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**Official Report  
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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 10 October 2001**

**Mercredi 10 octobre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 octobre 2001

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### GASOLINE PRICES

**Mr Michael Gravelle (Thunder Bay-Superior North):** I don't believe I am remotely exaggerating when I say that drivers in Thunder Bay and northwestern Ontario are thoroughly fed up with the high price of gasoline at their local service stations. Recently, prices soared to over 80 cents a litre in Thunder Bay and were in the mid- to high 80s in other communities in my riding.

But what makes us more convinced than ever that this is nothing more than gouging by the oil companies is new evidence that the price differential should be no more than four cents a litre between Thunder Bay and Toronto. Yes, we accept that transportation costs and lower-volume issues justify a slightly higher price, but a 15-cent difference, which is the reality right now, is nothing more than a rip-off for the people I represent.

Yesterday when I flew out of Thunder Bay, the cost for gas was just over 72 cents a litre, a drop of 10 cents from that outrageous price two weeks ago. Yet when I arrived in Toronto, the cost for gasoline here was only 57 cents a litre; the 15-cent difference was maintained. Not only is this unacceptable, it seems impossible to justify. That is why, at the behest of a new gas price task force recently formed by Thunder Bay Mayor Ken Boshcoff, I have written to the heads of all the oil companies, asking them to justify these price differences or, more hopefully, commit to a fairer deal for all northwestern Ontario residents.

Today I'm also calling on the Premier, the Ministry of Energy and the consumer minister to help us get this fairer deal. Perhaps it's time for the Premier to put some real pressure on these companies so they cannot continue to post whatever price they want at the pump. People are very angry about this, and well they should be. This unfairness must be stopped.

#### CORRECTIONAL FACILITIES

**Mr Frank Mazzilli (London-Fanshawe):** I rise in the House today to notify the members of this Legislature and the people of Ontario of the disturbing state of affairs

in our federal correctional facilities. Last month, Clinton Suzack, convicted in the 1995 slaughter of Sudbury police constable Joey MacDonald, was transferred to another luxurious Club Fed vacation destination.

The criminal was moved to William Head, located on the southern tip of Vancouver Island. This resort-like correctional facility is described by Corrections Canada as having a "unique physical environment—bordered on three sides by ocean." In Ontario, that's called waterfront property, and it's prime real estate.

I have also been advised that inmates at William Head can golf on a small pitch-and-putt golf course, they can go fishing and have an amazing view where they can watch whales swim in the ocean.

This sends a message to Canadians. It says that if you kill a police officer, you'll be punished and you'll be restricted to playing golf and watching whales on prime real estate.

I sympathize with all police officers who risk their lives each and every day. On September 11, the attack on the United States taught us all that we cannot take our emergency service workers for granted.

How is it that Corrections Canada, the federal Liberals and their Ontario lieutenant, Dalton McGuinty, can take Joseph MacDonald's life for granted by transferring his assailant to minimum security after only eight years? Murdering a police officer is a cowardly act and unacceptable, and transferring Clinton Suzack to Club Fed is an insult to all police officers in this country. It's time that the federal Liberals take the lead of the Mike Harris government that gets tough on convicted—

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

#### GASOLINE PRICES

**Mr Bruce Crozier (Essex):** Premier, gasoline prices are grossly out of line in southwestern Ontario, and you should do something about it. My constituents are fighting mad over this. Gasoline prices in my community, for example, range from 68 cents a litre to 73 cents a litre. Today, prices in Toronto range from 55 cents a litre to 67 cents a litre. If we're to believe what the retailers say, they don't have much margin to work with. In fact, I think it would be cheaper if they came down to Toronto and got a load of gasoline and took it back home to sell it.

You know, I believe the retailers in that they don't have that much margin. What it's all about are gasoline

companies that are gouging us. What does the Premier say about this? A year or so ago he appointed gas-busters. Well, a lot of busting they did. They busted the price right up to the ceiling.

What do the oil companies say? "It's supply and demand." I think the oil companies are simply gouging us. That's what they're doing.

What does the Premier then say to the oil companies? "We're going to give you a tax cut. We're going to give these great, big corporations who are making millions upon millions of dollars on the backs of southwestern Ontario constituents a big tax cut." We won't stand for it.

#### KEELER CENTRE

**Mr Doug Galt (Northumberland):** I rise in the House today to recognize the official opening of the Keeler Centre, a new community and recreational facility in the village of Colborne. The Keeler Centre is a multi-purpose community centre which features a state-of-the-art hockey arena and banquet hall.

The building is environmentally friendly, using a heating and air conditioning system based on the latest heat pump technology. Even the seats of the arena are heated through the heat pump's underground system.

The arena also features an impressive acoustic arrangement which completely eliminates echo. This achievement is especially notable, particularly for those parents who regularly spend frosty Saturday mornings watching Junior practise his slapshots. The boards are made from fibreglass, which also helps keep Junior safe.

For evening events, the Rotary banquet hall can seat some 400 people and is ideal for hosting special functions. It will also serve to accommodate regular meetings of service clubs, local organizations and seniors' activities.

This coming weekend I will be in Colborne to join dignitaries from the municipality of Cramahe for the gala opening celebrations. I commend all the people who were involved with the project, and I look forward to the many successful events and community parties that will be held at the Keeler Centre.

#### GOVERNMENT ADVERTISING

**Mr James J. Bradley (St Catharines):** These are trying and challenging times for our province, with new realities confronting us as a result of the tragic and horrifying events of September 11. There's a justified expectation that government will play a central role in ensuring that our citizens are protected from threats to their safety and security, and a recognition that additional funds must be found to meet this challenge.

When security was breached at the Bruce nuclear generation station about a month after the terrorist attack on New York and Washington, with an individual being able to gain access to the station property, there was understandable apprehension and support for an investment in increased security measures at the nuclear plant.

What is not necessary is the Harris government using these difficult circumstances confronting us as an excuse to squander huge sums of money on self-congratulatory, full-page newspaper ads. Surely the millions of dollars the Harris administration spends on partisan advertising in a year could be put to far better use than a public relations campaign to shore up the sagging popularity of the Premier. Fire and police departments, public health agencies, hospitals and emergency measures organizations would benefit immensely from an infusion of funds from the provincial government.

If Mike Harris wants to engage in a self-congratulatory advertising campaign, then let his well-financed Conservative Party pay for it and use hard-earned taxpayers' dollars for the public good.

#### VISITORS

**Mrs Marie Bountrogianni (Hamilton Mountain):** On a point of order, Mr Speaker: We have visitors from Mount Olive Christian Academy from Hamilton Mountain here. Welcome.

#### EDUCATION FUNDING

**Ms Marilyn Churley (Toronto-Danforth):** The Harris government has stated its strong commitment to quality education for children in their early years, yet their education policy suggests otherwise. I recently attended a meeting with parents and educators and our school trustee, Paula Fletcher, to discuss the cuts in education assistants in junior and senior kindergarten. These cuts are being made by the board because the funding formula is totally inadequate to meet the needs of quality education in this province.

The Toronto board of education has yet again to make more cuts, to the tune of \$126 million from this year's budget. The funding formula provides just under \$1 million for education assistants in regular kindergarten classes. The board is currently spending \$22.3 million to provide 800 necessary education assistants in regular kindergartens, including a small component, a complement for open-plan schools, French as a second language and ESL and those kinds of situations.

#### 1340

The surrounding areas outside the old Toronto, after amalgamation, did not have the same complement of teaching assistants, so what the board has had to do is harmonize down. Talk about meeting the lowest common denominator. That's what's happening here, and it has to be fixed.

I call upon the Minister of Education to look into this today.

#### EVENTS IN DURHAM

**Mr John O'Toole (Durham):** I rise in the House to recognize the Scugog Fire Department's auto extrication team. The team finished third overall at the international

fire extrication competition held in Burlington last month.

The Scugog team was competing against volunteers and full-time fire departments from across the United States, England and Canada. In this contest 28 teams battled the clock in simulations that tested their speed and skills with power rescue tools and hand-operated tools. I might add that Scugog scored first among all Canadian teams.

I'd like to congratulate District Chief Dave Ballingall, the coach and supervising officer, along with team members Jamie Donaldson, Clint Walker, Don Buldyke, Dave Reed and Mike Morden.

In addition, I am pleased to report that the newly renovated Scugog Fire Station Number 1 will be officially opened tomorrow, Thursday, October 11. This station on Crandall Street in Port Perry has been enlarged to approximately 12,000 square feet. I am sure we'd like to congratulate Chief Richard Miller, Deputy Chief Rob Gonnermann, District Chief Dave Ballingall and each of the 50 part-time professional firefighters who serve Scugog township.

I applaud the Scugog firefighters for achieving two milestones: the success of their extrication team and the opening of their new fire hall. Congratulations should also be extended to Scugog Mayor Doug Moffatt, Scugog town council and the citizens of Scugog. They have every reason to be proud of their firefighters.

#### EDUCATION FUNDING

**Mrs Marie Bountrogianni (Hamilton Mountain):** I rise in the House today on behalf of the parents and students of Buchanan Park school in Hamilton. The current situation in the junior and senior kindergarten class finds 49 students, three- and four-year-olds, with two teachers. This situation is untenable. Is this an example of Harris's pledge to reduce classroom sizes?

Clearly the situation at Buchanan Park illustrates that this government does not take education seriously. Children have difficulty learning constructively in overcrowded environments. Any child with a special need or auditory problem will especially be lost. There are two children who are English-as-a-second-language children in this classroom of 49.

If this was a daycare centre, it would be closed down. Parents have serious safety concerns, and furthermore, students are being denied the high quality of education they deserve.

Yesterday I presented a petition to the Legislative Assembly asking for immediate action by this government to increase funding to school boards, adjust the funding formula and place a real cap on primary class sizes of 20 students, as the Liberal Party recommends.

I am calling on this government to help the students of Buchanan Park succeed by acting now. Give back the millions of dollars you have taken away since 1995 so that three- and four-year-olds can get the proper education they deserve.

#### ONTARIO SECURITY

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** This Thanksgiving weekend, people in my riding of Haldimand-Norfolk-Brant were honoured with the presence of Ontario's newly appointed security adviser, retired Major General Lewis MacKenzie.

As one of Canada's most famous military figures, Major General MacKenzie honoured our war vets as the reviewing officer for the 39th annual Warriors Day parade at this year's Norfolk country fair. This is one of only three Warriors Day parades in the province. It reminds us of the commitment and the sacrifice of those who served in times of war. These military personnel who have placed themselves in the front lines are heroes in the truest sense of the word. As Major General MacKenzie stressed, "Heroes are people who sacrifice their lives for others."

As we reflect on heroes and battles past, we reflect on today's challenge to our safety and security. Then, as now, people step forward and answer the call in our time of need: military personnel, emergency workers, police, firefighters. Then, as now, Ontario remains strong and at the ready.

The warriors of the past have taught us well, but there is much work to be done in the months ahead to meet and emerge victorious from this challenge of terrorism. The government of Ontario and the people of Ontario have risen to that challenge, and I look forward to next year's Warriors Day parade.

#### VISITOR

**The Speaker (Hon Gary Carr):** Before we continue, seated in the Speaker's gallery today I'm very pleased to welcome to our Legislature the Honourable Patricia Forsythe, member of the New South Wales Legislative Council in Australia. Please join me in welcoming our special honoured guest.

#### INTRODUCTION OF BILLS

##### PREVENTING PARTISAN ADVERTISING ACT, 2001

##### LOI DE 2001 VISANT À EMPÊCHER LA PUBLICITÉ À CARACTÈRE POLITIQUE

Mr McGuinty moved first reading of the following bill:

Bill 107, An Act to end government spending on partisan advertising / Projet de loi 107, Loi mettant fin aux dépenses du gouvernement en matière de publicité à caractère politique.

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

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

All those opposed please say “nay.”

In my opinion, the ayes have it. Carried.

The member for a short statement.

**Mr Dalton McGuinty (Leader of the Opposition):**

Quite simply, my bill would finally bring to an end this government’s terrible and wasteful practice of spending precious taxpayer dollars on partisan political advertising.

*Interjections.*

**The Speaker:** Order. We need to be able to hear what we’re supposed to be doing.

## MOTIONS

### COMMITTEE MEMBERSHIP

**Hon Janet Ecker (Minister of Education, Government House Leader):** I have a routine motion here concerning the membership on one of the committees. I move that Mr Prue replace Mr Marchese on the standing committee on general government.

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

## ORAL QUESTIONS

### ONTARIO SECURITY

**Mr Dalton McGuinty (Leader of the Opposition):** It was my understanding, Mr Speaker, that the Minister of Energy would be here, and I have a question for him.

*Interjections.*

**The Speaker (Hon Gary Carr):** Just so we know, we did finish the introduction of bills a little bit quicker than normal, so we’ll give a little bit of time for some of the ministers. We’re a little bit early. We’ll reset the clock and start at the beginning. I think we should be ready.

1350

**Mr McGuinty:** Minister, three weeks after September 11, a man walked unchecked, unimpeded, on to the grounds of the Bruce nuclear site. You’ve now had a full day to look into this. Can you tell us—because Ontarians are very concerned about this—how could this have happened three weeks after the most horrific terrorist attack that ever took place in North America, that a man could walk unimpeded, without being checked, without encountering any security measures whatsoever, on to the grounds of a nuclear generating site in Ontario?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The facts are exactly as I outlined them yesterday. The gentleman went through a perimeter fence, which is a short fence. It is a fence that marks the—

*Interjections.*

**Hon Mr Wilson:** Excuse me. It is a fence that marks the property line. It’s some three kilometres away from the actual security fences that surround the reactors. A phone is on the administrative building inside of this little fence, and it is meant for exactly what the gentleman used it for. It’s for people who are in distress to use and to phone the security of the plant, who did respond right away and brought him into the building to warm him up, because he and his friend were suffering from hypothermia. They were transported to the hospital.

I would say to the honourable member that you have had overnight to go up to the Bruce and to see for yourself that the facts are exactly the way I have been describing them.

**Mr McGuinty:** Perhaps the member would invite all Ontario families to visit the site at the same time.

I can understand why the minister would be anxious to quickly dismiss this concern and to get it behind him. But let me tell you what the Solicitor General said yesterday. He said, “Clearly, there was a breach, but nobody contemplated anybody coming in from the water.” You will know, as the Minister of Energy, that all three of our nuclear sites are situated adjacent to water.

So the question I have for you, Minister: three weeks after the most horrific terrorist attack in the history of North America, how can it be that, when it comes to the security measures at our nuclear sites, there are no security measures in place beside the water?

**Hon Mr Wilson:** This particular area is a boater-safety area. It’s a sluice in the water, and boaters, local duck hunters and fishermen know that’s an area where they can go to access the emergency telephone. As of today, we’ve moved that telephone closer to the water so that there’s no perception of them getting through any security fence, which did not happen.

If the honourable member would attend the site, as, I will tell you, most of the media here have done—they’ve gone up and taken pictures, and they’re very satisfied. This is a small perimeter fence like you’d see around a schoolyard; it is not our big, huge security fences, which are some three kilometres away. It’s a small administrative shack. The phone is there for the purpose that it was used for. We’re now making more phones available, so there’s no perception at all that someone broke into the nuclear facility. That did not happen. It would not happen, because we are very confident that the measures that we’ve taken, that Bruce Power has taken, are making our plants very, very secure.

**Mr McGuinty:** One of the reasons Ontario families are wondering about this is that in the expensive political propaganda they paid for in today’s papers it says, “Since September 11, we’ve taken swift action to protect our people.” Three weeks after September 11, this man ambled on to the site of a nuclear plant in Ontario—three weeks after September 11.

Minister, yesterday you said, “Our plans are as good or better than many of the plans in place for US nuclear sites.” So we contacted the Fermi II plant in Michigan to see if they had any suggestions on securing nuclear plants

from the water. They refused to discuss specific details, but they insisted that at minimum they have to have the US Coast Guard there establishing a security zone.

So my question to you is, four weeks after September 11, on the same day you tell us that since September 11 you have taken swift action to protect the people of Ontario, why have you not established a secure perimeter zone around nuclear sites in Ontario?

**Hon Mr Wilson:** We don't discuss the details of the actions we've taken.

*Interjections.*

**The Speaker:** Order.

**Hon Mr Wilson:** You should know that the federal Liberal government is actually responsible for the security at our plants. The Canadian Nuclear Safety Commission—

*Interjections.*

**The Speaker:** Stop the clock, please. Order. It's time to proceed. Sorry, Minister.

**Hon Mr Wilson:** Ralph Goodale, the federal minister, and I have spoken about security in our plants. The federal government is very satisfied with the quick action we took to ensure proper security at the plants. Again, the only person in Ontario today who is fearmongering about this incident, which had nothing to do with security at our plants, is the honourable member.

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

#### GOVERNMENT ADVERTISING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Deputy Premier. Minister, I want to talk to you about this wasteful, expensive, partisan political advertising you've run in today's Ontario papers. I just want to set the scene and the context a little bit for you.

Our families today feel a tremendous sense of insecurity. They want a sense of personal and economic security to come from this government in real and concrete ways. They want much to be done in terms of improving our security provisions—and we've just heard from this minister that you're failing to do that. They want to know that you're dealing with the economic downturn. In addition to all that, they want to know you are still protecting health care, education and the environment. Given all that, all those pressing priorities and urgent needs on the part of our families, can you tell us how you've decided that your greatest priority today is to put hundreds of thousands of dollars into wasteful partisan political propaganda?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I know the Chair of Management Board would like to answer this.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** Clearly this ad is very important for two reasons. First of all, it's important for us to recognize the contributions of Ontarians, who have contributed in many ways. Whether they're firefighters who went down with the effort, whether they're

construction workers, whether they're ordinary Ontarians who donated blood, who certainly assisted in some way in the effort when this tragedy occurred, it was very important for us to thank them.

I appreciate the question from the Leader of the Opposition, but if I could quote: "The events of September 11 were devastating tragedies and the people of Ontario responded generously, lending heartfelt support to those suffering sorrow and pain.

"To everyone who reached out with condolences, who donated blood, who gave money or found other ways to help the victims and families of these terrorist acts—thank you.

"If ever there was a time when America needs a friend, it is now.

"You didn't hesitate. You responded immediately. So did your government."

**1400**

**Mr McGuinty:** This time you're not going to walk away with this. There are urgent and pressing priorities in the minds of all reasonable people today in Ontario, and this kind of investment, this kind of waste, does not fall within those priorities.

Let me tell you something about our families. They are sick and tired of the fact that there aren't enough textbooks in our schools, they're sick and tired of the fact that the air is making their kids sick, they're sick and tired of the fact that we don't have enough beds in our hospitals, they're sick and tired of the fact that this government is doing nothing in concrete terms when it comes to protecting their economic and personal security. So I ask you again, in light of all of that, Minister, how could you possibly decide that the best way to invest taxpayer dollars is in this political partisan propaganda?

**Hon Mr Tsubouchi:** Obviously the Leader of the Opposition has not been talking to the same Ontarians that many of us on this side have been. I know that people out there are concerned. People out there need information. Many ordinary people in our communities have certainly asked, "What is the Ontario government doing to make sure that we in Ontario have proper measures in place to assist us?" This is certainly something that people are talking to us about. Obviously, he either doesn't know that or he doesn't care.

Certainly, in this ad as well, which is very important for us to convey, there are a number of protective measures that we are taking for the province of Ontario. First of all, as you know, we have appointed Norman Inkster, retired commissioner of the RCMP, and also retired Major-General Lewis MacKenzie, as provincial security advisers. There are a number of measures that we have taken in Ontario to ensure the safety of people in this province. It's very important for us to convey that message to them. That's what Ontarians are asking for, and that—

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up. Final supplementary.

**Mr McGuinty:** Minister, I want to bring you from the abstract to the immediate. Last week a man walked on to

the grounds of one of Ontario's nuclear generating facilities. He was able to do that because there were no security measures in place. I would think that one of the places Ontario families would want you to start to invest in security measures at our nuclear sites. People are afraid of losing their jobs. People are concerned about what has happened to the markets and their loss of retirement savings. They're concerned about what's happening at our border and the fact that there's a slowdown in terms of getting our goods across the border. Those are the kinds of things that our families are concerned about. So I ask you one more time on their behalf, because you have yet to justify this, how, in light of all of this and all of these pressing and urgent needs, could you have possibly decided that the best way to spend hundreds of thousands of precious taxpayer dollars today was on this kind of partisan political propaganda?

**Hon Mr Tsubouchi:** I appreciate the question. The Leader of the Opposition talks about the abstract, he talks about the real. I'll tell you what's considered real to me and probably all people on this side: Ontarians, real people out there, who are concerned, who want information. That's what's real to us. I don't know what you're talking about.

Secondly, since the Leader of the Opposition is holding up his copy of this ad, I must say in this ad we talk about many security measures. If I can outline a few, thank you for the opportunity.

"We are undertaking a thorough review of Ontario's emergency response plans.

"We will require all municipalities to maintain emergency response plans and train their employees.

"We will work with owners and operators of large buildings and public facilities to develop appropriate emergency response programs."

These are concrete, real examples of how this government is committed to public safety in this province, something that you certainly don't know anything about.

#### GOVERNMENT POLICY

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Acting Premier, and it concerns why this government is waging a campaign against our civil liberties. Your government appointed Norm Gardner to the Toronto Police Services Board as chair of the board. Now he says Toronto police are compiling a list of hundreds of people to target for surveillance. People are put on the list because—quoting Norm Gardner—"They may have said something that might lead the police to raise their eyebrows." Deputy Premier, is this your government's policy? Do you support Norm Gardner running a thought-police operation?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I'm not really sure why he's asking us this question. Isn't the chair elected with another body and accountable to another body?

*Interjection.*

**Hon Mr Hodgson:** The member from Etobicoke knows full well who the person that he refers to reports to and how they're elected, and he should know that as well.

I can tell you that our province takes our responsibility very seriously in protecting Ontario's citizens and also balancing that with our fundamental rights and freedoms that we enjoy in this province.

**Mr Hampton:** He is your appointment to the Toronto Police Services Board. What I want to know is this: does he represent government policy? Is it the policy of your government that someone would be put on a police surveillance list where they can be watched, pulled over, requested to attend and answer questions based upon—and I quote Mr Gardner again—"tips from informants, from suspicious or disgruntled neighbours or hearsay"? Is that government policy in Ontario today, that someone can be put on a police surveillance list based upon hearsay? If that's not your policy, then please disown it.

**Hon Mr Hodgson:** That's not what the leader of the third party said. He talked about us appointing the chair. As the member for Beaches-East York might be able to inform you, the chair is elected. The majority of the members on the police services board of Toronto are appointed by the municipality. I just reiterate that your member from Beaches-East York—you've got him newly installed in the caucus—might be able to inform you on how that institution works.

**Mr Hampton:** Acting Premier, he is your appointment to the Toronto Police Services Board. He is now the chair of the Toronto Police Services Board. He says that people will be placed upon a list for police surveillance based upon hearsay, based upon whether he believes people have "hate in their heart." We haven't seen this kind of trampling on people's civil liberties since the FLQ crisis based upon, apparently, no evidence.

My question is, is this your government's policy? Is it your government policy that people will be put on a police surveillance list based upon hearsay, based upon somebody simply calling up and saying, "I'm suspicious of this person"? Is that your government's policy, that people's civil liberties in Ontario today are worth so little?

**Hon Mr Hodgson:** The answer is no. I think the member knows that.

**The Speaker (Hon Gary Carr):** New question. Leader of the third party.

**Mr Hampton:** Also to the Acting Premier: then you should disown the comments of Mr Gardner and you should do it now.

#### ONTARIO ECONOMY

**Mr Howard Hampton (Kenora-Rainy River):** My next point is this: we know Ontario's economy is in trouble. Your Premier has admitted as much. About a year ago, we had a blizzard of announcements about SuperBuild, how SuperBuild was going to be out there and it was going to be making construction things hap-



pen. But since all of the hoopla, virtually nothing has happened. Meanwhile, we have community after community that needs to fix up their water treatment plant or needs a new water treatment plant or has a capital project that they need to get to work on, but your government isn't there.

Can you tell us, why are you sitting on SuperBuild money? Why in a time when the economy is in difficulty are you so far behind and so delayed in terms of bringing meaningful municipal capital projects forward?

1410

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** SuperBuild, as you know, is a way to coordinate capital spending and try to leverage it to the maximum benefit for the people of Ontario.

The Minister of Finance, along with the SuperBuild Corp, has been doing an excellent job on behalf of the province of Ontario. They've invested \$906 million in provincial highway programs, \$200 million in hospitals and \$48 million in post-secondary education facilities. It's also part of the Canada-Ontario infrastructure agreement and we have approved a number of projects that are waiting for Ottawa's approval as we speak. We hope that we will have these projects announced soon under the protocols that have been reached and that you will see construction on a lot of the projects right across Ontario to benefit the communities we all care about so deeply.

**Mr Hampton:** The Acting Premier recounted some announcements. We checked out some of these announcements. On June 15 you boasted that Sudbury would get \$15 million to improve their water treatment system. Well, we're now into October—and no money. The communities actually had to call and ask you not to enforce the clean water regulations because you don't come up with the money. You announced on August 16 a project for Niagara-on-the-Lake. We called them—no money. Red Lake, in my constituency: \$10.5 million for a water treatment plant because five communities are boiling their water—no money. Sioux Lookout: \$5.5 million for a water treatment plant so people don't have to boil their water—no money.

You've made all the announcements, but for some reason these communities aren't receiving the money to do the capital works. At a time when people are losing thousands of jobs in Ontario, tell us, please, when are you going to address the needs of these communities on these important issues and also ensure that much-needed construction projects can go ahead so that people can continue to have a job?

**Hon Mr Hodgson:** I think the leader of the third party would be well aware that this government is setting aside large amounts of money for infrastructure investments that are long overdue due to neglect that happened under your government and the shortfall in capital that was required to keep our infrastructure current, modern and safe.

As to the announcements you talk about, there was a series of announcements around the studies that are

required to make sure we get the proper numbers. In Sudbury you're talking about the millennium partnership; in the other small towns you're talking about OSTAR led by my colleague from rural affairs in conjunction with the Minister of Northern Development and Mines.

There are announcements. There are actual projects beginning in a serious way to start construction. You will see a lot more announcements and you will see a lot more construction because we believe in rebuilding this province. We have to make up for a lot of lost years and the neglect of Liberal and NDP administrations, which did not invest in the infrastructure of this province.

## CHILDREN'S HEALTH SERVICES

**Mr Dalton McGuinty (Leader of the Opposition):** The question is to the Minister of Health. I put the question to the minister on behalf of parents of southwestern Ontario who are very concerned about the future availability of specialized health care for their children.

In recent days, Minister, you have told those parents that you can't find any more money for their specialized burn unit for children, that you can't find any more money for their cardiac centre specializing in children's care, but it turns out today that this minister and this government found the money to run a full-page ad in the London Free Press. The question I have for you on behalf of southwestern Ontario parents, and particularly those living in the community of London: why is it you can't find money to maintain an adequate level of health care services for southwestern Ontario children, but you can find the money for partisan, political propaganda?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me set the record straight for this House. I've said on the record already that the sum total of all the decisions made by an independent board of directors represented 1% of their activity. The two activities the honourable member mentions: pediatric burn unit had two cases per year on average over the last three years, and cardiac transplant pediatric was two cases per year on average. So, yes, those programs can be transferred to other facilities, because, do you know what? The clinical outcomes will be better. The patients will get better service, they'll get better treatment and that's better for the patients in Ontario.

That's the kind of thing the London Health Sciences Centre agreed upon. It's the kind of thing we support. It's the kind of thing that means we'll have better outcomes for the patients he seems to be so concerned about.

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

**Mr Steve Peters (Elgin-Middlesex-London):** Minister, shipping patients and their families to other centres without assurance that there's space in those centres is totally irresponsible of you and your government. Citizens of southwestern Ontario don't want to hear your platitudes. They want to know why this government is turning its back on children and families in southwestern Ontario.

Do you know what the problem is, Minister? It's you and your ministry. Yesterday, I spoke to the chairman of the board of the London Health Sciences Centre, and do you know what he told me? He said your ministry approved and signed off the proposal before it went to the board. They were required to do this as part of the renewal plan. So don't stand there and say your government had nothing to do with it and blame it on the local board. You and your ministry are the ones who decided to abandon these children and these families.

Minister, the London Health Sciences Centre is, or at least was, a world-class medical and major academic centre, a centre of excellence. Could you please tell this Legislature when your ministry made the decision to approve the plan that would downgrade the London Health Sciences Centre to a community hospital?

**Hon Mr Clement:** Nothing could be further from the truth on a number of different accounts. I can tell this House that we certainly want the best clinical outcomes for our children when they need the services of a burn unit, when they need pediatric cardiac care. We want the best services in the best location for our children to get those kinds of services.

If the honourable member doesn't believe me, that's his right. I can merely read from the local paper, the London Free Press, which said that the plan is to boost core medical services locally, while passing off others that lack the critical mass of patients to those that can supply the service.

We want the best services for our kids, the best services and all the range of care that was hitherto available, in the best location. If the honourable member wants to play politics with that, that's his right, but we want the best results for the people of Ontario.

#### EDUCATION FUNDING

**Mr Frank Mazzilli (London-Fanshawe):** My question is to the Minister of Education. Yesterday you announced the government is committing \$5 million—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Stop the clock, please.

Thank you. I'll run it. You're House leader; you run yours. I'll be the Speaker. If you want to run for Speaker, run for Speaker next time.

Order. The member for London-Fanshawe.

**Mr Mazzilli:** I will pass on to my constituents the disrespect the opposition has for London and the questions coming from members who are from London.

Minister, yesterday you announced that the government committed \$5 million in funding to improve students' reading skills. In the first year, 16 schools—

*Interjections.*

**The Speaker:** Member, take a seat. Order. We'll start having to name people. He has a right to ask a question; he's asking a question. We need a little bit of quiet. Sorry, member for London-Fanshawe.

**Mr Mazzilli:** Minister, in the first year, 16 schools have been selected, including Franklin Roosevelt in London. Can you tell me how this program will benefit students?

*Interjections.*

**Hon Janet Ecker (Minister of Education, Government House Leader):** The initiative I announced yesterday—I know the opposition doesn't want to hear about something that's going to help improve student learning and improve how well our children are able to get those early literacy skills. This program is part of our plan to do that. It's part of an almost \$200-million initiative we have. We've put investments into smaller class sizes from kindergarten to grade 3 and more money for literacy specialists, training for teachers, more teachers for the early grades and more resources in the classroom for early literacy initiatives.

This is part of that investment, and this piece is dedicated to those schools that have been having the most challenge meeting the grade 3 testing standards over the last two or three years. In our consultations with the sector, they thought some intensive support for that family of schools would be helpful, so we are indeed doing that.

**Mr Mazzilli:** Minister, my understanding is that besides the 16 schools that were selected in the first year, there will be additional schools selected in the upcoming two years, yet it won't include every school in Ontario. Can you tell me how all of Ontario's students will benefit from the new selections?

**Hon Mrs Ecker:** First of all, all elementary schools are benefiting from these initiatives through the investments in smaller class sizes from kindergarten to grade 3, the investments in early literacy and also the investments for the early reading strategy. All schools are benefiting from that funding.

1420

We've asked all schools to set improvement goals for grade 3 reading over the next three years, to put in place improvement teams to do that. And for the small number of schools that have been struggling the most, we're putting intensive support in for those particular schools, to assist them in helping their teachers teach their children better, to meet the standard. The best practices and the experience we're gaining in those schools is going to be available for all of our elementary teachers across the province.

This responds to best practices in other jurisdictions, it responds to what the research shows will improve student learning, and that's why we've made these investments and are moving forward.

#### AUDIOLOGY SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. Minister, Jill Dean is a profoundly deaf child. She has had a measure of hearing and a certain capacity for speech restored to her through a cochlear implant. This wonderful development

has necessitated 29 visits to an audiologist over seven years. The cost to Jill's parents under your new plan for audiology services would have been \$1,740.

Minister, you should know that Jill's parents already manage significant costs to travel 800 kilometres to the implant centre and to pay for new speech and hearing devices. Now they have to pay for every reassessment of her hearing. Many families could not bear the burden of these new costs, not even for something as important as their children's hearing. I ask, will you reverse your decision and let audiologists work with children like Jill Dean at no cost to their families?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me assure this House that certainly those kinds of procedures are still listed under OHIP. They are still available under our health plan. They are available either via the hospital or via the medical specialist.

I don't know the particular circumstances of the individual the honourable member is mentioning, but we can certainly provide that information to her directly.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The Minister of Health.

**Hon Mr Clement:** I believe I completed my remarks, Mr Speaker.

**Mrs McLeod:** Minister, put the facts on the table. You've set out to save \$50 million by removing some services from basic health coverage. That's a fact. The other fact is, you're expecting to save \$7 million by charging children and seniors for hearing tests. The other fact is that you would rather spend that money fighting the audiologists in court than using that money to protect children's and seniors' hearing.

Minister, I have dozens of letters from families and seniors who have exactly the same concerns as the parents of Jill Dean. I also have a letter that was written back in 1993 by the then assistant deputy minister of health, Margaret Mottershead, providing an assurance that if government went ahead and delisted audiology services so that you were no longer paying for them through the OHIP schedule, you would provide alternate funding. Your ministry had intended to do this; they knew how to do it. Why did you, Minister Clement, decide that you would not provide the funding for hearing assessments for children and seniors?

**Hon Mr Clement:** The facts of the matter are that this is a procedure that is still listed under OHIP. It is still available by medical specialists and audiologists working with medical specialists. It's still available in hospitals and other treatment centres. Those are the facts.

I find it quite passing strange, if I can use that term, that the honourable member lifts a piece of paper up dealing with something in 1993. If the honourable member wants to compare records on how we are committed to health care, to the right kind of health care, to the right kind of people, I will put our record against her record in government any day of the week.

You closed 10,000 hospital beds. You kept the hospitals open; you closed the beds. You call that a health care policy. I call that a shame and a blight on the people of Ontario. You should be ashamed of yourself.

#### OAK RIDGES MORaine

**Mr Frank Klees (Oak Ridges):** My question is to the Minister of Municipal Affairs and Housing and it relates to the issue of the Oak Ridges moraine. For years now, successive governments of all political stripes have studied the issue of development on the Oak Ridges moraine. The previous Liberal government commissioned a study, to their credit, but ended up doing nothing by way of legislation. To the credit of the previous NDP government, they also commissioned a report but never did bring in legislation. Development applications have continued to be approved on the Oak Ridges moraine, without a comprehensive framework of provincial policy.

To your credit, Minister, and to the credit of this government, you introduced legislation to freeze development approvals on the moraine, a clear signal that at least this government would deal with this issue once and for all. That freeze is scheduled to be lifted on November 17. Can you tell us when can we expect to see the proposed legislation?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I'd like to thank the member for the question. As he mentioned, we appointed the advisory panel because this House unanimously approved legislation dealing with the Oak Ridges moraine for a six-month time out to try to see if we could reach a consensus on what should be protected and what should be developed, and to see if that could be achieved.

The member correctly referenced that people have been arguing about this issue for a generation now. The advisory panel worked very hard over the summer. They built upon the region's and the conservation authority's public forums, they held numerous public forums themselves, and they came out with a document entitled Share Your Vision for the Oak Ridges Moraine. They consulted on that with a number of open houses.

Right now, in answer to the question, we are analyzing that input to see if they have found a reasonable course to move forward at this time.

**Mr Klees:** With the lifting of the freeze a mere five weeks away, that doesn't leave a lot of time for members of this House, for members of the public and for stakeholders to provide input to whatever the proposed legislation is that you'll be bringing forward. Can you give us your assurance that this House will see that legislation in sufficient time so we can have reasonable input, so stakeholders can provide you with their views on implementation issues and so the public can have an opportunity to review that proposed legislation, so that it will in fact be meaningful and effective?

**Hon Mr Hodgson:** It is a good question, and I would like to report that over August and September extensive

consultations were held with stakeholders and the public on the future of the Oak Ridges moraine based on the advisory group's report. Approximately 2,100 people attended the public meetings. A total of 165 stakeholders attended four workshops held by the interministerial team, and it has been posted on the EBR Web site for 30 days. To date, we've received about 400 written comments from public stakeholders regarding the future of the moraine.

Prior to the public meetings, the advisory panel incorporated the consultations that were done by the three regions of York, Peel and Durham into the Share Your Vision paper. Certainly the member from Oak Ridges will agree that we have had comprehensive consultation. He referenced the fact that both governments had initiated studies. No action followed up from that, but there were studies that were done. There has been a lot of talk about this issue.

#### TRANSIT SERVICES

**Mr Tony Martin (Sault Ste Marie):** My question is for the Acting Premier as well. The announcement of your flip-flop on public transit funding was welcome, but people with disabilities are very concerned because they're left out of the public transit equation. Right now, they can't access most public transit across Ontario. For example, only 20% of Toronto's bus routes are even partly accessible. The Ontario Human Rights Commission says that may violate the Human Rights Code. Will you require all new buses to be accessible to the disabled and provide funding accordingly?

1430

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I would like to thank the member of the third party for the question, because he's right. It was an historic announcement where the province is going to make a tremendous investment to improve our transportation systems in terms of both highways and transit. In the consultations in the Smart Growth sessions that were held across Ontario, we heard that we needed more of both.

The Minister of Transportation will be leading consultations and setting up a GO operating agency to make sure we deliver better transit. Our government has committed \$300 million in new funds. Municipalities are looking forward to matching that; they're paying 100% right now. We, as partners—the municipalities and the province—are calling on the federal government to live up to the commitment it promised in the red book to match that, three hundred million new dollars year over year for 10 years, to have a \$9-billion transit investment in this province. That's tremendous news for this province.

**Mr Martin:** Minister, I asked what you were going to do to make sure the system was accessible to the handicapped. Your government has repeatedly broken the promise to pass an Ontarians with Disabilities Act. Legislation is badly needed. The ability to move around

our cities freely is something most of us take for granted. But for people with disabilities, that's far from the reality. This transit announcement is a chance to put your money where your mouth is. Will you require accessible buses, or is your commitment to an Ontarians with Disabilities Act just so much hot air?

**Hon Mr Hodgson:** The Minister of Citizenship wants to answer this specific part of the question.

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** This government pledged to work co-operatively and consult not only with persons with disabilities in this province but also with AMO and all municipalities. Those discussions have been occurring rather intensively on the part of the Minister of Transportation and myself, as the Minister of Citizenship responsible for bringing in an Ontarians with Disabilities Act, an act we have committed to, which will be on the floor of this Legislature this session, something we've committed to do and will do, something your government failed to do on behalf of Ontario's 1.5 million disabled persons.

#### PRINCIPALS

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. In the face of the changes to, and mismanagement by your government of, the education system, some 1,900 schools are going to lose their principals over the next five years. Surely the minister has known this. The minister has been aware that the lack of success of this government in schools is chasing away the leadership. The very people who would bring positive learning experiences to students are saying, in the study released by Queen's University, that they're leaving.

Minister, you have not been able to maintain the confidence of educators in this province. I would like you to tell the parents and the students of this province today that you have a plan, that you will make sure something is done to change abruptly the way your education reforms have gone so we don't lose the leadership of our schools in Ontario.

**Hon Janet Ecker (Minister of Education, Government House Leader):** What the honourable member obviously has missed is that in education, as in health, in business and in many other sectors, we're facing a significant demographic challenge. As the population ages, we have more people retiring than we have coming in in a whole range of areas. Unfortunately, education is no more immune to that than every other sector.

We've done a lot of work with the principals' council and the other two principals' associations, because we quite recognize the importance of principals. They're very key individuals in our schools, key leaders, key managers of our schools, key communicators with our parents. We've been working with the principals' associations through more money for training, more money for supports. For example, we had a specific initiative where

we invested money to hire more principals for schools, especially small schools.

So we take the challenge quite seriously. We've been working with them very closely to make sure we have that leadership in our schools.

**Mr Kennedy:** The answer from the minister is no answer at all. Half of the principals are going to be lost in the next number of years. It's a massive vote of non-confidence in what you're doing. What the study found is that they're leaving at the exact second they're eligible. They won't wait five minutes, because they have no confidence in what you're doing. The minister obviously doesn't wish to be the Minister of Education, doesn't want to work on behalf of students, but maybe she can be brought to listen.

Sandy MacLean is a principal who retired last year from Mowat collegiate. She's the chair of the east regional secondary principals. She says to you, Minister, that she would not have retired if it wasn't for the Harris government.

This is what principals in schools say today, those who have left: until your approach took away support, resources in the schools, gave bigger class sizes, took away a lot of the things that they had to have success, principals were working.

Minister, this is a study. It reaches over 1,000 principals. It represents the actual situation in this province. I give you another opportunity, Minister, to tell us today: what will you be doing?

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up. Sorry. The Minister of Education?

**Hon Mrs Ecker:** It's unfortunate that the honourable member wasn't listening to what I said earlier in terms of the work we're doing with the principals' associations, because we quite recognize the importance of qualified teachers in our classrooms, of qualified principals in our classrooms. That's why we've put additional monies in to support principals, additional training. That's why we've expanded the number of spots in teachers' colleges so that we can start having more people coming in as teachers.

But one of the concerns: I know in Durham region, for example, the school board actually was working with teachers to try to have training positions for more principals, teachers who were interested in moving up the career path, and the biggest barrier to that happening was the local union that said they would blackball any teacher who did that.

So if the honourable member is concerned about this, and I'm assuming he certainly is—it's an important issue and we need to meet this challenge in our classrooms—it might have been helpful if he had taken a stand when that union blackballed those teachers who wanted to be principals—

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

## ONTARIO INSTITUTE OF TECHNOLOGY

**Mr Jerry J. Ouellette (Oshawa):** My question is for the Minister of Training, Colleges and Universities. It was a proud day for the entire region of Durham Thursday last as we celebrated the new opening of the Ontario Institute of Technology, a new concept for a university that is to be built on the Durham College site.

It was clear during the ceremonies that the OIT is not only the first new university created in Ontario in more than 40 years, but it is also very unique.

As a former board member for Durham College and a graduate of Durham College, I certainly have an idea of what OIT is going to do for the region of Durham. But, Minister, can you tell my constituents and the members of the assembly what will make the Ontario Institute of Technology such a unique institution?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I'm pleased to respond to the question from my colleague from Durham. Obviously this innovative and new Ontario Institute of Technology, with an extremely unique mandate to meet the needs of the job market and our economic growth here in this province, will offer a mix of courses, both university and college courses, to ensure that our graduates have the right skills and the knowledge of course to succeed.

The OIT will link the education and the skills training with the demands of the marketplace, and they'll ensure a responsive, timely, up-to-date program. With this seamless transition from college to university right on the campus of Durham College, they will be focusing on the needs of the job market.

It's a very exciting time in the history of our province, and I was proud to be there along with my colleague.

**Mr Ouellette:** It was indeed a pleasure to join the minister as well as the Minister of Finance, Mr Flaherty, and Mr O'Toole, the member for Durham, whose riding it's actually in, at Durham College last week at the ceremonies. We look forward to seeing them all there in 2003 when the students are expected to arrive.

The institution will serve the needs of the citizens of the region of Durham very well. When you look at the innovative programs that are there that this new university will offer, I'm certain that students from all across Ontario will want to come to study in the region of Durham.

Minister, can you explain what role you see OIT playing in Ontario's broader educational university system?

**Hon Mrs Cunningham:** I think one of the priorities of our government, and governments across this country, is to address the skills shortages and to ensure that we've got the skilled workforce necessary to attract both the investment and jobs. Durham is one of the fastest-growing regions in our country, both in terms of population and the economy.

When I attended the Council of Ministers of Education for Canada last week, ministers across the country were

working to ensure that they've got these innovative new kinds of programs. One of the objectives was a closer working relationship between our colleges, our universities and our apprenticeship training programs.

At Durham, they have been discussing the possibilities of applied degrees in health sciences, nuclear technology and safety, and information technology. They're looking at the shortage and, of course, they're looking at unique programs.

We're very proud that we will have an institution that is, and will be, an even greater national leader along with other colleges' and universities' apprenticeship programs and community-based programs in the province of Ontario.

1440

#### COMMUNITY CARE ACCESS CENTRES

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Minister of Health and Long-Term Care. Minister, you know that personal safety and security is a concern of all Ontarians and so it is with our seniors, our frail and elderly, and those people who are sick and released from hospitals sicker and quicker than ever before. They need the security that upon being discharged from hospital the community care is there for them, which you promised them when you closed hospitals and shut down beds a number of years ago.

Across the province, \$175 million is needed so that our sick and elderly, our frail and elderly, can get the necessary nursing and home care services that we deserve to give them, which will make them secure and safe in their own house. When are you going to ante up the money—Kitchener-Waterloo is short \$12.7 million, York region is short \$12 million and Windsor-Essex is short \$2.8 million; I could go on and on—so that the people in those areas can get the necessary services that you promised them and that you're denying them right now? When are you going to ante up the money?

**Hon Tony Clement (Minister of Health and Long-Term Care):** To the associate Minister of Health.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Let me say that this government is committed to the highest quality of health care for the people of Ontario. To show you what this government has done, let me remind you that we have invested an increase of 72% in CCAC funding since 1994-95. That's a substantial average increase across the province, and we've continued to work with CCACs to ensure that they provide the best-quality care.

I also need to remind you that many of the CCACs that you talked about today have a far larger dollars-per-population base than other areas across the province, and we need to look at that to make sure that there's equity all across the province so everyone in the province gets the care that they need and deserve when it comes to community services.

**Mr Gerretsen:** Minister, you are giving up on our seniors, our elderly and our sick that are released from

hospitals. You've got \$175 million available for a corporate tax cut right now. It didn't take more than one day to decide to accelerate that corporate tax cut of \$175 million. Why didn't you put that money for the hundreds and thousands of people out there that need that help on a day-to-day basis? You've given up on the seniors, and we on this side of the House demand that you immediately restore the funding of \$175 million so that those people who are released from hospitals sicker and quicker can be helped today, not tomorrow but today. When are you going to live up to your promise?

**Hon Mrs Johns:** The member opposite knows as well as I do that there has been no money taken from CCACs across the province. When you compare the base budget last year to the budget of this year, there's an increase across the province.

Let me also tell you that his area of Kingston, for example, has 34% more dollars that they're using to fund CCACs than other areas in the province, and still they can't provide the services. I think we have to ask questions about what some CCACs are doing with their money and what they're not. That's why this government has put a review together. We believe that it's very important to ensure that quality services are being provided in every area. That's why we went into Hamilton, for example, and did an operational review, because we knew that services weren't being given to the people of Ontario. We're continuing to do that because we believe that quality services and community—

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

#### MENTAL ILLNESS AWARENESS WEEK

**Mr Doug Galt (Northumberland):** My question is also directed to the associate Minister of Health and Long-Term Care. Minister, as you are aware, this week is Mental Illness Awareness Week. I cannot emphasize enough the importance of recognizing the significance of this designated week and what it stands for. For many years, mental illness was a disease that, quite frankly, people were afraid to discuss. For many reasons, some quite irrational, people did not feel comfortable or have the ability to speak about it freely. Many Ontarians who suffered from mental illness had limited information on how to get help.

Minister, you mentioned yesterday in your statement that it's essential that the stigma of mental illness end. It is important to create an environment where it is acceptable to discuss and to seek information, treatment and support for mental illness. It is equally important to have these services and treatments available at every stage of life and as close to home as possible.

Can you please indicate what our government has been doing to create successful mental health reform?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member from Northumberland for his question. This is a really important question because each of us knows that

one out of four Ontarians is struck with some form of mental illness. So it's very important for us during this Mental Illness Awareness Week to talk about mental illness, to talk about how we can move to mental health and to help others battle this disease. I called upon all the members of the House to do what they could in their constituency over this week.

Since 1995, this government has been putting additional dollars into mental health services, and we have put in \$377 million. What that means is that of the total funding that happens in the province now, we spend about \$2.7 billion in mental health. We ensure that we have institutions or the general community facilities to ensure that people can move out into the community. We have homes for special care, mental health homeless initiatives, and we have a lot of programs to ensure that we try to strengthen our mental health in the province of Ontario.

**Mr Galt:** Thank you for the response. As we're seeing a shift from institutional care to community care, it is indeed necessary that task forces be there to represent and interconnect the various sectors and health care providers. I have great confidence that the mental health implementation task force in my region of central east will bring about the changes needed to ensure that people with serious mental illness have access to a wide range of client-centred services and supports close to home.

Minister, could you please tell us about these nine mental health task forces that have been established to help the Ontario government improve mental health services delivery across the province, including the status of the mental health reform implementation task force, its time limits and how much our government is investing in them?

*Interjections.*

**Hon Mrs Johns:** I'd like to thank the member for the question. I'd like to say that there's a commitment, I'm sure on all sides, to mental health, even though there is a large rumble in the Legislature today. Let me remind people that the Premier went to talk to the task force representatives from each of the different regions to talk about his commitment to mental health and mental reform. He did quite a good job. He reinforced at that time the need for these task forces to take into account local considerations, to tell us what they needed in their own communities so we could strengthen the network all across the province of Ontario.

I've had the opportunity to meet many of the task forces, and I have to tell you that as impressive as yours is, Dr Galt, so are all the task forces across the province. We have brought together some of the best people who have education and knowledge about mental health, and they have come together to ensure that when the task forces do their reports, which will happen about 18 months after they begin their initial consultation, they will truly be making a difference to the people of the province.

## COLLÈGE DES GRANDS LACS

**M. Gilles Bisson (Timmins-Baie James):** Ma question s'adresse à la ministre de la Formation et des Collèges et Universités. Ma question porte sur la fermeture du Collège des Grands Lacs de Toronto, qui est le seul établissement postsecondaire pour les étudiants francophones du centre et du centre-sud-ouest de l'Ontario.

Lundi dernier, la direction du collège a annoncé officiellement la fin des opérations du Collège des Grands Lacs. Concrètement, cela veut dire que les étudiants de la première année, qui sont la majorité, devront continuer leurs études au Collège Boréal à Sudbury. La plupart d'entre eux ont déjà fait savoir qu'ils ne sont pas intéressés à aller à Sudbury, et ce matin la direction a eu ce message très fort.

Madame la ministre, je demande la question suivante : pouvez-vous nous donner l'assurance que les étudiants pourront compléter leur année cette année-ci à un établissement à Toronto ?

1450

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** The students' needs are at the top of the agenda for the members of this Legislative Assembly. There are discussions going on. I wasn't aware of what you've just told me, but I am aware that we are trying to meet the needs of the students, and we will meet the needs of the students.

As I said to the member yesterday, we do know that we have initiated discussions with Collège Boréal. If there are plans where the students can finish their education right here in Toronto, which was my understanding, then of course I think what he's saying is that everyone will be happy. But if there are other arrangements that have to be made, they will be made with the students, working with the officials, to make sure they get what they need; in fact, to have the best education as francophones in the province of Ontario.

**M. Bisson :** Madame la ministre, ce qui est important, je pense, entre les deux, c'est d'être d'accord sur les besoins des étudiants. Et le besoin des étudiants, c'est non seulement l'éducation en français mais de s'assurer qu'ils font cette éducation ici à Toronto.

Justement, comme vous le savez, le Collège des Grands Lacs a un nombre d'étudiants qui sont venus de l'Europe. Ils ont payé 12 000 \$ pour venir faire leurs études ici à Toronto. Nous, la province de l'Ontario, on les a attirés à venir ici. Pour nous autres de dire tout à coup, après tout ces arrangements que les étudiants ont faits, « Allez-vous-en à Sudbury, » c'est suffisant, je pense. C'est quelque chose qui n'est pas acceptable pour nous dans la province de l'Ontario. Mais, plus important, ça envoie le méchant message aux étudiants en Europe.

Je vous demande de prendre les étapes suivantes : premièrement, on a besoin d'assurer que les étudiants continuent leur éducation ici à Toronto. Si ce n'est pas fait sous le Collège des Grands Lacs, on demande au

moins que le Collège Boréal opère un satellite ici à Toronto pour s'assurer que ces élèves ont l'opportunité de finir leur éducation ici à Toronto, soit sous la titulaire du Collège des Grands Lacs, ou sous le Collège Boréal.

**Hon Mrs Cunningham:** It's my understanding that it is Collège Boréal that is working with the administration of Grands Lacs, and I'm definitely listening to the member. I think others will be reading what his question is. The focus is going to be on what the students need, and I'm sure that we can meet the requirements of both the students and Collège Boréal as they work along with Collège des Grands Lacs. We're all interested in the same bottom line.

## PETITIONS

### EDUCATION TAX CREDIT

**Mr Richard Patten (Ottawa Centre):** I appreciate the opportunity to present this petition to the Ontario Legislature.

"Whereas the Harris government is planning to take funds that our public schools desperately need and funnel them to private schools through tax credits; and

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

"Whereas the initiative, in effect, is a voucher system and is the beginning of the end of quality public education in Ontario,

"Therefore we, the undersigned, call on all members of the Legislature to fight and defeat this attack on the choice parents most want: stability, co-operation and respect in clean, safe public schools."

I put my signature to this as well.

### OHIP SERVICES

**Mr David Christopherson (Hamilton West):** I have further petitions from Gwen Lee out of Hamilton. The petition reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise, and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I support my constituents and add my name to their petition.

### POST-SECONDARY EDUCATION

**Mr John Hastings (Etobicoke North):** This is a petition to the Legislative Assembly of Ontario, which reads:

"Whereas post-secondary education is very important in the development of young adults, to the betterment of society and the economic future of our province; and

"Whereas the continuing challenge and cost of education facing families in Ontario in the 21st century is ever increasing; and

"Whereas the cost of post-secondary education in Ontario requires a combination of government and individual financial support; and

"Whereas the tax credit proposed in Bill 4, Saving for our Children's Future, 2001, will effectively and beneficially encourage families to save for their children's education; and

"Whereas the large majority of children and families with a registered education savings plan do not apply for OSAP, thereby freeing millions of dollars for other OSAP students;

"Therefore, we, the undersigned, hereby respectfully petition the Legislature of Ontario to act quickly to pass Bill 4, Saving for our Children's Future, 2001, and thereby extend the opportunity of post-secondary education to thousands of children."

I affix my signature to this petition from many Ontario citizens.

### HEALTH CARE FUNDING

**Mr James J. Bradley (St Catharines):** This petition is to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas many residents of St Catharines and of other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris government;

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;



“Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

“Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

“Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

“Whereas the Harris government has now spent over \$240 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads” and full-page ads in newspapers,

“We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising and to invest this money into health care in the province of Ontario.”

I affix my signature because I'm in complete agreement with this petition.

#### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

“Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

“Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

“Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

“Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, transcutaneous nerve therapy stimulation and biofeedback; and

“Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

“Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

“Whereas the government has already delisted \$100 million worth of OHIP services,

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services.”

I agree with the petitioners and I have signed my name to these petitions.

1500

#### GENETICALLY MODIFIED FOODS

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

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

“That the Parliament of Ontario ban the use of genetically modified foods for consumer use until it is safely and clinically tested by the Ministry of Health and the Ministry of Agriculture with no adverse side effects for human consumption. It should then and only then be passed by the Parliament of Ontario.

“As there are products coming into Ontario at this time from Europe, the USA, as well as Canada, ie, potatoes, tomatoes, soy products and by-products such as the oils from these products, we also petition that these products be labelled to tell the people of Ontario that they contain GMO (genetically modified organisms).”

I'll sign this as well.

#### AUDIOLOGY SERVICES

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario and it's entitled Listen: Our Hearing is Important.

“Whereas services delisted by the Harris government now exceed \$100 million in total; and

“Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

“Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

“Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario; and

“Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services.”

Of course, I affix my signature to this petition.

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** I continue to receive petitions from individuals on the Hamilton second-level lodging home tenants' committee. Their petition to the Legislative Assembly reads as follows:

“Whereas individuals who are tenants or residents in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a per-

sonal 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;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately review and amend provincial legislation to 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.”

I add my name to those of these petitioners.

#### LORD’S PRAYER

**Mr Joseph Spina (Brampton Centre):** “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; and

“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; and

“Whereas the Lord’s Prayer is the 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 this prayer in municipal chambers in Ontario.”

I’ll affix my signature to that.

#### HOME CARE

**Mr Michael A. Brown (Algoma-Manitoulin):** I have more petitions relating to home care and community care access centres.

“To the Legislative Assembly of Ontario:

“Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

“Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of community care access centres; and

“Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

“Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability

Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

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

“(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

“(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities’ rapidly growing needs; and

“(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year.”

This particular group of petitions is signed by people in the Manitowaning area.

#### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition that’s been sent to me by Goldie Leibman, who is the coordinator of the Association of Jewish Seniors. It reads as follows:

“Whereas the Harris government’s decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

“Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic areas of the province already experiencing difficulties due to shortages of specialty physicians; and

“Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

“Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation and biofeedback; and

“Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

“Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

“Whereas the government has already delisted \$100 million worth of OHIP services,

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services.”

I agree with the petitioners, and I have signed my name to their petition.

## COMMUNITY CARE ACCESS CENTRES

**Mrs Sandra Pupatello (Windsor West):** “To the Legislative Assembly of Ontario:

“Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

“Whereas community care access centres now face a collective shortfall of up to \$175 million due to a funding rollback by the provincial government; and

“Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

“Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres can provide the services that Ontario’s working families need.”

I affix my name to this petition, along with others from my own constituency of Windsor West.

## MOTIONS

## ORDER OF BUSINESS

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, I’d like to ask for unanimous consent to move a motion regarding the terms of this evening’s debate.

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

**Hon Mrs Ecker:** I move that G101 be called as the first order of the day this evening; that the remainder of the sessional day shall be spent debating the bill, at which time the Speaker shall put the question; that the vote may be deferred; that at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy; that the standing committee on justice and social policy shall be authorized to meet in Toronto for up to three days; that the standing committee on justice and social policy shall report back to the House no later than November 8, 2001.

**Mr Gilles Bisson (Timmins-James Bay):** Mr Speaker, on a point of order: I’m OK with what’s been read up to now, but just to understand that both the Liberals and the New Democrats will stand down their leads in the debate this afternoon and that the vote is collapsed tonight if there are no other debaters.

**The Speaker:** It’s a different bill, but there may be some clarification from the government House leader.

**Hon Mrs Ecker:** It’s my understanding that the Attorney General will be calling that order and that there will be consent for the two opposition critics to stand down their lead-off time.

**The Speaker:** Mrs Ecker has moved that G101 be called as the first order of the day this evening; that the remainder of the sessional day be spent debating the bill, at which time the Speaker shall put the question; that the vote may be deferred; that at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy; that the standing committee on justice and social policy shall be authorized to meet in Toronto for up to three days; that the standing committee on justice and social policy shall report back to the House no later than November 8, 2001.

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

1510

## ORDERS OF THE DAY

PROHIBITING PROFITING  
FROM RECOUNTING CRIMES ACT, 2001

LOI DE 2001 INTERDISANT  
LES GAINS TIRÉS  
DU RÉCIT D’ACTES CRIMINELS

Mr Young moved second reading of the following bill:

Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime / Projet de loi 69, Loi visant à protéger les victimes en interdisant les gains tirés du récit d’actes criminels.

**Hon David Young (Attorney General, minister responsible for native affairs):** I will, with your permission of course, Mr Speaker, be sharing my time this afternoon with the member for Dufferin-Peel-Wellington-Grey and the member for Peterborough.

I proceed with second reading of this very important bill this day and, as I indicated, we will be sharing our time. This bill, the Prohibiting Profiting from Recounting Crimes Act, 2001, is yet another bill that this government has brought forward, a bill to protect victims and to keep victims and their families safe and to keep communities across this province safe. We have a number of beliefs that have led us to bring forward this proposed legislation.

We believe that victims of crime deserve not only justice but a strong voice in the justice system as well. You can’t have one without the other.

We believe the government should provide the programs and services that victims of crime need. And we believe that it is essential that laws be in place to prohibit criminals from benefiting financially from the pain they have caused their victims. The victims and their families have a right to know that they will not be revictimized in this way.

Since coming to power, this government has taken a leadership role in protecting victims’ rights and in improving the treatment of victims of crime in the justice system. We have also begun steps to take the profit out of

crime, to help people who have been victimized by organized crime and other unlawful activities. As you're well aware, there is a bill currently in front of this Legislature that, if passed, will do just that.

But there is more to be done. That is why we have taken a further step to assist victims of crime and fulfill a Blueprint policy, a Blueprint promise, a commitment that we made to the voters of this province leading up to the June 1999 election, a promise, a commitment to strengthen victims' rights across this province by introducing the Prohibiting Profiting from Recounting Crimes Act.

I talk in terms of the Blueprint. I think most here and most across the province will understand that the Blueprint was a policy document that this party, Mike Harris's Conservative Party, came forward with prior to the election that set out for the voters in very clear and unequivocal terms what it was that we would do if we had the privilege of governing for yet another term.

The Blueprint document said that for justice, and I quote, "Convicted criminals should be prohibited from financially benefiting from their crimes, including the sale of book or movie rights." That's the promise we made to the people of this province in June 1999.

We come forward at this juncture with this bill, Bill 69, which would indeed take the profit out of crime. Let me explain, if I may, for a moment how that would occur.

If this bill is passed, it would allow for the seizure and forfeiture of money criminals receive from recounting their crimes in books, interviews, movies and any other source of media that one can imagine. It would establish a fund from the forfeited proceeds that would be available to the victims of crimes. So the money would be taken from those convicted of serious offences, and I'll explain that later, and it would be given to the victims.

Ontario would be the only jurisdiction in this entire country to have this sort of protection in place. I'm very proud of the fact that we are the first government to come forward with this type of protective measure. But this protection does exist in other jurisdictions. Legislation to take away proceeds from criminals who gain money from recounting their stories is in effect in almost every state in the United States of America; almost every state has this legislation.

If I can give you a few examples as to how they have brought forward legislation south of the border, I would be pleased to do so. For instance, in New York, anyone who contracts with a person charged or convicted of a felony must give a Crime Victims Board notice of any payment or an obligation to pay what is defined as "profits" from crime. Upon receipt of that notice—notice of that contract—the board then goes and contacts all known victims of that particular crime, who may then decide whether or not to institute a civil proceeding. The board may obtain interim preservation or freeze orders to protect the funds in question, to protect the profits.

California's legislation creates a trust from which proceeds of crime can be taken by appropriate beneficiaries, by the victims and/or their families. The legislation specifically defines beneficiaries as those who have suffered physical, mental or emotional injury or pecuniary loss as a result of the felon. That trust in California exists for five years, and the beneficiary must commence an action within that five-year period in order to claim an interest in the trust funds. If a beneficiary is successful in a court action, the court shall order payment from the trust funds.

Similar to the board's power in New York, in California the Attorney General may bring an action to freeze the proceeds upon showing that the proceeds are subject to the act and that the beneficiaries do indeed exist.

I should point out that the United States is not the only jurisdiction that has this sort of legislation in place. Similar legislation also exists in Australia.

In Australia—in Queensland, Victoria, South Australia and Tasmania—legislators have come forward and have brought into law provisions that allow the respective states to apply for and obtain a forfeiture order for benefits or their equal value, acquired by a criminal defendant in a contract dealing with the recollection or retelling or recounting of a serious crime.

Profiting from these types of crimes is wrong. I suspect every member of this Legislature would accept that in principle, but what is also important to remember is the victims' groups. Victims' advocate groups have come out very strongly to confirm just how wrong it is, and how important it is that we come forward in this Legislature with some laws.

Victims' groups, including the Victims of Violence group, have said to us that they do not want to see their members, and future members, revictimized. If they were here, they could tell you that victims need protection from the efforts of criminals who are attempting to capitalize on their crimes. Victims of crime and those affected by the crime, such as spouses, children and other family members, should not have to relive the pain they have suffered at the hands of the criminals. Nothing could be more wrong. They need, and they deserve, to be protected.

This bill would further help to protect those very victims, if it is passed. Under this bill, a publisher or any party to a contract with a criminal convicted of a serious violent crime to which this bill applies would be required to report their contracts or be fined up to \$50,000.

Applicable contracts entered into before or after a conviction could include the use of documents that may be related to the crime, an interview with the convict or an appearance of the convict to recount his or her criminal activity. Any payments made to the criminal under these contracts could be subject to forfeiture for the benefit of the victims.

#### 1520

The act, if passed, would allow for the establishment of a fund with the forfeited proceeds, which would be available to victims of crime. It's hard to imagine how

anyone could oppose this initiative. It's certainly hard for me to imagine how anyone could oppose this initiative, but there are some critics of the bill out there who say it's not needed, that it's superfluous. They say we already have legislation similar to the bill in front of us, and they refer to the Victims' Right to Proceeds of Crime Act. I'd like to take a moment, if I may with your permission, to talk a little bit about that bill, which was introduced as a private member's bill by my colleague and friend Cam Jackson.

The now-minister brought forward a bill and indeed started down a path. I applaud him for that. The bill was proclaimed in May 1995 and serves to compensate victims of crime from monies acquired by an accused or a convicted person who recounts a crime. We've learned a lot from that current act. We also know there's a lot more that can be done. We know that a great deal more can be done to take the profit out of crime and we know that a great deal more can be done in order to help victims. We sincerely believe that this proposed legislation we come forward with this day will do a great deal more to help victims in a number of different ways. I, again with your permission, will attempt to enumerate the advantages, improvements that would exist should the current bill in front of the Legislature be carried.

In order to properly understand the working of this bill, I think it's important to look at how the proposed legislation defines the term "crime." The Victims' Right to Proceeds of Crime Act does not define crimes to which it applies, so we start with that understanding. However, Bill 69, the bill that I have brought forward for second reading today, defines a designated crime. It does so by saying that a designated crime is a serious, violent crime, an indictable offence where the penalty is five years' imprisonment or more and also specifically includes the crime of sexual assault. Within the definition, it also speaks of serious property offences prescribed by regulation. So that's the definition that would exist should this bill become law.

It's also important to understand the mechanism, the workings of the system, that we have proposed to the Legislative Assembly, because if the bill we brought forward becomes law, victims would no longer be required to obtain a civil judgment. They wouldn't be forced to go to court, to hire a lawyer, to proceed through a trial that they'd have to fund before they could collect monies. They would not be required to retain and pay for counsel and to go through that excruciating experience of being part of a court process of that nature. Instead, victims would only have to apply for access to the forfeited funds. Under the existing legislation, the victims have to get a civil judgment in court in order to have access to funds. Under the new bill, under our proposal, funds would be deposited into a special account to be made available to victims, including those persons who have sued under part V of the Family Law Act. These, as I'm sure you know, are dependants of the victims, whether the victim was injured or killed.

Here's an important point that I ask you and all the other members of this assembly to consider seriously, Mr Speaker: any excess money, any surplus money, that is seized or forfeited would not be returned to the criminal under this scheme. However, under the current law, the one we hope to supplement or replace, under the Victims' Right to Proceeds of Crime Act, funds are simply held in trust, and if any funds remain after a civil judgment is obtained and satisfied, the balance may be returned to the criminal. I want to emphasize that under the proposed bill, the one we're here arguing in favour of today, the one the Mike Harris government has tabled with this Legislative Assembly, funds would be forfeited to the government and would be placed in a special purpose account, at which point the convicted person would lose any and all rights to any remaining funds that may exist in that account, to any of the funds that were seized. Remaining funds, if there were any, would be used to support victims initiatives.

Before I conclude my comparison of the existing law and the proposed bill, let me also say this: the existing act provides for an offence for failure to report a contract for the recollection of crimes and failure to pay proceeds to the government, but it does not provide for a clear enforcement mechanism for collecting the funds. Under this new bill, all parties to a contract that deals with the recounting of a designated crime, all parties to a contract for recounting crime that involves payment to a convicted person, would be obliged to report the existence of the contract to the government. There would be that obligation. If a party failed to do so, if they didn't report in the manner prescribed, they would be liable to a fine of up to \$50,000. So they would have a duty to report now. In order to make this workable, in order to give it teeth, this duty could also be imposed personally on the directors and officers of a publishing or media company, to ensure compliance with the act. No one could hide behind a corporate veil in this instance. As well, the bill we have brought forward provides a clear court process to apply for the preservation and forfeiture of funds.

If the Prohibiting Profiting from Recounting Crimes Act is passed, the Victims' Right to Proceeds of Crime Act would be repealed.

Since the enactment of the existing legislation, the Uniform Law Conference of Canada, a body which drafts model legislation for Canadian jurisdictions, has released model legislation designed to respond to this very problem, designed to respond to the criminal exploitation of violent crimes. The Uniform Law Conference of Canada set out two possible models in their option paper and, in February 1998, recommended a final model. I'm proud to say that their recommended model is very similar to the legislation we have proposed in this Legislative Assembly. Again, that new legislation we've come forward with, if passed, would do considerably more, in our respectful opinion, to take the profit out of crime and to further protect victims.

As I said earlier, the bill we've come forward with, the proposal we've come forward with, does not require a civil judgment to obtain money from the trust. What would happen is that the government would assume the responsibility to go to court on behalf of the victims to seize and in some instances to forfeit the funds in question. This would help to relieve both the emotional and the financial burden of victims. It would serve to broaden the definition of "proceeds of crime" to include contracts entered into prior to a conviction. The act says:

"proceeds of a contract for recounting crime" means,

"(a) money or other consideration paid under a contract for recounting crime to a person convicted of or charged with a designated crime or the agent of a person convicted of or charged with a designated crime, whether the money or other consideration is paid before or after this act came into force, or

"(b) property acquired, directly or indirectly, in whole or in part, from money or other consideration referred to in clause (a), whether the property was acquired before or after this act came into force."

### 1530

Some critics have said that they do not believe this bill is needed. They point to the fact that under the current legislation only \$1.07 has been paid into the trust since 1995 and, they say, obviously there are very few criminals in Ontario who have written about their crimes. I say this bill is a preventive measure. I say that we would be remiss if we didn't come forward with this sort of initiative, if we waited until that sort of unseemly profit occurred, if we waited for victims to be revictimized. Because this proposed legislation, this new bill, is so stringent, because it has a stringent reporting requirement, if the bill is passed, we expect that there would be more information about the frequency of these types of contracts in the future.

Some lawyers and civil libertarians have come forward to oppose the bill as an infringement on civil rights. I say to them this is simply not true. I say to them that this bill is intended and designed and crafted carefully to prevent victimization, to prevent victims from being revictimized. It is intended to help victims of crime. Clearly, it is intended to help victims of crime, and this bill also provides for due process. There should be no doubt about that.

The government must apply to court to forfeit funds. It's not an arbitrary, unilateral regulatory process. They have to apply to a court of law, they have to appear in front of a judge, and the convicted person will have notice and have a full and fair opportunity to make submissions as part of the determination of this issue. It's all set out in the act and all steps in a proceeding must be approved by the courts.

Other critics have demanded examples of how this legislation would work. I say to you that I operate, as should most members of this Legislative Assembly, with some restriction and I cannot and I will not mention specific cases, for a number of reasons, one of which is that it would only add to the notoriety of the persons in

question, notoriety of persons convicted of crimes at the expense of victims.

To those who look for specific examples, I would again say to them that one of the main goals, one of the main objectives of this bill is to prevent criminals from profiting from crimes. It is preventive in nature. We believe that if this act is passed it would help prevent these types of contracts in this province. This bill is intended to apply to those who commit serious property offences or violent crimes such as sexual assault, armed robbery and murder.

Once again, I say that criminals should not be able to benefit financially from the pain that they have caused to victims, from the pain that they have caused to families. That should not be allowed. This bill would help victims and prevent criminals from profiting from those sorts of activities, from profiting from that type of crime. I urge members of this Legislative Assembly to support this bill.

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

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to add to the comments from the member for Willowdale, who is the Attorney General, Mr Young, and his remarks with respect to Bill 69, a bill prohibiting profiting from recounting. I think he has adequately explained to the House what the bill is trying to do. What the bill is trying to do is to prevent criminals from profiting from crime. A key objective is to give victims of crime access to the profits of criminals who recount their crimes and talk about their crimes in movies, in books, in interviews. We don't want that to happen. We therefore feel that this is a most important and necessary piece of legislation with respect to assisting victims in the province of Ontario.

We believe that if this bill is passed it would take the profit out of crime by seizing the proceeds convicted criminals get from recounting or talking about their crimes in books, movies, interviews and other media. No one should be allowed to profit from their crimes in this manner. The monies seized, as the Attorney General has stated, would be placed into a fund that would be available to victims of crime and for programs for victims.

When we use the term "criminal," it would apply to a number of things, which are set forth in the definition section of the bill, if any of you are following along with the bill. It would apply to anyone convicted of a serious criminal offence or a serious property crime designated under the act. It would apply to persons acting on the criminal's behalf, such as a spouse, partner, child and other related persons in the absence of evidence to the contrary, and evidence to the contrary would be decided by a judge. It might, for example, be a wife who has been a victim—and I'm not saying that's an example but that's an example that could be considered as evidence to the contrary. It would apply to a corporation where the convicted person has substantial interests, and it would apply to persons for the purpose of interim freeze orders.

Under this bill, the offence may be committed before or after the enactment of the legislation. Property claims may be added under regulation.

An eligible criminal offence under the act would be defined as committing or attempting to commit sexual assault, with or without a weapon. It would be defined as threats to a third party that caused bodily harm. It would be defined as an aggravated assault; this is a criminal offence. It would be defined as a violent, indictable offence with a sentence of five years or more in prison, and a serious property offence under the Criminal Code as prescribed by regulation.

The bill talks about a contract, that terminology, which would include any money paid to a convicted person before or after a conviction for the literary or media description or the recollection, the telling of or the description of the crime. It would include the use of documents that may be related to the crime. It would include an interview of the convicted person about his or her crime. It would include an appearance on a television or radio show by the convicted person. So it's fairly widespread as to what a contract would be.

Under this bill a publisher or any other party to a contract and the convicted criminal would be required to report the existence of a contract involving the recounting of a crime, and they'd have to provide a copy of that contract. The publishers, as the Attorney General has stated, could be fined up to \$50,000 for failure to provide a contract. In addition—

**Mr John Gerretsen (Kingston and the Islands):** That's a lot of money.

**Mr Tilson:** Yes, it is a lot of money, and we're quite serious about this.

In addition, directors and officers of media, publishing and other companies who contract with a criminal would be held personally liable for failing to report a contract.

Bill 69 would ensure that criminals do not profit from recollections of their crimes but would not interfere with a publisher's ability to contract. The Attorney General would apply to the court to freeze and seize the proceeds payable to a convicted criminal for recounting crimes. This would also include any property purchased with the proceeds.

I'd like to explain very briefly the four steps of how this legislation would work.

**1540**

The first step is identifying the contract. Once a person accused or convicted of a designated crime enters into a contract to recount or talk about his or her crime, the parties to the contract would be required to report it to the Attorney General within 15 days. The Attorney General may then make an application to court for an order which would freeze the funds payable to the accused person under the contract to which the bill applies. This is included to ensure that, in appropriate cases, the court may freeze funds until a criminal charge is dealt with.

Under Bill 69, funds may not be forfeited out of the bill from an accused person, but only from a convicted person. Where the funds of an accused person have been

frozen and the person is not convicted, then of course the bill requires that the funds be returned to that person. If the accused person is convicted, the bill provides that the Attorney General must apply within a certain period of time for a forfeiture order or the Attorney General must return the funds to that person.

The second step is the freezing and the forfeiting of the funds. The Ministry of the Attorney General would have the authority to commence a legal proceeding. If a person has been convicted of a crime to which the bill applies, the Ministry of the Attorney General would have the authority to apply to court to forfeit the proceeds otherwise payable to the convicted person. Where a person has been charged with a crime to which this bill applies, the Attorney General would have the authority to make an application to freeze the funds pending the outcome of the charge.

The Ministry of the Attorney General would develop operational policies relating to when it would be appropriate for the ministry to apply for a forfeiture order. The relevant factors which the Attorney General's office would likely include are whether the ministry is of the view that the act applies under the contract, the amount of money due to the criminal under the contract, the purpose of the contract, the type of story that's being recounted, the type of crime, the number of victims and other relevant circumstances, including whether the ministry is of the view that a person other than the convicted person who has entered into the contract is actually acting as the agent of the convicted person.

The third step is the distribution of the victims' fund. Funds forfeited under this bill would be disposed in a special purpose account. It would not go to the consolidated revenue fund. Victims could apply for compensation for financial and other losses—for example, pain and suffering—from the fund. The procedures for applying to the fund would be set by regulation. It's expected that the regulations would include reference to factors such as the nature of the harm caused, any out-of-pocket expenses, the amount of funds forfeited and other relevant factors such as whether a civil judgment has been attained.

The fourth step deals with residential funds given to other victims initiatives. In the event that there are funds remaining after the compensation to victims, they would be retained in a special account to fund victims initiatives.

I echo the Attorney General: this bill is needed. It's thorough and it builds on the existing legislation originally started by Mr Jackson, the Victims' Right to Proceeds of Crime Act, by strengthening enforcement mechanisms.

Those are my comments in addition to the Attorney General's comments, and I would encourage all members of this House to support this bill.

**The Acting Speaker:** Further debate?

**Hon R. Gary Stewart (Minister without Portfolio):** I am indeed pleased to be able to speak to Bill 69, the Prohibiting Profiting from Recounting Crimes Act. I

believe that victims deserve to be protected. I also believe that victims deserve to have their voices heard. Victims deserve programs and services that respond to their needs and give them support. Victims deserve to be compensated for the suffering and pain they have to endure as a result of the crimes perpetrated against them. Often, victims must cope with the emotional, physical and financial cost of crimes committed against them. They are indeed the victims.

This government has a genuine concern for the rights of victims. We promised to change the way victims were treated, and we are. We promised fairness and justice for victims, and we have kept that promise.

Since 1995, our government has implemented several initiatives to enhance victims' rights and to make Ontario's towns and cities safer for Ontarians. We have taken steps to protect victims' rights and improve victims' services. In 1996, we passed the Victims' Bill of Rights, an important first step in responding to the needs of victims of crime by setting out basic principles regarding the treatment of victims in the justice system.

The Victims' Bill of Rights also simplified the process for victims who want to sue their assailants in civil actions for damages, and provides better support for children who must testify in court. One of its most important provisions is the enshrinement of the victims' justice fund so that fine surcharges are collected and used strictly for services to victims.

This government fulfilled one of its Blueprint promises when the Victims' Bill of Rights Amendment Act, 2000, was proclaimed in June 2001, creating Canada's first permanent Office for Victims of Crime. I want to emphasize that, if I may: the Victims' Bill of Rights Amendment Act created Canada's first permanent Office for Victims of Crime, indeed a most important initiative. The Office for Victims of Crime played a valuable role in advising government on programs and services for victims. The new agency will consult and liaise with victims and provide advice to the government on issues relating to victims. They would include options for the development of province-wide standards for services for victims of crime, the use of the victims' justice fund to provide and improve services and also ways to prevent further victimization in matters of legislation and policy on the treatment of victims of crime.

We have done more. We have expanded the victim-witness assistance program, which ensures victims are supported throughout the court process. Thirty-one locations will be added across the province, bringing the total to 57 outlets for the victim-witness assistance program in this province. The victims' crisis assistance and referral service, which provides immediate comfort and support to victims of crime 24 hours a day, seven days a week, will expand by 15 sites, for a total of 42. Six new sites will be up and running this year. Working in partnership with local police services, this service will help ensure that the needs of victims are met.

We have launched the joint public-private sector Supportlink initiative, which provides emergency cellular

phone support for victims of domestic violence, sexual assault and stalking. Supportlink, delivered in alliance with Ericsson Canada Inc and Rogers AT&T Wireless, will become a permanent program, and 18 new locations will be added to the two original pilot sites over the next three years. The province-wide expansion of these programs will result in more and better service for victims of crime.

#### 1550

We are also helping victims of domestic violence. We've created the domestic violence court program, the largest of its kind in Canada, and allocated funding to support victims of domestic violence and their children. I believe that children are one of the most important parts of this whole process. They must be protected for the future. We recently expanded this program to a total of 55 sites, ensuring province-wide access to better support victims and hold abusers accountable.

We have created 15 new child-friendly courts to provide special court and support services for children who are victims of abuse or are witnesses to abuse. Again, as I said, it's a most important initiative because the children seem to be the ones who are caught up in the court system, a very scary system for many of them who have not been there before, through no fault of their own.

We have initiated the victims' justice action plan, which will result in a further expansion of victims' services and major new investments in technology, prevention and programs to better meet the needs of victims of crime.

As well, we are spending \$10 million to provide early intervention programs and transitional support for abused women and children. We have hired 59 additional crown attorneys to interview victims and witnesses and provide other case-preparation-related tasks that benefit victims.

We have recently taken another step to enhance victims' rights and to keep Ontario's communities safe by introducing legislation that will allow victim compensation following court-ordered forfeiture of the proceeds of unlawful activity and to help the victims of that activity. If passed, the Civil Remedies for Organized Crime and Other Unlawful Activities Act would be the first legislation in Canada to use civil law to freeze, seize and forfeit the proceeds of unlawful activity—I emphasize, the first legislation in Canada to allow this to happen.

Our government is listening to victims, and we will continue to do so, because we stand on the side of victims of crime. We have done more for victims than the last two governments combined.

While this government is proud of this substantial progress that builds on our commitment toward victims of crime, we recognize there is more to be done. This bill, the Prohibiting Profiting from Recounting Crimes Act, illustrates we are doing more. It is one more step we are taking to help victims of crime. It demonstrates our commitment to victims and our commitment to the children of victims. I urge all members of this House to



support this very important bill and pass it as quickly as possible.

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

**Mr David Caplan (Don Valley East):** I just want to say at the outset that yet with another bill—and it's all too predictable—the words you hear coming from the other side of the House don't match the actions. I would start with a quote: “The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime.” That was Mr Justice Day in 1999, when three victims of crime went to the courts to seek remedy under the so-called Victims' Bill of Rights. While the Attorney General at the time, Charles Harnick, had introduced this legislation, and while government members got up and spoke in support of it and used much the same kind of language we've heard here today, the government sent their lawyers to say to those three victims of crime, “No, you have no rights. This is just a measure of social policy.” Again, Bill 69 is very similar in that same course of events, and it's very sad and very disappointing that essentially the government is trying to fool people into believing they are doing anything for victims of crime.

In fact it's been Dalton McGuinty and the Ontario Liberal Party who stood up for the families who were the victims of crime at the Ottawa-Carleton transport office. After repeated questioning, finally Attorney General Jim Flaherty decided he was going to support those victims of crime. But it was Dalton McGuinty and the Ontario Liberal Party who went to bat for them.

It is Dalton McGuinty and the Ontario Liberal Party, through Gerry Phillips, who have gone to bat for the George family. We've seen the Harris government obstruct and impede every effort to get to the truth.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Ms Shelley Martel (Nickel Belt):** I think it's shameful that we are here today with a government that is trying to have victims believe they are doing something for them, that the government would try to have people believe there has not been a bill in place since 1994 that already ensures that proceeds from criminals who recount their stories or make movies or speak publicly about what they did already go to victims, because they do.

I think the government members should be embarrassed that they are here today to in essence repeal a law that is stronger than what they are trying to bring forward. When I make my remarks in my 20-minute statement, I'll go through that.

We have a bill that has been in place since 1994, under the Rae government, that already clearly takes any profits from criminals who recount their stories and ensures that money goes to victims. That's already in place. There's nothing new about what the government is trying to pull on us today.

What's different, however, is that under the existing law, the proceeds only go to the victim. Under the bill that is before us today, the money goes to the gov-

ernment, and the government decides if—and that “if” is clear in the bill—victims are going to get money and how much they will get. There is absolutely no guarantee in the bill that is before us that victims will actually get money from the proceeds of crime—nothing.

I think what is really sad today is that we have a government that is here before us trying to pretend they're doing something for victims. It is an insult to all those who already know that this law has been in place since 1994. There's nothing new; in fact, the government bill is weaker.

**Mr Doug Galt (Northumberland):** First I would like to compliment the Attorney General for an exceptional presentation on this particular bill and also the member from Dufferin-Peel-Wellington-Grey, not to mention the member from Peterborough. All their presentations were absolutely excellent and right to the point, talking about the bill.

It's a very, very important bill we're presenting here, and it's way overdue. Really, when you start thinking about it, it strengthens the rights of victims. There's no question that people in my riding of Northumberland are very concerned when victims end up not being protected because of the criminal element. This bill concentrates on the victims of crime and those children. It's time they were indeed protected, and there's no question that this bill will be looking in their direction and ensuring that certainly happens.

**1600**

The public have been saying, certainly in my riding for so long, that criminals should not benefit from their crimes. It's been so long that we've heard about people writing textbooks while they're in jail and then selling them on the market for a profit, with all the grisly details that occurred in that crime, and those victims have to experience this book being out on the market. That is totally, totally wrong. So, again, this bill is strengthening the rights of victims. Certainly we've had that before. We've opened an office for victims and it's that kind of support that is needed. Again, I really emphasize the fact that criminals should not be able to benefit from crime, particularly the crime that they have instigated and created and caused and the suffering to those innocent victims.

**Mr Alvin Curling (Scarborough-Rouge River):** I will be getting into more detail on this bill, but it is passing strange that the member for Northumberland was saying this is a bill we need right away and was talking about the urgency of it. I wonder where he was, and his Attorney Generals who had these bills before them and did nothing about it. The fact is that the urgency they are putting on this is really frightening. If they have that much urgency, I hope they have as much substance. I haven't really heard any substance in this bill. I know they're going to leave the substance for a little later on when they will be speaking about—well, they won't be speaking about it—the regulations and all that. But I will be addressing that sooner or later.

The fact is that this government is full of rhetoric. They have the nice words and the nice little prop and all the things that go along to say, "We are a people who are not in for government, but we've passed it on to the private sector" and what have you.

This is a bill, hopefully, that will protect. It's depending on government to protect them. I'm not quite sure if they are there yet, because what I've seen and what I'm hearing is not really the action that I'm expecting. Many of these members here each day position themselves much more on how they look to the public than what they really do and what effect and impact they'll have on our society and protecting our society.

As you know, Mr Speaker, and you fully agree with me, this isn't a government that protects the people who need protection. It's a government that basically is making sure that the corporate structure and all that are firmly in place, and those that have been exploited are not really being looked after. So it is rather passing strange that they put this bill in and then talk about urgency. I think I'd put it down as a matter of suspect whether this will be an effective bill.

I will be speaking on this bill later on at length to see if I can get answers to the questions. Therefore, I would bow now to the response that they will give to all this.

**Mr Tilson:** I'd like to thank the members for participating with respect to responding to the comments made by the three government members.

The member for Don Valley East has referred to the Day decision, as have a number of his colleagues in other debates in this House involving victims, and he's referred to the Vanscoy case. He obviously hasn't read it. He's obviously taken the notes that have been given to him by some Liberal staffer and has said, "You know, the Victims' Bill of Rights means absolutely nothing." Well, I suggest that he reads the bill. I suggest that he reads the facts of the bill. What he is saying has nothing to do with the decision that was made by Justice Day. Justice Day, if I could just read a portion of his decision, said, "What may seem cut and dried to an untrained person, especially one who is the victim of the crime, may in fact be a morass of evidentiary and procedural problems to the crown attorney."

What happened in this particular case, for the member for Don Valley East, was that the victim didn't like the charge that was proceeded with by the crown attorney. Now, I understand why she didn't like that, but that's what the case was about. It had nothing to do with the principles of the Victims' Bill of Rights. It had nothing to do with that. They're going to keep on referring to this case, but before they do, I suggest that they read the case and not just the notes that some staffer has stuck in their face.

With respect to the member for Nickel Belt, what she has said is not quite correct either, and I would refer her to section 9 of the bill, specifically subsection 9(3), which talks about where the money is going to go. She

says they're not going to get it. Well, they are. Read that section.

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

**Mr Gerretsen:** I'm very pleased to join this debate. First of all, I would like to ask again that our lead be set down until the next time. I believe there has already been unanimous consent on that, Speaker.

**The Acting Speaker:** The member for Kingston and the Islands seeks unanimous consent that the leadoff time be set down. Is it agreed? It is agreed.

**Mr Gerretsen:** Thank you very much, Speaker. I appreciate that very much.

We're talking about a bill which I think most members in the House will agree to. Certainly we on this side of the House agree with the basic contents of the bill. On the other hand, it is a bill that really adds very little to the public policy of this province. I'm not saying that the bill is not a good idea. But you know, it's interesting; when the Attorney General was asked, when the previous bill was introduced last year—you may recall we had exactly the same bill. It was on the order paper and when the House prorogued, it fell off the order paper. But when he was asked during questioning by the media as to whether he could think of a single example here in Ontario where an offender has actually made money by telling a story of his or her crime, he couldn't think of any. He could not think of any incident where somebody had made money from recounting his crime. So whereas this is a law that looks good on paper and everyone will support it, it really doesn't do anything, because we haven't had those situations.

Just to give you another example, I'm looking here at Bill 210, which is the bill the Attorney General referred to earlier, the Jackson bill, when Cam Jackson, as a private member, had a similar bill passed in 1994.

**Mr Curling:** I remember that.

**Mr Gerretsen:** The member for Scarborough-Rouge River remembers that because he was here at the time. So this is seven years ago, and I've got to give Cam Jackson full credit. He had a bill passed and the government of the day accepted it.

The question is, how often has this bill been used by victims of crime to actually pay the victims, under the same set of circumstances as are set out in Bill 69? Do you know how many times this bill has been used, Speaker? I know you would be interested in this. It has never been utilized. The Jackson bill, on which the current bill is modelled, has never ever been utilized. It is another example where this government—and they're good at it. I'll be the first to admit that they're very good at giving the general public the impression of, "We are tough on crime. Just leave it up to us and we will get the criminals and we will give victims their rights" etc.

But when you look at the results of all the various actions they've taken, whether it's from squeegee law—remember, they were going after the squeegee kids etc, and it would be interesting to see how many convictions were ever registered under that law—or whether we're

talking about this bill or previous bills like this, and you say, "How often have victims of crime actually gotten money as a result of these laws being passed?" you'll find out that they've been used very preciously little.

As a matter of fact, the Toronto Star had a very interesting article on December 18, in which it made some suggestions to the then Attorney General, Mr Flaherty, as to what he should be doing, rather than getting involved in this kind of law. This dealt with the proposed movie at the time of the Bernardo-Homolka film. Of course, we all totally agreed that that should not take place. But the Star suggested at that time that maybe, rather than passing this kind of bill, the government would be further ahead if it first "could ensure that the producers of the proposed movie get no provincial tax credits". That really hurts. If you tell the film industry, "If you make a movie on people recounting their crimes, you will not get any provincial tax credits," that will stop it in a heck of a hurry, a lot more than this kind of bill would.

**1610**

Second, they said that "they could thank the actors who have said they want nothing to do with the project. Their refusal to audition for the movie, even though it might mean a paycheque and big-screen exposure, is a commendable example of public responsibility." The government could have taken that action to show the right kind of leadership.

"Third, they could make it clear to the Ontario Film Development Corporation, an agency of the Ministry of Citizenship, Culture and Recreation, that this is not the kind of movie that deserves public support."

Those are three very meaningful ways that are going to hit the film industry in their pocket if they get involved in this kind of venture, that will be a lot more meaningful than this kind of act. In this kind of act—I'll refer to section 9 that the member from Dufferin talked about earlier—there's absolutely no guarantee the victims of crimes will ever see any money under this act. If somebody recounts the telling of a crime, there's nothing that ensures they will actually see the money.

Anyway the article sums it up so beautifully in the following two sentences: "Empty legislation is not the answer. Moral leadership is." That's what this government could be providing to the people of Ontario.

The other issue that always amazes me is that I think the people of Ontario know that, at the provincial level, we primarily only deal with individuals who are sentenced to two years less a day in a provincial institution. These are not your hardened criminals. The hardened criminals, many of them, are in my hometown where we've got seven federal institutions where people are incarcerated for two years or longer; for a lifetime, some of them. That's where a lot of the hardened criminals are, not within our provincial institutions. With many of the issues we deal with here, you almost wonder, why don't the members of the government, if they are so interested in the criminal justice system, run federally for the Alliance party, since most of them

belong to the Canadian Alliance Party anyway? If that's where their real interest happens to be, run for the Canadian Alliance Party. Get involved federally and change some of those laws that you think need changing. Basically the province does not deal with hardened criminals.

Let's take a look at some of the sections of this bill. The member from Dufferin-Peel referred, I believe it was, to section 9. It's interesting. I'll just tell you this: when a court actually makes an order that payment or property should be given to a crown—I think it's a progressive move to have that dealt with in a criminal proceeding right away so that the person should not have to initiate a civil proceeding, as under the Jackson act. I think that's a good idea. It says the crown can—it doesn't say must—make payments to compensate any victims of that particular crime.

There is absolutely no guarantee that if a victim of a crime is further victimized as the result of the recounting of that crime by the offender, the victim of that crime will get the money that is involved in the contract we heard about earlier.

Yes, the member from Dufferin-Peel will say, it doesn't go into the consolidated revenue fund. That's like saying it doesn't go into the general coffers of the province of Ontario. But that is not saying that means the money will go to the victim of the crime. As section 9 so clearly states, it says that the crown can make payments to compensate any victims of that particular crime, or it can use the money to assist victims of crime generally or for other uses to be prescribed by regulation. In other words, it is not going into the consolidated revenue fund of the province but into some sort of consolidated revenue fund that is administered by the Attorney General, who can then use it for other purposes, not as it relates to the victims of the particular crimes the recounting is concerned with. It could just go to assist victims in general, and I suppose that's a good idea. I've got nothing against that personally. But somehow to let the people of Ontario believe that if they are victims, they will somehow get the money or the benefit from that, as a result of the contravention of this new proposed law, is not correct. I know we can't use words like "misleading" or anything of that nature in the House, and I would never use that kind of terminology, but it is not correct to say those victims will get the money. That money can go for other purposes or for other uses as prescribed by regulation.

Last night we had a major debate here about a bill that dealt with food safety, in which basically everything under the act will ultimately be determined by regulation. The fear we have on this side of the House is that regulations are basically recommendations, in this case from the Attorney General to his colleagues in cabinet, and can all of a sudden be announced one day to the general public. There's no public input at all. We have no idea what those regulations will be. I suppose that only in unusual cases has the Legislative Assembly ever been involved in actually dealing with regulations. All I'm

saying is that there's no assurance whatsoever that the money that is collected as a result of this law will go back to the victims of that particular crime. It could be used for many, many other purposes.

I want to briefly address another issue that is closely connected with this, in my opinion. It deals with what happened at Ipperwash some five years ago.

*Interjection.*

**Mr Gerretsen:** The Minister of Community and Social Services laughs about that, but we have a situation there where certainly the George family have been the victims of criminal activity. They lost a member of their own family. You would think that a government that is under siege as a result of the various questions that have been raised in this House by Mr Phillips, who has been on this particular file since day one in September 1995, and by other members in the House as well, a government which claims it is interested in protecting victims of crime and that it will do whatever it can for victims of crime, would be interested in having a complete public airing about what happened at Ipperwash.

The question I have is, if no one in the cabinet has anything at all to hide, if it is really as transparent a situation as they claim it is, why don't they hold a public inquiry? Get all the people before the inquiry officer. Let's have an impartial adjudication of what happened there, and then at least the victims of that particular crime, the George family, could get some sort of satisfaction from at least knowing how the actions of September 6, 1995, happened and could find some comfort in that, as well as the people of Ontario. To me, the government's inaction on repeated requests, not only by members of the opposition but also by others in our community, to hold such an inquiry on the flimsy excuse that there is a civil proceeding going on shows me they are not really concerned about the victims of that crime and they really don't want to have an airing of that entire issue.

**1620**

I know the Attorney General and the member for Dufferin-Peel-Wellington-Grey will say, "Wait a minute. There's a civil action going on, and we can't comment on that. There may be an inquiry in due course." But it's kind of interesting that in the Walkerton situation, where there were also all sorts of civil proceedings started by people who were affected as a result of the tainted water, the government did not say, "No, we're not having an inquiry until such time as all the civil actions have been settled or dealt with." All we are looking for is some form of consistency.

I say to the Attorney General and to the government, yes, we support this kind of legislation. But more than anything else, we want you to be fair and even-handed as you deal with all victims of crime in this province. What is good in one case should be good in another case as well. It is certainly our assessment that you are not dealing with the Ipperwash situation in the even-handed manner that you seem to indicate.

As has already been pointed out, and perhaps the member for Dufferin-Peel-Wellington-Grey can comment on that, Mr Justice Day of the Ontario Court in 1999 looked at the Victims' Bill of Rights—it's kind of interesting that the government whip seemed to spend most of his time talking about that act rather than the act we're dealing with—and made the unequivocal statement, "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." Justice Day says it better than any of us ever could. He stated that the Victims' Bill of Rights really doesn't give anybody any more rights than they already have.

Let me just say one other thing before my time is up. It deals with the whole question of the extent to which victims of crime ought to be or should be involved in criminal proceedings. Although I haven't practised criminal law in quite some time, even years ago, 15 or 20 years ago, it was quite common for crown attorneys who were interested in this issue to involve the victims of crime in preparation—perhaps not in the ultimate decision that was taken in criminal proceedings. Quite often the good ones got the victims involved because they felt it was extremely important that those individuals should be listened to and should be part of the process. It was done at a time when there wasn't any legislative necessity to do that. Yet it was done because the crown attorneys who were involved felt it should be an integral part of the process.

What I'm saying is simply that quite often in the past, when something may not have been set out in legislative authority, the good practitioners, whether they were on the crown side or the defence side, and the judiciary as well, were already practising many of the steps that are necessary in order to involve the victims of crime. So you can put it all down in legislation, but if there's not the willingness to really implement that legislation in a meaningful way, it is empty rhetoric.

As I wind up my few minutes on this bill, let me just say that yes, I for one, and I hope that members on my side, will be supporting this bill. But I hope the people of Ontario will realize that there has never been any proceeding take place with respect to the Jackson bill, on which this bill is basically based, in over a seven-year period of time. The fact there is absolutely no guarantee that the money that is obtained by the Attorney General by way of a court order will go back to the victims of that particular crime does not help the people of Ontario, and they should not be led to believe that this bill in effect does more for them than it really does.

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

**Mr Tony Martin (Sault Ste Marie):** I want to commend the speaker in his analysis of just what's going on here. This is either one of three things or perhaps two of three things that this government has become very good at.

It's a public relations exercise that speaks to another hot-button issue of theirs that they love to drag up when

things get a little quiet and it looks like they're in trouble on other fronts. You whack the hot button, wake everybody up, and get everybody involved again in a discussion that, in this instance, is redundant because there is already a bill in place that passed when we were government by one of their own ministers that in fact does what they're calling for in this bill.

It will be explained, though, by my colleague who will speak in a few minutes that in fact what this bill could be is another one of the three things I mentioned, and that's a cash grab by this government. It recognizes there's some money out there to be had. Given that they are giving away the money they get legally through the income tax system to their friends and benefactors by way of the tax breaks, they have to shake the bushes everywhere across this province to get as much money as they can into the coffers to pay for some of the things they know they're going to need if they are going to respond to the very difficult economic climate that we can all see coming at us.

It's one of those things that this bill is about. I guess it's just a question of trying to figure out exactly which one at any given time they're trying to accomplish.

I commend the member for putting on the record what I think are very pertinent points re this piece of legislation and calling the government for—

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

**Mr Tilson:** I'd like to respond to the member for Kingston and the Islands. I can't resist, though. To the last speaker, who calls this bill a "cash grab," I've never heard anything more preposterous in my life. This is not a cash grab. This is to stop criminals from receiving a profit for books and movies on victims. It is not a cash grab. Read the bill.

With respect to the member from Kingston and the Islands, he seemed to say that this bill is not really doing anything, and yet he's going to support it, which is kind of strange. Of course, this party, the Liberal Party, raised almighty heck when there was going to be a movie recently about victims. People were profiting, and they said, "Do something." What do you think this bill is? With this bill we're going to do something. I'm glad to hear he's going to support it, because this bill is doing something. We're going to stop criminals from profiting from the crimes they commit. If they make movies, if they write books, if they grant interviews, that money is going to go to victims, and it's going to deter those people from getting into that sort of activity. So when the Liberal Party starts saying, "Do something," that's exactly what we're doing. On the one hand, they're saying, "We don't like the bill. We're not too sure what they're doing," and yet they say they're going to support it.

I'm glad that the Liberal Party is going to be supporting this bill. I look forward to hearing the rest of the debate from other members of their party, but to take the position—

**The Acting Speaker:** Thank you. Comments or questions?

1630

**Mr Bruce Crozier (Essex):** I want to compliment my colleague from Kingston and the Islands for the comments he made on Bill 69. They were reasoned comments and I think he was able to outline just exactly what this bill does and does not do.

I, like him, don't mind supporting the bill, although we feel there is much more that could be done for victims of crime. I'm not a lawyer, and therefore I appreciate—some would say I appreciate the fact that I'm not a lawyer, but I appreciate the analysis that's given to us by those who understand the law to a greater extent than we. That's why I don't mind supporting it, because if it's seen to be a step, perhaps it's a step in the right direction.

But I am concerned, and I want to reiterate what was referred to by my colleague, where Mr Justice Day of the Ontario Court described the flawed Victims' Bill of Rights. In his words, "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." To me, in non-legal language, that may mean that it's not worth the paper it's written on. If that's the case, I would encourage this government to bring in a Victims' Bill of Rights that does have some teeth and that can be used, because, as my colleague says, it very well may be that this piece of legislation will never be used.

**Ms Martel:** I appreciated the comments by the member from Kingston and the Islands, who during his remarks tried to hold the government accountable for what this bill is and for what it is not.

It is not honest to stand here today, as government members have, and tell the public that this bill is about protecting victims, to ensure that criminals don't profit from the proceeds of crime, and to pretend that this bill is the first piece of legislation that does that. The fact of the matter is that in 1994, in this assembly, a private member's bill that stood in the name of Mr Jackson was passed unanimously by all three parties, and it does just that: it guarantees that any profits made by criminals who tell their stories either publicly to audiences or in books or in letters or anything else now go to victims of crime. That law has been in place since 1995, because it was passed just before Christmas 1994.

The government here today is doing absolutely nothing new in this respect, and it is just not very honest for the government members to pretend otherwise. In fact, what the government bill does is probably weaken the current law and make it more difficult for victims to get what they are entitled to, but I will explain more of that in my remarks which will follow.

**The Acting Speaker:** The member for Kingston and the Islands has two minutes to respond.

**Mr Gerretsen:** I'd like to thank the members from Essex, Sault Ste Marie, Nickel Belt and Dufferin-Peel for their comments.

Just to pick up on the comments of the last speaker, from Nickel Belt, she is correct. At least under the Jackson bill, if you got a judgment, that money went to

the victims of crime. There is no guarantee of that in this bill whatsoever.

We will be supporting the bill, and I don't think it's a cash cow either, because I think we'll probably find out five years from now that the bill will never have been used, so that even the government didn't get the money.

Couldn't we be using our time here a lot more meaningfully if we started to talk about why the government felt it was necessary to advance its corporate tax cut of \$175 million rather than put the same \$175 million into the community care that people around this province need? Just about every community care access centre hasn't got enough money to serve those individuals who are coming out of hospitals or the elderly who need home care and nursing care. Why is the government not putting the money into that effort, rather than accelerating the corporate tax cut?

I know that's not about this bill, but that's what the elderly, the frail and the people who need our help in this province really want. They want us to look after that because those people have been abandoned by this government; they have been abandoned on a day-to-day basis. These are people who are coming out of hospitals and need help. They need nursing help; they need home care help. Why is this government refusing to do that? Why do they think it's more important to give \$175 million in corporate tax cuts rather than helping the frail and elderly? That's the question we should be debating here. Thank you very much for your attention.

**The Acting Speaker:** I would just like to go over this: the debate is about Bill 69, the questions and comments are about the previous speaker and the response is usually about those speakers. I would ask that you stay on the subject.

Further debate?

**Ms Martel:** Mr Speaker, I will take your comments to heart. I want to begin by saying that I will be opposing this bill because I believe this bill weakens the law that is currently in place. I will speak to the provisions of the bill and make some comparisons to Cam Jackson's bill that I believe will make this very clear.

Where I want to start, though, is to make it clear that I, like everyone here—

**The Acting Speaker:** In order to stand down, we will need unanimous consent. I'll get that if you ask me, and I assume you asked me.

**Ms Martel:** I didn't and I apologize.

**The Acting Speaker:** The member for Nickel Belt has asked for unanimous consent that the leadoff time be stood down. Is it agreed? Agreed.

**Ms Martel:** I want to begin by actually reviewing some comments that Cam Jackson made when his bill was debated in this assembly on December 8, 1994, because it is reprehensible that any criminal would make any profit from a crime. All members of the assembly agree with that, and all members of the assembly in 1994 agreed with that, which was why his private member's bill got unanimous consent and passed second and third reading that same evening.

He said the following as he was thanking those people who had been involved in bringing the bill forward and ensuring it was passed:

"The most important people are the families themselves and their courage to come to Queen's Park and to further risk their open pain in a public, political forum. Members will recall that Debbie Mahaffy was present with us in the Legislature on October 21, 1993, when she said that 'To profit from crime, the murder/violation of another human being, is quite a repulsive reality in Canada.' And she pleaded with members of the House not to allow profiting from crime to go on in such a fashion. Present in the House that day were also Doug and Donna French, who in a letter that was given to every member of the House—and every member of the House supported the bill that day—wrote to us: 'The fact that people want to profit from someone else's tragedy is disgusting. But the fact that the criminals themselves can profit from crime is an outrage. It exploits victims and their families and in fact promotes crime.'"

I start there because it was because of families of victims like the Mahaffys and the Frenches who came forward that Cam Jackson got the support he did in 1994 when this assembly debated his private member's bill. So we thank those families who came forward to make it possible for that bill to be passed.

I am convinced, in reading through Mr Jackson's bill and the government bill before us, that Mr Jackson's bill affords more protection in guaranteeing that victims of crime get the proceeds from criminal activities and the exploitation of those than does the government bill. Let me refer to section 9 of the bill to make it clear that despite what the government members have said here today in trying to support this bill, nothing in their Bill 69 guarantees that a victim of crime will get those profits and those proceeds.

#### 1640

The specific section I want to refer to is section 9 on page 9 of the bill. It is true that a special purpose account will be set up; the government has referred to that. The subsection I'm most interested in is (3), "Payments out of account," which reads as follows: "Subject to the regulations, if money is deposited in an account under subsection (1) in respect of a designated crime, the Minister of Finance may make payments out of the account for the following purposes...."

The key words, the operative words, are "the Minister of Finance may make payments," not "shall make payments," not "is obliged to make payments," not "is responsible to make payments," but "the Minister of Finance may make payments." The discretion is his. There is no guarantee in the law or anywhere else in section 9 to clearly state that payments shall be made to victims of crime when there are proceeds from criminal activities.

I'll go on. The Minister of Finance may make payments in the following circumstances:

"1. To compensate persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of the crime.

"2. To assist victims of crime."

There are again some key words here that make it clear there is no guarantee that victims will get these proceeds:

"3. If, according to the criteria prescribed by the regulations, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 and 2, such other purposes as are prescribed by the regulations."

It is clear, contrary to what I heard the Attorney General say in this House, that if there are additional funds in the account after payments are made to victims, if indeed they are made, because that's at the discretion of the Minister of Finance, there is no guarantee that those surplus funds will go to victims either. The law is contrary to what I heard him say in this House today, because I recollect him saying that any additional surplus money will go to victims. Subsection 9(3) makes it clear that any surplus money may go to any other purposes the government defines, and those will be defined in regulation. They're not even in the act.

It's very clear from my reading of the bill that there is no guarantee, as exists in the current law, that victims will get the proceeds, because it remains at the discretion of the Minister of Finance, who may make payments. It is also very clear that any surplus money that comes from the proceeds of these crimes is not money that is automatically guaranteed to victims either. The government can divert those funds for other purposes, which is exactly why my colleague the member from Sault Ste Marie made the comment he did about the government making a money grab. It is very clear that there is no designation of all of these funds to victims of crime.

I ask members to compare what I have just read in terms of the discretion and the words "may make payments" to what is in the current law, passed in this Legislature in 1994. In section 6(2), which reads, "Payment to victim," it says as follows:

"The public guardian and trustee shall pay the amount necessary to satisfy the award of judgment and costs in accordance with this section"—the key words, "shall pay the amount necessary"—"if the public guardian and trustee is satisfied that the person is a victim of a crime committed or alleged to have been committed by the accused or convicted person; and

"(b) if the public guardian and trustee has received money under section 2 relating or possibly relating to the crime."

Let me deal with the section on additional funds—surplus funds. Subsection 6(4) says the following: "If the public guardian and trustee receives additional money under section 2 after making a payment under this section, the public guardian and trustee shall pay the additional money to the victim to the extent necessary to satisfy the award of judgment and costs."

Again, the key words, "the public guardian and trustee shall pay the additional money to the victim." There is a clear obligation on the part of the public guardian and trustee, which comes under the auspices of the Attorney General, to make additional payments, if there are any, to the victim, not to divert it to other purposes as the government dreams up, as is clear they can do in the law they put before us. And the obligation of the trustee with respect to the initial payment to the victim is clear as well; a clear obligation, a clear responsibility, clear direction to make a payment. They "shall pay the amount necessary to satisfy the award of judgment and costs."

I submit to you that the wording in the government legislation is weaker, far weaker, than the wording that appears in the current law, and it is far weaker because there is no onus, no obligation, no responsibility on the part of the Minister of Finance to make payments to victims, and there is no further responsibility for the same minister to make additional payments if additional profits are realized, and to make those payments to victims.

The current law is clearly different, because there is an onus, there is an obligation, there is a responsibility; the word "shall" appears in all of the sections with respect to making payment. So there can be no opportunity for funds that should go to victims to be diverted by the government for other purposes.

I also want to point out that a number of the sections that the government purported to be new or somehow improved are in fact the same between the two bills.

You see, already under law, this section does apply with respect to criminals who try to do the following, that is, make money:

"(a) for the use of the recollections of the accused or convicted person respecting a crime;

"(b) for the use of documents or other things in the possession at any time of the accused or convicted person that may be related to a crime;

"(c) for an interview with the accused or convicted person or with a related person in which the person recounts matters respecting a crime;

"(d) for an appearance by the accused or convicted person or by a related person, other than an appearance to address victims' groups or incarcerated persons."

Contrary to what the government members tried to do today, which is to say we are doing something new, and if anyone, criminal or accused, undertakes any of these activities—selling a book, making a movie etc—we're going to grab those profits, the current law is clear. That obligation already exists. The law is clear. The very same individuals carrying out crimes, whom the government purports to be doing something about today in some new fashion, are already covered under the current law, and their activities are covered under the current law, so there is no change with respect to what activities people undertake and the profits that they obtain from those. There's no change in that. Very clearly, right now, a criminal undertaking any of the activities the government

talked about today would have those profits seized and those profits would go to the victims.

#### 1650

Secondly, the money right now—let me refer to the contract first. The government talked about the fact that the contract between the publisher, just to give you an example, and the accused must be filed with the Attorney General, as if that was something new. The fact of the matter is that under the current law, that same written contract has to be provided to the public guardian and trustee and each party has to provide a written copy of that: “Each of the parties to an oral contract shall reduce it to writing and give a copy” to the public guardian and trustee, as well. And any person who fails to comply with this section already is liable to a fine not exceeding \$50,000. That’s the same as the government talked about today. The government would have you believe that there is some new fine that they’re now going to impose on people who do not file a copy of their record with the Attorney General. The fact of the matter now is that if the parties do not file a copy of the contract with the public guardian and trustee, they can already be fined \$50,000. There is no change in what the government brings forward today to what is currently in place under the law that is now in place.

There were other sections which I thought interesting that I don’t think the government is bringing forward from the old law, particularly the list of payers in subsection 3(3). It says clearly that the public guardian and trustee “shall make available to the public for inspection on request a list of persons who make payments relating to contracts, the payments received” by the public guardian and trustee “and the name of the accused or convicted person in relation to whom the payments are made and received.”

The government didn’t talk about that. In my very brief, cursory look at the bill that’s before us, I don’t think that section carries, and I wonder why the government wouldn’t want to have ongoing disclosure of those important pieces of information that, again, make reference to people who are making payments related to contracts, the value of those payments and the accused or convicted persons to whom those payments are being made.

There are other sections that are the same as well, but I won’t go through them. Suffice it to say that the penalty is the same, the need to file a contract is the same, just with a different party. It should also be noted that the public guardian and trustee acts under the auspices of the Ministry of the Attorney General now. In fact, what is different, and what I am most concerned about, are those provisions which in my mind essentially weaken the law that we have in place.

What is clear is that what the government will be doing through this process is diverting money that would currently go to the public guardian and trustee to a special purpose account. But it will be the government, indeed it will be Minister of Finance, who will have the ultimate say in who will receive money from that

account, how much money will be received from that account and what happens to the surplus money from that account. As I stated earlier, my overwhelming concern is that the changes that the government purports to make today in fact weaken the law, because there is no clear obligation on the part of the Attorney General, the Minister of Finance or this government to make sure that it’s victims themselves, or the families of victims, who will receive proceeds or profits from any of those criminal activities that are publicized by the accused or by criminals.

That is wrong and I think it detracts greatly from the bill that was passed unanimously in this House in 1994. Frankly, I think it’s an insult to those families who came forward during that period of time to urge our government to move forward with this bill, because those families, when that bill was passed, certainly thought they had a guarantee to receive those funds if funds were flowing. I wonder if those families realize now or recognize now that as the government moves forward with this bill and repeals the current law, they indeed will not be entitled to receive those funds. It will not be a matter of responsibility or obligation on the part of this government to flow money to victims either in initial payments or if surplus funds are realized.

Let me close by saying that if the government had wanted to do something about victims today, and I would encourage the government to do so, rather than bringing forward a bill which weakens victims’ rights, the government would have been well advised to bring forward a new bill of rights, which this government has failed to do since the Premier made a second election promise of the same in 1999. We all know clearly what Justice Day had to say about the government’s former bill of rights, which was to dismiss it out of hand and to call it for what it was, which is a sham. I would have thought that after that having happened in May 1999, the government would move forward with a bill that really does ensure that victims are not victimized twice. The government could have used that opportunity today to do something concrete instead of really weakening victims’ rights as they are with this bill today.

**The Acting Speaker:** The member’s time has expired. Comments and questions?

**Mr Tilson:** The member from Nickel Belt has raised a number of issues and I will try to comment in the time allowed on two of them. The one comment she made was that victims do not automatically receive the funds under section 9. When one reflects, there is no question that the existing law needs to be improved, and that’s what we’re doing, improving on the existing law.

With respect to victims, there are, contrary to what she may believe, in many of these crimes, more than one victim. You can have a victim, for example, a woman; other victims might be that woman’s spouse, that woman’s children, that woman’s parents. They all may need to be compensated and all of that needs to be looked at.



I know my friends on the other side don't like to talk about regulations, but there is no question that this bill, like all bills, will have to have some regulations, and it is our intention to put forward regulations that will deal with situations such as that. But you can't put all things in little compartments, as the member is suggesting.

The other comment that she made—I can only very briefly comment on a couple of things—is that there is basically no change. One of the things that has changed is, under the existing law that Mr Jackson had, the victim had to sue to collect. The victim had to go through a regular action to collect, and then when they get judgment they may not get anything. This bill does a whole slew of things. If you look at section 5, for example, there is an order for preservation of property. This could happen even before the action is started. The residual funds aren't returned to the criminal under the law that we're suggesting. In Mr Jackson's previous law they had to be returned to the criminal. So there is a whole slew of things which changes the existing law.

1700

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) :** Même si nous ne sommes pas nécessairement d'accord ou du même avis sur ce projet de loi, je dois féliciter la députée de Nickel Belt pour son travail en recherches en ce qui a trait à ce projet de loi. Je crois que la raison que nous ne sommes pas du même avis, c'est que l'interprétation diffère de la nôtre.

Si je regarde le paragraphe 5 de la note explicative, je crois que c'est clair :

« Le projet de loi prévoit un mécanisme permettant d'utiliser les sommes d'argent consignées au tribunal ou les biens qui font l'objet d'ordonnances de conservation de biens pour couvrir les frais juridiques raisonnables » selon l'article 8 du projet de loi.

Si je vais à l'article 8, je lis bien :

« Frais juridiques

« 8(1) Sous réserve des règlements, la personne qui revendique un intérêt sur un bien, notamment une somme d'argent, qui est consigné au tribunal dans le cadre d'une instance introduite en application de l'article 4 ou 6 ou qui fait l'objet d'une ordonnance de conservation d'un bien rendue en vertu de l'article 5 ou 6 peut présenter à la Cour supérieure de justice une motion en vue d'obtenir une ordonnance portant que soient prélevés sur la somme ou sur le bien les frais juridiques raisonnables qu'elle a engagés. »

Donc, je crois qu'on pourrait dire que c'est définitivement un projet de loi qui va dans la bonne direction. Nous croyons, au Parti libéral, qu'il est sage de supporter ce projet de loi.

**Mr Martin:** I think the member for Nickel Belt did a fabulous job of pointing out to this House why this bill is redundant, making the case that a bill of Mr Jackson's passed by our government in 1994 at the time did the job that this government is purporting to want to do in this instance. Of course, the difficult piece of this and the most challenging piece of this is pointing out to the public out there that in fact what this bill does is take

away from those victims who now can expect to realize some benefit from some legislation and put the benefit and decisions around who gets that benefit clearly into the hands of the government. We're not sure that they will always rule in favour of victims, because we know what their track record is around here where victims are concerned.

It raises the questions then, just what are we doing here this afternoon, just what is this piece of legislation about? As I said earlier, it is perhaps one of or two of or all of three things. It's another exercise in pushing the hot button that this government has become so good at. It's a money grab or a cash grab because that's what it does. It gives the government the right to decide where this money goes, and it may in fact end up in general revenue. It may also be a fact that this government doesn't have anything else to do. It doesn't understand the very dire circumstances economically that people out there are now beginning to experience; the fact that a recession is upon us, regardless of what the Premier says from one day to the next. There are a million things that they could be doing if they really wanted to help people in Ontario.

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

**Mrs Tina R. Molinari (Thornhill):** It's a pleasure to rise today and speak on this bill and to comment on some of the member for Nickel Belt's comments. It's understandable that the members opposite would not support or agree with any government bill and find all types of faults in it. But I want to point out that this proposed legislation further protects victims, and that's what this government is here to do, to further protect victims; that is, the profits of the criminals who make profit from their crimes will be put into a fund to further assist victims.

The member for Nickel Belt also talked about Cam Jackson's bill. I want to point out that the NDP had nothing to do with that bill, so for the member to raise it as an issue in the context of this debate certainly has a lot to say for that member.

I want to also congratulate the Attorney General for presenting Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime. That's what needs to be understood here, that this bill will protect victims and any profits made from the crimes of the criminals will be put into a fund to further assist victims. Certainly as a government that is supportive of law and order in the province and further protecting victims, this is a bill that I encourage all members of this Legislature to support.

As the member for Thornhill, I know my community is very concerned with safety and very concerned if there are criminals within Ontario who are actually profiting from their crime. This will be supported by myself and certainly this side of the House, and I encourage the other members to support it as well.

**The Acting Speaker:** The member's time has expired. The member for Nickel Belt has two minutes to respond.

**Ms Martel:** May I begin with the last speaker, and maybe I'll quote Mr Jackson on the night of December 8, 1994, who said the following:

"I do want to indicate that although I tabled this bill or a form of this bill almost exactly five years ago tonight, in December 1989, I was very much moved and guided by the initial work of Mr Renwick"—who was a New Democrat—"and, by extension, Mr Wildman"—who was still a sitting member at the time. "Much of their work was reflected in the bill that I have had tabled in this House for those five years."

He went on to thank the Attorney General, the Premier and all members who supported it, and I must say that the bill would never have passed if we had not supported it, because we had the majority. I hope tomorrow this government might see fit to pass the Safe Drinking Water Act that's going to come forward from my colleague Marilyn Churley if they really care about issues of safe drinking water.

Let me say to the parliamentary assistant, I heard you say that part of the reason we need regulations is because there may be multiple victims involved. I understand that. But the fact of the matter is, there are probably already multiple victims who need to be compensated under the current act. That hasn't changed, and that's not going to change with your bill.

The current law provides for notice provisions in a very public way through advertising, to have people come forward if money is received, if they believe they have been a victim of a particular crime. The current law also allows the public guardian and trustee to use any other mechanisms, notification etc that they might have at their disposal to ensure that victims do come forward. The current bill also makes it very clear that if there aren't enough funds to pay all of the victims who might come forward with respect to a particular crime, then the public guardian and trustee shall distribute the money to the victims on a pro-rated basis. So I do not buy your argument that somehow we need regulations because we can't deal with multiple victims. The bill allows that.

My concern is the use of discretion in the bill, which does not guarantee that victims will get the money they are entitled to.

**The Acting Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to be able to stand here this afternoon and say a few words on Bill 69, the act brought forth by our new Attorney General, David Young, the Prohibiting Profiting from Recounting Crimes Act, 2001. I want to compliment not only David Young but also our previous Attorney General, who has moved on to be the Minister of Finance, for bringing forth a lot of good law and order legislation in this particular Parliament. They've done a phenomenal job of it. Of course, they are what you would call rising stars in Canadian politics.

Victims deserve to be protected.

*Interjection.*

**Mr Dunlop:** Thank you very much. That's nice of you to be quiet.

Victims deserve to have their voices heard. We promised fairness and justice for victims, and we have kept those promises. Since 1995, our government has implemented several initiatives to enhance victims' rights and to make Ontario's towns and cities safer.

This government fulfilled one of the Blueprint promises when the Victims' Bill of Rights Amendment Act, 2000, was proclaimed in June 2001, creating Canada's first permanent Office for Victims of Crime. The Office for Victims of Crime plays a valuable role in advising government on programs and services for victims. The new agency will consult and liaise with victims and provide advice to government on issues relevant to victims.

We have expanded the victim/witness assistance program, which ensures victims are supported throughout the court process. Some 31 locations will be added across the province, bringing the total to 57.

The victims' crisis assistance and referral service, which provides immediate comfort and support to victims of crime 24 hours a day, seven days a week, will expand by 15 sites, for a total of 42. Six new sites will be up and running this year.

I want to thank the Office for Victims of Crime for the support they have given me in my riding with the new organization we've had in Orillia for the last couple of years. It's been a phenomenal organization. They have added a lot of volunteer workers and they are one of the more busy victims of crime referral services in the province. I would like to thank Patricia Hehn, the executive director, for a job well done and for bringing a lot of volunteers to help with that organization.

**1710**

We are also helping victims of domestic violence. We have created the domestic violence court program, the largest of its kind in Canada, and allocated funding to support victims of domestic violence and their children. We recently expanded this program to a total of 55 sites, ensuring province-wide access to better support victims and hold abusers accountable.

Our government is listening to victims and we will continue to do so because we stand on the side of victims of crime.

We recently took another step to enhance victims' rights and to keep Ontario's communities safe by introducing legislation that would allow the victim compensation following court-ordered forfeiture of the proceeds of unlawful activity. If passed, the Remedies for Organized Crime and Other Unlawful Activities Act will be the first legislation in Canada to use civil law to freeze, seize and forfeit the proceeds of unlawful activity.

The Prohibiting Profiting from Recounting Crimes Act illustrates that we are doing more. It is one more step we are taking to help victims of crime. The Prohibiting Profiting from Recounting Crimes Act is important and necessary legislation. If passed, it would take the profit out of crime by seizing the proceeds convicted criminals get from recounting their crimes in books, interviews and other media. The money seized would be placed into a

fund that would be available to the victims of crime and programs for victims.

In this bill the term "criminal" would apply to the following: anyone convicted of a serious criminal offence or serious property crime designated under this act; persons acting on a criminal's behalf, such as a spouse, partner, child and other related persons in the absence of evidence to the contrary; a corporation where the convicted person has substantial interests; and accused persons for the purposes of interim freeze orders.

The offence may be committed before or after enactment of this legislation. Property crimes may be added under the regulation.

An eligible criminal offence under the act would be defined as follows: committing or attempting to commit sexual assault with or without a weapon; threats to a third party to cause bodily harm; aggravated assault; a violent indictable offence with a sentence of five years or more in prison; and a serious property offence under the Criminal Code, as prescribed by regulation.

A contract would include any money paid to a convicted person before or after a conviction for the following: the literary or media description or recollection of the crime; the use of documents that may be related to the crime; an interview with the convicted person about his or her crime; an appearance on a television or radio show by the convicted person.

Under this bill a publisher, or any other party to a contract, and the criminal would be required to report the existence of a contract involving recounting a crime and provide a copy of the contract. Publishers would be fined up to \$50,000 for failure to provide that contract. In addition, directors and officers of media, publishing and other companies who contract with a criminal will be held personally liable for failing to report a contract.

Bill 69 would ensure that criminals do not profit from recollections of their crimes, but would not interfere with a publisher's ability to contract.

We would apply to the court to freeze and seize the proceeds payable to a convicted criminal for recounting crimes. This would also include any property purchased with the proceeds.

This bill is needed. It is thorough and builds on the existing legislation, the Victims' Right to Proceeds of Crime Act, by strengthening and enforcing mechanisms.

This is very valuable legislation, and at this time I'd like to ask all members of the Legislature to support this bill in full. I know some opposition members have said they would support it, but they seem to have had a lot of negative comments about it as well. However, I think it's good legislation and all members of this House should support this legislation.

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

**Mr Curling:** As I listened to the member and his comments on Bill 69, I had hoped somehow he could be more expansive and give us more definition of what this bill is all about, because I don't think they're going deep enough.

One of the things I will be asking later on is if he could ask his Attorney General when he's making the regulations whether or not he could share that with us, so we can understand more what direction you're going to go with this. At times when we stand here in the Legislature and try to criticize or make some comment or input into legislation, we don't really know how far we can go, because no matter what suggestion we give, these regulations come afterwards.

One of the things I don't like about regulations is the talk about "trust me." So we get the legislation now, and later on the regulations say something differently or don't promise anything. The other aspect of it that bothers me is about this fund when these monies are being paid: they go into the consolidated fund. Somehow, it doesn't specifically say how it's going to be properly used. It talks, of course, about compensating some of the victims, but it seems there's a sort of vagueness there that somehow says money could be used otherwise. I'm not quite clear on that.

Maybe the member, in his comments, could tell me if that money will go directly to that victim or, as just talked about, victims on the whole, or some consolidated funds where the government has it in a pot and then uses it accordingly. That concerns me. And that's only one aspect of it. I'm just guessing what may be in the regulations. We always have to guess. But if this government is so open and so willing to compensate victims, let us see the regulations up front right away. Let us have proper debates about these things so we can have a better understanding of where they're going with this legislation.

**Ms Martel:** In response to the member from Simcoe North, I'd say that if I thought the bill was going to do something to aid victims, I'd support it. But the fact of the matter is there is a current law, which has been in place to do what the government purports it wants to do, for some many years now. We're not dealing with anything new here in terms of recouping money from criminals and making sure that money they get from their various activities of selling their story actually goes to victims. That law is in place now.

What worries me about what the government is doing is that I clearly believe the government is weakening the current law and so will afford not more but less protection to victims. That's why I took the time that I did to compare the two bills: Bill 69, the government bill before us today, and the bill that was put forward by one of the government's own in 1994. Clearly, in the sections that refer to payout of money from proceeds of crime, there is a weakening in the government bill.

The current law makes it an obligation, a responsibility, of the public guardian and trustee to make a payout. They "shall" make a payout. After they make an initial payout, if there are surplus funds, they "shall" make an additional payment to the victims.

The government bill is quite different. In the section of payments out of accounts, it says that the Minister of Finance "may" make payments out of the account for a

number of purposes, and if there is a surplus, some of that can be used to other purposes that are prescribed in the legislation. So the government can redirect the funds away from victims to something else. That's a weakening of the law, and that's why I can't support it.

**Mr Tilson:** To the member from Simcoe North, I agree with him, quite frankly, contrary to the member from Nickel Belt: the bill does strengthen the difficulties that victims have been having in this province. On the last point that was raised—and I can't repeat it enough—one of the comments she made was with respect to the excess monies. In other words, after certain monies are given to the victims under the current law, do you know where they go? They go back to the criminal. She's indicating that she's going to support the existing law and oppose the new law, and I can't believe that the New Democratic caucus is going to support the principle where those excess monies are going to go back to the criminal.

1720

This new piece of legislation, of course, does change the philosophy of the existing law. The American states have statutes based on a trust model, which is exactly what I believe the current law is. Australian funds are forwarded to a state agency which may distribute them to victims who have a civil judgment. Of course, the law that is being put forward by the government today supports the forfeiture type of philosophy. The philosophy that obviously was being used by the current system wasn't working. All members of the House have said that. We're putting forward, as the member for Simcoe North has stated, a new type of philosophy, which I believe will help victims. It goes further than that. It will deal, of course, with respect to producers of movies or others. It could affect those people as well if they don't follow this bill.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Caplan:** A question to the member for Simcoe North: do you know the story of Rubin Carter? Rubin Carter was a boxer in the state of Pennsylvania; he lived in Philadelphia. Rubin Carter was convicted of murder. Rubin Carter's name was Hurricane. He was a professional boxer.

**Mr Dunlop:** The movie, sure.

**Mr Caplan:** The movie *The Hurricane*. Rubin Carter wrote a book about his conviction. That book ended up in the hands of a young man here in the city of Toronto, who, along with others, helped to secure Mr Carter's release from jail and to overturn his wrongful conviction of a crime that he did not commit.

No one is suggesting that's the norm. Mr Carter's case is an extraordinary case. But what should give pause to all members of this Legislature is that had this particular direction been followed, Rubin Carter's story would never have been told. Rubin Carter would still be in jail today for a crime that he did not commit. I would ask the member for Simcoe North if that circumstance does not trouble him, if he does not find that worrying.

**The Acting Speaker:** The member for Simcoe North has two minutes to respond.

**Mr Dunlop:** I'd like to thank all the members who made comments here: the members for Nickel Belt, Scarborough-Rouge River, the PA from Dufferin-Peel-Wellington-Grey and the member for Don Valley East. I appreciate your comments.

To the member for Don Valley East, I wasn't familiar with the story of the Hurricane and I do appreciate it's a very extraordinary situation.

I just wanted to close by putting a few comments into Hansard about the terrorist attacks and the people who have been the victims of that crime, which is probably the greatest tragedy in modern history. I have to say to you all here that probably one of my proudest days of being a parliamentarian was when we returned on September 24 and we all in a non-partisan fashion paid respect to that terrible tragedy that occurred in the United States on September 11.

I just wanted to point out as well that the province is providing in that tragedy up to \$3 million to help Ontario victims and their families who were part of those terrorist attacks in the United States. So far, I understand that about 31 Ontario residents who are family members of the victims of that tragedy have requested assistance from this \$3-million allocation. The government has been in touch with all of the families and is working with them.

I also wanted to point out that a victims' response team has been established and is drawing on the skills and expertise of staff in the Office for Victims of Crime to coordinate the efforts to assist the families.

I wanted to add that to my comments, but in particular I'd like to ask everyone to support this, and I appreciate the opportunity to speak today.

**The Acting Speaker:** Further debate?

**Mr Curling:** If there is any bill that has come through this House that I think is of great importance it's this bill, Bill 69. It's a very important piece of legislation. Of course I will support this legislation. I think it's very, very limited in its outlay, and there is so much that could be done.

But we should first read what the bill says. The bill is an act to protect victims by prohibiting profiting from the recounting of crime. What we see in this bill is not what we're really going to get. What we should really be getting is compensation for people who have been subject to a criminal act itself. If we really start looking at people who should be compensated for some criminal act, we could go back in history and talk about the many criminal acts of racism that have been done to individuals, criminal acts of slavery that have been done. Even up to today, people are profiting—we are profiting, individuals are profiting, corporations are profiting—from these atrocities.

We are into another world war, as they would say, right now, and we are continuing to be see profit from the last world war from individuals who have been victims of criminal acts in that time.

Corporations around the world have profited enormously from these things. I recall, and you may recall too, that there was an incident that recently come to light again of individuals who were injected with syphilis for experiments and many of them died. If you look at it in the gross way, the morbid aspect of it, maybe the medical field learned something from it. But people were victims of that. People died, families died, because they were experimenting with the conditions these people could tolerate with syphilis. I think one gentleman is still alive from this experiment. Was he compensated? I'm not quite sure. Have corporations been profiting from it? Yes. The medical world today may be profiting from that. But has he been compensated? No.

I mentioned slavery and other things like that. There are books being written today. Movies are being made every day. All the movie corporations are making millions, trillions of dollars off that. Are people being compensated for all that? No. We haven't addressed that. But we sit today, and of course the immediacy of it all is to address crimes that are happening right in front of us. Sometimes bills are brought in front of us that say, "We should compensate those." But individuals continue to be violated by this sort of criminal act which has been done, and people are not being compensated.

Of course, sometimes we sit back and are entertained by these atrocities. Today, countries are being exploited by some criminal acts that continue, and they are not compensated. So when we sit down I would like my colleagues to think about this, read this legislation and say, "Are victims who were subjected to all these criminal acts being compensated?" Some may actually say to you or to me, "These happened so long ago." People from Ukraine are now being compensated by the Germans for criminal acts that were done years ago. They are being compensated for that today.

I'm saying the bill itself is quite limited—maybe not—but our debate on this is quite restricted and restrictive in its form. I hope that some of my colleagues, and I'm sure we have adequate time, will stand up and talk about how far this bill will go. It seems to me we're not addressing the full force of what compensation should be all about.

**1730**

There are individuals each day—you can read in the paper where institutions have been sexually abusing children for years—who found out what a criminal act this was, and now they are being compensated.

As I said, as I read this legislation, I have no great quarrel with it. I feel, yes, it is something we can start addressing, as I listen to my colleagues here and I find that we would like to hurry it through—I wouldn't say my colleagues; I would say that the government would like to hurry it through. I am sure there is a limit to the debate that will go on and this will not give justice to those who have been victimized by criminal acts, so that we can understand what we are dealing with, who we are dealing with, the suffering those individuals have had and how they should be compensated.

No, we won't go to that extent because what happens is that the limit, the time frame that is given to this legislation, will not allow us to do that. But in the short time, as individuals get up and speak, it is to look at those issues, to look at those issues of who should be compensated in that respect. Yes, those who are carrying out criminal acts—people who have been violated in many forms could of course be immediately compensated, and should be compensated.

We should look further, for people who are continuously being violated by racism. Racism is a criminal act. If it is found that someone is deprived of their economic opportunities, deprived of a job, deprived of rental accommodation, it's a criminal act and they should be compensated for that. I'm not quite sure if we want to go there. Should we? We should, because it doesn't make a better world for all of us if we perpetuate this thing that goes on and if those are not being compensated for.

Many of the mentally ill people today who have been experimented on—we have found cases in this country of those who have been experimented on for some sort of drugs against their will. I understand that there are individuals who were compensated, but there are many more who are now being forced—if people are forced against their will in situations like that, they should be compensated.

We should start looking and saying to ourselves, "Here is a piece of legislation that is extremely important." It's about justice. It's about fairness. It's about treating human beings as human beings and not exploiting individuals. And many people have been compensated for it.

Recently there was a conference in South Africa, you may recall, and the issue came up of compensation for slavery. In the debate that went on, as a matter of fact I wasn't too proud of how Canada exercised itself there. The fact is, though, it was raised and had to be debated, about how they would be compensated, those who have been subject to some criminal act that goes on for years. Today families and individuals are still suffering under some of those situations.

So I would say to us all, as you read it individually, look at it and find out if this is justice.

I want to spend a few moments on regulations and the way we deal with regulations in this House. I would hope that at one stage we would decide not to hide regulations around the back and put bills forward, because what you see is not what you get. You know the old saying: The proof of the pudding is in the eating. The regulations should tell us exactly what is happening so we could all read this and realize, "What are we getting here?"

If we could see how this legislation would be implemented, if we could see that, then we would understand the seriousness of this government—or any government—whether they want this law to be effective. Because many times there are millions and thousands of laws on the books that are not even instituted or implemented anyway. Sometimes they can't be enforced,

they're impossible to enforce because the regulations would tie you down.

But it would be nice—it would be right, not only nice—if we could have the regulations so we could debate them properly. If the real machine of the legislation, which is the regulations, were before us, we would then be able to say, “This legislation will be effective.” Far too often we sit here as lawmakers not really making laws, just making a PR job that looks nice, without knowing what the bill would say.

No one can argue with An Act to protect victims by prohibiting profiting from recounting of crime; no one can argue with that. No one can argue in here except to say how limited it is, but we are guessing. We are guessing because we don't know if the legislation will carry it further to implement it, or the legislation will pull it back so it is not as forceful as it should be. It should be understood like that, that all the great speeches we make may be for naught if we don't know if it's workable.

To many of the victims out there who are saying, “At last this government has brought forward legislation to help us,” I would say, alas, it may not be so, because the real proof of the legislation is in the regulation, but the regulation is hidden and we don't know about it. So it can be very ineffective. We sit here and we may be praising all the Attorneys General who have passed by and patted each other on the back, but we're not quite sure if the victims will be properly compensated.

As you walk down the street today, those who are without homes and those who need help are subject to some victimization. It is our responsibility as legislators and parliamentarians to find out how these people have been victimized and to assist and support them, because I'm telling you, the sometimes glib ways of corporations, the glib ways of some of the authorities to undermine the rights of individuals are just blatant at times and people are so distanced, unable to get their justice. My colleague Mr Caplan from Don Valley East spoke about the great boxer Hurricane Carter, who actually had to go through many terrible times in jail, when of course he had said he was innocent and to be compensated. We cannot even reach any kind of compensation to justify the mental abuse and the mental torment that this individual went through. We as legislators must start looking at that: that people who are recounting and profiting from crime are not just those individuals who we can point out easily in the papers, who have killed someone and have taken away someone who was a breadwinner of a family. Yes, of course that should be done, but there are more far-reaching aspects of this legislation that we could have.

I just hope that we will be able to spend some more time to raise those issues in detail. Before the end of the day or the end of the time of this legislation, before it sees royal assent, some amendments to that effect should be there so we can start seeing this limitation aspect of it. I'm not quite sure if I even read it right about limitations, but I don't think there are any limitations for suffering. As the suffering continues, the crime is happening. Individuals will be deprived because of acts today.

People are profiting today from crimes that were done, but we pass them by and we feel that is good enough. It's not good enough.

I just want to say this with emphasis: that sometimes when we speak about certain things, people say we have a chip on our shoulders. What was happening to the Jews and many other people in Germany should be compensated; what happened to the Japanese in Canada should be compensated; what happened to the Indians here should be compensated; what happened to those in institutions who have been raped and sexually abused should be compensated, because what happens is that even I profit from some of those abuses. Therefore, caught up in all of that we should look at how we can compensate those individuals. As a society, as a government, it is our responsibility to make sure that those who have been exploited in that way are looked after and compensated, because it's a greater burden on us.

**1740**

That is why the jails are full. That is why mental institutions are full. We're not quite looking after them. We're not compensating them for some of the violations and the criminal acts that have been done to those individuals and citizens of our land. Charity begins here at home. Let us start here, looking out for people. Let us start looking at individuals who have been discriminated against, looking at many individuals who would need those kinds of help and support.

It would cost us far less than the price we're paying today for those individuals who are in institutions because they have been so violated mentally, physically and economically. We would be a better society and we'd be better human beings for it. We would make better laws if we did that. It starts here. It starts with us, who make the laws, but laws must protect those who are most vulnerable in our society.

I'm saying this law is limited. It can only be limited insofar as we go with it, or we can be very restrictive in what we are saying and what we are doing and make it limited and speak in a limited form. If we don't start looking that way, we will have all of these reactions in our society, people bursting out and doing awful, terrible things. And we try to understand it.

Of course, that's what happened in New York and Washington. It was awful, but we have to start looking at how we treat individuals in this world. What is happening? Is it more than just a few angry people breaking out like that or is it just an angry individual who is mentally sick who will go across the road and shoot someone just because they want to do that? Maybe. Maybe it's the way we treat each other. Maybe it's the way we compensate each other, how we look after each other, how we write laws, because sometimes laws here are so restricted, so narrow—only if we allow it to be that way.

When I read Bill 69, I said, “What a wonderful direction this government is going.” But does the government have the gall—I think they do; sometimes they are very bold about things they do—to go forward

and make sure that when we compensate those victims of crime, we're looking at all people? Today in our society we have far too many people who have not been looked after, and yet we collect funds in all directions which we would like to have for a better world, but it's not getting any better.

In closing, I will support this legislation because I think it has great potential for where it can go. It's no use arguing about whether or not it's limited; it's what we do with it, what we do with this legislation and how we go forward with this legislation and how open we are to the regulations. I would say then that we have accomplished and are treating human beings in the way we should as legislators and are compensating people how we should be: not only from the pocket but from the heart and from everywhere else.

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

**Ms Martel:** I appreciate the comments that were made by the member from Scarborough-Rouge River, and I want to focus particularly on the comments he made with respect to regulations, because it is clear in the government's Bill 69 that probably the most important part of this bill will be left to regulations. That is, what does the government do with any surplus—surplus, that is—with respect to proceeds or profits from criminal activities that are publicized, sold in books etc?

If we go back to section 9(3), the section entitled "Payments out of Account," it very clearly says that if the amount of money that is in the account that is to be paid out to victims is in a surplus position, then the government can use that money "for such other purposes as are prescribed by the regulations."

My read of that particular section clearly contradicts what I believe the Attorney General said earlier, which was to assure everyone that any surplus money that was realized through this process would indeed go to victims. Clearly, in this section, wide discretion is now permitted to the government, who in fact, under this section, does not have to give any surplus money to victims, but can divert those very same monies to other purposes. The legislation doesn't even describe those other purposes to be related to services for victims. Clearly, the government can use these funds for any purpose.

If the government was clearly intent on ensuring that every single penny went to victims, they would have that in this bill; they would not have this section where, by regulation, they will be able to divert money for other purposes.

**Mr Tilson:** A few remarks in response to the member from Scarborough-Rouge River: he gave an interesting speech with respect to all victims, and I think we all sympathize with the problems that all victims have.

This bill, of course, as he knows and other members of the House know, deals specifically with where a criminal has written a book, has made a movie or has given an interview for profit and has received monies, to the detriment of victims. This bill, if it's passed, says, "You can't do that; the state is not going to allow you to do that. We're going to take that money, and we're going to

give it back to the victims." I think he and others, hopefully the majority of this House, will agree with that.

He did query what sorts of crimes the bill would apply to. The bill is quite clear: it includes an indictable offence under the Criminal Code for which the maximum punishment is imprisonment for five years or more, and which involves the use or attempted use of violence or conduct that endangers or is likely to endanger the life or safety of a person, or cause severe psychological damage. It includes an offence under a number of sections of the Criminal Code: sexual assault, sexual assault with a weapon, threats to third parties and so on. So there are specific offences that this bill applies to.

My friend keeps bringing up the issue of regulations, and somewhere along the line, whether it's here or in committee, I'd like to have some debates on that. Because the Liberal government never did it that way, the New Democratic Party never did it that way; there isn't a government in this country that has done it that way. Legislators can't come back to the House every time a regulation needs to be changed. It would be pandemonium in here. We'd never get anything done, no matter who's in office.

**M. Lalonde:** Je dois féliciter mon collègue de Scarborough-Rouge River.

Trop souvent, nous sommes victimes de criminels, et je crois que, tel que mentionné par le député de Scarborough-Rouge River, cette loi va définitivement renforcer la protection de personnes victimes de criminels. Trop souvent, la loi sur les droits de la personne est mal interprétée. Puis je vois aussi pourquoi dans cette loi l'on réfère très souvent à « peut » au lieu de « doit »—le mot "must"—and "should" or "shall" are used very often in this bill. It is to leave to the judge, really, the flexibility to recognize a person who has been arrested and finally has been found not guilty that the judge would use the word "shall" instead of "must."

Donc, c'est la raison que je peux voir comme mon collègue de Scarborough-Rouge River, qui est très conscient de ce projet de loi lui-même, qu'il est très fort sur la protection des personnes ici même dans la grande ville de Toronto.

Lorsqu'on regarde à la fine pointe de ce projet de loi, je crois que même s'il laisse à désirer à quelques endroits, c'est un pas dans la bonne direction. Je crois que tous les membres de cette Assemblée devraient supporter le projet de loi. S'il y a lieu de revenir avec des amendements plus tard, qu'on le fasse, mais en premier lieu, on doit regarder à la protection des citoyens et citoyennes de cette province.

**1750**

**Mr Martin:** I found the comments of the member for Scarborough-Rouge River quite interesting and, I think, relevant, given that there really isn't a whole lot one can debate re this bill that wasn't put on the record back in 1994 when the bill put forward by Mr Jackson, now a cabinet minister in this government, was debated, that would add anything of a positive nature to the bill. Certainly there are a few things we could talk about,

particularly in terms of challenging where the money that will be generated by this will ultimately go.

I think the member for Scarborough-Rouge River, in his usual way, has challenged us to stretch what I think is another hot-button issue put on the table by this government in a time of some confusion on their part as to exactly where they want to go and how they might capture the imagination of the people out there, particularly recognizing that we have some difficult economic times ahead of us, so getting a few shots in early is probably in keeping with their style.

The member for Scarborough-Rouge River reminds us that you can't pick and choose when it comes to which victims you want to give money to and recognize they have been wronged etc. When you get into this area, there is a whole lot of information you have to look at, a whole lot of things you have to consider and groups of people who have been victimized over the years who, in some instances, have been looked after and recognized but, in many instances, have not. I think it's important and what he had to say was very important, and we should all think about that.

**The Acting Speaker:** The member for Scarborough-Rouge River has two minutes to respond.

**Mr Curling:** I thank the members for Nickel Belt, Dufferin-Peel-Wellington-Grey, Glengarry-Prescott-Russell and Sault Ste Marie for their comments and their support and their generous way of trying to understand some of the things I was trying to say.

I was slightly disappointed in the member from Dufferin-Peel, who acknowledged the fact that the bill is limited and that's the way it has to go. It seems to me this is a government in a hurry to do something without

thinking it through properly, as I said, making it a very limited bill.

He stated that other governments have never brought regulations here to be debated, so therefore he's right. I'm saying that all of us are wrong, then. Where is he going to go and hide in that respect? We would like to see the regulations. The more limited the legislation is, the more we want to see the regulations. If he doesn't want to bring the regulations forward, then what he should do is make more expansive the understanding of the legislation.

Having said all that, let us, in our own thoughts, think about whom we should be compensating. The member from Sault Ste Marie put it well. We can't pick and choose whom we would like to compensate, and that's what we're going to do. If we are legislators and we talk about compensation for those who have been victims of crime, let us look at it all. I think now is the time, because there will be no other time. It took so many times and so many efforts to bring this legislation forward. Even when it was brought forward, it was sunk into the back alley and never saw the light of day again until now. And when it did come forward, it was quite limited.

I am saying to members, thank you for your comments, but let us start thinking beyond how limited this legislation is.

**The Acting Speaker:** The hour hand approaches 6, and the minute hand approaches 12. Therefore this House stands adjourned until 6:45.

*The House adjourned at 1755.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Chatham-Kent Essex	Hoy, Pat (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Davenport	Ruprecht, Tony (L)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Don Valley East / -Est	Caplan, David (L)	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Solicitor General / solliciteur général	London West / -Ouest	Wood, Bob (PC)
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Durham	O'Toole, John R. (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
Eglinton-Lawrence	Colle, Mike (L)	Mississauga Centre / -Centre	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
Elgin-Middlesex-London	Peters, Steve (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Tourism, Culture and Recreation / ministre du Tourisme, de la Culture et des Loisirs	Mississauga South / -Sud	Marland, Margaret (PC)
Essex	Crozier, Bruce (L)	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R. (PC)</b> Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué au dossier de l'Enfance, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan (PC)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D. (PC)</b> Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim (PC)</b> Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	Klees, Frank (PC)	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary (PC)</b> Speaker / Président	Stoney Creek	<b>Clark, Hon / L'hon Brad (PC)</b> Minister of Transportation / ministre des Transports
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian (PC)</b> Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Thornhill	Molinari, Tina R. (PC)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timiskaming-Cochrane	Ramsay, David (L)
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parry Sound-Muskoka	Miller, Norm (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	<b>Stewart, Hon / L'hon R. Gary (PC)</b> Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint	Vaughan-King-Aurora	Sorbara, Greg (L)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet (PC)</b> Minister of Education, government House leader / ministre de l'Éducation, leader parlementaire du gouvernement	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim (PC)</b> Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	<b>Young, Hon / L'hon David (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	York Centre / -Centre	Kwinter, Monte (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Clerk / Greffière: Tonia Grannum

# CONTENTS

Wednesday 10 October 2001

## MEMBERS' STATEMENTS

<b>Gasoline prices</b>	
Mr Gravelle.....	2525
Mr Crozier .....	2525
<b>Correctional facilities</b>	
Mr Mazzilli .....	2525
<b>Keeler Centre</b>	
Mr Galt .....	2526
<b>Government advertising</b>	
Mr Bradley.....	2526
<b>Education funding</b>	
Ms Churley.....	2526
Mrs Bountrogianni.....	2527
<b>Events in Durham</b>	
Mr O'Toole.....	2526
<b>Ontario security</b>	
Mr Barrett.....	2527

## FIRST READINGS

<b>Preventing Partisan Advertising Act, 2001,</b> Bill 107, <i>Mr McGuinty</i>	
Agreed to .....	2528
Mr McGuinty.....	2528

## MOTIONS

<b>Committee membership</b>	
Mrs Ecker .....	2528
Agreed to .....	2528
<b>Order of business</b>	
Mrs Ecker .....	2541
Mr Bisson .....	2541
Agreed to .....	2541

## ORAL QUESTIONS

<b>Ontario security</b>	
Mr McGuinty .....	2528
Mr Wilson.....	2528
<b>Government advertising</b>	
Mr McGuinty .....	2529
Mr Tsubouchi .....	2529
<b>Government policy</b>	
Mr Hampton .....	2530
Mr Hodgson.....	2530
<b>Ontario economy</b>	
Mr Hampton .....	2530
Mr Hodgson.....	2531
<b>Children's health services</b>	
Mr McGuinty .....	2531
Mr Clement.....	2531, 2532
Mr Peters.....	2532

## Education funding

Mr Mazzilli .....	2532
Mrs Ecker .....	2532

## Audiology services

Mrs McLeod.....	2532
Mr Clement .....	2533

## Oak Ridges moraine

Mr Klees .....	2533
Mr Hodgson .....	2533

## Transit services

Mr Martin .....	2534
Mr Hodgson .....	2534
Mr Jackson .....	2534

## Principals

Mr Kennedy .....	2534
Mrs Ecker .....	2534

## Ontario Institute of Technology

Mr Ouellette .....	2535
Mrs Cunningham.....	2535

## Community care access centres

Mr Gerretsen .....	2536
Mrs Johns .....	2536

## Mental Illness Awareness Week

Mr Galt.....	2536
Mrs Johns .....	2536

## Collège des Grands Lacs

Mr Bisson.....	2537
Mrs Cunningham.....	2537

## PETITIONS

### Education tax credit

Mr Patten.....	2538
----------------	------

### OHIP services

Mr Christopherson .....	2538
Ms Martel.....	2539, 2540

### Post-secondary education

Mr Hastings.....	2538
------------------	------

### Health care funding

Mr Bradley .....	2538
------------------	------

### Genetically modified foods

Mr Dunlop.....	2539
----------------	------

### Audiology services

Mr Bartolucci .....	2539
---------------------	------

### Personal needs allowance

Mr Christopherson .....	2539
-------------------------	------

### Lord's Prayer

Mr Spina.....	2540
---------------	------

### Home care

Mr Brown.....	2540
---------------	------

### Community care access centres

Mrs Papatello .....	2541
---------------------	------

## SECOND READINGS

### Prohibiting Profiting from Recounting Crimes Act, 2001, Bill 69,

*Mr Young*

Mr Young .....

Mr Tilson .... 2544, 2548, 2551, 2554  
2558, 2561

Mr Stewart .....

Mr Caplan .....

Ms Martel .... 2547, 2551, 2552, 2556  
2557, 2561

Mr Galt .....

Mr Curling ... 2547, 2557, 2558, 2562

Mr Gerretsen.....

Mr Martin .....

Mr Crozier .....

Mrs Molinari.....

Mr Dunlop .....

Debate deemed adjourned.....

## OTHER BUSINESS

### Visitor

The Speaker .....

## TABLE DES MATIÈRES

Mercredi 10 octobre 2001

## PREMIÈRE LECTURE

### Loi de 2001 visant

à empêcher la publicité

à caractère politique,

projet de loi 107, *M. McGuinty*

Adoptée.....

## QUESTIONS ORALES

### Collège des Grands Lacs

M. Bisson.....

*M<sup>me</sup> Cunningham* .....

## DEUXIÈME LECTURE

### Loi de 2001 interdisant les gains tirés

du récit d'actes criminels, projet de

loi 69, *M. Young*

M. Lalonde.....

Débat présumé ajourné .....