDP colleagues, I proudly add my name to this petition.

#### EDUCATION TAX CREDIT

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I've got hundreds of signatures on this petition.

“To the Legislative Assembly of Ontario:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Sikh, Christian, Muslim, Jewish, Hindu or another religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

In agreement, I affix my signature.

#### NURSES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I have a petition to the Legislative Assembly of Ontario.

“Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

“Whereas there is a chronic nursing shortage in Ontario; and

“Whereas the Ontario government has failed to live up to its commitment to provide safe, high quality care for patients;

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

“We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

“Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; and ensure front-line nurses play a key role in health reform decisions.”

These are yet more of the 12,000-plus petitioners who share these concerns. I affix my signature in full agreement with their concerns.

#### DIABETES TREATMENT

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas over 500,000 people in Ontario have diabetes; and

“Whereas to the expense of treating diabetes, many people cannot afford the ongoing expense of treating diabetes and if left untreated or improperly managed, diabetes can lead to blindness, vascular disease, kidney disease, neuropathy and other problems; and

“Whereas today, more than ever before, people with diabetes can expect to live active, independent and vital lives if they make a lifelong commitment to careful management of the disease; and

“Whereas by providing the resources to successfully manage this disease, the government can ensure more efficient health care for people with diabetes at a reduced cost to the health care system;

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

“That all diabetic supplies as prescribed by an endocrinologist be covered under the Ontario health insurance plan.”

I am pleased to affix my signature to this petition.

#### EDUCATION TAX CREDIT

**Mrs Marie Bountrogianni (Hamilton Mountain):** “To the Legislative Assembly of Ontario:

“Whereas tax credits for private schools will create two-tier education;

“Whereas the government plans to give parents a \$3,500 enticement to pull their kids out of public schools;

“Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

“Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

“Whereas tax credits for private schools effectively create a voucher system in Ontario;

“Whereas the Harris government has no mandate to introduce such a measure,

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

“We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario.”

I have signed this petition as well.

**Mr Garfield Dunlop (Simcoe North):** “To the Legislative Assembly of Ontario:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu or another religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori or Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I’d be pleased to sign my name to that.

#### MEMBERS’ PRIVILEGES

**The Acting Speaker (Mr Bert Johnson):** I recognize the chief government whip and deputy House leader on a point of privilege.

**Hon Frank Klees (Minister without Portfolio):** I rise today under a point of privilege pursuant to section 21 of the standing orders, regarding the rights and privileges enjoyed by all members of this assembly.

Two days ago, an incident at the Deputy Premier’s constituency office in Whitby proved that certain groups feel justified in the use of intimidating and, some would say, even violent behaviour to advance their own opinions.

Freedom to hold an opinion and freedom to express it are, without doubt, the cornerstones of political debate and even democracy itself. When individuals, for whatever reason, feel justified in responding violently to the expressions of such opinions and to the actions of democratically elected members of this or any other legislative body, this fundamental right is threatened.

Everyone in this Legislature is aware of the incident to which I am referring, and I think all honourable members would agree that no disagreement with either the policies of this government or any government justifies the use of physical intimidation.

I was at a meeting earlier today with consuls general representing a number of countries. This incident came up in that discussion. One of the consuls general made the statement, “That event is not Canadian. I do not recognize Canada in that demonstration.” I think it speaks to the heart of the point that I want to bring to your attention. Certainly, under no circumstances should the terrorizing of young students and young girls who were present in that constituency office be acceptable to

honourable members in this House. Such actions are not only unacceptable but in fact prevent the very people these groups claim to represent from seeking the assistance of their local elected representatives.

**1510**

It's disturbing that certain members of one group in particular not only seem blatantly unaware of the danger of such actions but also indeed have indicated through the media that they plan further to advocate similar disruptions.

As an elected member of this assembly and a member of the executive council, I cannot condemn such actions harshly enough, and I would hope that all honourable members would agree with me on this point. I know from speaking to a number of members, members opposite as well as in our own caucus, there's a very strong feeling that this group has stepped beyond the borders of legitimate demonstration and of legitimately expressing opposition to either government or policies of this government.

I was heartened to see the leader of the official opposition in the media indicating that he holds similar concerns about such actions. In speaking with the House leader of the official opposition, he expressed to me personally his similar concerns. Indeed, people such as Buzz Hargrove, who admittedly is no great fan of this government, expressed similar concerns and condemned these actions.

I have to admit that I have extreme disappointment in not having seen members of the third party equally condemn such actions, and I am concerned that by their silence, and in fact by some of the actions of one of the members of the third party, they are implicitly encouraging such actions. It is disconcerting to see a member of this House, just this morning, in spite of Tuesday's incident—

**Ms Frances Lankin (Beaches-East York):** On a point of order, Mr Speaker.

**The Acting Speaker:** I think I would like to hear this point of order now.

**Ms Lankin:** First of all, on a point of order, the honourable member is ascribing motive to members of the third party, and I take great exception to that.

Secondly, I want to point out to him that I was present at a media scrum of the leader of the third party, who very clearly said that he condoned no such actions and that no member of this House could. So you're wrong.

**The Acting Speaker:** I don't think it is a point of order, but I would like to hear your comments on this point of privilege in rotation, so I'll give you that opportunity to give me your ideas and concerns at that time, if that's OK.

The Chair recognizes the member on a point of privilege.

**Hon Mr Klees:** As I was saying, I was particular disturbed when a member of this House, a member of the third party, earlier today, just following the events of this incident in Whitby, was seen to encourage disruption in this very place and frustrate legislative staff and security

staff from carrying out their duties as required by this House.

I call on the leaders of both opposition parties to join me in indicating our commonly held belief that this Legislature and its members must be free to go about their duties as they see fit, without fearing for the safety of themselves, their staff and indeed their families. I call upon all members of this House, including all members of both opposition parties, to clearly indicate that these actions are never justified and have no support from anybody in this House and that further actions of this nature will result in stronger condemnation from all members of this House and from all parties in this House.

Speaker, I would request that you, as the person charged by all members of the assembly with protecting our rights and privileges, look into Tuesday's incident and the events of earlier today and advise this House as follows:

First, whether the actions that I have referred to constituted a breach of the rights and privileges enjoyed by all members individually and collectively; and

Second, whether any members of this House, particularly keeping in mind the events of earlier today—and I would ask you to consult with security staff to determine the actions and the presence and the conduct of any members of this House involving that demonstration this morning—are in fact encouraging such breaches and the intimidation of members or their staff in the performance of their duties.

**The Acting Speaker:** The Chair recognizes the government House leader—the House leader of the official opposition.

**Mr Dwight Duncan (Windsor-St Clair):** Two years from now.

Let me begin by saying how personally offended and outraged I was by what happened at the Minister of Finance's office this week. The notion that a group could plan an attack on the office of a duly elected member of this assembly, a member of the government of the province of Ontario, offends me to the core. It was uncalled-for, unjustified, and is not, in my view or in the view of my leader, Dalton McGuinty, and the members of our party, a particularly effective method of protest.

Dr Martin Luther King wrote in his book *Where Do We Go From Here: Chaos or Community?* in 1967 that, "The limitation of riots, moral questions aside, is that they cannot win and their participants know it. Hence, rioting is not revolutionary but reactionary because it invites defeat. It involves an emotional catharsis, but it must be followed by a sense of futility." His words are far more eloquent than I can put them.

Some four years ago, a very ill man pulled a knife on me in my constituency office. It was troubling to me and to my staff. It was a very dangerous situation, but a very different situation from what happened this week. This individual was sick. He required medication. He was not receiving his medication. This event this week, from what I've been able to determine, was planned and deliberate. Indeed, the group involved has indicated that

they intend to do this more and that they've done it in the past.

Any freedom-loving individual opposes that sort of action. Whether or not I agree with this government is irrelevant. This government was elected by the people of this province. Whether or not an individual agrees or disagrees with me, we in this society have a history of tolerance and respect for differing points of view.

There is a place for civil disobedience in this province and at this Legislature. Mohandas Gandhi wrote, "Disobedience to be 'civil' must be sincere, respectful, restrained, never defiant, and it must have no ill will or hatred behind it." We in this province do have a history of respecting civil disobedience, the type of disobedience that manifests itself in peaceful strikes or peaceful demonstrations that do not disrupt the operations or functioning of a Legislature or of individuals in their daily lives. That is a fundamental right, to protest.

So as you consider the government's point of privilege, I think all of us must be careful that we respect people's rights to protest and use this public building, these public grounds, as a place for a legitimate expression of disagreement. It has historically performed that function. Those in government—and I don't refer simply to this government; I refer to any government—must use the powers of restraint carefully and wisely, understanding that frustrations can be built up.

**1520**

As I reviewed what Dr King wrote in 1967, I found another, I think, particularly salient quote from him. He said that, "A riot is, at bottom, the language of the unheard." I think that's important and I want to address it in the context of this assembly, indeed Parliaments everywhere, and indeed in terms of what we have done as parliamentarians. When I say "we," I mean all of us as parliamentarians. I demeaned this institution some two weeks ago by using language that was offensive and hurtful, and in doing that I demeaned my colleagues and I demeaned this institution, which I believe is a great institution.

Disraeli said that, "I look upon parliamentary government as the noblest government in the world." Churchill was quoted, and I paraphrase, to the effect that, "The system is not perfect, but it's the best of the worst." I think we need to bear that in mind. Let's review what we've done in this Legislature in the last few years that has restricted our ability to be heard because, as Dr King said, "A riot is the voice of the unheard."

In 1992, the government of the day changed the standing orders to limit debate and scrutiny of legislation. They cut off debate and brought in new time allocation motions. The length of speeches was shortened.

In 1997, the government of the day declared evening sittings as separate second sessional days without a question period. That in effect allowed the government to do two days of business with only one question period, something that was uncommon at the time, and certainly over the history of this Legislature and others not a common occurrence.

The government allowed itself to introduce and pass legislation within the last two weeks of a session, effectively precluding meaningful debate on some significant legislation. Again, the length of time for speeches in this Legislature was reduced. The amount of time available for committees was reduced.

Further changes in 1992: time allocated for introduction of bills reduced the amount of time available to members to introduce bills in this House on any given day.

In 1997, further changes: that the House proceeds immediately to orders of the day at 4 o'clock. We just lost a petition day the other day. The opposition loses its questions if they're not finished in a timely fashion.

The Speaker was given sweeping powers to penalize or entirely ignore an MPP who refuses to leave the Legislature. The Speaker was given sweeping powers to group amendments to legislation together to prevent a duly elected opposition, a loyal opposition, from participating in a meaningful fashion in the debates of this assembly.

In 1992, the government of the day shortened the parliamentary calendar by two weeks.

In 1997, the government of the day increased the deadline for answers to order paper questions from 10 calendar days to 24 sessional days. My colleague from Don Valley East stood in his place in this House only two short days ago and reminded the Speaker, who we've yet to hear back from, that some questions have been on the order paper now since last December. We were limited at that time as to the number of questions we could put on the order paper. That is, we were told, "You can only ask so many questions at a time."

That, sir, constitutes a reduction of privileges forced upon this Legislature by successive governments.

The very point of privilege—it used to be that if a member had a point of privilege, he or she could stand in his or her place and have the opportunity to put that point of privilege on the floor of this Legislature. The member who put his point of privilege today was forced to wait because he has to put it in writing. A number of points of privilege have not been allowed to be read into the record—have not even been allowed to be read into the record—which I find distasteful.

One may say this is in the interest of efficiency and good government. Well, this province ran awfully well, and the histories of Legislatures here and elsewhere ran well, and frankly ran better, when duly elected members of this House, or any Parliament for that matter, had an adequate opportunity to speak to legislation and to debate legislation.

And it's not just this House or this government. My colleagues the federal Liberals have changed the standing orders in the federal House on a number of occasions, which frankly is offensive and, in my view, shows a lack of regard for the history of this great institution, the thing Disraeli spoke so passionately about more than 100 years ago.

The number of times time allocation is used—and let's be clear about what time allocation is. It's a limit on a

member's ability to respond. On four separate bills this session, our party had duly elected members of the Legislature who wanted an opportunity to address significant government legislation and were denied that opportunity because the government simply had tired of the debate.

Look at the number of days we have sat this session. It is absolutely astounding that this House doesn't meet more often, given the volume of legislation we're considering.

Let's look at the use of time allocation. In the Davis and Miller government—the 32nd Parliament, a four-year Parliament—there were 292 government bills passed. That government, the Davis and Miller Progressive Conservative government, used time allocation on three occasions. The Peterson minority and majority governments passed in excess of 300 pieces of legislation in a five-year span, and how often was time allocation used? Four times. Time allocation has been used more in the last six weeks than it was used in the entire Davis-Miller government—not a Liberal government but a Conservative government—a government that was able to get 292 pieces of legislation passed by a Parliament composed of more members than we have here today and was able to do so with the advice and consent of the opposition.

What about the respect individual members pay to this institution? What does it say to us as members of the opposition when we rarely have the opportunity to place questions to the Premier? Let me define “rarely”: not including this week, an average of 33% of question periods, on a parliamentary calendar that has been significantly reduced.

**The Acting Speaker:** Order. We have a point of privilege, and I would ask you not only to avoid certain subjects that you're aware of but to bring your points within it, if you would. I don't think I need all that history. Some of it—I have to be sure it's salient, because indeed we may be making history, and I don't want to get into time or anything like that. But if you could bring me your comments on this point of privilege, I would appreciate it very much.

1530

**Mr Duncan:** In respect to you, I will wrap up.

As an opposition member and as a member in this Legislature, I deplore what happened to Mr Flaherty's office this week. I say that the best way to deal with this type of incident, and to try to reduce that sort of situation, is to give meaning and expression to this marvellous institution and to reinvigorate it so there can be full public debate so that we can feel we are making a real effort toward hearing all points of view.

I appreciate your time in listening to me, sir, and thank you for the opportunity.

**The Acting Speaker:** I would appreciate hearing from a representative of the New Democratic Party, please.

**Ms Lankin:** Thank you, Speaker. I rise to speak to this as the deputy leader of the New Democratic Party caucus.

The chief government whip, in raising his point of privilege, made what I consider to be very serious and false allegations. In his comments, he attributed to the members of the New Democratic Party—a caucus which has been very clear on the record with respect to the events he raised in his point of privilege, very clear in our position that we do not condone such acts of violence—a position of support. I suggest to you, Mr Speaker, that while he rises on privilege under standing order 21, standing order 23 of the rules of debate prohibits a member such as the chief government whip from making “allegations against another member”—that's 23(h)—or, 23(i), imputing “false or unavowed motives to another member,” both of which, I would assert, the chief government whip did in the course of his comments.

The leader of the New Democratic Party, Howard Hampton, was very clear in his response to the events involving the incident at Mr Flaherty's constituency office. He was articulate, he was passionate and he spoke to the freedoms and liberties of a civil society and to the fact that no member of this Legislative Assembly—and certainly no member of the New Democratic Party caucus—would condone such actions. That is not the impression the chief government whip would leave for the members of the public or the members of this Legislative Assembly by the allegations he has levelled in this House.

Mr Kormos, the House leader for the New Democratic Party caucus, has been clear, in media interviews as recently as this morning, that he does not condone the actions that took place in the incident involving Mr Flaherty's office. That would not be the impression that would be left with the public or the members of this Legislative Assembly from the remarks by the chief government whip.

I am not sure of the reasons behind the chief government whip's intervention today, but I can tell you his facts are clearly wrong, and I believe the statements he made are gross violations of the standing orders with respect to honourable members of this Legislative Assembly.

I might also point out to you prohibitions in standing order 23(g) against members referring to “any matter that is the subject of a proceeding

“(i) that is pending in a court or before a judge for judicial determination, or

“(ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of the Legislature.”

I point out to you that criminal charges have been laid subsequent to the incident in Mr Flaherty's office, and I point out to you that on a number of occasions I've heard ministers of the crown refer to this as the reason they can't speak to a subject. Perhaps the member should have been called to order at that point in time.

I would also point out the history in this Legislative Assembly of all members of all parties taking a position to condemn such actions when they have happened in the past. This is not the first such event of this type. I

remember a fire-bombing of the constituency office of the Honourable Bob Mackenzie. I remember an incendiary device going off at the back door of the constituency office of the Honourable Marilyn Churley. There have been other occasions. I won't at this point in time, Mr Speaker, relate them all to this House, but all members in all parties have come together to express their condemnation when events of this type take place.

May I say I do not understand the nature of the point of privilege that you have been asked to rule on, but on behalf of my party I add our voice in condemning the action and I request that you see, through a reading of the Hansard, the questions of point of order that I am raising to be legitimate, and I would request of the honourable member, the chief government whip, at an appropriate time his apology for the incorrect statements he has placed on the record in this Legislative Assembly.

**Hon Chris Stockwell (Minister of Labour):** On a point of order, Mr Speaker: I will be speaking directly to two points of order—one, the collective, and, the second, me personally. Do you want to have some direction?

**The Acting Speaker:** Do they involve the point of privilege?

**Hon Mr Stockwell:** Yes.

**The Acting Speaker:** I think first, before I take the introduction of that, I want to ask the government House leader if you have some new information that you would like to add. I've heard from the chief government whip, the House leaders and the deputy leader. If there's any new information you would like me to have, please let me have it now, and then I'll hear from the Minister of Labour.

**Hon Janet Ecker (Minister of Education, Government House Leader):** Thank you very much, Mr Speaker. I would only say very, very briefly that the concern of many members of this House specifically relating to the responsibilities that staff have for security here in this building, staff responsibilities for security in other offices and what we believed or what appeared to have occurred today is that a member of this House had participated in undermining those rules, potentially, or preventing staff from undertaking their responsibility to protect other workers and other staff in this building. That relates to one of the things that my colleague has asked you to look into, to see if that's indeed the case.

**The Acting Speaker:** Minister of Labour.

**Hon Mr Stockwell:** I will just directly speak to this very quickly. I don't want to take a lot of time. I understand the time constraints for debate.

I just want to speak quickly to the Tuesday incident. I have no doubt in my mind that all parties agree that that was an outrageous act, and completely condemned.

Let me just say, Mr Speaker—and I understand the Churley event; I remember the Mackenzie event; I know about the Wood event. The fear I have is that those were single instances that no one took credit for and in fact were one-offs. The difficulty I'm faced with today is for the security and safety of my constituency staff. This is a perpetrated act done with malice aforethought and intent.

They've also gone further to say that it will continue. It will continue to occur.

I have great, great, serious reservations for the safety of my constituency staff. I know that a constituency office is not part of the precinct and I know it doesn't have the same terms, rules and conditions that apply to this place. I think if anything, Mr Speaker, we could find agreement among the three parties to see if there's anything that the three parties can come together to do to provide a more safe place in the negotiations or discussions with the House leaders, or even the security.

I would implore the Speaker to take direction and seek out advice from all parties, because I'm at the stage now at my constituency office where I've simply said, "Lock the door." Unbelievable in a democracy in Canada, in Ontario, in Toronto, that I, as an elected member for the people of Etobicoke Centre, have informed my staff to lock the door. I think that's a dangerous precedent.

**1540**

With respect to the second point of privilege, I think my rights as a member have been seriously usurped. I was in the building when the demonstration was taking place down the hall. On a separate and distinct point of privilege, I believe that all members—and as Speaker I believed that all members—should have unfettered access to this building in public forum, in public ways, to move freely without fear of reprisal, without fear of attack, without fear of any sort. This is a public institution that I've been duly elected to.

I don't think many members would think that it would be a stretch to consider that I did not have unfettered, reasonable access to the public hallways of this building today or the public places to meet or the places to meet that have been allotted to the Conservative Party or the government. I don't think it's a stretch to suggest that I didn't have that privilege, and there's a fundamental point to be made here: if I didn't have that privilege to move freely within this building, then my privileges were attacked. I was ushered in and ushered out for fear of recognition in the Parliament of Ontario. I was ushered into this building and ushered out for fear of recognition. Now, if a privilege hasn't been attacked on that status alone, then I know of no such privilege that stands higher than that: the freedom of a duly elected member to work for his constituency in the assembly of the province of Ontario without fear of reprisal.

I don't know how it occurred and I don't pretend to know how it occurred. All I know is, I don't want it to occur again. Again I would ask this Parliament to know that my privileges were usurped, that they again take this to the security committee of this Parliament and ensure that the powers are vested in the people responsible to give me reasonable and fair access to the democratic place in the province of Ontario that I have been duly elected to, and that no member should have to be fearful of reprisal or attack coming into this building. That's the privilege I stand on, and I know of no more important privilege.

**Hon Mr Klees:** If I might, I want to make two points pursuant to this. The first: if there was an offence taken

by anyone in the third party regarding a comment I made about the silence on the part of the third party, what I have attempted to do through this statement is to get the third party publicly on record as making their statement on this issue. If in fact they're prepared to make that public statement, then I will apologize to the third party.

I can tell you that the people in this province look to us as leaders in this province to make that statement—

**The Acting Speaker:** I'm skating on very thin ice here, and if you have something new to add to the point of privilege only, OK?

**Hon Mr Klees:** I do, and it relates to the issue of constituency offices. I'd like you, Speaker, to keep in mind as you consider this matter that whether the constituency offices are within this precinct or not, it is the place where we as members carry out our business within the constituency. If in fact we are prohibited or our staff is prohibited from carrying out our duties as elected members, then I suggest to you that is in fact interference with our parliamentary privilege. I ask you, as you deliberate on this, to keep that in mind, that our staff are our representatives. Anything that is done to our staff or to interfere with their functions is in fact being done to us as members.

**Ms Lankin:** I'll be very brief. For an apology to be genuine, it needs to be unconditional. I do not accept that I have heard an apology from the government chief whip.

**The Acting Speaker:** I've had very thorough and complete statements from those involved on this point of privilege. The Chair will be making a decision on it and will give notice in due course.

## ORDERS OF THE DAY

### VICTIM EMPOWERMENT ACT, 2001 LOI DE 2001 SUR L'HABILITATION DES VICTIMES

Mr Sampson moved second reading of the following bill:

Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.

**Hon Rob Sampson (Minister of Correctional Services):** I'm going to be sharing my time with the member from Niagara Falls and the member from Simcoe North on second reading debate of this very important legislation that's currently before the House.

I want to start off by speaking to the fundamental core of the bill and then perhaps get into some of its com-

ponents to try to make sure the people of this province understand the thrust of the legislation and how it is very intricately connected to other legislation that this House has already considered in this session.

As I said when I introduced the bill, the title actually speaks very powerfully and directly not only to the core of the bill we're debating today, but also to many of the reforms and other initiatives we have brought forward to this House, either by myself and the ministry of corrections, by the Ministry of the Attorney General or even by the Ministry of the Solicitor General—the justice ministers' cluster, as we've been known to be called. We believe there needs to be far more accountability—I know that's a phrase that has been mentioned many times in this House—in the justice sector in the way in which justice is applied across the province.

When you speak, as I have many times, to Ontarians throughout the province—I in my riding of Mississauga Centre and many of the other colleagues in this House in other ridings throughout the province—about the concept of the justice sector or justice being applied in the courts today, I would say more often than not the surprising response is that many Ontarians don't feel the justice system is being just. They don't feel, many of them being victims of course, that the justice system is being just to them as victims of any particular crime.

It's a bit of a sad statement on how the justice system has developed over a number of years under a number of different governments, and since the criminal justice system is applied both federally and provincially, under both of those jurisdictions. It doesn't speak well for the way in which citizens should feel about the system of law that is there to protect them from those who would choose to disobey the laws of society.

The fundamental core of what we're trying to do is to somehow try, through initiatives in my ministry or other ministries within the justice sector, to bring some justice back to the justice system. One of the areas where we have heard many times that perhaps justice is lacking, or those who are facing the justice system feel it's perhaps not serving their needs, is in the way the justice system deals with not the criminals of crime but the victims of crime.

Many times throughout my time in this Legislature and my time in, now, two campaigns, I've heard that individuals who have come to the justice system as victims feel that their particular rights have not been attended to. In fact, many of them have said that to a large degree the rights of those who have committed the crime and have been convicted exceeded, it seems, throughout the justice system, the rights of those who are the victims of crime. That again, as I said earlier, cannot and does not speak well for the fundamental core of our society, which is the law system and a justice system to enforce those laws.

**1550**

Throughout all of our reforms in corrections, throughout all the reforms of my colleague the Attorney General and my colleague the Solicitor General, we have tried to

modify the justice system to speak more bravely and more boldly to the needs and the wishes of the victims of crime; hence, the Victim Empowerment Act that we're debating today. If you can't speak to the needs and the wishes of the victims in a just society, then how can you call it a truly just society? If the balance is out of whack between those who have had crimes committed against their personal property or themselves individually, and those on the other side who have committed the crimes, if the balance is not there, how can it be called a just society? Then how do people in society have respect for the law?

As you can see, it becomes one of those snowballs that rapidly rolls down the hill to the point that society has almost total disregard for the law and, again, society crumbles. I think if you're a student of history, you might be able to look back through the various history books and find some societies that indeed have crumbled because the respect for the justice system that was there at the creation of that society was not there when it crumbled.

So we need to re-establish that balance. We've tried to do it and, I believe, have made significant progress since 1995 in doing that, in spite of the fact, I would say, that we live in a rather strange democracy, so to speak, where a large part of the criminal justice system is in fact crafted at another level of government and it falls in our lap, as the provincial level of government, to enforce it. We've done our best within those handcuffs to rebalance the scales in favour of the victims of crime.

My colleague the Attorney General has done a number of things. A Victims' Bill of Rights was proclaimed, for instance, in 1996, which was an important step. Can you imagine, Mr Speaker? We've gone this far as a country, we've gone this far as a province, and we're coming very close to yet another birthday celebration for this country, but 1996 was the first time we'd had a bill of rights for victims. I suppose it's a bit sad, but it's never too late. So in 1996 we responded by establishing the Victims' Bill of Rights.

Now, there's been some criticism from the members opposite that perhaps that bill of rights and our initiatives surrounding that bill of rights have not gone far enough. I would say to my colleagues across the floor, there's always more that has to be done, but taking that first step is indeed a bold initiative that we took in 1996. Of course, we responded to the fact that there's always more that needs to be done by amending that bill, and we recently passed as a Legislature the Victims' Bill of Rights Amendment Act that created the permanent Office for Victims of Crime to ensure that there was always a body of individuals there whose sole job was to speak out and be the voice of victims collectively and, sometimes, individually.

Of course, the legislation establishing the Victims' Bill of Rights was proclaimed on June 11 by my colleague the Attorney General, during Ontario's Victims of Crime Week.

So you can see we've been taking some rather aggressive, yet bold, steps. Sure, I'll take the criticism. We're

learning to crawl before we walk, before we run, as it relates to rebalancing the scales of justice more in favour of the victims of crime. But at least we're making these steps, and the legislation before us will do that.

How will it do that? I know you're asking, Mr Speaker. Quite simply, by saying to victims of crime in this province, as it relates to those who are appearing before the parole board of Ontario, where currently you can call a parole board member who is presiding over the hearing, or you can write him or her or you can speak to him or her on the phone—that's the current arrangement—if this bill gets passed and you're a victim of crime, you'll be able to physically attend the parole hearing.

For the people who are watching or happen upon this Hansard, I think it's appropriate and important for me to make sure that I establish in the debate here the difference between the National Parole Board and the provincial parole board. The legislation that governs our authority over a component of the criminal justice system that I have charge of, and that's the corrections side, has basically said, "All right, provinces, we would like you to be in charge of the incarceration of those individuals who are sentenced as adult inmates to two years or less." Those who are sentenced to two years or more will spend their time in the federal system, and it is the federal corrections system that will deal with those particular individuals.

I want to make sure people understand we are dealing with those individuals who are serving two-year sentences or less, because those are the ones who are sentenced to Ontario provincial correctional facilities for incarceration and correction.

The federal legislation has said, "Provincial jurisdictions, should you wish to do so"—and we elected to do that a number of years ago as a province—"you can also have responsibility for the panel or the individuals who will decide whether or not somebody serves less than their fixed sentence."

Let me give you an example. If you're sentenced for two years less a day, you'll come—Speaker, I don't mean you personally, of course, but figuratively—to the provincial correctional system to serve your time.

**Hon Frank Klees (Minister without Portfolio):** He's serving it right now.

**Hon Mr Sampson:** Well, he may well be serving his time in the chair. I know at times he feels he has done that. I say to my colleague the chief government whip, he indeed presides over that chair quite well and performs exceptionally well. Of course, I get these platitudes in there because then I know I'll be able to get some freedom in my debate.

But, as I say to the Speaker, if indeed this fictional person gets sentenced to two years or less, they will come to our provincial institution. The federal act currently says, "Here's the way it works: you must serve at least a third of your sentence, but after you've served a third of your sentence, if you're on good behaviour, you are then eligible"—and that's an important word to grasp—"to



earn parole or get out of jail earlier based upon a number of factors that will be considered by the appropriate authority." The appropriate authority in our case is the Ontario parole board.

So the parole board in Ontario has the authority to say to somebody who's sentenced, "Listen, after a third of your sentence, if we deem it's appropriate, you can serve the rest of your sentence in the community." Conditions are, by statute and by practice, applied to these releases, and there can be a number of different conditions. I know one that says you must carry your parole papers, your papers that say you're allowed to be out, with you at all times, much as you and I would have to carry our driver's licence. It's a privilege to drive in this province. It's a privilege to be out of jail before the end of your sentence, so you need to carry with you the documentation that indicates you have earned that privilege. That's an example of one of the conditions that could be applied on early release.

**1600**

The parole board is performing a very important function, as you can see, in governing the safety of society, because it has the ability to say to somebody, "After a third or more of serving your sentence, you can get out." Some people might say, "Well, two years, what does that mean?"

Interestingly enough, what's happening, I say to you, Speaker, as I look at a former member from the riding of Lincoln who is sitting in the government's gallery here—I believe it was Lincoln. Yes, he's saying it was. I welcome him here. I knew you were going to recognize him, and I'm sure you will do that when I break, Speaker, if I did it incorrectly, but I do welcome him here.

The member from Lincoln knows this very well because he is a very active member of the John Howard Society, which deals with people who are either sentenced to community sentences or have been released from jail as part of the parole program. I say to my former colleague, my good friend Frank Sheehan, that he and the members of the John Howard Society do a very good job at that and I want to acknowledge that publicly here. Although we may differ in some of our concepts as they relate to some of the correctional stuff we're bringing forward, I think the John Howard Society is performing a good function for the people of Ontario.

Let me get back to the concept, though—Speaker, I know you're going to draw my attention to the bill—of victims at parole hearings. We believe that the very important decision on whether somebody should be allowed out of jail before the end of their sentence should very importantly involve the individuals who were involved in the establishment of that sentence: the victims. We have a whole criminal justice system: lawyers, courts, bail hearings. I know the lawyers in the House could go on and on about the intricacies of the justice system. All that involves a lot of time, a lot of money, a lot of effort in determining the guilt or innocence of an individual. We've done our best to make sure that the victim is dialed into that process, but how could you

succeed in re-balancing or properly balancing the rights of the victim and the rights of the criminal unless you involve the victim very directly in the decision of a release from jail?

We were talking about two years less a day being those who are under the provincial authority. People might say, "Those can't be very serious criminals." In the past, while those sentenced to two years less a day were criminals, many of their crimes were in, one might say, the lower category of crimes. Unfortunately, what's happening, though, is that the trend is that we are dealing with far more violent and far more serious crimes, and the criminals who have committed those crimes, in the provincial institutions.

**Ms Frances Lankin (Beaches-East York):** Tony, you can't go. There's no quorum.

**Hon Mr Sampson:** Yes, it's true, I say to the member for Beaches-Woodbine.

What we are dealing with at the parole board is the release of individuals who have, in many cases, committed very violent crimes. So it's very important for the victim to have a say in that. Currently in some jurisdictions in this country, the say is through either writing or calling a parole board member, who will then take that information, as well as other ministry-driven information and other relative information, into the parole hearing and present questions on behalf of the victim to the person who is seeking parole. If passed, this legislation would say, "No, you can actually go right in and attend."

**Mr Michael Bryant (St Paul's):** On a point of order, Mr Speaker: This is a very important bill, and I just want to check to make sure we have a quorum in the House.

**The Acting Speaker (Mr David Christopherson):** Would the Clerk check if we have a quorum, please.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The floor will now return to the Minister of Correctional Services.

**Hon Mr Sampson:** I thank the member for St Paul's for that break. I notice he is following the suit—literally, I should say—of the member from Essex. He's doing a good job in following that suit, although he should probably return it to the member from Essex when he's finished with it.

I should say, though, that we are now talking about the Victim Empowerment Act. Before I had a chance for that very nice break, I was speaking to the fact that victims would be allowed to participate in parole hearings, physically be there to sit in front of the criminal who is seeking early release and participate actively in the discussion—speak to questions, talk about the impact on the victim of the criminal being out early, speak in front of the criminal about the impact on the victim's life that this crime has had. They're very important things to talk about.

I know my colleague from the NDP has suggested we might want to go further and involve the media, lawyers,

a viewing gallery for this particular session. I say to my colleague, I suppose those are noble efforts, but the fact of the matter is it doesn't enhance the ability of the victim in any way to participate in that decision. In fact, in many cases it actually might detract from it. I say to my colleague from—I keep forgetting where Peter is from nowadays. Niagara Centre.

**Ms Lankin:** He hasn't moved.

**Hon Mr Sampson:** He has no idea where he's from? Is that what you said? And you don't know where he's from either.

I say to my colleague from Niagara Centre, listen, the time for lawyers to participate in the criminal justice system is over; it's been done. It's the trial. The time for the media to cover it is the trial. This is the time, finally, to rebalance the scale here in favour of the victim. So this act will do that.

There are other jurisdictions; we're not breaking new ground here. There are other jurisdictions in this country alone that do allow this type of participation. They have actually found it very helpful to the parole board in making decisions. The victims have found it indeed a very effective way of giving their input. Least of all, it's one of the better ways of victims being notified of what's happening, as opposed to finding out through either a media release or a police release or walking down the street, for gosh sake, that the person who six months ago committed a terrible crime against them and was sentenced to two years is now out on the street. So it serves a number of purposes.

That's not the only thrust of this bill. I know my colleagues who are speaking are going to want to expand on other components, and perhaps even the ones I spoke to as well, but I do want to spend a few more minutes of my time to talk about the other thrust of the bill, which is to empower the ministry to monitor the telephone calls of those individuals who are within the corrections institutions across this province and are charged to this ministry for our care.

#### 1610

Interestingly enough, the day I tabled this particular bill I received a letter from somebody whose name I won't mention because that got somebody into trouble not too long ago in debate in this House. But it was from a victim who was complaining about continually being harassed by the person who had victimized them, while they sat in jail. This individual didn't know this was allowed to happen, and I frankly agree.

Look, there are needs and requirements of those in our institutions to use a telephone to communicate with those who are outside, whether they be family or friends or those who are counselling and helping them deal with their particular challenges in jail. It's not the intent of this bill to cut that off.

The intent of this bill is to stop, as much as we humanly can, the continuing harassment by criminals, while they're inside jail, of victims who are outside; to stop those who are in our jails from making arrangements for the receipt of drugs and the shipment of drugs inside our

jail system; and to stop those who are in our jails, believe it or not, from committing further crimes, either themselves or in conjunction with others who are outside, while they are serving time in our jails.

It's happening now. It's happening in the federal system, it's happening in the provincial system, it's happening in other jurisdictions. What we've got to do is provide the appropriate tools to the ministry, to those who are working very hard in the ministry, to do the job of protecting the citizens of this province. We've got to give them those tools to be able to monitor these activities and, where appropriate, stop them. And, where appropriate, to send the information of further criminal activity to those who are best able to proceed with that information—the police, for instance—so that subsequent charges, if any, could be applied.

It's just common sense. We're not doing it now and we need the authority to do it. Is it being done in other jurisdictions? Yes, it is, it's being done in the federal jurisdiction. Has it stopped every shipment of drugs into the federal institutions? No, it hasn't. I'm not naïve enough to stand up here and say that this is going to stop every drug incidence in our jails. It's not. But what it's going to do is to give us the tools to better control what is coming in now and give us the tools to work those numbers down, because we can't have effective drug programming in the institutions in this province if there's a continuing supply of drugs coming in, arranged by phone calls going out.

We need the authority to do this. I say to my colleagues in this House, I don't know how else or whatever other tools, given today's technology, that we could use, other than the ability to be able to monitor phone calls. Will there be the ability to have private calls, solicitor-client discussions? Yes, of course.

The intent is not to stop that, the intent is not to violate those rights that are actually firmly established in the jurisprudence in this country. It's not quite covered under the human rights statutes, but they're covered under the jurisprudence. Solicitor-client privilege is important and needs to be maintained and protected, and we'll do that. But we've got to stop the threatening phone calls that are made from jail to victims.

We've got to stop those who have committed sexual crimes—and believe it or not, I'm aware that it's happened—who have committed crimes against young people. We've got to stop them picking up the phone and calling their victims at home. It's happened. We've got to stop it because it's not right for anybody, most importantly the victim, which is again why this particular initiative is covered under the Victim Empowerment Act.

Speaker, I think what I should probably do now is yield the floor to my colleagues who may want to speak on the same theme. There are other components of this piece of legislation further empowering the victim either directly or indirectly. I say to the Legislature, the members who are here today, those who are listening: these are important tools that we need to reform corrections.

I'm not going to argue that—many of the reforms we're bringing forward are, to some groups, a bit chal-

lenging. We have a system in this province that is doing the best we could possibly do for the tremendous amount of money we are spending in this business of corrections.

To the many employees of this ministry who are either watching today or likely to see a copy of the Hansard today, I want to say that I acknowledge their efforts. Apart from the union rhetoric, when I talk to the individual correctional officers, they feel frustrated because they don't have the tools to help them do a better job. One might argue how you get to that nirvana of having the appropriate tools. You may, as a member of this Legislature, debate how we're getting there. I surely hope you don't debate that we're trying to get there as an objective. You might complain about the route we take, but surely trying to provide a system that's better for those who are working in it, better for those who are relying on it for justice—the victim—surely, trying to get there has got to be something that we collectively can agree on.

On that point, I'll yield the floor to my colleague from Simcoe North.

**Mr Garfield Dunlop (Simcoe North):** Thank you very much for allowing me to say a few words today on the Victim Empowerment Act. I'd also like to thank Minister Sampson for bringing forth this legislation, Bill 60. I just wanted to read out the long version of it: An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act.

I've worked very closely with Minister Sampson. I know he's very committed to reforming corrections in Ontario. I look forward to the debate we'll hear on Bill 60 over the next few days.

Giving victims a voice and taking the leadership role to support victims of crimes are of paramount importance to all of us, not just government members but members of all political stripes. I think we all recognize our responsibility as members of the government to assist victims of crime. That's why, during the past five years, through several ministries, we've taken actions to support victims of crime and respond to their needs.

This government has taken action to ensure victims are treated with respect in the justice system and receive the services they need. The Victims' Bill of Rights, which was proclaimed in 1996, was an important step in acknowledging and responding to the needs of victims of crime. The legislation supports and recognizes the needs and rights of victims of crime in both the criminal and civil justice systems.

The key elements of the Victims' Bill of Rights are: a set of principles setting out how victims should be treated by officials at different stages of the criminal justice system—

**The Acting Speaker:** Point of order, the member for Beaches-East York?

**Ms Lankin:** Thank you, Speaker. I wonder if the government is failing to keep quorum in this place. Could you check?

**The Acting Speaker:** Is there a quorum?

**Clerk Assistant:** A quorum is not present, Speaker. *The Acting Speaker ordered the bells rung.*

1620

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Simcoe North may continue his remarks.

**Mr Dunlop:** I'll continue with the key elements of the Victims' Bill of Rights.

The second point I wanted to make was making it easier for victims of crime to sue their assailants in civil actions; supporting child witnesses by making it easier for children to be witnesses in civil proceedings; specifying that money collected from surcharges on provincial and federal fines is to be credited to the victims' justice fund and be used exclusively to assist victims.

Our victims legislation is among the most comprehensive in Canada. Recently, we passed the Victims' Bill of Rights Amendment Act, which creates a permanent Office for Victims of Crime to ensure the principles of the Victims' Bill of Rights are respected. This office will consult with victims and advise the government on standards for the delivery of victim services; legislation and policy relevant to victims of crime; the use of the victims' justice fund; and research, information and education on victimization and its prevention.

The bill of rights specifies that money collected from surcharges on provincial and federal fines is to be credited to the victims' justice fund and be used exclusively to assist victims. The annual revenue credited to the victims' justice fund is approximately \$20 million. This revenue supports services for victims, including the victim/witness assistance program, the victim support line and the victim crisis assistance and referral service. As promised in the victims' justice action plan, this revenue will be used to enhance access to victim services across the province.

This government has taken a leadership role in supporting victims through all stages of the justice system by introducing new programs and expanding support services. In fiscal year 2000-01 we spent approximately \$135 million on over 40 projects and initiatives in the areas of safety, justice and prevention to help meet the needs of victims in Ontario. This level of funding is unprecedented in our history.

If passed, the Victim Empowerment Act would be another step in helping victims and, more importantly, giving them a voice in our parole system.

Under the current system, victims can only express their views about parole candidates in writing, by telephone or in person at a regional Ontario Board of Parole office or at a correctional centre. Victims are not allowed to watch the proceedings or comment directly while in the presence of the offender. To me, and to others, this is an insult to the victim. After all, they are the ones who have suffered the most. They are the ones who know first-hand how much damage the offender has done to his or her life. They are also the ones who, in most cases, have been traumatized by the offence. They are the ones

who should, by all right, be there when the offender is up for parole.

I agree with Priscilla de Villiers, founder of CAVEAT, when she said, "How could the parole board make any decision on the safety of the victim, on the safety of the public, if it doesn't have their story? When you have a case watered down to a few words on a paper, you don't get the horrendous nature of the crime." Or what Miss Rachel Savage, a victim, said when she had to make a submission to the board, "They couldn't see me shaking. They couldn't see the makeup I have to wear to cover my scars. I didn't get to say to him in the face, 'You have destroyed my life.'"

On that, I had an opportunity this morning, on an educational matter, to meet with Ms Downa Spears. In 1991, her daughter Monica was brutally murdered by a very sick, domineering and jealous boyfriend. Ms Spears, as a victim, works tirelessly with schools across our country, trying to bring awareness so that similar crimes don't happen to others in the future.

With the introduction of this legislation, we are proposing to permit victims of crime greater participation by allowing them to attend and present information at the parole hearings. Victims will be permitted to bring an assistant, such as a friend, relative, counsellor or translator, with them to the parole hearing. The assistant will not participate in the parole hearing unless they are attending the hearing for the purposes of translating for a victim. They are simply there to support the victim.

Victim participation at parole hearings would ensure board members and offenders have a clear understanding of the effects of the crimes and concerns of victims about the proposed release of offenders. As all of us know, the parole board considers a wide variety of information at each parole hearing, including the criminal record, police and court information about the current offence, reports about the offender's behaviour and program participation while incarcerated, and future plans the offender may have regarding treatment, employment and residence. The board welcomes the input of victims as valuable information to help complete a picture of the offender when considering his or her eligibility for parole. The proposed changes would also allow victims to seek a review by the chair of the Board of Parole if they are not satisfied with the decision concerning their participation at the hearing.

Another way that victims are protected through this bill is the monitoring of inmates' telephone calls, and Mr Sampson alluded to this very briefly. In speaking to victims and their families, we have learned that the effects of a crime do not necessarily end when a trial has ended. We know of instances where some offenders have actually harassed their victims with telephone calls from jail as they await trial or while serving their sentences.

Just because a person is behind bars doesn't mean they're beyond the arm of the law. To me, it's just plain wrong that offenders are allowed to harass their victims or plot illegal activity while in custody. Under this bill the Ministry of Correctional Services would implement

regulations and policies that would allow correctional institutions to block and monitor, where necessary, offender calls to third parties. Calls to victims and persons suspected of planning criminal activity would be specifically targeted by the new technology. Third parties, such as victims, may request that telephone calls from inmates be blocked.

Blocking and monitoring of inmate telephone calls where necessary may also improve employee and inmate safety within the institution by reducing the incidence of contraband and other criminal activity that may be planned during telephone conversations. I know that this measure is a bit controversial, but I think it is necessary to protect victims and to protect our communities from crime. As a local paper of mine, the *Barrie Examiner*, said in its opinion section, "The proposed legislation is designed to do two things: protect victims from harassment from inmates, and stop inmates from making calls to arrange criminal activity. Both are excellent reasons to deprive inmates of their right to privacy. It's a good bill, designs to give the government more control of the environment of inmates and give higher standards to the victims of violence. It strikes us as the right mix."

I'd like to just make a few comments about a couple of other thoughts that I had and wanted to discuss, and that was on the grooming standards that the Victim Empowerment Act brings forward. As a priority of our government, health and safety are top priorities in all of our institutions. The Victim Empowerment Act would allow for the establishment of grooming and appearance standards for provincially sentenced inmates for safety, security and health reasons. This will contribute to the health and safety of all inmates and of the staff. These standards would help inmates focus on how to present themselves as a responsibility to maintain their personal appearance. The standards would give inmates the opportunity to exercise self-respect practices and structure. Grooming and appearance standards would also enhance safety, health and sanitation within the correctional environments. Exemptions to the grooming standards may be made for medical, religious and/or cultural reasons.

Currently there are institutional standards regarding grooming but no formal policy to actually enforce them. The new standards would expand the standards and the ability to enforce these standards. Provincial inmates must also receive permission to alter their hairstyle or growth of facial hair, must remove jewellery upon admission to a correctional facility and wear institutional clothing. If inmates fail to comply with the standards, they would be subject to certain penalties, such as the loss of remission credits.

I want to say in closing that I support Bill 60. I'm pleased to be able to speak on behalf of Minister Sampson. I think we are on the right track with this legislation. For our facilities that house inmates for up to two years less a day, I think it's good legislation and I would expect the full support of this House on this legislation.

For the last few minutes, I'd like to turn it over to Bart Maves so he can make his comments.

1630

**Mr Bart Maves (Niagara Falls):** It's a pleasure for me today to rise and speak to Bill 60 and congratulate the minister responsible, Mr Sampson, the minister for corrections, for this piece of legislation. Particularly I also want to congratulate the previous member, Mr Dunlop from Simcoe North, for his comments. I know they were well thought out. He diligently spent a lot of quality time putting together some of his notes for that speech, and I congratulate him for it.

He talked quite a bit about some of the changes this government has made and some of the things we've brought in for victims of crime over the years. That's important to know. I congratulate him for that. We're continually concerned about victims of crime and seeing to it that they have more of a voice in our justice system, that they're treated with more respect within our justice system, and that the justice system in general is more concerned and has the needs of victims front and centre when those victims are going through the justice system, because in years gone by, it seems it hasn't been enough.

These folks have been victims of crime. They seem to be continually victimized by the justice system. I don't think that was anything by design, obviously, over the years. I don't think people in the justice system ever intended that to be the case, but our history is filled with a litany of examples of people who were revictimized by the justice system after a crime had been committed against them. I congratulate the members for continuing to talk out about the needs of victims of crime, and the minister for continually supporting the needs of victims of crime.

One of the parts of this bill is paragraph (t), which reads, "providing for the monitoring, intercepting or blocking of communications of any kind between an inmate of a correctional institution and another inmate or other person, where reasonable for protecting the security of the institution or the safety of persons."

The minister for corrections stood in his place earlier and talked about this, that one of the reasons for this is that criminals, once in jail—our history is filled with a litany of examples of where criminals end up being able to communicate from jail with their past victims.

I can imagine nothing more shocking, alarming and upsetting to a victim of crime than to have been the victim of crime, to have gone through the justice process, to have the perpetrator of that crime behind bars, and to be sitting down one night, perhaps watching TV with someone at home, and all of sudden the phone rings and who's on the other end of the phone but the perpetrator of that crime. It's something that has happened. It's terrible that this has happened. This piece of legislation obviously is directed at making sure that doesn't happen again.

The minister said that he doesn't think anything is perfect, that he doesn't think we're going to eliminate that communication entirely, but I think this goes a long way in attempting to do that, and I think it's a laudable goal, and the minister needs to be congratulated for it.

Furthermore, there are obviously examples of criminals in jail continuing to participate in crime, in the criminal element, by communicating with accomplices in the outside world. Again, by monitoring and limiting their use of communications instruments from within a facility, we can hopefully put an end to this, maybe not entirely, as the minister has said, but make a big dent in this.

One example the minister talked about, and has been talking about for years—and it's actually shocking to lay people at home when you think about—is when we hear about drugs in prison. Everyone wonders, "How the heck do you get drugs in prison?" It's a lockdown facility, you've got prison guards, but it seems there is a continual problem in facilities all over the world of drugs in prisons.

I was on a TV program several months ago, in my capacity at that time as the parliamentary assistant for the Minister of Community and Social Services, and one of the people who was on the program with me was Leah Casselman, who is the head of OPSEU. Before she was the full-time head of OPSEU, I believe she was a prison guard in a young offender facility in the province of Ontario. There was a variety of different topics that we had that night, but one of the topics that came up was the private sector perhaps running prison facilities. I made a comment about the incidence of drug use currently in our prisons in Ontario and in Canada, and she made the remark, somewhat sarcastically, "Wow, what a revelation, drugs in prisons."

I thought afterwards that it's somewhat sad that it's actually that common an occurrence that someone who worked in that sector and is a representative for prison guards in that sector would refer to it in such a way, almost off the cuff, almost as if it was no big deal. That was alarming to me. I don't want to cast aspersions on Ms Casselman. The point I'm trying to make is not that she doesn't take it seriously—I'm not trying to paint that picture—it's just that it has become such a common thing. That was alarming to me when I thought about it afterwards.

We have to sit back and say, "How can we perhaps put a dent in this?" Obviously, if prisoners in our jails have access to drugs, drug use could very obviously lead to assaults on our prison guards, assaults on our institutions. If anyone who has a drug problem—and perhaps a drug problem led to their committing a crime in the outside world—continues to have that drug problem in jail, I think that's rather alarming to many people in the public here in Ontario.

I think we all know, we all have in the back of our minds, that indeed this shouldn't be. Prisoners shouldn't be able to get hold of and use drugs in prisons. The minister has said the same thing. He says it's shockingly occurring too frequently that prisoners are getting drugs in jail, and we have to make an attempt to stop that occurrence. It's a matter of safety for some of our prison guards, obviously.

I think the section of this bill which will provide for "the monitoring, intercepting or blocking of communica-

tions of any kind between an inmate of a correctional institution and another inmate or other person, where reasonable for protecting the security of the institution or the safety of persons,” is a logical, fair attempt by the government to put a dent, hopefully a very large dent, into this practice of getting drugs into jails. If the person can’t communicate with someone from the outside world on a plan to get drugs into jail, then logically one would assume we are going to make that kind of dent in this practice of drug use in jails.

1640

I don’t know, not having been a prison guard—and I believe there are members in this Legislature who have been prison guards in the past and will have an idea of other ways that happens, other ways that drugs come into prisons. Maybe we’ll be able to hear from them—

**Ms Lankin:** Not on the record.

**Mr Maves:** We won’t? Maybe we won’t hear that.

**Ms Lankin:** This is family viewing.

**Mr Maves:** If members want to talk about that, maybe they could do it in such a way that would acknowledge this is a family viewing hour and be careful how they describe the importing of drugs into jails. It could be a sensitive subject for some, I guess. However, I digress, and I don’t want to do that.

I commend the minister for this small, albeit extremely important, step in reducing drug use in our prisons, making our prisons safer for all those inside, most especially and notably our prison guards. We’ve recently seen a riot by prisoners in the Whitby Jail. I have no idea whether drugs played a role in that. However, one could assume that someone who had access to and was on drugs in a prison facility would obviously be much more dangerous for our guards to deal with, much more prone to rash actions and things like rioting. Again, I commend the minister for that.

I can’t say strongly enough, really, how I feel about a prisoner in jail communicating with a victim. As I said at the outset—and we have read about examples in the past—just thinking about a poor victim of crime, after they have been victimized and got through the justice system, and the perpetrator of the crime is in jail, for that person a short time later to be sitting probably within the safety and confines of their home and pick up the phone and all of a sudden hear the perpetrator of that crime on the other end is just a horribly upsetting thing. The minister has addressed that, and we must commend him for it.

That’s why I stand today in support of this legislation. I would encourage all members of the assembly to similarly support this bill. I imagine that some of the members opposite may rise and complain that maybe the bill doesn’t go far enough for them in some way. If that’s the case, then I hope they are willing to let the minister know of other avenues they think he can take in the future that can also help us stop these incidents from occurring. Short of that, I do hope they will support this bill as it is. If they do believe we need to go further, then I’m happy, and I’m sure the minister of corrections

would be happy to take all their suggestions and see if they might be something we could put into future bills.

Thank you, Speaker, for allowing me the opportunity to address this bill.

**The Acting Speaker:** Anyone else on the government side to conclude the time?

**Mr Carl DeFaria (Mississauga East):** Yes, Mr Speaker, I would like to join in this debate and to congratulate the member for Niagara Falls, the member for Simcoe North and the minister.

I hope all members of this House will support Bill 60. The Victim Empowerment Act is part of the government’s support of victims across this province. I am sure the member for Niagara Centre will be speaking on this issue, and I’m sure he will strongly support this measure. I am familiar with the member’s position on victims’ rights. He was a former defence lawyer, as I am, and I’m sure he understands this issue very well.

What is happening is that across Ontario in the past few years our government has been ensuring that victims receive better treatment. I can tell you situations where people have complained to me in a trial that during a trial day the accused person in jail will be fed lunch but the victims are not assisted with lunch or anything, and sometimes they have to be there all day waiting for the case to be called. They are not assisted in any way. All those things have to be addressed. It is time to put victims’ rights ahead of criminals’ rights.

Giving victims a voice in parole hearings is so important, allowing victims to be present at hearings to tell their side of the story. Telling the parole board how they feel about being victimized and how the incident affected their lives is so important for the administration of justice. Also, allowing them to have interpreters with them is something that will go a long way in making sure they feel comfortable at these hearings.

Being the parliamentary assistant for the Minister of Citizenship, I can tell you that at the Ministry of Citizenship, one of the interpreter services we administer is for the domestic violence courts. Victims who have been through the domestic violence courts that we created in Ontario—in some courts we have a specific court for domestic violence, and the victims are provided with interpreting services and all kinds of support. The feedback we get is very good.

The court system is a very difficult and confusing system. Usually the accused is represented by a lawyer. The victim arrives at the courthouse and the trial for the matter is set for 10 o’clock. Sometimes it’s not called until 2 or 3 o’clock in the afternoon, and the victim is usually waiting in the corridor without any assistance or anyone monitoring what’s going on for them, other than the police officer who speaks to them once in a while, or the crown counsel, who is very busy inside the court, once in a while used to come and talk to the victims. Providing assistance, as we have been doing in the past few years, goes a long way. I hope all members of this House will support this bill.

**The Acting Speaker:** It is now time for questions and comments.

**Mr Bryant:** The member for Niagara Falls threw out the challenge. He said that if we take the position that victims are not appropriately empowered in the province of Ontario, then we'd better come up with some suggestions. I say to the member, haven't you been listening to us all this time when we stand up day after day and say what ought to be done for victims of crime, and day after day this government pays lip service to victims but isn't providing enforceable rights? We are a province that's falling behind in terms of empowering victims. The provinces of Alberta, Manitoba, Nova Scotia and New Brunswick all have enforceable victims' rights legislation. We do not. We have a toothless Tory law.

Do you want to have some proposals? I've been calling for a long time for a provincial victims' services standard. So is the Office for Victims of Crime.

**1650**

Legal representation for victims where necessary, where they have to go before the court as a result of being a victim before the criminal justice system.

How about a mandatory opportunity for victims to provide impact statements, where the crown has to provide a reasonable opportunity? This government won't do that.

How about the mandatory provision of information by victims? That would be a real victims' rights bill and that would empower victims. There's nothing like that in this bill, that's for sure.

Enforceable employment protection for victims, so that if they have to go and testify, whether before a parole board or otherwise, they won't find themselves without a job.

Mandatory treatment of victims with courtesy and respect, enforced by the Office for Victims of Crime or the Ombudsman or otherwise.

We've been bringing forth these initiatives. That would empower victims. That would not be a toothless Tory law. That would not just be paying lip service to victims; that would back it up with real, enforceable rights for victims of crime.

There is a big surplus right now in the victims' justice fund that's sitting there. We need to get it out the door, and this government won't do it. There are uncollected fines and bail forfeitures that ought to be collected, restitution for victims, yet this government is sitting on that.

I could go on. The member for Niagara Falls asked what else they can be doing, and I've only just begun.

**Ms Lankin:** I'm pleased to have an opportunity to respond to a number of government members who spoke.

I say to the member for Mississauga East, he raises very legitimate issues when he talks about expenses that victims face in participating in the judicial system. Unfortunately, this bill does nothing to address that issue and provide for expenses for victims.

He talks about the role and the empowerment of the role of victims in the parole hearings. Unfortunately, this bill leaves it to a behind-closed-doors decision by cabinet with respect to the extent that a victim can participate.

The federal government at this point in time already goes further. They have a process that allows access to federal parole hearings for members of the public and for victims. Copies of written decisions are issued on request.

I would say to the members opposite, the bill falls far short of the title, unfortunately, in terms of victim empowerment. In Ontario, not only are members of the public and victims shut out of hearings, they're denied information about why parole was refused or granted. We believe that the public has a right to know; in particular, we believe the victim has a right to know.

There are a number of areas the minister spoke to when he spoke to correctional institutions, and I can have great sympathy for the intent of some of what he is attempting to achieve. Having spent time working as a correctional officer in Ontario's correctional facilities, I know the truth behind some of his comments, but I suggest some of the measures, again, fall short of practical ways of actually implementing that change.

I think one of the things that disturbs me the most is that on a continuous basis the government stands and proclaims itself to be defending victims' rights, when we have had a written judgment by Judge Day in this province that the bill of rights is absolutely toothless. The Victims' Bill of Rights provides no rights, and I suggest to the members opposite that that would be a place to start. Let's have a true and meaningful set of victims' standards, a meaningful Victims' Bill of Rights.

**Mr Joseph Cordiano (York South-Weston):** I too would like to comment, in the two minutes I'm granted, to suggest that the government would like the public to believe that their bill is such a wonderful initiative and that they stand firmly behind victims. We know for a fact, as my colleague the member for St Paul's has pointed out in his two-minute remarks, that this government has failed on a number of counts to put some real muscle in this legislation and other legislation dealing with victims of crime. It is, I repeat, a toothless bill of rights that they've brought forward for victims of crime.

As has been enumerated in previous comments by my colleagues, and also by the member for Beaches-Woodbine, there is no province-wide standard for victims of crime, as has been recommended in A Voice for Victims, through the recommendations made with regard to enhancing the voice for victims of crime.

Legal representation for victims is not permitted by this government when there is a parole hearing. These are important supports that should be there for victims of crime. This government has failed to deal with those items and has not made this legislation, and previous legislation dealing with victims of crime, substantial enough. They have not gone as far as the federal government has with respect to a number of these items. I would say to the government that you need to go a lot further to make this happen truly for victims of crime.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It is a pleasure to take part in the debate this afternoon. Members on this side of the House and the

Minister of Correctional Services spoke very eloquently and in great detail for about 32 minutes on this bill. He's carrying this bill very well. The member from Niagara falls, naturally, is always very concerned not only about his constituents but also about law and order and especially for the victims. Of course, the member for Mississauga East is a lawyer. He knows what he's talking about. He's certainly in the court. The member for Simcoe North, and of course the members from the other side—the members from Beaches-East York, York South-Weston and St Paul's; the member for Beaches-East York did speak on this subject. Many times they will speak about any bill, saying what it does not do. "This doesn't do that. This doesn't do that." Of course there are things to be done, and that's why this government is taking an initiative to make sure we are here to fix the government.

This bill is fairly simple. It's a continuation of the common sense approach, the Common Sense Revolution. One of the things, if I may deliberately get into the bill in that sense, is that it prescribes standards of professional ethics for persons employed in the administration of this act and requiring compliance with those standards. It's very basic, very simple and very important to make sure that people involved in the administration do have and carry on under professional ethics.

As far as grooming and appearance standards for inmates, that's fair; nothing is wrong with that. Especially from the safety point of view, you want to make sure they don't have any jewellery or anything which can not only harm themselves but harm other inmates as well as harm the security officers.

**The Acting Speaker:** It is now time for one of the original speakers to take up to two minutes to respond.

**Hon Mr Sampson:** I thank my colleagues for their input today. The member for St Paul's says they're just beginning to come forward with suggestions on how to better represent the interests of victims in the criminal justice process. I'd say that it's quite clear that you're just beginning on this. You're the johnny-come-latelies to the concept of the criminal justice system and a far more effective and efficient criminal justice system. We've been trying to do that since 1995. Are there things to be done that can improve on things we've already done? Yes, of course there are. I think the Attorney General has and certainly I have said that in many cases.

I find it passing strange that again from the Liberal bench we have the statement—you used to say of us on this side, "You're going too far and too fast." Now of course you're saying, "Wait a minute now. No, you're not going far enough, and in fact you're too slow." It's not surprising, coming from the Liberal benches, who as you know have—

*Interjection.*

**Hon Mr Sampson:** Well, you have a fairly good track record of taking a position on absolutely both sides of an issue. You'll hop from one to the other with efficiency and regularity. In fact, you have that skill down, I would say—

*Interjection.*

**Hon Mr Sampson:** You have that skill down, I would say to the member for St Catharines, to a gold medal standard. In fact, nobody else enters that competition any more. It is owned by the Liberal Party.

To my colleague who I see has joined us here on the NDP benches, on behalf of him his colleague spoke of their party's interest in seeing the media participate and the lawyers participate and a whole new court process set up for this. Look, the lawyers' time is done with. The court system is done with. It's just simply now the victims' time.

1700

**The Acting Speaker:** Further debate? The Chair recognizes the member for Hamilton Mountain.

*Applause.*

**Mrs Marie Bountrogianni (Hamilton Mountain):** That's the most I've gotten in a long time.

I'll be sharing my time with my colleagues from St Catharines, York South-Weston and Davenport.

I'm happy to speak on Bill 60, entitled An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act. The title is almost as long as the bill.

The bill does do one important thing: it will give the victim the right to appear and make a presentation to the parole board while the offender is present. Currently the victim is allowed to express their views by phone, in writing or in person while the offender is absent. The victim currently cannot watch the proceedings or comment directly when an offender is present.

The Office for Victims of Crime has recommended that victims be given expanded rights at parole hearings. This bill will allow for that and we on this side of the House agree with that. This same report, the Office for Victims of Crime report, *A Voice for Victims*, released in 2000, made a series of recommendations. It's a 200-page report. The government is selectively choosing to implement this single recommendation out of this document.

The *Voice for Victims* report called upon the government to introduce, as my colleague from St Paul's mentioned, a province-wide victim service standard which thus far the government has failed to do. A province-wide standard would ensure that all Ontarians, no matter where they live, would have access to an adequate and equal level of victim services.

The proposition to give victims a greater role in the sentencing and parole hearings has been greatly lauded from all sides. However, one important caution needs to be raised. In many cases the justice system is already hard to navigate and is perceived by many victims as distant and reactionary. In particular, women and women of colour or disability are less prone to seek justice by accessing the police or court system. It is important to ensure that justice is assured.

A victim impact statement can have a greater or lesser degree of influence on sentencing according to how persuasive the testimony is. This could perpetuate a



situation where those who have English as a second language, those who are less eloquent, less able to speak before a crowd or still so affected by the crime that they choose not to present, have a lesser degree of justice afforded to them.

I'd like to point out a key difference in language, attitude and approach between this government's perspective on justice and the US Department of Justice. The Office for Victims of Crime of the United States, by the way, was created in 1983 and formally established in 1988. Their mission is "to enhance the nation's capacity to assist crime victims and to provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. OVC accomplishes its mission in many different ways: administering the crime victims fund, supporting direct services, providing training programs that reach diverse professionals across America, sponsoring demonstration projects with national impact, and publishing and disseminating publications that highlight promising practices in the effective treatment of crime victims that can be replicated throughout the country."

No one is naïve enough to think that any jurisdiction has all the answers or has done enough to combat violence. In particular, I'd like to relate this to violence against women. This government likes to talk a lot about their law-and-order agenda but their legislation is toothless: re-announcements of old policies.

The government introduced Bill 117 supposedly to protect women against domestic violence but did nothing to prevent it from happening. They cut funding for second stage shelters. They haven't approved increased funding for the Metro help line, where for every call received, two calls are neglected. They failed to endorse the emergency measures which the Liberals supported, which were brought forward by women who work in the trenches and know what is required to actually help women and prevent domestic violence.

We have received notice this week that Corus Entertainment has been approved for the licensing of a new television channel which will solely broadcast slasher movies. This Legislature does nothing to prevent victims. Back in 1993 a Liberal MPP, the women's issues critic of the day, introduced a resolution which received all-party support against the proliferation of slasher movies. But I've learned in the two years that I've been here that getting all-party support doesn't often lead to implementation or passing of bills or resolutions in the end.

Let me talk about this slasher TV channel our kids will be able to see. Valerie Smith, in her letter to the Attorney General of Ontario on this issue, states, "Slasher films are even more extreme in their promotion of violence against women and girls. They are the most brutal, gratuitously violent genre of film ever created and Corus Entertainment intends to broadcast them on television."

There's a great deal of research that shows there's a correlation between amounts of violence viewed and amounts of violence in people's behaviour. As the noted forensic psychiatrist Dr Dietz commented at the Jeffrey

Dahmer trial, "If a mad scientist wanted to find a way to raise a generation of sexual sadists in America, he could hardly do better, at our present state of knowledge, than to try to expose a generation of teenage boys to films showing women mutilated in the midst of a sex scene."

The government has taken no action on this issue. These new stations will be broadcast into our homes for easy access for all young children. Today I have written to the AG supporting Valerie Smith. I've written a letter to Minister Sheila Copps through the CRTC to re-review this program, as well as to the minister responsible for women's issues, Dianne Cunningham.

More on the proof that this needs to be looked at seriously: the American Psychological Association has estimated that a typical child sees 100,000 acts of violence on TV before finishing elementary school. There is a strong correlation between viewing violence and aggressive behaviour.

Robert Ressler is a former FBI special agent who founded the agency's criminal profiling program. "Ressler said, 'The violence industry is thriving in this country,'"—he's obviously talking about the United States—"there are no controls, and we are paying the price in Jeffrey Dahmers [the Milwaukee sex killer]. There is an obvious cause and effect. The inner sanctum is in complete agreement on this. On the periphery there are more divergent views."

"Ressler said convicted serial killers have told him that they have 'tripped out' ... with the aid of detective magazines."

Truly sick people and yet we are increasing the probability of these people acting out when we have these violent programs freely on broadcast.

Leslie Mahaffy's mother blasted this Legislature years ago for not doing more to ban so-called slasher films that glorify the torture and killing of young women. "By condoning and tolerating these films, your government clearly endorses the undue exploitation the producers and sellers of this violence, cruelty, hatred and horror create." She was not talking to this particular government, but the point is, nothing has been done since then.

Antonia Zerbisias saw the film in the debut program and stated, "I was nearly blown out of my chair by the violence. Even the Star's Rob Salem, who has a higher tolerance for this stuff than I, agreed the tape was excessive."

I truly hope the government responds to Valerie Smith's letters, our letters and insists that something be done about this violence freely on TV for our kids to watch.

This talks about empowering victims. Let me talk about some other victims in my hometown in Hamilton. These are victims who are falling—try and stay awake, House leader of the third party.

**Mr Peter Kormos (Niagara Centre):** I'm listening. Apologies.

**Mrs Bountrogianni:** Thank you. I know it's hot in here.

**Mr Kormos:** There's very little oxygen.

**Mrs Bountrogianni:** Thank you. Let me talk about the victims in my riding in children's aid, kids who have been waiting for years to be adopted, kids who have been delayed because of a situation in Hamilton in the Unified Family Court.

Officials from the two children's aids approached my office a few months ago and said, "Our kids are falling through the cracks. Something is wrong with our system here. We take longer in our court system. We have more motions than any other jurisdiction in Ontario. We spend a larger percentage of our budget on legal funds than any other jurisdiction in Ontario. We have more visits from social workers to homes, which of course costs money, than any other jurisdiction in Ontario and yet per capita we have fewer cases than any other jurisdiction in Ontario."

1710

All I did was ask the Attorney General to review the matter, and he promised he would. We confirmed the concerns of children's aid by going to the Attorney General's Web site, and we saw that indeed this data was correct. What happened? Even though, to his credit, the Attorney General said he would look into it, when a reporter from the Hamilton Spectator called a spokesperson in the Attorney General's office, first they said, "There must be more cases. That's why it's more expensive." Of course, when this was not proven to be the case, they said, "Well, the numbers are wrong. The data is wrong. Anecdotally, everything's fine in Hamilton. There's no need for a review."

Two weeks later, the data is still on the Web site just as it was originally. If the data was wrong—this is the Attorney General's data, not my data—you would think they would have taken it off the Web site. I don't believe the data is wrong. I could be wrong, but I don't believe the data is wrong, because we have two other pieces of data that prove it is an inefficient system. All we want is for his office to look into it. As late as yesterday, he said he would, and I hope he does that.

So yes, we empower victims in this act to be able to present in front of the parole board, and we agree with and support that on this side of the House, but this bill is far from dealing with the true issues of victims.

First of all, the federal corrections system already monitors inmates' telephone calls. The province is playing catch-up to the feds in this area six years later. What's your excuse? You're in government and six years later you implement something that has already been implemented federally.

The Office for Victims of Crime, in its 2000 report, made 71 recommendations.

The Provincial Auditor's report released in the fall of 2000 said the Ministry of Correctional Services is suffering from terrible mismanagement under the Harris government. The auditor found that jails often suffer from lax security which has resulted in inmate escapes. Also, the ministry did not have sound business plans before it proceeded with the construction of two new superjails in Lindsay and Penetanguishene. Both of these projects are now over budget.

The Victim Empowerment Act establishes a framework for standards for corrections officers and that these standards will be determined by regulation. The auditor, however, noted that Ontario's corrections officers aren't getting the training they need to do their job safely. Due to the suspension of the advanced correctional study training requirements during the last four years, over 80% of correctional officers had not received the training required to keep their skills up to date. The recently released estimates for 2001-02 show that the government is actually cutting spending on training for corrections staff this year. So you give on the one hand and you take with the other.

The Harris government is proceeding with its plan to privatize the new superjail in Penetanguishene. In the US, privatized prisons have led to inmate escapes and violence against inmates and employees, but have not saved money. Escape rates in private prisons are 32% higher than in public facilities. According to a 1999 Florida case study—this is an American study—the government has been failing correctional officers by not sufficiently dealing with inmates who assault employees.

How is this legislation going to assist that issue? In July 2000, an inmate at Elgin-Middlesex Detention Centre was given only one additional day in jail for assaulting an officer. Furthermore, private prisons pose a serious threat to employees. Assaults on correctional officers are 50% more common in private prisons than in public facilities, according to the National Council on Crime and Delinquency in the US.

Again, lots of tough talk on law and order, a few good things. Being able to testify in front of the parole board is a good thing. We support it and we will support the bill because of that, but there are so many inconsistencies, not only within this issue but with this government. One day for an inmate at Elgin-Middlesex for assaulting an officer. And yet—you many not see the connection the way I see it, and that's fine—welfare recipients have to pass a literacy test, otherwise they're cut off their welfare cheques. I tested for a living before I was elected, before that moment of madness when I was elected.

**Mr Kormos:** Why is it this government wants to test urine, but it doesn't want to test water?

**Mrs Bountrogianni:** Thank you, member. One day to an inmate for assaulting an officer, yet welfare recipients, the poorest of the poor in our society, have to pass a literacy test to get their welfare cheques.

I hope that you consider a number of things when you implement this draconian measure. (1) literacy itself—this may come as a surprise to you, but there is a correlation between lack of literacy and poverty. Don't be surprised at the failure rate. (2) there is test anxiety among many people when put under pressure and this inconsistency—because I can't say the word I really want to say—is bothersome.

**Mr Tony Ruprecht (Davenport):** Oh, go ahead.

**Mrs Bountrogianni:** Thank you, member for Davenport, but I can't. I don't want to get kicked out by the wonderful Speaker from my hometown of Hamilton.

We will support this bill, but it goes nowhere near where we need to go for victims. As my colleague from St Paul's said, we do need to fund legal expenses for victims.

Another good example is the Dudley George family. Regardless of what you believe across the way—you know where we stand on this—the fact that the George family is being torn apart financially because they want justice seen in the memory of their late brother and son goes against the rhetoric that is behind Bill 60.

Walkerton is another example. Yes, there was a lot of financial compensation, but those victims have been victimized beyond finances and beyond health. There is such a lack of trust, not only in Walkerton but in many of the rural areas. Finally, after six years, yesterday they brought in some very initial agricultural measures to address this tragedy that occurred in Walkerton. Again, "Let's actually name a bill the Victim Empowerment Act but let's cut costs, cut inspectors, cut training for correctional officers, cut all sorts of services," which then leads to victimization. Be consistent over there.

The domestic violence bill is another example. Some 75% of women don't ever go to the police or the courts, unfortunately. The domestic violence bill will address only 25% of the women having to suffer domestic violence. Finally, after cutting for six years, in the last budget you put some of the money back. After we had protests, after we had numerous questions in the House from both sides of the opposition, you finally put some of the money back. People were happy and grateful, but I'll tell you, I'm still getting, as women's issues critic, e-mails from the women's groups saying, "We're still waiting." But they don't want to make noise, no, because they're afraid. They're afraid if they make noise maybe that promise in the budget will be taken away. And this goes for hospitals and this goes for universities.

Then, this week as well, I'm thinking again, as a parent, I might as well prepare for another strike in the fall in Hamilton—and you may have to too, Mr Speaker; I know your daughter goes to one of the systems in Hamilton—with this new measure of multi-year agreements for teachers but only year-to-year, if that, budget knowledge. My kids were out of school for three and a half weeks. They are victims as far as I'm concerned. The parents are victims.

Now, members opposite, I happen to be resourceful and fortunate that way, but there were many kids who were at home alone during the strike, and I know that if you pass this ridiculous anti-labour bill, you will get the same in the fall. I'm warning you. You asked for suggestions. If you want to avoid victimization, pull that, or at least give multi-year funding so the boards know what they're dealing with.

To summarize, before I hand it over to my colleague from St Catharines, we support this bill. We do support the right to appear and make a presentation to the parole board while the offender is present. But this falls far short of the 200 pages and 71 recommendations from A Voice for Victims. It's a start. It's inconsistent with a lot of the

other measures this government has taken over the last six years which have caused more victims than they have helped. But we will support Bill 60.

1720

**Mr James J. Bradley (St Catharines):** I have an opportunity to address a few comments to this particular piece of legislation and to the government thrust in general. This is a government that has made almost a—I don't know what you could call it—

**Hon Mr Sampson:** A correct move.

**Mr Bradley:** No, "correct move" would not be what I would want to use. They've made a hobby out of crime legislation and being against crime. It reminds me of some of the people south of the border who fight every battle on the crime issue. Even when crime goes down, they still talk about crime going up. Nevertheless, this piece of legislation, in my view, has some supportable elements in it. I like to be able to say that. When I come into the House, I like to be able to say from time to time that I support some of the legislation the government brings forward, or at least parts of that legislation.

Now, we know it'll be very important that everybody's groomed properly in those prisons. My gosh, if they've got long hair or if they stink or something like that, it'd be awful to have that happen. So you'd better get their hair cut so they look like they do in some of the US prisons and so on. I guess that's a very high priority. But be that as it may, you've included that in the legislation because people who are incarcerated are people who have forfeited many of the rights that they would have otherwise in society. It doesn't mean they've forfeited all rights, but they've certainly forfeited some of those rights. In terms of their assaults on correctional officers and of one another, that would not be acceptable. Anything this legislation can do to reduce that would be very helpful.

But there are some other issues that have been taken that I am concerned about. I should put this on the table first of all. I would be considered certainly no bleeding heart when it comes to crime issues. If you watch my voting record in this House in private members' hour, for instance, you'll find that I tend—

**Hon Mr Klees:** Attila.

**Mr Bradley:** The comment comes out "Attila." I hope that Hansard didn't pick that up, but it will, now that I've responded to it. I could not characterize myself as ever being overly sympathetic to those who commit crimes, but I think there are ways of dealing with crimes and rehabilitation that can help our society significantly. My focus of attention would be, as this bill's focus of attention is, on victims of crime, first of all. But I also have to look at some other steps I think the government has taken which I don't think are particularly wise.

I remember when there was a major effort, I think when Mr Runciman at the time announced the government was going to close halfway houses. I remember Frank Sheehan, who was a member here, had done a lot for the John Howard Society in our area and, indeed, was involved with the halfway houses. I thought it was very

unfortunate that the halfway houses were closed, and I'll tell you why that was.

There is a choice out there. You know that some of these people, when they've completed their sentence—overwhelmingly most of these people—are coming out. Would you rather have them come out and move immediately next door to you or would you rather have them three months in a halfway house, where they're going to get counselling, where there's strict supervision, where they're going to be assisted in terms of upgrading their skills and where perhaps they're going to get a job; in other words, they're going to be integrated back into society? Or do you want them to open the door of the jail and have them move next door to you?

I think the halfway houses had a role to play in doing that. Whether you're sympathetic or not with the person who has been incarcerated, the fact is that society is going to have that person back among society, and therefore it is better, I think, to have those people better equipped to integrate back into society, rather than more likely to recur in terms of once again committing yet another crime.

Second was looking at the issue of parole. Again, a lot of people, I think, misunderstand parole. There's some people who obviously should be put away and never let out ever again. There are others who, we may believe, have received a sentence that is significantly too short.

What we have to know about parole is that parole means a person coming out is under supervision. Again, there's the choice where if you've served a 10-year sentence, a full sentence, you come out and the next day you're on the street, or would you rather have the person serve most of that sentence and have a portion of it served as parole; that is, under supervision, integrating back into society? I think it's important, to protect our citizens out there particularly, that people have that period of supervision before they come back into the society from which they came.

I know the federal government has made some of these moves. I think it is good that we have victims have a say in the parole hearing, because there are some victims who are going to be extremely traumatized by the fact that a particular individual who has committed a heinous crime is going to be back among our society, particularly a potential threat to them. So I think that part is supportable.

When I think of victims of crime, I think of some of the lengthy speeches that my colleague from Niagara Centre has made with a good deal of accuracy and with experience in the courts through his experience as a courtroom lawyer, and his observations, as I have had, of some of the cases in our area where there were victims of crime who were certainly not well served by the policies, pronouncements and legislation of this government. I'm sure that when he gets an opportunity to speak further on this bill further along, he will share that with us. I think of the Vanscoy case as one example that he has drawn to the attention of the House on many occasions. We certainly share a view that there was a family who in

essence were victims and were not very well served by the Ontario government in this case. That was certainly alluded to in a judge's decision and an observation of a judge.

The John Howard Society plays a significant role out there. I want to commend people. It is not an easy thing to do, to work with convicts, people who have come out of prison. I might say a lot of my friends who are Conservatives in St Catharines and the surrounding area belong to the John Howard Society. The president of my association does as well, but he tells me that most of his friends in there are Tories. I want to commend those people who are involved with the John Howard Society, because their job again is to integrate people back into the communities in which they live so there's much less risk of their reoffending. That's what we don't want to see happening.

We also have to look at rehabilitation as one of the goals of our society and our corrections system. We want to actually correct people. There are some people, I'm convinced, who can't be rehabilitated and simply have to be confined to jail forever. There are some who have been given many chances to be rehabilitated and haven't been. I'm not sympathetic with those individuals.

But I noted when I was correctional services critic—when I started out, I started out in the very back row. They always give you the job of correctional services critic. That's how you start out. It was 1977. In fact, Norm Sterling and I came in at the same time, in June of 1977, some 24 years ago. There was a group of us, including Ed Ziemba, who would make Peter Kormos look like a Conservative. I remember him in the House, my friend Ed Ziemba from the west end of Toronto.

**Mr Ruprecht:** High Park-Parkdale.

**Mr Bradley:** High Park-Parkdale, he was from. He was one of the people—and on the other end of the spectrum was the Honourable Gord Walker, who was the minister of corrections then. Gord Walker was alluded to in the House the other day by Sean Conway as being a man before his time. In other words, his views many years ago in this Legislature have come to fruition through the election of the Harris government. So Gord was before his time, but he was corrections minister.

One of the things I noted when I went into the prison system was how many people were functionally illiterate, people who didn't have an education and were not equipped to do well in our society and were likely to reoffend. If the Minister of Correctional Services can find a way—and it is not popular sometimes; I know that—to have those people become literate and to help those people in terms of their education, that certainly helps in getting them back into our society so there's less of a chance of reoffending—not a complete guarantee, but less of a chance.

I come from a city where there have been some high-profile cases. Obviously, Kristen French is the best example. I know Donna and Doug French very well. I've watched the anguish they've gone through over the years, as the members from the Hamilton and Burlington area

have of the parents of Leslie Mahaffy. Both of these individuals were killed in a case where people were convicted and are now in prison. They have been traumatized.

**1730**

I'll tell you, one of the best speeches I saw—because it went through for over an hour, what she had gone through—was Donna French speaking to police officers on what the court system was like. And people never know until they get there, until they're facing it, until they have been the victims or somebody in their family has been a victim, just how bad it is.

That's why I always believe that anything that can enhance the rights of victims is very helpful, particularly when that awful court case is going on. I remember the morbid tapes which were being shown in court of the victimization of Leslie Mahaffy and of Kristen French, how awful the parents felt about that. They could not stand to stay in there, quite obviously, to see this happen. They have tried, they've made efforts to not have those shown in court again except, they understand, to court officers who are dealing directly with it. But they don't believe the public and the news media have to see or even hear those tapes. The jury, if there were a jury recalled, the judge and court officials might have to, and that's an awful sacrifice. But they have asked for that, and that's certainly understandable.

We have the situation, and the Attorney General made reference to it the other day, of people making movies or writing books and making money from crimes. I remember writing a letter to the person who is going to make a movie about Paul Bernardo which would, in my view, glorify—no matter how you treat it, it's going to glorify Paul Bernardo. The member for Niagara Centre made representations in the House to the Attorney General and certainly spoke to the news media about that and how it might well be prevented from happening, because that revictimizes people. Imagine if you're a parent and you have to see a movie about Paul Bernardo. If you're the parents of one of the victims, whether the victim is in Scarborough—there were victims of the Scarborough rapist, and that was Paul Bernardo—or whether you're people in St Catharines or Burlington, why would you want to be put through the torture of that? I don't necessarily like movies of this kind, but it's different when it's totally fictional out there and it's a circumstance that somebody dreams up. But when it's based on an actual killing and actual victimization of people, I think you revictimize them when you show that movie.

I do remember, however—and again, I'm not going to dwell on this—I used to hold up in the House, when the members would get antsy on the other side and start pointing fingers, a headline from the Toronto Sun that said, "Tories Confirm Deal with the Devil." In other words, this government had a chance to overturn the deal with—I don't have it in my desk now. I was looking for it the other day when something was happening, but I had that. I remember, because the Attorney General of the

day was in a difficult circumstance, faced with somewhat of a dilemma. He could have undone the deal with Karla Homolka, and for legal reasons indicated he was not going to. Now, if you wanted to be exploitive of that on the other side of the House, you could ask questions daily and wave it. I simply save it. I simply hold up the headline only when I hear people pointing fingers at the other side of the House or talking with a great deal of bravado about being tough on crime. I think it's worth reminding them of that.

When you're dealing with any of this legislation, the question is, are you prepared to invest the dollars that are required to ensure that you can carry out the provisions of this legislation? I look at the zero tolerance policy for violence against corrections staff. I think that's a great idea. I don't think anybody should be subjected to that, because often there's not that criminal charge that is placed against an inmate. You have to be able to protect the correctional officers. They're on the front line all the time. I've met with correctional officers. I've toured in my own area the Niagara Detention Centre, which I believe should be kept open as an option for people in this area. I hope you don't close that. I hope you change your mind, if indeed that's the direction in which the new minister is heading.

So I look at this and I say as well, why are people in jail? Some people may have a mental affliction. Some people will say there's just a bad seed out there and they are always going to be there. Other people face certain environments where it's conducive to developing a criminal. Anything we can do in this House through our policies to try to steer people in the right direction—I must say many police officers are involved in this, with helping kids with sports or other positive activities. Anything we can do there to steer people in a different direction than that of crime is important, because there are always victims.

I know a number of victims of crime. They are personal friends of mine. They have told me about the circumstances they face, so any time we can take meaningful action to protect their rights, that is very, very helpful.

I agree that the government should be able to establish regulations prescribing standards of professional ethics for correctional officers in both public and private facilities. I should say to you that I don't agree with private facilities, but I agree with that and I think it should be done in consultation with those correctional officers, because they can be most helpful in that consultation.

The grooming and appearance standards? Well, I don't know whether we have any grooming and appearance standards in this Legislature. Certainly we don't have any clothing standards in here, what we have to wear. I see members from time to time on all sides of the House, particularly when the air conditioning isn't working very well, like today, who don't necessarily follow that.

It's my intention to be supportive of this legislation. I wish you had a piece of legislation before the House—and the Speaker is not hearing this, because it's just a

little divergence; it's an "I wish." I wish you had legislation before the House this afternoon that would rein in Ralph Klein and his desire to sell every last drop of gas and oil into the United States and leave Canada without gas and oil. Last I heard, they weren't making gas and oil underground any more. It may be there, but they're not making any new gas and oil. Ontario has a vested interest in that, and I hope the Minister of Energy will indicate that vested interest. I remember Bill Davis used to clearly do that, and he managed to persuade the federal government of the day to institute what was called the national energy program, something that I know our western people do not like. I happen to think it was a good policy and I hope they continue it. But that has nothing to do with the bill, and I appreciate your tolerance of my wandering a bit. It's just one piece of legislation I thought I would like to see.

I want to turn over to my colleague from York South-Weston some time, and of course eventually to my colleague from Davenport.

**Mr Cordiano:** I too am delighted to speak on this bill.

The single most important aspect of this legislation, which we obviously support, is the fact that victims will have the right to make an appearance before a parole board in front of their offenders. That is the crux of this bill, and certainly we support that.

Of all the other provisions of this bill, the other important item is with respect to a zero tolerance policy for violence against corrections staff. Of course we support that, and that's a good thing.

With respect to monitoring inmates' telephone calls, again you're playing catch-up to Ottawa, and that's a good thing. It's about time.

Grooming and the like: as far as I'm concerned, we'll just call that cosmetic—

**Mr Bradley:** Sounds good, though.

**Mr Cordiano:** It sounds good, yes, for the public out there, but it is certainly a cosmetic item.

I think the other matter, with regard to establishing regulations prescribing standards of professional ethics for corrections officers, is again a good thing.

However, the Office for Victims of Crime, in their June 2000 report, made 71 recommendations to improve victims' services in Ontario.

**Mr Bradley:** How many were implemented?

**Mr Cordiano:** Only one: the fact that victims can appear before a parole board.

The recommendation calling for provincial standards was not implemented by this government, and that is a real shortcoming, because victims of crime across this province ought to have the same rights and be treated in the same fashion as any other victims across the province would be. This has not been implemented by this legislation and it's really a shortcoming.

1740

Let's just talk about budgetary allocations. Victims' assistance accounts for less than 3% of the operating budget of the office of the Attorney General of Ontario. In 1999-2000, the Attorney General spent about half the

allocation of the previous year on victims of abuse. My colleague the member for St Catharines alluded to, "Are you willing to spend the money to give victims of crime real recompense, to make things better for victims of crime?" It requires additional resources, and this government has not been willing to do that.

Victims have received very inadequate services. In the June 2000 report, again, 59% of victims were not notified about bail hearings in their case; 66% of victims had no input in plea negotiations in their case; 49% of victims were not advised of the probation or parole conditions imposed on the perpetrator; 77% of victims incurred out-of-pocket expenses associated with their case; 61% of victims received no emotional, psychological, physical or practical assistance; 36% of victims received no information about available support services; and 53% of victims received no assistance in preparing a victim's impact statement.

These are real shortcomings on the part of the government. If you really want to lend some muscle to making things better for victims of crime, then you have to address these pressing concerns.

I would say that in other jurisdictions they've gone quite a bit further in addressing victims' rights. Alberta, Quebec, Nova Scotia, Manitoba and British Columbia have victims' rights statutes which, unlike our own Ontario bill of rights, impose obligations on the state to provide victims with information concerning the progress of their case. Our bill of rights for victims of crime here in Ontario does not do that.

British Columbia, Nova Scotia and Quebec have victims' rights statutes which, unlike Ontario's bill of rights, create the mandatory right for the victim to be treated with courtesy and respect. So there are statutes in effect.

According to the National Centre for Victims of Crime, every US state has enacted legal rights for crime victims. Some 32 US states have entrenched victims' rights in their state constitutions.

This is what we're up against with respect to other jurisdictions and how far they've gone to ensure that victims of crime have been treated properly and have been given support by the Legislatures of their respective jurisdictions.

Before it pats itself on the back for a job well done, I think this government has to look at how short of the mark they have gone. They have a great deal of work to do in order to ensure that victims of crime have been treated with respect, with interest, and have been provided with the resources, additionally, that this government has failed to provide for them. I suggest to the government that there are a number of areas, as I've pointed out, where service is inadequate, where the dollars have not flowed to assist victims of crime with some of these very difficult circumstances.

This government wants to make this an issue that it waves the flag on, wraps itself around the flag and says, "We are a government that is prepared to go all the way with respect to victims of crime. Look how tough we are

on crime. Look at all the things we are doing to fight crime." Well, the evidence is just not there to support that view, and in fact the dollars are not there. I think this is where the government has missed the mark time and again.

The Provincial Auditor's report released in the year 2000 said that the ministry of corrections is being mismanaged. It found that there is lax security at our correctional institutions and as a result inmates have often escaped. That would not suggest to anybody in the public out there that this government is running our correctional institutions with a high standard. The two superjails which are being built, one in Penetanguishene and one in Lindsay, both of these projects are now over budget. So I'd say to the government, you are mismanaging the very dear resources that we need to put into this area.

Again, to quote the auditor, his concern with corrections officers not getting enough training to be able to do their job safely, I would say to the government that we're squandering resources in the area of corrections if this is happening. It's great to have a zero tolerance policy with respect to assaults on corrections officers—that's in this bill and I applaud that, as I said earlier—but what about job safety when it comes to proper training and upgrading the skill levels of correctional officers? That's not being done.

As others have pointed out, in the US privatized prisons have led to greater inmate escapes. As well, in privatized prisons assaults on correctional officers are 50% higher than in public institutions. So privatizing these jails is not a panacea. It is fraught with all kinds of problems.

Going back to the main point with regard to this bill, we believe that the government has a way to go with respect to ensuring that victims of crime are satisfied that there is restitution, that there are additional resources required to be put in this area and that the government not overlook this and pat itself on the back for a job well done, because you have a long way to go toward satisfying victims of crime.

**Mr Ruprecht:** I've been listening very attentively to this debate and I'm delighted to say a few words about this Victims' Bill of Rights.

I just found of great interest what the minister said, the member for Mississauga Centre. He gets up—and of course he's the minister and he's got the responsibility for this bill; we know that—and he says, "The opposition is pushing us, either we're going too fast or we're going too slow," the point being that he's implying we're too critical. It doesn't take much courage to say that, but it would take much courage to stand up and say, "I want to make an announcement in this Legislature, and the announcement is the following: that this bill, yes, it's a good start"—and of course I'm going to support this bill—"but at the same time let me tell you where we need to make improvements or let me tell you how much further we have to go." No, that's never here. It just seems always that the Conservatives are saying, "We've

got the perfect solution and here it is: take it or leave it." Sometimes they say, "We'll shove it down your throat. It doesn't matter what you say. It doesn't matter whether you make any important input and it doesn't matter whether some of your recommendations are in fact valid."

I simply say to you, it would be very courageous to say to the Legislature and to the members, "OK, we're going to have a province-wide victims' service standard but it's going to come later." Is he saying that? No. He's simply saying, "I'm sorry, we just don't have it." Give us some more details as to how you propose to proceed in this matter.

Second, it would take great courage to say that the auditor has found that the jails often suffer from lax security and that inmates have escaped. We don't even know the correct numbers. Is he standing here in this place and saying, "I'm prepared to give you the numbers of how many of these inmates have escaped"? That, Minister, would take courage, to provide these numbers.

**1750**

The other thing, of course, that is very hard for people in Davenport and, I would even argue, indeed very hard for people in Mr Kormos's riding to understand is why the system would permit indirectly, clandestinely, drugs to enter our institutions. When I first heard about that, I said, "Well, that is another one of these conspiracy theories that have no validity. I can stand and say, 'No, there are no drugs in our institutions.'" That's not possible. We've got the jail guards, we've got the dogs, we've got—oh, just a minute. I take that back. We used to have a dog or dogs, and they would be called drug sniffers. What happened to these drug sniffers? I'm asking the minister today, do you still have these drug dogs and these sniffers in the jails?

You know what? They had their own. The institutions had their own, and you did away with the last dog. You cut the last dog off and you said, "Dog, we don't need you any more." But if the OPP is now going to be effective in this fight against drugs—I'm sorry to tell you this, but you've got some responsibility to take. I don't want to be overly and burdensomely critical of you, but I want to say that you have been the Minister of Correctional Services for almost two years. To some degree, I'll give you some credit. You've done some good things. Yes, it's true. But you haven't got the courage to stand up and tell us what you're going to do in the future. You haven't got the courage to be critical of some of these things. You haven't got the courage to say, "There will be no drug tolerance in the jails. There will be no tolerance at all."

How do you explain, Minister, that there are drugs entering our institutions? It isn't just one institution; you know that. The newspapers are full of stories that are telling us specifically how these drugs enter. I would simply ask you very humbly, if they know more than you do, then to some degree you might have to improve in your job or you may have to improve on the institution or on hiring some people to follow this up to ensure that there are no drugs in our jails.

As you know, along with drugs come a lot of other problems, and I'll talk about that in a few more minutes. I'm simply saying to you that that's shocking news. I would say that if you knew this before, Minister, wouldn't it make sense, instead of saying, "We don't need any more dogs," that we need to hire more dogs or that we need to hire some people or some security or some guards, to look at ways that we would improve on this plan to stop these drugs entering into our institutions? Everyone today knows that there are drugs in jails, illegal drugs in jails, illegal substances in jails. Everyone knows about that. When I first found out, as I told you, I was shocked about this, but now it seems like it's almost an accepted thing that there are drugs in jail. People say, "Well, look, if the government is going to be tough on crime, if the government is talking about a new Victims' Bill of Rights, then obviously it seems to me that your number one priority may be to try to ensure that these drugs do not reach our institutions, are stopped at the front door."

I want you to stand up today, if you can—or whenever you have a second or a chance to say this—and say, "I'm the Minister of Correctional Services and I pledge to all Ontarians, I pledge to all of you, that from now on there will be no drugs in jail. These drugs will not enter my jails." Minister, I hope you're going to do that. We will support you in this. The people of Ontario will support you in this, and I know the guards in these institutions will support you in this as well. But you've got to take leadership in this regard. If you can't take leadership, and if you think this is somehow acceptable, if you think this is funny—whatever—if you think that's the way to go—and I know you probably don't think that—but if you should ever think that's not right, we will continue to criticize you on a daily basis. I'd rather try to help you.

**Hon Mr Sampson:** I know that.

**Mr Ruprecht:** Thank you. We in the opposition would rather try to help you stop this nonsense and not be critical. But I'll tell you one thing: if you are unable to stop these drugs going into jails, then we on this side are going to be after you like dogs chasing a bone. You're going to be the bone. It's better for you that you start acting in a way that is most acceptable to the people of Ontario because—do you know what?—the people of Ontario don't want drugs in jails. You're the leader. You've got to take leadership in this. I'm glad to see you agree with that point. It takes courage. I told you from the beginning that it takes courage. I think you have it, but you need to be encouraged to have some courage.

Now, let me continue to say in what way the minister needs to be encouraged a bit more. He should stand up and have the courage to simply say we know our new superjails, in Penetanguishene, as an example—there are

two superjails; the other one is in Lindsay—are beyond budget. In other words, they're more expensive. Because these jails are more expensive, we've got to cut costs somewhere else. Mr Minister, where are you going to cut? You've got the plan. The plan shows it's going to be more expensive to build these superjails; in fact, it may be much more expensive. Will you have the courage to stand up in cabinet and say, "I will resign as minister unless you give me the funds that are necessary for me to do my job"? That would take courage, and we will support him in this. We'll support him in having that courage.

It would take great courage to accept the fact that our correctional officers simply do not get the training they need. Has the minister admitted that? Has he admitted that he's cutting programs, so that our jail guards and security staff are not provided with the latest information on how to stop escapes, on how to be trained in dealing with inmates? He's cutting costs. He's cutting somewhere, and I expect him to stand up in cabinet and request more money.

It would also take courage on his part to know that escape rates in private prisons are 30%—in fact, 32%—higher than in public facilities. He knows that.

I've only got a minute left. Let me simply get to some other points I want to get on the record before my time is up.

Mandatory impact statements are very, very important. As you know, Mr Minister, many of the judges who are passing sentences do not live in the areas that are affected by drug dealing and prostitution. Most of us know what we call the hot spots in Ontario, where prostitution and drug dealing are open and you can observe them by just driving by. We all know some of these hot spots. The problem is that some of the judges—

**Mr Ted Chudleigh (Halton):** I don't know them. How do you know them?

**Mr Ruprecht:** If you don't know them, I will tell you where they are. I don't want to put that on the record, but if you don't know where they are—the papers are full of it—it simply means you're not reading the papers. It simply means you're not up to date on this. All I'm saying is that judges do not live in those hot spots or near those hot spots.

What about mandatory impact statements from a community and the right of a community to say no to these kinds of activities? That's what we'd like to see in this bill as well, and it's—

**The Acting Speaker:** Thank you. It now being after 6 o'clock, this House stands adjourned until 1:30 pm Monday next.

*The House adjourned at 1801.*



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		York West / -Ouest	Sergio, Mario (L)
		Vaughan-King-Aurora	Vacant

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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COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

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Vice-Chair / Vice-Président: Alvin Curling  
Gilles Bisson, Alvin Curling,  
Gerard Kennedy, Frank Mazzilli,  
Norm Miller, John R. O'Toole,  
Steve Peters, Wayne Wettlaufer  
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Finances et affaires économiques**

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Vice-Chair / Vice-Président: Vacant  
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Caroline Di Cocco, Jean-Marc Lalonde,  
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**Regulations and private bills /  
Règlements et des projets de loi d'internet privé**

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