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**Journal
des débats
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Thursday 11 October 2001

Jedi 11 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 11 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 11 octobre 2001

*The House met at 1000.
Prayers.*

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

SAFE DRINKING WATER ACT, 2001

LOI DE 2001 SUR L'EAU POTABLE SAINTE

Ms Churley moved second reading of the following bill:

Bill 3, An Act to restore public confidence in the quality of drinking water in Ontario / Projet de loi 3, Loi visant à rétablir la confiance publique dans la qualité de l'eau potable en Ontario.

The Deputy Speaker (Mr Michael A. Brown): The member has up to 10 minutes for her presentation.

Ms Marilyn Churley (Toronto-Danforth): This bill before us today is the same as Bill 96, a bill that came into this House in the year 2000, a bill that I believe all members in this House supported on second reading. Unfortunately, it was sent by the government House leader of the day to what's known as committee of the whole, and we all know in this place that when a bill is sent to what's called the committee of the whole, it dies. So I was not given and this House was not given the opportunity to send a bill which in fact passed on second reading out to a standing committee for public comment.

I'm here again today to put forward a very important bill at this time in Ontario. The people of Ontario have the right to clean and safe drinking water. Clean, safe drinking water is a basic human entitlement and essential for the protection of public health. We always took that for granted until the unthinkable happened: seven people died and over 2,000 became ill as a result of drinking water that came out of their taps. We used to think that when we turned on our taps the water was safe to drink. It was a wakeup call for all of us and now this bill that I'm putting forward again today is to ensure that the people of Ontario have safe drinking water.

Drinking water standards should be reviewed and revised frequently. Information about drinking water quality should be freely available. Drinking water issues should be dealt with by the provincial and municipal levels of government working in partnership, the way it used to be, and the process for making decisions about

drinking water issues should be transparent and accountable.

I'm going to tell you the main components of the bill once again and go into each of them briefly: testing by accredited labs—if the government does want to bring back the private labs, the testing should be done by accredited labs; strict notification requirements; strong community right-to-know provisions; an offence to pollute water; significant fines; judicial review of actions of the Minister of the Environment. The bill would establish a water advisory council; require the minister to undertake research on water issues; and require the minister to come forward with an annual state of safe drinking water report, an annual review of regulations and safe drinking water fund.

We're not reinventing the wheel here. A safe drinking water bill has been in existence in the United States for some time. The bill that I've put forward takes some of those provisions and adds some, shall I say, made-in-Ontario provisions as well.

I'm going to tell you a bit about each of those now.

The water shall be tested by a water testing lab that is accredited. Results of all tests must be reported to the MOE; immediate notification to water users, the medical officer of health and the MOE where a test reveals a contaminant or substance exceeds the maximum permitted levels, a test is delayed or cannot be performed for any reason, or equipment for testing water or purifying water is malfunctioning; and water suppliers must keep full records of all tests and make those records available to any person, on request.

The community right-to-know provisions is a very important aspect of this bill: immediate notification to water users where a test reveals contamination or a substance that exceeds the prescribed standards, a required test is delayed or cannot be conducted, or if water equipment malfunctions; open access to the public of water test results; summaries of test results provided to water users with their water bill; creation by the ministry of an electronic water quality registry that would be available to any person, without charge. The registry would include the following: test results on a community-by-community basis; copies of all certificates of approval issued to public water suppliers; a list of all accredited water testing labs; details of any water advisory notices issued; information about convictions under the act; and information about civil action reviews under the act.

The bill also makes it an offence for a public water supplier to supply water that exceeds the maximum

permitted level for any contaminant or substance that contravenes the prescribed standard. It makes it an offence to pollute the water and there are fines of up to \$1 million a day if such an offence occurs.

There are judicial remedies. The minister can apply for a restraining order to stop any individual from contravening the requirements under the act, regulations or certificate of approval. A person who suffers damage under the act may bring an action for damage. Any person may seek judicial review of the minister's exercise or non-exercise of power.

Then there's the water advisory council. The purpose of this is to conduct research on water issues and advise the minister of the results of that research, and it would include—it would be far-reaching—drinking water quality, prescribed standards, contaminants and substances and their effects, or any other matter that affects drinking water quality.

This bill spells out specifically the responsibilities of the minister.

The safe drinking water fund is another important component. We all know from the last couple of days, in talking about SuperBuild and the fact that some of this money was supposed to be allocated to communities and municipalities to improve their sewer and water systems, that money hasn't flowed. Some communities are asking the government right now to delay the date when their new regulations have to be met because the government has not put the money in place so that they can meet those requirements. That's crazy. Why put in new regulations when the money isn't there to make sure that municipalities can indeed make sure those regulations are adhered to?

1010

This bill before us today has the support of many people across the province—I would say all the people across the province—including all the major environmental groups. The Canadian Environmental Law Association said—this is about the government's new regulations, which I know the government members will stand up, as they did the last time, and say, "We don't need your bill. We have new regulations." But I'm going to tell you right now what TEA and CELA have both said about the government's new regulations. This is what their new regulations do not do and why we need this bill.

It does not "create a clear statutory right to clean and safe drinking water." That's pretty fundamental, I would say. It does not "require the environment minister to create a water quality registry which compiles all water-testing results from public water suppliers." It does not "require the environment minister to publicly report on the state of Ontario's drinking water, to conduct research into drinking water matters, or to establish a special fund to provide financial assistance to public water suppliers." It does not "impose a mandatory duty upon public water suppliers to notify consumers if there are operational problems (ie, equipment breakdown) or testing delays or difficulties." It does not "prohibit tampering with or de-

grading public water supplies or threatening or attempting to do so." It does not "prohibit public water suppliers from providing drinking water that exceeds the maximum permitted levels for contaminants." It does not "require citizen enforcement mechanisms to ensure compliance with the regulation." It does not "create a statutory cause of action allowing citizens to sue violators of the regulation." It does not "impose a mandatory duty upon drinking water suppliers to assess the vulnerability of drinking water sources to contamination."

Dr Murray McQuigge, the medical officer of health in Walkerton, called the government's new regulations on drinking water inadequate.

The Canadian Environmental Defence Fund and Pollution Probe, together with CARD of Balsam Lake, the Coalition of Concerned Citizens of Caledon, the Fort Erie Water Advocacy Group, Four Corners Environmental Group—that's in Walkerton—the Mariposa Aquifer Protection Association in Woodville, Save the Rouge Valley System, Stuart Hall Against Mismanaged Environment in Peterborough, Waring's Creek Improvement Association—and there are more—are some of the groups that have indicated their strong support for this bill. They say, "We support the intentions of Bill 96"—we're talking about Bill 3 today; only the number has changed—"An Act to restore public confidence in the quality of drinking water in Ontario." They say it's "a great start for providing the citizens of Ontario with access to safe, clean water; however, we would like to see the issue of safe drinking water come before a parliamentary committee of the Legislature."

That is what I'm asking people to do today. If you have some concerns and problems with the bill—and there always are concerns and problems with new bills, granted—that's why we send it out to committee. We pass second reading and send it out to committee. I urge all members in the House today to allow that to happen.

The Deputy Speaker: Further debate?

Mr Ted Arnott (Waterloo-Wellington): First of all, I want to congratulate my friend the member for Toronto-Danforth on her recent appointment as deputy leader of the NDP caucus. I haven't had the chance to do so publicly. Congratulations, Marilyn.

I want to acknowledge her sincere interest in bringing Bill 3, this proposed Safe Drinking Water Act, before the Legislature this morning. On behalf of my constituents in Waterloo-Wellington, I want to thank her for continuing a discussion on an issue that is important to all of us.

Next to the air we breathe, there is no more important resource than the water that we drink. We all need it, and we all need to know that it's safe—now, for our children, for our grandchildren and for generations to come. That's why the citizens of Ontario were shocked and saddened with the tragedy that took place over a year ago in Walkerton. They want answers about what happened and they want assurances that such an incident will never take place again. Bill 3 is laudable because, through its stated intent, it captures that spirit and speaks to what the citizens of Ontario want.

The bill states that people who use public water systems in Ontario have a right to receive clean and safe drinking water, that public confidence must be restored, and that water quality must be protected and enhanced.

We agree, as many of us did when the first version of this bill, Bill 96, was debated and passed at second reading in September of last year, and I agree, that these issues need to be discussed in the Ontario Legislature. For our part, I would say that this bill provides a good opportunity to discuss how both its spirit and practical goals have either been met or surpassed by the government of Ontario.

The main provisions in this legislation are already in place, particularly in Ontario's drinking water protection regulation. Waterworks authorities are regularly and frequently taking samples and tests of the water they treat. They are using accredited laboratories. Reports of potentially unsafe water situations are being communicated immediately, person to person, to the Ministry of the Environment, the local medical officer of health and the owner of the waterworks.

Former drinking water quality objectives and quality limits have been made more stringent and are now standards that have the force of law. If waterworks fail to meet quality standards, corrective actions are initiated, and it's an offence if these corrective actions are not carried out.

The government has also initiated stringent water quality measures that are not recommended in Bill 3. These include mandatory engineering reports for all waterworks, the review of certificates of approval at the three-year point and public notice requirements where the water is unsafe and corrective actions are underway.

In August 2000, Operation Clean Water initiated a rapid strategy that included the following measures: tough, clear standards to improve the quality of drinking water; inspection and enforcement to stop noncompliant activities that threaten water quality; tougher penalties for non-compliance; and strategic investments and innovative delivery practices to ease the burden of compliance with regulations.

We are taking the time to think, plan and act so we can ensure that the people of Ontario have clean and safe drinking water everywhere throughout the province.

The Ontario government appointed Justice Dennis O'Connor with a sweeping mandate to explore all relevant matters relating to ensuring the safety of Ontario's drinking water. The government has co-operated fully with the inquiry, and we anticipate the release of Justice O'Connor's findings in the near future. It would be most inappropriate to prejudge the outcome, however, and I know that the Minister of the Environment is looking forward to receiving Mr Justice O'Connor's findings and responding to his recommendations in a positive way.

Another important step occurred in July 2001, this past summer, when the Ministry of the Environment proposed the drinking water protection regulation for designated facilities. This regulation would include strict requirements for schools, day nurseries and nursing and

retirement homes as well as social and health care facilities that have their own water supply system and do not fall under the existing drinking water protection regulation.

The government has also taken preliminary steps to recognize the need to invest in water and sewer infrastructure. Ontario has committed a minimum of \$240 million under the first round of SuperBuild's Ontario small-town and rural development infrastructure, or OSTAR, program. We obviously realize that many municipalities use groundwater and that thousands of residences and businesses use private wells to draw groundwater for their own use. Therefore, the Ontario government is developing a comprehensive, multidisciplinary range of actions linked together as part of the groundwater strategy.

One aspect is investment. Ontario will provide \$10 million for municipal groundwater studies, the largest single investment in groundwater source protection in the province's history. The government is also developing a provincial groundwater monitoring network with Conservation Ontario, its members, its member conservation authorities and municipalities across the province.

The network will provide an early warning system for changes in water levels caused by climate or human activities and information on regional trends in groundwater quality. We have signed agreements with 25 conservation authorities and have already established monitoring stations in a number of them. When complete, the \$6-million groundwater monitoring network will include 400 electronic monitors across the province.

On July 13, 2001, the Ontario government introduced legislation to address land-applied materials containing nutrients, including those nutrients which in Waterloo-Wellington are more commonly known as manure. This legislation includes standards for nutrient-rich materials spread on farmland and a proposal to ban the land application of untreated septage over a five-year period. It also proposes new requirements such as the review and approval of nutrient management plans, certification of land applicators and a new registry system for all land applications.

1020

In conclusion, the government is taking the needed steps to improve the way we protect and enhance drinking water quality. We are committed to seeing that the very best understanding of science and administration is harnessed into action that delivers and continues to improve upon what the citizens of Ontario need and so rightly expect: safe and clean drinking water, second to none.

I thank the member for Toronto-Danforth for providing us with this opportunity to discuss how we are meeting water quality needs and how, in some cases, we are even overachieving what has been proposed in the legislation before us this morning.

Mr James J. Bradley (St Catharines): For a number of years, legislation of this kind has been called for, and governments have struggled with the exact wording of

this kind of legislation. We've had before the House a number of bills and a number of suggestions in regard to the improvement of water quality in Ontario.

What obviously focused the most attention on this issue was the tragic event that took place in Walkerton, Ontario, where seven people died from drinking the water that was provided by a municipal system and where over 1,000 people were seriously ill; others were ill to a less serious degree, but it impacted an entire community. It certainly eroded the confidence that the people of that community and indeed the people of Ontario had in the quality of water that was coming through their taps. That was most unfortunate. While some were apprehensive about the quality of water, most people felt that the quality of water in the province was safe and that an event of this kind couldn't happen, that this was something that happened somewhere else, where they didn't have the technology and where there wasn't the know-how to deal with issues of this kind.

So Walkerton was a major watershed in terms of the issue of the quality of drinking water in the province. But the warnings were there and the warnings have been there for some time from both the Environmental Commissioner and the Provincial Auditor. There are those who always say, "Well, the opposition is going to say this. What do you expect?" I and others on this side of the House have had an opportunity to quote what the Provincial Auditor, Erik Peters—he's completely neutral—and the Environmental Commissioner have had to say. Both have been condemning of the record of the government in terms of dealing with water issues, and I think there is justification in that.

I certainly believe that the drinking water surveillance program, which was growing on an incremental basis each year until the government decided to impose constraint—which you're going to see more of, by the way—was quite good. It spotted problems; it identified problems. There was a dedicated team within the Ministry of the Environment that went around from one place to another where there was a municipal water supply and inspected it carefully. This isn't something where you walk in, and walk out half an hour later. This can take up to a week or perhaps even longer, counting the paperwork that has to be done. It was a very detailed program, you had top-notch people within the ministry doing it, and this program was allowed to diminish in its importance within the ministry until the issue of Walkerton happened. Then we had a so-called blitz of the water treatment plants in the province by a team, some of whom would not have had the kinds of qualifications that this original team would have to do it.

We used to have a timely report on drinking water in each of the places in Ontario so that local people could put the pressure on as well, the local municipality. There was a generous program of funding from the Ministry of the Environment. I was talking to a person the other day from the regional municipality of Niagara, and they are now squabbling over \$39 million in so-called SuperBuild funding. I can tell you, routinely that kind of money used

to be forthcoming to the regional municipality of Niagara. I can remember some major sewage treatment and water treatment plant grants that were made from the Ministry of the Environment—I can recall because I was minister at the time—to areas such as Niagara and other areas in the province that were substantially above this \$39 million that we see today. It was routinely done.

I'm concerned, with the so-called SuperBuild funding and the OSTAR funding, that the Minister of the Environment doesn't have the prerogative of determining on an environmental basis where this money should go. Yesterday in estimates the minister was quite defensive, as she has to be for the government, but I'm sure she feels it would be better if her ministry could determine on an environmental basis where the needs are instead of where the political needs of the government are. Let me tell members of the Legislature that this is exactly what SuperBuild is going to be about. It's going to be determining politically who is going to get it. It works much better when it is otherwise.

Again, when I recall my days as minister, a lot of the money was spent from time to time in so-called opposition ridings. Why was that the case? Because there were needs that were clearly identified environmentally in those ridings. The Ministry of the Environment staff made the recommendations and the money was flowed to those municipalities.

Today that money is essentially choked off. OSTAR is not only for water, by the way, but is for bridges, roads and other emergency circumstances, and it's for smaller municipalities. What is happening is that the amount the government will give in any particular instance is so small that a place such as Niagara-on-the-Lake is unable to take advantage of the funding because they can't come up with the additional funding that's required. I suspect that's the case around Ontario. So there are a lot of announcements made by ministers out there, but seeing the money actually flowed, actually invested, is not something we often see.

There's a need to update water systems. I think we had about 30 water systems, some of them in major places such as North Bay, that didn't have what we would expect—normal filtration methods. Yes, bacteria could be killed through chlorine being applied to the water supply, but they were subject to cryptosporidium and other organisms that could attack the water. You remember that in the Collingwood area there was a circumstance of this kind. The best example I can think of is certainly the city of Milwaukee, which was confronted with over 100 people having died and thousands who were ill as a result of cryptosporidium. That was in a major municipality where one would suspect they would have the best treatment equipment. We have to treat this problem, this challenge, seriously.

Don't forget sewage treatment plants as well. They've been pushed into the background, but sewage treatment plants are designed to take waste water and treat that water so that when it goes back into natural waterways, it is of an acceptable value, an acceptable quality. I believe

we're not investing the kind of funds we need in, first of all, the capacity of sewage treatment plants, but also the sophistication of the equipment. We need the staff, which gets down to the issue of staffing and of financial resources.

The Ministry of the Environment as well as the Ministry of Natural Resources, which by the way has some responsibility for water quality, have both been devastated by cuts by this government. I have a fear that we're going to see more cuts. Why is that going to happen? As I said yesterday, I'm not getting into a long philosophical argument, but if you're going to give over \$2 billion to corporations in tax cuts, that's going to be revenue that is lost to the ministries. I say to government members who are not in the cabinet, and maybe they've already warned you of this, the Treasurer is going to be saying to the cabinet and to caucus in a short period of time, "We don't have the revenues coming in. We're going to have to apply an in-year constraint." So the Minister of the Environment will not have the funding to be able to carry out her responsibilities. You're going to see that in all the ministries. Why is that going to happen? Because there will not be the revenues to be able to meet the understandable needs the Ministry of the Environment will have.

You'll have to deal with the issue of the sludge that comes from sewage treatment plants and now is spread on farmlands. You'll have to deal with the rules for the spreading of that and with the staff that's necessary to inspect and approve any of the proposals for the spreading of sludge. There are a lot of issues around sludge that have to be addressed, and unfortunately they're not being addressed as well as they should be. My friend from Durham East brought a bill brought before the House. He knows the problems he's encountering in his area and that is not resolved to this point in time, and it has to be resolved.

1030

Also, there is intensive farming, or industrial farming as I would call it. I don't think what the government has proposed so far is going to work. I think the timelines are too distant in consideration of what we really need in the province.

I say, as well, that with one third of the staff of the Ministry of the Environment fired out the door when the government got involved in its cutting and with about 45% of the operating budget gone out the door, the ministry doesn't have the staff and financial resources to carry out its responsibilities.

I personally think that the laboratories that were operated by the Ministry of the Environment of Ontario were top-notch and that a major mistake was made when this government closed those laboratories. Today, when we're thinking of the security of our water supply, for instance, wouldn't it be nice to know that we had reliable, top-notch, high-quality laboratories with people with integrity and responsibility operating those laboratories, so that if an incident does arise and there's a need for a quick turnover in time and reliability and integrity

in the answers that are given, we would have a government laboratory to do so? The four laboratories in the regional bases were closed, a most unfortunate decision in terms of water quality in this province.

There are old wells that need to be looked at. They haven't been properly capped. There's a route for some substances—bacteria—getting into those wells.

Lastly, there's also the impact of chemicals that get into the water, both airborne chemicals that fall in our waterways and then make their way into our water systems, and those that are directly or indirectly discharged into waterways in this province.

All of those issues have to be appropriately addressed. It's obviously going to require—I know nobody likes to hear this; none of us do—a major investment of funds in the protection of drinking water in this province. AMO, or the Canadian municipalities, predicted it would be \$9 billion to do the job properly in the province. That's an awesome task in front of us and I think we have to address those issues appropriately.

Mr Michael Prue (Beaches-East York): The problems of water quality are not unique to Canada. In fact, it's probably the number one cause of death for young people and old people in the entire world. Across this entire land, this place we love called Canada, there are problems in every small community, from Newfoundland to British Columbia, with their water.

Here in Ontario we should pride ourselves, being the richest, the wealthiest, the most developed province, in not having to have that problem. In fact, though, it has been borne upon us. There is community after community in Ontario where there are orders to boil water. My own parents, who live in a small town in southern Ontario, have had an order to boil water just this year.

We have an opportunity as the province and with this bill to show how serious we are in taking back the standards we once took for granted, that heretofore existed and that served the people of this province very well. We have an opportunity to give back to people and to their government the confidence that has been damaged by the events of Walkerton, damaged by the events of having to boil water in so many communities in this province.

We have an opportunity to rebuild ancient—and I'd use that word "ancient"—infrastructure in many of our towns and cities that was built at or before the turn of the century, where the water systems are eroded and are no longer providing absolutely safe and pure water.

This Safe Drinking Water Act, Bill 3, is an opportunity for everyone on all sides of this House to come forward and say that a fundamental right for pure drinking water, which is also found in United Nations charters, should also be here in Canada's wealthiest province, in Canada's wealthiest city, in Canada's towns and villages, in Ontario's towns and villages.

In fact, the Association of Municipalities of Ontario has very strongly supported this bill, or the preceding bill, number 96, and in fact in July of this year AMO issued their Municipal Action Plan—Protecting Ontario's

Water. That plan called for a comprehensive water protection policy and legislation.

The municipalities of the province of Ontario understand that legislation is going to be needed in order to get the necessary funds to build and rebuild our water structures.

They also have asked for resources to support timely and effective investigations. Many of the smaller communities in this province do not have the necessary resources to do investigations and in fact only find out when it's too late—when people are actually sick or when people actually die—that the water is tainted or that there are problems with their water resources.

They are asking for an investment in research and new technology. There are many exciting ways of treating water that do not necessarily involve the use of chlorine, and I know there are many people in the environmental movement who are looking for other ways to treat water to make sure that it is at all times safe, not only when it's coming in but when it's being treated as sewage.

They are asking as well to re-establish provincial expertise. For so many people who live in the province of Ontario, the only expertise is that which is given by the province. Their municipalities are too small or too poor to actually have their own expertise in-house, and they are asking that the province redevelop that expertise, to go back to where it was five or 10 years ago and to make sure that there are sufficient resources to do it.

The Association of Municipalities of Ontario is asking that this House restore provincial leadership in sharing information, in actually letting people in the province know whether their sources of water are safe, whether there are ways to improve those sources, whether there are ways to move the water around in a more expeditious manner, and they are asking for leadership from the province.

Last but not least, they are stating, "There is a clear provincial interest and Ontario's water quality is obviously no longer a matter for discussion. The provincial interest in water quality is now a matter for action."

I am asking that members on all sides of the House speak to this issue and support this bill. Send it for second reading. Send it to committee to allow for consultation with all the people of this province. Let's get back into the water game. Let's get back into making Ontario a truly great place where people are not afraid to turn on the tap.

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise this morning and speak for a few moments on the member for Toronto-Danforth's Bill 3, An Act to restore public confidence in the quality of drinking water in Ontario. Because Ms Churley mentioned Walkerton earlier in her comments, I'd like to make a few comments on that and what our government has done, as well as refer to something Mr Bradley did when he talked about the sewage treatment plant aspect of quality drinking water here in Ontario.

Since May 2000, the province of Ontario, through this government, has made a number of moves to protect

drinking water in our province. Since the Walkerton tragedy, our government not only took the bold steps necessary to restore the Walkerton water supply, we also took decisive action to protect water quality throughout the province. For example, we introduced Operation Clean Water. That's a coordinated and comprehensive provincial effort to protect water resources, which includes tough, clear standards for drinking water quality, effective inspection and enforcement, tough penalties and strategic investments, and efficient delivery practices. I think nearly every member of a riding here has probably heard back from some of their municipalities that may have been impacted by some of the guidelines under Operation Clean Water.

We passed the drinking water protection regulation to protect the health of Ontarians and to make the province's drinking water requirements among the toughest in the world. We also proposed a drinking water protection regulation for designated facilities to ensure that people who are less resistant to contaminants in drinking water are protected.

We are implementing a \$6-million provincial ground-water monitoring network. There's a lot of interest in that particular program and I know that in my particular riding itself, the area of Oro-Medonte is certainly interested in tapping into some of that funding.

1040

We also inspected all municipal water treatment plants in the province—there are over 650 of those—to ensure compliance with provincial legislation, and we are committed to doing annual inspections at these plants.

We established a \$240-million Ontario small-town and rural fund to help municipalities upgrade their water and sewage infrastructure. I know there have already been a few announcements on that program.

Most recently we announced \$10 million in funding for groundwater studies in Ontario municipalities. This is the largest single investment in groundwater source protection in the province's history.

I know that this all ties in to a lot of the work we're doing on some of our moraines as well. I've got a deep concern about a moraine that's in my riding and I want to make sure that whatever programs or regulations are put into place to protect moraines in fact protect all moraines here in the province of Ontario.

The other thing I wanted to briefly mention this morning was what Mr Bradley, the former Minister of the Environment, had mentioned earlier on sewage treatment plants. I was very fortunate that just recently, on September 21, I had the opportunity to officially open a new sewage treatment plant in the community of Port McNicoll. It's part of the township of Tay and it sits right on Georgian Bay as part of the Severn Sound. They opened what they called a xenon plant—I think I've got the phrase right. It's a state-of-the-art sewage treatment plant and basically the water that leaves this plant is almost perfect. It's almost as good as the water that comes out of your tap in the beginning. It was interesting to open this plant. It's a \$6.5-million plant and the prov-

ince contributed 53% of that, so I was pleased to see that that plant helped to contribute to the water quality in the Severn Sound. Effective within the next couple of weeks—I think it's October 27—they will officially delist the Severn Sound as an area of concern on Georgian Bay. I compliment the Minister of the Environment for bringing forth this legislation and I also compliment the former minister for bringing that through the provincial water protection fund program, which allowed the money to go forth to help with this plant in Port McNicoll.

With that, I wish Ms Churley all the best in the further debate on this bill, and my remaining time will go over to Doug Galt from the Ministry of the Environment.

Thank you very much, Mr Speaker. It's been a pleasure to stand here this morning.

Mr Michael Bryant (St Paul's): I obviously support this bill. This bill about public confidence in drinking water has really gained some immediate attention in the riding that I have the honour of representing, St Paul's, where of course we learned today through the media that the St Clair reservoir was broken into, probably at some point last night or early this morning. Just before 10:30 this morning, a city worker discovered the break-in, discovered some unidentified liquid in the reservoir site, and fortunately very quick action resulted. This bill of course is about protecting water sites across the province, but I just want to emphasize to this House what's going on right now with respect to this emergency situation in St Paul's.

I have spoken with officials in 53rd division, which obviously covered this area, as well as ministry officials. The unidentified bottle of liquid is being tested by the forensic centre. They'll know the test results by this evening. The Ministry of the Environment is testing the water—as we want them to do across this province through this bill—and we should have the result by tomorrow at the latest to confirm that in fact the water has not been infected in any way.

I can tell this House and the people of St Paul's that the 100 million litres of water that is affected by this reservoir is not being distributed. The taps have been shut off. I can't tell you with 100% assurance that it was shut off before any water was released and after the break-in. We don't know that yet. But there are detectives on site, there are officials from the fire department hazardous materials on site, and of course there are two people right now guarding that reservoir.

My concern is that there are other reservoirs across the city and the province that are not being guarded, and that there are other sensitive sites. We spoke yesterday about nuclear plants, but also just in St Paul's, synagogues, churches, mosques.

We are living in an era of heightened anxiety. It's important, obviously, that nobody in this House fearmonger but, at the same time, the public needs to be informed about what has happened. I can tell you right now it's a zero-sum equation. Unless more police officers are deployed to protect these sites, unless testing is done on a

widespread basis, people are going to continue to live with some concern.

Mr Rosario Marchese (Trinity-Spadina): Nothing could be more important to human life than water. We all know that and the people watching this political program know that as well. Bill 3, the Safe Drinking Water Act, introduced by Marilyn Churley, the member from Toronto-Danforth, goes a long way to protecting that water that is so essential to us.

To emphasize what the member from Toronto-Danforth said, when I read the Toronto Environmental Alliance and the Canadian Environmental Law Association, they say that this new regulation the government introduced does not “create a clear statutory right to clean and safe drinking water”; does not “require the environment minister to create a water quality registry which compiles all water testing results from public water suppliers”; does not “require the environment minister to publicly report on the state of Ontario's drinking water, to conduct research into drinking water matters, or to establish a special fund to provide financial assistance to public water suppliers”; does not “impose a mandatory duty upon public water suppliers to notify consumers if there are operational problems (ie, equipment breakdown) or testing delays or difficulties”; does not “prohibit tampering with or degrading public water supplies, or threatening or attempting to do so”; does not “prohibit public water suppliers from providing drinking water that exceeds the maximum permitted levels for contaminants”; does not “create citizen enforcement mechanisms to ensure compliance with the regulation”; does not “create a statutory cause of action allowing citizens to sue violators of the regulation”; and it does not “impose a mandatory duty upon drinking water suppliers to assess the vulnerability of drinking water sources to contamination.”

We know that. It says, “It does not,” to so many important things as it relates to water. I say to you, what does the regulation do?

There is a fundamental role of government to protect our water and to make sure that the water we drink is safe. That's why I read out for emphasis the Toronto Environmental Alliance statement as it relates to the new regulation as a way of saying to the government, you've got to get into the game of governing. I know you think being here is a game for you. I know you said you came here to fix government. We're saying to you, be the government. This bill urges you to move in that direction.

I know the government, through Premier Harris, in response to a question from our leader, Howard Hampton, around Bill 96, now Bill 3, said, “It's a bill that is merely repetitive.” We asked the government, Harris and the others, is it red tape and repetitive to have an act that recognizes that the people of Ontario have the right to clean and safe drinking water? No, obviously. Is it repetitive and red tape to give communities the right to have information about the quality of the water they're drinking? No, we say. Is it repetitive and red tape to immediately notify communities that their water is con-

taminated and ensure that an alternative supply of safe drinking water is available to them? No, we argue as New Democrats. Is it repetitive and red tape for the minister to operate an electronic water quality registry that would inform communities about the quality of their drinking water? No, we say as New Democrats. And on and on the list goes.

We support Bill 3, the Safe Drinking Water Act, introduced by Marilyn Churley, the member from Toronto-Danforth, and urge this party to be in government, to be the government and start moving in the direction of this bill.

If you don't want to adopt each and every matter that is in this bill, bring in your own bill so we can debate it. Make it yours, if you want, change it and let's debate it. But we need, as a government, to move in that direction and we hope some of the government members, if not all, will support this bill.

1050

Mr Doug Galt (Northumberland): First, I'd like to compliment the member for Toronto-Danforth for bringing forth this bill and having a concern about water quality and safety in the province of Ontario. There is nothing more important than the water we drink or the air we breathe or the food we eat, and certainly, you're very familiar with the fact we've brought in Bill 87, looking at safety and quality for food. I compliment the Honourable Brian Coburn for bringing that particular bill forward.

I also compliment the member for Beaches-East York in his comments about the sickness that occurs around the world because of water. Having lived for a year in Indonesia, there is absolutely no question that water is one of the important factors in carrying disease in countries such as that.

I bring to mind Operation Clean Water that our government brought in just a little over a year ago. At that time, regulation 459/00, the drinking water protection regulation, was also brought in. Really, it was an extension of the previous drinking water objectives in this province.

I wanted to talk just for a few minutes about some of the things that may not have been covered in too much detail here, some of the investments. The OSTAR fund is some \$600 million that was set aside because of the interim report of the Premier's Task Force on Rural Economic renewal. Some \$240 million of that is set aside for water and sewer systems, to upgrade those in our municipalities so that they will also, once upgraded, look at cost recovery. I would also remind you of the \$200 million in the late 1990s in the provincial water protection fund that was invested in municipal water and sewer treatment plants.

The \$10 million in the groundwater studies has been mentioned, but also last year \$6 million was set aside for the provincial groundwater monitoring network, some 400 monitoring wells in the various conservation areas to look at water quality, as well as at the levels of that water.

I bring to mind Bill 81, the nutrient management bill that has been brought forward. After first reading, we've

taken that out on the road for hearings and have received a lot of interesting input from the public. That's following very extensive consultations on the part of our government to look at how we deal with nutrients on soils, putting on the right quantity to be absorbed and consumed by plants, and to prevent any of it from leaching into the groundwater or into surface water.

I would also, just in the last few seconds, remind you of the water-taking and transfer regulations that our government brought in to prevent the export of bulk water out of our country. The federal government wouldn't do anything. It was their area of responsibility. They failed to act, and the province came in and stopped that kind of export of water by bringing in a regulation that would prevent the transfer between water basins in the province of Ontario.

Mr David Christopherson (Hamilton West): I am pleased to rise in support of my colleague Marilyn Churley's Bill 3, which quite frankly ought to be motherhood in this place, given all that's happening and all that has happened in the last couple of years. It's interesting; I'm not hearing any government members stand up and say, "I don't support this bill and here's why." They dance all around it, they talk about all the programs they think are making a difference but don't acknowledge the fact that the Association of Municipalities of Ontario, which speaks for all our cities, is in support of this.

Why? Because a lot of the programs that they're touting on the other side of the House today do not adequately deal with the issue. Whether it's because they can't access the funds or whether because the standards you put forward aren't making the difference that we need, the fact of the matter is that there is insufficient legislative protection for our water.

This bill today seeks to change that. I think the preamble says it all, and I'd like to hear any government member tell me they disagree with this preamble: "The people of Ontario have the right to clean and safe drinking water. Clean, safe drinking water is a basic human entitlement and essential for the protection of public health."

Why would the government oppose a bill that has widespread support among the organizations and entities that are responsible for the actual delivery of water and that clearly would have the support of the people if you went out and asked them? It's because, once again, the government talks a good story but acts in way that does virtually nothing. In many cases we've seen that the actions they take, in terms of their words, are the opposite.

All we are seeking is that the government backbenchers, on this day when party discipline doesn't apply—no one is going to be punished or held accountable; they shouldn't be. I see some of the backbenchers raising some eyebrows. I have to tell you, if it is being applied in a disciplinary fashion, then you're being denied your rights as members, because today, Thursday morning, is about each of us standing up and speaking from the heart and speaking on behalf of our constituents.

When we have a bill like this, which Marilyn Churley has put forward, that speaks to ensuring that by law Ontarians will receive safe drinking water, I don't see how you cannot stand in your place and give your precious vote to this bill. How can you not support something so fundamental as providing clean water, particularly in light of Walkerton? How can you do that?

The Deputy Speaker: Response?

Ms Churley: I'm encouraged by the members from the government benches who spoke. Nobody said they weren't going to support it. People did talk about all kinds of other issues but really didn't speak directly to the bill.

I want to point out to members in the House today that the recent Environmental Commissioner's report also referred to the regulations and said they are lacking important components and that a safe drinking water act would be an important issue to come before this House.

I also want to say to the government members, you talked about all the things you are doing. You ended the drinking water surveillance program in 1996. You also ended the annual direct discharges report, which told us what was going into our water. You ended CURB, the Clean Up Rural Beaches program, which we heard over and over again in the committee on nutrient management was a good program and should be brought back.

We know that in 2001, Ministry of the Environment spending in real dollars is actually below 1971-72 levels, the year when the ministry was created.

We know that OSTAR and SuperBuild—there is no longer a dedicated fund for sewer and water projects. There's no research being done. At a time when inspections show that many plants need to be upgraded, they are asking for your regulations to be delayed, and that's one of the problems with regulations. Not only are they lacking certain components, but the government, willy-nilly, at its whim, can change regulations any time when what's happening out there isn't meeting the requirements, which is my fear now.

Please support this bill today and send it to committee.

The Deputy Speaker: That completes the time allocated for debate on ballot item number 23. We'll now deal with ballot item number 24.

1100

ETHICS AND TRANSPARENCY
IN PUBLIC MATTERS ACT, 2001

LOI DE 2001 SUR L'ÉTHIQUE
ET LA TRANSPARENCE DES QUESTIONS
D'INTÉRÊT PUBLIC

Ms Di Cocco moved second reading of the following bill:

Bill 95, An Act to require open meetings and more stringent conflict rules for provincial and municipal boards, commissions and other public bodies / Projet de loi 95, Loi exigeant des réunions publiques et des règles plus strictes de règlement de conflit pour les com-

missions et conseils provinciaux et municipaux ainsi que les autres organismes publics.

The Deputy Speaker (Mr Michael A. Brown): The member for Sarnia-Lambton has up to 10 minutes for her presentation.

Ms Caroline Di Cocco (Sarnia-Lambton): It is a pleasure to rise in this House and to put forth a bill that requires specified provincial-municipal councils, boards, commissions, public bodies, as listed in the schedule, to conduct their meetings in open forums. Bill 95 is about ethics and transparency and it's called the "ethics and transparency act." It's about ensuring open meetings, good documentation of those meetings and penalties for conflicts of interest.

In my view, this allows for more public scrutiny for those bodies that expend public dollars and make decisions that are for the public interest. We have numerous examples across this province whereby public bodies find it more expedient to conduct their affairs behind closed doors and then they have public relations people who come out to sanitize the version for the public. I'll give you an example that I believe has happened currently. I think it has to do with the issue of the London hospital decision to cut a number of services. These decisions are being made, and there are other decisions that I know are being made in other hospital boards and in Sarnia as well, to cut other services, and yet the public and the specialists hear about the decisions through the media. It isn't necessary for these bodies to conduct their affairs in the view of the public.

To me, what I find unconscionable oftentimes is that public information is provided by the many public relations people who decide how to spin the controversial issue after the decisions have been taken behind closed doors. It is the new fashion, I guess, that decisions are vetted and sanitized for public consumption. I believe that the public should be involved when these decisions are being debated, before the fact, not after the fact. It is important that good records be kept in the public interest. These bodies, in my view, are there to serve in the public interest and should be subjected to public scrutiny, period. That should be the norm and not the exception.

I have spoken to a number of people as I was drafting this bill, one of whom was Ann Cavoukian. It is her opinion as well that it is important that we ensure that public decisions are made in the public view. This bill, I'm going to share with you, has evolved from the findings at a judicial inquiry that was held in 1998 in Sarnia. It is the very reason I believe I came to be elected as an MPP, and I find myself in this realm of the political world. The inquiry was held because decisions made by the Catholic school board and the municipality of Clearwater misspent \$6 million of taxpayers' money. The findings of this inquiry basically stated that over \$6 million was proverbially "flushed down the toilet," for the most part because these decisions were made behind closed doors.

According to the inquiry, another factor, another motivator, in the poor decision-making was the many

conflicts of interest. The municipality for instance gave a mortgage and a first right of refusal to a company whose shareholders were not even known, and to this day, the municipality still has not received one cent. And this is almost 10 years ago now.

Conflict of interest: it was interesting that the same lawyer acted for the school board, acted for the consortium, acted for the town in the deal, and that came out in the inquiry. One of the comments that was made during that inquiry was the fact that there was no penalty. We held this huge judicial inquiry, yet there's no penalty for the conflict of interest or for those public bodies that held meetings behind closed doors. The personal business involvement among the players at this inquiry was quite astounding. Again, I take those findings and that's what evolved into this bill.

The report from Justice Killeen is a vivid example of the cloak of secrecy at both Clearwater council and the Catholic school board, and it did not serve the public interest.

In the inquiry—and I'll just specifically state it, because this is only an example of many more bodies that don't even have to abide by an open meeting process, and these were bodies that were supposedly to conduct their affairs in the open. I'm going to read one of the items from the inquiry. This is what Justice Killeen's findings were. He said:

"Finally, there is much to be condemned in the secrecy with which the council plotted and carried out their strategies over the period from early 1989 down to the very closing of the parklands sale in April 1990. They kept the restructuring and implementation committees in the dark at times when it was clear that candour and openness should have been the order of the day with the other public bodies involved."

So not only did they not conduct their affairs in the open; they actually prevented other public bodies from knowing what they were doing.

There is another example that Justice Killeen talks about. He says:

"I am profoundly disturbed by the cloak of secrecy the board used to hide this transaction from its closing stages and down through the years to 1995 when, through the press of events and the complaints of a small number of obviously concerned electors and ratepayers, the board was finally forced to acknowledge what had happened."

I was one of those individuals in 1990 who tried to force accountability, and it took seven years. I don't believe the public should be forced to do what I had to do.

In my bill, each member of the designated public body who knowingly fails to disclose a conflict of interest, as required in section 11, could be guilty of an offence and, on conviction, is liable to a fine of about \$1,000. Too often conflict of interest is commonplace on boards and commissions, because there is no consequence.

The other point I will highlight again in my bill is that closed meetings must be well justified, the rule being that meetings are open to the public except under special circumstances. I strongly believe that these bodies that

are conducting business, supposedly in the public interest, should be open to the public and decisions made without prejudice. Public scrutiny is, in my view, what ensures honest, open decision-making.

I hope to receive your support on this bill because we, as legislators, have the tools to make changes for the better, and this bill strives to do so.

I truly believe that institutional arrogance sometimes is what comes into play when decisions are made, and I, as a member of this Legislature, have an opportunity to bring into action some of those ideals with which I came to this Legislature—ideals that we are here for the public interest—and through this type of legislation, improve our openness and improve democracy. As I've said, I've also spoken to Democracy Watch and they're very much in support of this. They say this is just the type of legislation which helps to bring transparency and helps to restore public confidence in our public bodies.

Again, I urge all members of this House to vote in favour of this bill, because I believe it is about true accountability. That's what transparency is, and that's what good ethical conduct is about.

1110

The Deputy Speaker: Further debate?

Mr Garfield Dunlop (Simcoe North): I'm pleased to be able to rise this morning to speak to Bill 95, An Act to require open meetings and more stringent conflict rules for provincial and municipal boards, commissions and other public bodies.

As I've said many times in this House, I've spent a lot of time—18 and a half years—on municipal councils, and the first thing I want to say is that in all those cases the existing rules were cared for in a very special way. I think that people who are elected to these commissions, particularly municipal councils and school boards, generally take a great deal of pride in that and follow these rules quite closely. But I do want to say that Bill 95 is an act concerning open meetings and more stringent conflict rules for provincial and municipal boards, commissions or other public bodies.

What this bill proposes to do is important in any democratic system of government, and that is why it is already being done in Ontario through existing legislation. Much of what is in Bill 95 parallels, and at points conflicts with, what's in the Municipal Act in regard to open meetings, and what's in the Municipal Conflict of Interest Act in regard to conflict of interest.

If those who are responsible for this bill took more time to read the existing legislation on these matters in more detail, they would have clearly seen that the bill has a number of problems. I want to point out some of those, if I could.

One of the most serious problems I see is that section 13 of Bill 95 states that when there is a conflict between what's in Bill 95 and what's in existing legislation, the stricter of the two would prevail. At times it's not going to be a clear-cut case which provision is stricter, and the ultimate decision would likely have to be made through our court system. We all know that this would use up

very valuable court resources and would be very expensive and time-consuming. What the drafters of this bill should have done is amend existing legislation on this topic, but they didn't, and what you're left with are conflicting rules with vague resolutions on how to overcome the problems.

Let me say a few words on open meetings. I haven't been in a council meeting for three years, and I had forgotten exactly why we would go into committee of the whole. Of course, today we have labour relations, litigation or potential litigation, employee negotiations and acquisition or de-acquisition of lands. Those are basically the only reasons you can go into committee of the whole at a municipal council meeting. In my past, I've seen this rule clearly cared for by municipalities and school boards.

Under section 55 of the Municipal Act, open meeting provisions affect municipal councils, advisory boards and boards found in the Municipal Affairs Act. These rules do not apply, for instance, to municipal police services boards or school boards. The provisions of Bill 95 would include the boards exempted from the Municipal Act provisions. These boards are not included in section 55 of the Municipal Act because they have their own rules regarding open meetings and conflict of interest. There is no need for duplication.

There is a provision in this bill that would fine individual members up to \$1,000 for closing a meeting that the bill says should be open. This could lead to councils opening portions of meetings which should in fact be closed out of fear of being fined. We all know it's necessary to close meetings at times. I've pointed out some of the reasons why, and I'm sure that most people follow that. This legislation would lead to boards and councils second-guessing their decisions.

As for Bill 95's treatment of conflict of interest, I must first note that the bill duplicates the provisions, and at times even the wording, of the Municipal Conflict of Interest Act. Secondly, this bill does not define what a conflict of interest is. Exemptions, however, are listed, but they are not as comprehensive as what currently exists.

The bill also sets a \$1,000 fine for not declaring a conflict of interest, but no process is established for how an individual is charged, which court they would try the matter in and how any kind of appeal would work in this case. Existing legislation, on the other hand, is very specific on these matters.

Let me sum up by saying that much of what is in Bill 95 duplicates or conflicts with existing legislation. The existing legislation has clear and definite rules on open meetings and conflict of interest. If changes are made to legislation concerning these topics, amendments should be made to the Municipal Act and the Municipal Conflict of Interest Act, not by this piece of proposed legislation.

I appreciate the opportunity to say a few words here this morning.

Mrs Marie Bountrogianni (Hamilton Mountain): I'd like to congratulate the member from Sarnia for the Ethics and Transparency in Public Matters Act, 2001.

The member opposite is wrong. This is not duplication of legislation that already exists. This particular legislation is based on the Open Meetings Act in Michigan. Nothing of the sort exists in Ontario. If it did, a lot of the bizarre decisions that were made would not have taken place, because the public would not have stood for it. So the proof is in the pudding, and I think the members opposite should take a much closer look at my colleague's bill, because this would truly introduce accountability in the public sector.

The members opposite pride themselves on saying they are for accountability in government. Well, here's an opportunity to prove what they're saying, not only to talk the talk but to walk the walk.

Let me tell you about some examples in my own community that probably would not have occurred if this particular bill was law, because the public would not have stood for it. I'm talking about golden handshakes, the amazing and enormous golden handshakes that public CEOs have received across Ontario.

The most recent example is in Ottawa—\$700,000. What planet are we living on? I have to remind the members that hospital boards, school boards and municipal councils don't have to tell us, the public, what these severance packages are. Most often, reporters or members of Parliament go through the freedom of information act to get this information, at an expense—taxpayers' dollars. I can understand if this was PepsiCo or IBM, but it's not. It's municipal boards, hospital boards, school boards that spend our money.

You pride yourselves on saying you are the protectors of taxpayers' money, and yet you don't walk the walk. Here's a good opportunity to do that. Pass this bill quickly, send it to general government and let's bring some true accountability.

I'll give you some examples from my community alone. I'm not going to blame the individuals here, the CEOs. They were looking out for their best interests, as is human nature. They were following the rules. No one broke the law here; the law is wrong. There is no law that protects the public against these kinds of decisions.

In my community alone, we had, in the last decade, two hospital CEOs. One severance package, at taxpayers' expense, before it went to litigation—it was reduced significantly, with respect to the lawyers—was for \$1.8 million in severance to Dr Jennifer Jackman, back about a decade ago. She didn't receive all of this because it was in litigation. It was eventually capped at \$818,000. This CEO was basically told she needed to leave because of her poor performance and because of a conflict of interest with respect to hiring a personal friend for a position. And yet there it was.

I have introduced a severance bill twice. Once it passed unanimously, to everyone's credit, but it died because the House was prorogued. I have recently submitted a much simpler bill that would say, "Make this a sunshine law like your sunshine law." Have severances open to the public, whether it's once a year, the way you do on April 1 for the \$100,000-plus club, or the public

can call up and find out: "What is the severance package of this newly appointed executive?" We have a right to know.

Recently, Mr Scott Rowand got a golden handshake. We don't even know how much it was because it went to the courts. Again, everything was legal. No one broke the law. Mr Rowand, of course, was looking out for his best interests, as is human behaviour. But we, the public, should know how much we paid the man. We don't know; we just don't know.

1120

Then, very recently, our city manager was let go. That severance package was open because of a lot of public pressure. However, as it turns out—and the member for Hamilton West is here—even the council wasn't aware of exactly how much they had OK'd. Let me tell you, I think they would have been a lot more careful about the details of what they were voting for if they knew the public was in the chambers watching them as they discussed severance packages and salaries. I agree, it makes it a lot more difficult for elected bodies to do that, but that is what they get paid for. That is what they get elected for: to represent our best interests.

I strongly suggest that the government take a better look at Mrs Di Cocco's bill, because it will truly bring greater accountability to Ontario.

Mr Bob Wood (London West): Mr Speaker, on a point of order: we have with us this morning a distinguished visitor from China, Mr Wang Songda, deputy leader of the China Zhi Gong Party and a member of the standing committee of the Chinese People's National Congress. He is joined by Mr Kunru Chen, consul for overseas affairs, People's Republic of China; Mr Ming Li, interpreter from the consulate; and Mr Zhen Gun Li, deputy consul, People's Republic of China.

Please join with me in welcoming Mr Wang and his delegation who are in the east members' gallery.

The Deputy Speaker: Thank you. Welcome. As you know, that is not a legitimate point of order.

Further debate?

Mr Doug Galt (Northumberland): First, I would like to compliment the member from Sarnia-Lambton on her concern for open meetings. I don't think there is anybody here in this Legislature who doesn't support that philosophy. Certainly it's very honourable and I compliment her on bringing forward her particular bill.

I served on the Northumberland-Newcastle board of education back in the late 1970s. I also served as reeve and warden in Northumberland county and Cramahe township. As I served in those various roles, I believed that the rules were quite straightforward and, if they were followed, there was no problem. I think what the member from Sarnia-Lambton is concerned about is the fact that these rules, these acts, are not being followed. Maybe the penalty needs to be changed so that they would pay more attention to it. That might be a legitimate concern and something that would turn things around, but to try and change a lot of this, I have some concerns.

From my understanding of the Municipal Act, things allowed in camera are things like discussing issues of personnel. Certainly I don't think that kind of laundry should be aired in public. If things like salary negotiations are out in public, it certainly limits the ability to negotiate in good faith. Also the buying and selling of property: again, if that's negotiated publicly, it's certainly not in good faith.

When you look at the Municipal Conflict of Interest Act, that all relates to a pecuniary interest. Anyone who might have a pecuniary interest should certainly step aside not only from the vote or from the discussion but from the meeting, and should leave the hall or the council chamber or the school board meeting room until that issue has been debated and is completed. I refer to the Municipal Act and the Municipal Conflict of Interest Act. Similar rules are in the Education Act.

The member, in her Bill 95, makes reference to "the stricter of the two would prevail." I'm quite concerned about that statement in the act. We end up with enough issues in our courts today. Our courts are very expensive. It's a win-lose type of situation; it's never a win-win. To end up having this kind of decision being made in the courts—and I think it often would—would be unfortunate. We need bills that are very crisp and clear to reduce the number of times we end up in court.

Bill 95 does not really define conflict of interest, but goes ahead and lists exemptions. These exemptions are less comprehensive than what is in our present legislation. I think those exemptions need to be very specific, and our present legislation has them outlined there very, very specifically.

As I look over this bill, yes, I have compliments for the member and her concern. I don't think there's anyone who strives for more openness and publicness than the member from Northumberland, but this particular bill is very complex, very vague. It's lacking in specificity and in true detail and there are a lot of contradictions in this particular bill, so I think what we presently have is serving the purpose, provided that it is followed.

Possibly, what the member is bringing forward are her concerns and some of the observations she has made whereby these rules, the present legislation, is not being followed. If it's not being followed, certainly charges can be laid, and that's presently the responsibility of the public. Possibly, more severe penalties should be in place. I think that's something that would be very worthwhile debating. But the bill that she's brought forward I'm unable to support in its present form.

Mr Speaker, thank you very much. I look forward to seeing where this bill ends up.

Mrs Sandra Pupatello (Windsor West): I'm very happy to support this bill brought forward by my colleague from Sarnia. A little bit of history that the people in Sarnia may know about but others across Ontario won't is that Caroline Di Cocco, the MPP from Sarnia, spent seven years on a particular issue, probably best illustrated by an editorial cartoon that appeared in their local paper. I just want to describe it to you. It's a cartoon

of Erin Brockovich made to look like Caroline Di Cocco outside of a theatre that says, "Inspired by the movie Erin Brockovich, here in Sarnia-Lambton, MPP Caroline Di Coccovich." So good for you, Caroline. I think everyone ought to know about the hard work and what it means when Caroline gets her nose on an issue and doesn't let go for seven years.

What started as questions and queries were shut down because the system wasn't transparent enough, but her doggedness resulted in a judicial inquiry that ultimately proves that funding was misspent in that area. What she's done today, having been elected to the provincial Legislature, is change the system so that the system is more transparent for all of us.

In my own community of Windsor, if you go down to Elias at Ouellette and Riverside and talk to the people in there and ask them what they're talking about, right now they want to know about the MFP deal in my community. They want to know about what is probably the largest investigation going on at my city hall with a company called MFP and a series of financial deals made between the city of Windsor and this company, the same company that Kitchener-Waterloo is now suing for apparently wrongful information in the contract they signed.

People in Windsor want to know, what about the deal? It's currently under investigation and the city has hired a lawyer to look into this matter, but we all want to know. My big fear is that information will be brought forward to meetings behind closed doors, the numbers of which my city has never seen. In the last year or two or three years we've never had so many closed-door meetings in my own community as we have now. It's a great concern to find that the scuttlebutt in my community at this time in Windsor—when we have significant concerns over a financial deal that we may have struck with a company, we learn that one of our finance officers has been given a severance package and has taken early retirement, and that that kind of decision making was done behind closed doors. We will likely never know the sum. We won't know what the details of that negotiated package was. I question the timing of agreeing to make that kind of decision right now when the very thing we're investigating at my city level is the financial dealings with an outside company.

1130

These are the kinds of questions that people on the streets of Windsor and I as a resident of the city—we have a right to information and I don't want to be stonewalled. There have been huge expropriation projects going on in my community and the number one question is, how much is the Norwich block costing us in expropriation? There is no one to give us the answer to that.

This government is famous for saying there's only one taxpayer, and I have great concerns that ultimately the taxpayers will continue to pay. But the taxpayers should not continue to pay to have information shut out. We should be able to make a phone call and get information. As a taxpayer, as a voter in my community, I have a right to information. Those who are in positions of authority

and are making decisions ought not to be afraid that once the information is public, the people may still rely on them to make good, sound decisions, but it also obligates them to tell us what they base those decisions on. We should and ought to have access to that information.

I wholly support this bill and hope that it moves forward through the system quickly.

Ms Marilyn Churley (Toronto-Danforth): I stand in support of this bill, and I would say to Mr Galt from the Conservative caucus, who spoke earlier, his own argument as to why he's voting against the bill—actually, he makes the argument why he should be supporting it and sending it to committee. He said he thinks overall, as did other government members, that this is an important issue which needs to be dealt with, but they don't like the formation. Mr Galt said it's too vague, and whatever.

But sending it to committee is the perfect answer. That's what you do with bills, particularly private members' bills, where generally we all support the direction and the thrust of the bill but have some problems with the content or the way it's laid out. Some people might want it tougher, as I do. Some people might want to make it vaguer, although I wouldn't want to see that. But his argument is a good argument as to why people should support it here today and send it to a committee, so we can fix it. That's what second reading is all about. If you accept the thrust of the bill, then let's send it to committee and let's make the necessary amendments. That's what we're here to do today. That's what second reading is all about.

So I'd say to members, look, this is one of those issues I think we all should be very concerned about, these days in particular. We've all experienced this and people out there have experienced this. Journalists have experienced this. It's harder and harder to get information through freedom of information. The government has brought the charges to get information up to such heights that many people can't afford it.

We've also seen direct government intervention when some of the members have tried to get legitimate information that should be public information from FOI. I had an experience where I was trying to get some legitimate information on Walkerton. The FOI commissioner said, "No problem." They were getting it ready for us, we paid our big money, it was coming, and then all of a sudden we heard nothing back. We phoned up and were told that they had been told by the Ministry of the Environment—from the minister, as I understand it—not to release that information because Walkerton was before the inquiry.

We checked with the commissioner, even though we knew this ourselves, because it is a public inquiry, and of course there was no reason whatsoever that any documents that were before them could not also be seen by the public. It was an excuse and it was direct interference because they didn't want me to have that information. And I've heard of other circumstances where that happened. So this bill is all the more important under the present climate in which we're operating.

The history of this is actually very interesting. I know the story of Ms Di Cocco and congratulate her on her persistence. She knows first-hand the personal implications of not being able to get information that should be in the public domain, so I see this bill as a partial answer. I'm sure Ms Di Cocco also wants this to go to committee so we can all get our ideas before that committee and make amendments that we can then support or not support.

It's the partial answer to the issue of open and accountable government. I imagine it's broadly supported by everybody except maybe some members of some boards that are brought in under its provisions.

A little bit of history here: the NDP brought in—and I remember this very well because we worked on it for quite a while—a Municipal Conflict of Interest bill, but we never proclaimed it. At that time, there was quite a lot of controversy in the municipal sector and they successfully argued that the conflict provisions in our bill were too tough on part-time local councillors who had other interests. So at the end of the day, we never proclaimed that bill; it's still sitting on the books.

But I want to tell you why we brought forward that bill. The bill was a response to the development of scandals in York region and the city of York that rocked the Liberal government in the late 1980s. Many of you will remember this. There were about eight ministers dumped from the Peterson cabinet at one point, and although this was not the official reason given for most of them, they had accepted money from Patti Starr. Then, at the municipal level, the allegations were very serious indeed and some municipal politicians, one in particular, were charged. In his case he was jailed on Criminal Code corruption charges. That's even more background as to why this kind of bill is important.

The bill moves in the direction of greater openness and accountability in decisions made by government bodies. It needs some work in certain aspects that I really hope and think can be worked on in committee. Ensuring that public business does indeed take place in public is extremely important in a democracy, and we're seeing less and less of that.

The existing Municipal Act provisions should, in my view, be toughened to provide penalties as the bill suggests, and broadened to include provincial boards and crown corporations. Broadening conflict-of-interest provisions to include provincial boards and crown corporations is appropriate, but the bill stops short of making those provisions as tough as the Municipal Act provisions. Under the Municipal Act provisions, if you break conflict rules, you lose your seat. Ms Di Cocco's bill stops short of that and imposes a fine. This may require some toughening up. That would be my view, should it go to committee.

The bill deals with two areas: open meetings and conflict of interest. That's essentially my understanding of the bill before us today. It's very clear. It's not convoluted. It's not vague. It deals specifically with those two issues. There are already Municipal Act provisions

requiring open meetings of municipal councils and their boards. Of course, at times, municipal councils go in camera to discuss certain issues if they have to do with development, land use, some money issues, personnel issues, but overall the act requires open meetings.

The bill extends the provision to virtually all municipal and provincial bodies, though not to the provincial cabinet. Ontario Power Generation, for example, would have to let the public into its board meetings, and at a time like this when the whole system is being privatized, it's harder and harder to get information. You used to be able to get information about spills, problems and accidents at nuclear plants. All kinds of information that was available to the public is no longer available. That is so wrong and this bill could help address that issue.

The bill lists the exemptions to the open meeting provisions, so she's thought of that. They are similar, but not identical; it's not exactly the same as the Municipal Act. Discussions about labour negotiations, acquisition of lands, security of property or personnel matters that don't pertain to an employee are no longer automatically exempt, and that's an important point because right now, and I've seen it myself—I sat on Toronto city council for a short time in the late 1980s and there are many—

Mr Garry J. Guzzo (Ottawa West-Nepean): Don't apologize now.

Ms Churley: I'm certainly not apologizing. I'm proud to have done that. There was the creation of the Energy Efficiency Act which led to the now famous atmospheric fund. We did a lot: brought in recycling and retrofitting programs, energy efficiency. I did a lot in those couple of years and I'm proud that some of these legacies are still there at city council.

But what I wanted to say was that there were situations where I questioned a couple of times whether some of the meetings we held necessarily had to be held in a private room without any press or public presence.

For most of these matters, the bill requires a judgment about balancing the public interest in openness with the public interest in keeping the matter private. That's a key point. That has got to be balanced. I'm afraid that for all kinds of reasons we've seen many examples where the balance is very clearly tipped the wrong way. My understanding is that this bill is attempting to create a better balance between the private and public interest.

1140

Section 4 of the bill imposes a fine of up to \$1,000 on each member of a council or board who was in attendance at a meeting or part of a meeting that improperly excludes the public. I think that is a very important aspect of the bill. That would make all our boards and councillors think very carefully, under guidelines, about whether or not they should be holding meetings behind closed doors. Exemptions are made for members who object on the record or who honestly believe the exclusion was within the bounds of the act.

This doesn't seem to cover a member who arrives late to a meeting. That's something we might be able to fix in committee, because all of us from time to time are late at

meetings. It doesn't deal with that, with members who are unaware the board has passed a motion to exclude the public and forget to object. That's the kind of thing we have to look at. It can and does happen.

Section 5 requires minutes of all council or board meetings to be made available to the public. There are various other sections concerned with making councils and boards accountable for enforcing the rules. The conflict-of-interest provisions are less stringent than those, as I've said before, under the Municipal Conflict of Interest Act. Under the act, to reiterate this, this is something we need to look at strengthening: members can lose their seats if they vote, debate or otherwise try to influence a vote on a matter on which they have a conflict.

Under section 12 of the bill, members violating conflict provisions are only subject to a fine of not more than \$1,000. Section 13 does not say that, if any other act has stricter rules on open meetings or conflict of interest, those stricter rules apply. I'm not quite sure why Ms Di Cocco did not go the whole distance on this.

A schedule lists the organizations the bill applies to.

In closing, I would say to the members who have some problems with the bill, but generally agree with its thrust, let it go to committee so we can place our amendments. This is an important bill before us today and I hope all members will support it.

Mr Norm Miller (Parry Sound-Muskoka): I am happy to join the debate today on Bill 95, the Ethics and Transparency in Public Matters Act, put forward by the member for Sarnia-Lambton, the newly named Caroline Di Coccovich.

My colleague the member for Northumberland spoke about the possible effect this bill would have as it applies to agencies and the way in which it would be applied across the province. I think Dr Galt was quite clear in addressing the principle of the bill and I would like to speak about it in some detail.

There are some 300 agencies in the government of Ontario. Of these, this bill would apply to fewer than 20. I'm sure that the member opposite is aware of this and that she has a perfectly logical explanation for this. I look forward to her explanation.

However, what concerns me with this limited scope is that it creates a very different standard for some agencies as opposed to others. Now, some agencies have more restrictions and autonomy from government than others. We all know that. This is not the problem. The problem is that this requirement to make meetings and minutes public would cause some real, practical problems for some agencies. It would create a huge administrative burden that is inconsistent with the goals and possible achievements of the bill.

In my opinion this stems from the fact there is no definition of "meeting" in the bill. Clearly a gathering of this sort would qualify as a meeting. We are all gathered in one place with rules, records and procedures. Indeed it is also public. This could sound like I'm splitting hairs, but if you think much beyond this definition, it is not clear.

Would a committee hearing be considered a meeting? In all likelihood it would. Would subcommittees be considered meetings? I'm quite certain they would. What about a few caucus members discussing something in their office? Is that a meeting? How about casually running into each other in the cafeteria?

I use these examples to show that definitions are important. That's why we put them at the beginning of the bill. I find the absence of "meeting" in Bill 95 apparent.

Now, assume that we had a working definition of "meeting" and were to go about making it public. There's no mention of the procedure that is required to make the meeting or its subsequent minutes public. Would they have to be published, and if so, how widely? Or would it be enough for the minutes not to be secret?

The bill also gives no hint as to the difference between public and accessible. Is it enough in this bill to keep the door open or does there need to be public seating? How much seating should there be?

The bill provides flexibility for each body to establish its own rules but does not say what is acceptable.

The bill seems entirely arbitrary and will only create unequal practices by failing to establish minimum standards or best practices. Of course this is assuming that the agency is covered by the bill, and most agencies are not. And there's more.

Part of the bill deals with conflict of interest and public declaration. First, this is very odd. Most conflict-of-interest policies deal with the private disclosure to an internal officer, not a public declaration that draws in third parties. This is an unnecessary intrusion into the third party's privacy, which, by the way, is totally unrelated to the stated purpose of the bill.

The official opposition is always quick to point out when they see a possible privacy issue in government legislation. I hope that the member opposite will be so good as to show us evidence of her consultations with the Information and Privacy Commissioner in drafting this bill.

I am glad to see that the member opposite is recognizing the importance of public bodies in conducting their business in an open and accountable manner, and I fully agree with her on that point. Public affairs should be open and accessible to a broad base of people, encouraging public input and discussion. However, I don't think the member has fully thought out the possible and potential application of this bill and the implications it will have on public policy.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I am pleased to join in this debate in support and affirmation of that outstanding Erin Brockovich-type member, Caroline Di Cocco from Sarnia-Lambton.

It's been said that good judgment is based on experience and experience invariably on bad judgment. That's code for let's learn from our mistakes and let's put in place the kinds of mechanisms, particularly at a time when we're concerned about security, that will do what we need to see happen to make our democratic public institutions cleaner and more secure.

Is this bill perfect? No, it's not perfect. Is the member presenting this bill willing to see its specific provisions forged in the fires of committee debate? Of course she is. It's been said that none of us is as smart as all of us, although sometimes around this place I wonder. But I would think that if we could get it into committee and have it discussed there, that would make some real sense.

There's never a wrong time to do the right thing, and in that context I want to say for the record that if it's a choice between a defensive democracy contrasted to defending small clusters of influentials meeting in smoke-filled backrooms to make decisions in complete isolation from those who are going to be impacted, I would choose democracy and transparency and ethics every single day of the week.

1150

I speak from some experience, having spent 10 years as a municipal councillor and six as a mayor, frankly often seeking and receiving very good legal advice when there were doubts. In fact we had a lawyer on our council who—although it was never, as you know, under the Municipal Act—in his formal responsibility to give advice was always very cautious about in camera sessions.

By the way, for those who are viewing, “in camera” has absolutely nothing to do with photography. It has everything to do potentially with secrecy, and there are some matters where secrecy is appropriate. I would add that under the Municipal Act the disposal of properties would be something that should properly be an in camera item; it currently isn't, and that's caused some concern.

AMO has written—and I took their concerns very seriously—they are concerned about duplication, and members opposite have spoken at some length about their fear about the potential duplication. That's interesting from a government that's gone from report cards to Bill 46 to add additional public accountability, and now frequent references to a new Municipal Act and new provisions there. I think we ought to worry less about duplication and what I call “spin from within,” and do a little bit more “hopin to be open.”

Mrs Bountrogianni: Small-town talk.

Mr McMeekin: Small-town talk, that's right. We understand it back where we come from. Back where we come from, common sense is just that: common sense.

I'm hoping members opposite will find it possible to support this bill and to get it to committee, recognizing that it's very good but it's not quite perfect, and that we can work on it. I think there needs to be, for example, a specific complaints mechanism spelled out. I think the member presenting the bill has quite openly acknowledged that. I think we need to ensure that's there.

I want to just, in the last couple of minutes that I have, talk about a worry that I've had around developments of late. As one who had the privilege of being the mayor of the only municipality in all of Ontario who actually lowered taxes six years in a row without impacting services—

Interjections.

Mr McMeekin: It's a fine record. And what did you guys do? You put an unelected transition board in place to take the historic independent nature and culture of my community away from us. That's what you did.

Let me talk about the unelected transition board—the member from Hamilton West knows this—that put secret severance provisions in place for the CAO they hired, and then gloated about how the elected council wouldn't be able to get rid of people because of it. Shame on you.

When we went through a mediation process when the government opposite pretended that the town of Flamborough, the town of Ancaster and the town of Dundas were going to have the right to determine for themselves their future, when you laid that trip on us and you talked about how important it was to listen to the people, you put this so-called board in place so we had a mediation process. We worked through that with our staff people, talking about what it would cost for Flamborough, Ancaster and Dundas to go their own separate ways. We came up with an arrangement. It was going to cost my town about six million bucks, instead of the \$44 million that eventually got approved by the transition board. If that recommendation had stuck, I would have gone back to the office and signed a cheque and turned that money over right away so that my people could have had the right to do that.

But this government didn't do it. They put a transition board in place that met in private, in secret, and decided over lunch that the mediated settlement that we had worked so hard on would be cast aside.

It's not just amalgamation that transition boards are on; you're doing the same thing to school boards; you're doing the same thing around issues like hospital restructuring and health restructuring. You're putting a scapegoat body in place that can act in isolation from the people who are impacted. There's no accountability; this bill speaks to that. That's why I'm supporting it and hoping and praying that people on the other side will support it too.

Mr Peter Kormos (Niagara Centre): I join Ms Churley and other New Democrats in expressing our support for this bill. Like a whole lot of other people here, I was on a small-town city council; other members of caucus have similarly served on city councils or as members of school boards.

Some of the areas the bill addresses that I find particularly welcoming are the re-evaluation of labour negotiations, acquisition of land and security of property or personnel matters that are no longer the refuge—because look at what happens. I think all of us who have been on these boards and councils have seen it and were perhaps shocked and remained shocked during the times we served on those councils, where it became so easy and automatic to identify something within one of those categories, rightly or wrongly, and immediately, of course, the doors slam shut, the press is escorted out and the public is denied their right to know.

In my view, the issue is all about ensuring that the public knows what's being done with their communities,

what's being done with their services, what's being done with their tax dollars in the forums to which they elect people who should be accountable to them more than just at election time, who should be accountable to them on a daily basis and as a result of the scrutiny of the public, either directly or by virtue of the press, the media, which means as an imperative that there be access.

I am disappointed significantly in the government backbenchers' almost pettifoggery in their nitpicking about specific areas. Look, at the end of the day, it's clear that the government doesn't want to support this legislation. It's clear that this government doesn't believe in transparency in government, it doesn't believe in accountability of elected bodies and it doesn't believe—we know this from its own conduct—in the public's right to know what is happening in government. This government uses the public's own tax dollars to the tune of millions and millions upon millions to spin and feed its propaganda, yet at the same time has made it quite clear that it's going to use its majority to suppress this genuine and good effort to create more democracy in those very places where more democracy is needed.

So I call upon individual government members: use this private members' hour in an honourable way. Support the bill. Vote for it. Get it into committee. If the governments want to kill it after that, the government clearly has that power. But get the debate started in a legitimate, open way. If you've got concerns, express them, but express them in committee. Don't hide behind your majority to suppress democracy here in this chamber.

The Deputy Speaker: Response?

Ms Di Cocco: I heard the debate on all sides of the House. I don't understand why the government members are afraid of a bill that's intended to bring open government and open the doors to discussions that affect the public on a day-to-day basis. This bill is about opening those doors to the in camera meetings. Now there's no penalty if a board goes in camera to discuss public business—a council, a school board, a hospital board. There is no penalty that makes members of that board think twice before they go in camera.

Here we have a whole bill that presents to you as legislators a possibility to improve the way we do public business in this province. There's a lot of nitpicking, as was said, and you don't give the opportunity to debate the fine-tuning of the bill in committee.

This open government bill is about requiring open meetings and more stringent conflict rules for provincial and municipal boards, commissions and public bodies. It introduces a fine of up to \$1,000 for those found guilty for inappropriately conducting meetings behind closed doors and knowingly failing to reveal conflict of interest. It requires a set of rules and public notice of those meetings.

I believe it's important that we continue to restore confidence in the public by requiring open meetings.

The Deputy Speaker: This completes the time allocated for debate on ballot item number 24.

SAFE DRINKING WATER ACT, 2001

LOI DE 2001 SUR L'EAU POTABLE SAINTE

The Deputy Speaker (Mr Michael A. Brown): We will now deal with ballot item number 23. Ms Churley has moved second reading of Bill 3, An Act to restore public confidence in the quality of drinking water in Ontario. Shall the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will take the division on this ballot item following disposition of ballot item number 24.

ETHICS AND TRANSPARENCY IN PUBLIC MATTERS ACT, 2001

LOI DE 2001 SUR L'ÉTHIQUE ET LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

The Deputy Speaker (Mr Michael A. Brown): Ms Di Cocco has moved second reading of Bill 95, An Act to require open meetings and more stringent conflict rules for provincial and municipal boards, commissions and other public bodies. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will now deal with ballot item number 23, second reading of Bill 3.

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

The division bells rang from 1201 to 1206.

SAFE DRINKING WATER ACT, 2001

LOI DE 2001 SUR L'EAU POTABLE SAINTE

The Deputy Speaker (Mr Michael A. Brown): Members will please take their seats.

Ms Churley has moved second reading of Bill 3. Those in favour will please stand and remain standing until recognized by the Clerk.

Ayes

Agostino, Dominic	Ecker, Janet	Molinari, Tina R.
Arnott, Ted	Elliott, Brenda	Munro, Julia
Baird, John R.	Galt, Doug	Mushinski, Marilyn
Bartolucci, Rick	Gerretsen, John	O'Toole, John
Bisson, Gilles	Guzzo, Garry J.	Ouellette, Jerry J.
Bountroggianni, Marie	Hampton, Howard	Parsons, Ernie
Boyer, Claudette	Hodgson, Chris	Patten, Richard
Bradley, James J.	Hoy, Pat	Peters, Steve
Bryant, Michael	Jackson, Cameron	Phillips, Gerry
Caplan, David	Kennedy, Gerard	Prue, Michael
Christopherson, David	Klees, Frank	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Clement, Tony	Lalonde, Jean-Marc	Sampson, Rob
Colle, Mike	Levac, David	Sergio, Mario
Conway, Sean G.	Marchese, Rosario	Smitherman, George
Crozier, Bruce	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martel, Shelley	Tilson, David

Di Cocco, Caroline	Martin, Tony	Tsubouchi, David H.
Dombrowsky, Leona	Martiniuk, Gerry	Turnbull, David
Duncan, Dwight	Mazzilli, Frank	Wood, Bob
Dunlop, Garfield	McMeekin, Ted	Young, David

The Deputy Speaker: Those opposed will please stand and remain standing until recognized by the Clerk.

Nays

Hastings, John	Maves, Bart	Stewart, R. Gary
Johnson, Bert	Miller, Norm	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 63; the nays are 5.

The Deputy Speaker: I declare the motion carried.

Pursuant to standing order 96, this matter will be referred to the committee of the whole House.

Ms Marilyn Churley (Toronto-Danforth): Mr Speaker, I would ask that Bill 3 go before the general government committee.

The Deputy Speaker: Ms Churley has asked that the bill be referred to the standing committee on general government.

All those in favour of having the bill referred to the standing committee will please rise.

All those opposed will please stand.

The majority is in favour. This bill will be referred to the standing committee on general government.

Before dealing with ballot item number 24, I would ask that the doors be open for 30 seconds.

ETHICS AND TRANSPARENCY IN PUBLIC MATTERS ACT, 2001

LOI DE 2001 SUR L'ÉTHIQUE ET LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

The Deputy Speaker (Mr Michael A. Brown): Ms Di Cocco has moved second reading of Bill 95.

All those in favour will stand and remain standing until recognized by the Clerk.

Ayes

Agostino, Dominic	Di Cocco, Caroline	Mazzilli, Frank
Arnott, Ted	Dombrowsky, Leona	McMeekin, Ted
Bartolucci, Rick	Duncan, Dwight	Mushinski, Marilyn
Bisson, Gilles	Dunlop, Garfield	O'Toole, John
Bountrogianni, Marie	Gerretsen, John	Ouellette, Jerry J.
Boyer, Claudette	Guzzo, Garry J.	Parsons, Ernie
Bradley, James J.	Hampton, Howard	Patten, Richard
Bryant, Michael	Hoy, Pat	Peters, Steve
Caplan, David	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Kormos, Peter	Prue, Michael
Churley, Marilyn	Lalonde, Jean-Marc	Pupatello, Sandra
Colle, Mike	Levac, David	Ruprecht, Tony
Conway, Sean G.	Marchese, Rosario	Sergio, Mario
Crozier, Bruce	Martel, Shelley	Smitherman, George
DeFaria, Carl	Martin, Tony	Wood, Bob

The Deputy Speaker: All those opposed will please stand and remain standing until their name is called.

Nays

Baird, John R.	Marland, Margaret	Sterling, Norman W.
Clement, Tony	Martiniuk, Gerry	Stewart, R. Gary
Ecker, Janet	Maves, Bart	Stockwell, Chris
Elliott, Brenda	Miller, Norm	Tilson, David
Galt, Doug	Molinari, Tina R.	Tsubouchi, David H.
Hastings, John	Munro, Julia	Turnbull, David
Hodgson, Chris	Sampson, Rob	Young, David
Johnson, Bert	Spina, Joseph	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 45; the nays are 23.

The Deputy Speaker: I declare the motion carried.

Ms Caroline Di Cocco (Sarnia-Lambton): On a point of order, Mr Speaker: I'd like the bill referred to the public accounts committee.

The Deputy Speaker: The member for Sarnia-Lambton has asked that it be referred to the public accounts committee. Agreed?

All in favour will stand and remain standing while they are counted.

All those opposed will please stand.

The majority is in favour. The bill will be referred to the public accounts committee.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

The House recessed from 1216 to 1330.

MEMBERS' STATEMENTS

BRUCE FORBES

Mr Dave Levac (Brant): It's with great honour and sadness that I stand here today to remember the life of one of my riding's most beloved citizens. Bruce Forbes, or RB as he was known to his family and friends, died at the age of 79 in a Hamilton hospital early last Friday after suffering an aneurysm.

Recognized across Canada as Mr Golf, Bruce was elected an honorary life governor of the OGA in 1968 and became executive director of the Royal Canadian Golf Association in 1970, a position he held until 1978 when he was elected an honorary life governor of the Royal Canadian Golf Association. In 1987 Bruce was elected to the Canadian Golf Hall of Fame, and to the Ontario Golf Hall of Fame in 2000.

For all members present, you should note that Bruce was the one who secured Jack Nicklaus to design Glen Abbey golf course.

Although he was best known for his contributions to the game of golf, Bruce was a proud Canadian and was deeply involved in the community of Brant. Bruce joined the army reserve in 1940 and in August of 1942 was sent overseas as a replacement officer for the Dieppe landings.

After being elected to the Brantford Public Utilities Commission in 1960, Bruce also tried his hand at politics at the provincial level by running in 1967 as a Liberal.

Bruce was also a Rotarian in the community, and this week was the first time ever he did not attend a weekly meeting in 55 years.

Bruce is survived by his wife Nancy, sons Jim and Bob and daughter Susan, all of Brantford. He was a wonderful person. He was a classy guy. He was a gentleman and a citizen and a friend. His legacy will remain for ever and ever. Our prayers to Bruce Forbes and his family.

FIREFIGHTERS

Mr Frank Mazzilli (London-Fanshawe): I need not remind anyone sitting in this Legislature of the horror of the attacks of September 11. Our television sets constantly flashed images of destruction. Our television sets also showed us the images of hurt and sadness. We felt the pain of the loss of life.

We also recognized the lost lives of the New York fire department. We heard that over 250 firefighters lost their lives that day and we paused to remember them.

We must also recognize those firefighters who risk their lives each and every day to keep the rest of us safe.

This evening in London the office of the fire marshal of Ontario will recognize certain individuals who have dedicated 20, 25 and 30 years of their lives to save lives. I would like to take this opportunity to recognize and congratulate the London recipients of the fire service's Long Service Medal. They are Captain Frederick Beck, Captain David Beecroft, Captain Michael Black, Captain Paul Carew, Deputy Chief Robert Hansen, Captain Terrance Harper, Captain Morley Haynes, Captain John Kenney, Captain John Lawrence, Captain William Lawrence and Captain Kenneth Purdy.

I would also like to recognize five others for 20 years of personnel service in administration: Linda Morton, Deborah McCutcheon, Deborah Fisher-Morin, Katherine Dunham and Catherine Winter.

To hit a 20- or 30-year milestone in any career is an achievement and I'm happy to recognize the outstanding efforts of these individuals.

EARLY LEARNING STRATEGY

Mr Gerard Kennedy (Parkdale-High Park): I rise today to help the people of Ontario understand what many of them shake their heads about, which is the lack of action by the Minister of Education when it comes to making sure that kids can learn.

An early learning strategy was talked about by the minister earlier this week. I'm sad to report to the people of Ontario that this strategy contained a focus on 16 schools out of approximately 4,000 in this province. That will reach one half of 1% of the kids in grades 1 to 3, when the tests this government has had for the past three years, and a leaked document showing that they expect the same this year—there is no improvement and in fact is not meeting the standard for half of the elementary students in this province.

The government, instead of actually attacking that problem and dealing with it, has 66% of these kids sharing textbooks, 25% fewer special-ed teachers in elementary schools, 25% fewer English as a second language, 41% less access to psychologists to help kids learn. In short, they have created part of this problem, and they're doing nothing substantial to fix it. Instead, we have a token announcement from a token minister not prepared to stand up and fight for the resources and fight for the ability to make sure that kids really do have a decent chance at learning in the early years.

We have heard nothing but applause from the members in the government caucus that there are children in their ridings that need to be able to learn, that need to be able to have math, that need the smaller class sizes Dalton McGuinty promised them, that need the extra resources the Liberal Party has said it will provide in smart, intelligent ways. They have left them alone to the token advertising that costs more than the announcement that was made.

NEWMARKET GIRLS SOFTBALL TEAM

Mrs Julia Munro (York North): I rise today to pay tribute to the Newmarket Minor Softball Association, the Mite girls team. The Newmarket Stingers Bare Naked Ladies/Business Depot Mite Girls rep team is a group of nine- and 10-year-old girls in their first year of playing competitive rep ball. They represent the town of Newmarket and the Newmarket Minor Softball Association in league play in Newmarket, Whitby, Pickering, Markham and Oak Ridges. As well, they played in several tournaments across the province this summer: Whitby, Oshawa, Barrie, Mississauga and Chatham.

This group of talented and very fortunate young ladies won a medal in every tournament they attended, collecting one gold, three silver and one bronze. In addition, in August in Newmarket, the girls came second out of 13 teams to win a silver medal in the Provincial Women's Softball Association Mite tier 2 provincial grand championships, and their catcher, Kelsey Darcy, was selected as the tournament's most valuable player.

Playing softball at a competitive level may have its rewards in the future for some of these girls. Several players from Newmarket have in the past been awarded softball scholarships to American universities and colleges. There is also the possibility of making it to the Canadian Olympic softball team.

The most important aspect of playing on a team is all about being a team player, good sportsmanship, dedication and commitment. These lessons will carry them far in life.

TOM JOY

Mr Dwight Duncan (Windsor-St Clair): I rise to pay tribute today to a gentlemen who was known, I think, by all members of this House, or certainly a good number of them: Tom Joy. Tom was the president of Windsor Race-

way and a huge philanthropist in our community. He succumbed to cancer this past Tuesday.

He had a remarkable life and career; remarkable is the only way to describe it. He was born in St Catharines. Many great people come from St Catharines; he's only one of them. He served in the United States military for many years. He developed a business sense, an instinct, that made him millions upon millions of dollars.

Relatively late in life he acquired the Windsor Raceway, and it was because of his vision that that raceway was saved. He truly had a great impact on that industry and many others.

Mr Joy, you'll be aware, was the first manufacturer of Canadian flags. He set up a company at the request of Mr Pearson after the passage of the Canadian flag bill in 1964.

Most of all, he was a great philosopher, a friend to our community, a friend to our province who gave back much more than he ever took.

He is survived by his daughter and his beloved grandson. He lost his wife less than a year ago, and in some sense I'm sure he's happy to be with her.

He was a great citizen of this province, a great citizen of this country, and I know all members of the House join me in saluting Tom Joy.

Hon Norman W. Sterling (Minister of Consumer and Business Services): On a point of order, Mr Speaker: I would like to express our support for the statement which was just made by Mr Duncan. We fully support every statement he says, and we believe that Tom Joy was a great asset to our province and our country. I thank him for bringing that statement to the House today.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: New Democrats would be remiss if they did not join with the sentiments expressed and share in the views expressed by Mr Duncan with respect to Mr Joy. We have certainly joined and we share in what is undoubtedly a sense of loss and grief.

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SAFE DRINKING WATER LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): The opposition enjoy very few victories in this Legislature, but we scored this morning, big time. Bill 3, the NDP Safe Drinking Water Act, passed second reading this morning in private members' hour. More importantly, the Tories failed in their attempt to kill it by sending it to the committee of the whole House like they did the last time. This bill passed second reading. They simply didn't have the numbers. They lost the vote.

However, I want to be gracious in my victory. I want to thank all of the members who supported this bill. I particularly want to thank the Liberal caucus, who brought in the numbers, in combination with our numbers, to defeat the Tories in their bid to kill the bill.

I want to say, however, that this bill, yes, is a victory—

Interjection.

Ms Churley: No, you just didn't have the numbers—it is a victory for me and my caucus, but it is really a victory for all of Ontario. In particular, it is a victory for the citizens of Walkerton. This is something that, since the Walkerton tragedy, the citizens' group there has been calling for. This is something that many environmental groups across the province had been calling for. This is a victory for all of those people who helped me put this bill together, the experts in the field. I want to thank all of them for their support and the work that they put into this bill, and I look forward to working with all members of the Legislature in passing this bill into law.

PROGRESS CAREER PLANNING CENTRE

Ms Marilyn Mushinski (Scarborough Centre): I want to recognize an organization in my riding that is currently celebrating its fifth anniversary.

The Progress Career Planning Centre has been providing career counselling services for the past five years to the residents of Scarborough. It's a privately incorporated non-profit organization that was originated in the fall of 1996 by the Scarborough Board of Education and Centennial College. It's a thriving, creative organization that provides career development services to a diverse client group. The centre offers career coaching and guidance to motivate clients to see the big picture of their individual career management and personal goals.

In addition, the centre assists individuals and companies to achieve their human resource potential by helping them make strategically viable short- and long-term career and employment decisions. Services they provide include individual employment counselling, vocational assessment, academic assessment, career decision-making, employment-related workshops etc.

In keeping with our philosophy of giving people a hand up rather than a handout, I extend my congratulations to the hard-working, dedicated people of the Progress Career Planning Centre on their fifth anniversary. They truly are making a difference.

NUCLEAR SAFETY

Mr George Smitherman (Toronto Centre-Rosedale): The horrific events of September 11 have turned our lives upside down. Ontarians are striving to regain confidence, yet in the Legislature yesterday we gained fresh evidence that the safety of our nuclear facilities, one of our most obvious vulnerabilities, is not being treated seriously. The Minister of Energy sounded more like the minister of boater safety.

It is not good enough that we react to events that compromise public confidence. We must take proactive steps to enhance public confidence and safety. Yet we have seen from the government of Ontario no interest in making our nuclear facilities more difficult to access.

Is the decision to continue promoting the Bruce Power plant as a safe haven for boaters consistent with ensuring public confidence? The government's own security czar,

Lewis MacKenzie, is quoted as saying, "Out of every tragedy there is some good, not the least of which is enhanced security." I would not have used those words, but it seems that even this sentiment is lost on the Minister of Energy.

Yesterday the Harris government spent \$1 million to tell Ontarians that they should feel secure, and yet among the 433 words, there was not one syllable about Ontario's nuclear facilities. When we demand to know what specific efforts they are taking to enhance the security of our nuclear power facilities, we are criticized. Yesterday in this House the Minister of Energy tossed about the word "scaremonger." On the opposition side, we have a responsibility as well to hold the government to account, and I would sooner ask these difficult questions now than say "I told you so" later. That's the spirit that ought to inform this minister's actions.

ROYAL CANADIAN LEGION
BRANCH 124

Mr Garfield Dunlop (Simcoe North): This is a statement on behalf of Mr Maves.

Niagara-on-the-Lake's Royal Canadian Legion Branch 124 just recently held their annual honours and awards dinner, on Friday, September 28, 2001. This special occasion honoured many of the Legion's finest with awards for years of membership. I would like to take this opportunity to acknowledge each of the awardees.

Congratulations to Harold Clement, R.P. Howse, Nicholas P. Marino and Reginald Stewart, all 55-year life members. The 55-year ordinary members included Edward S. Andrews, Allen Bradley, Joseph M. Grimstead, Robert G. Hunter, W. Martens, L. Niven, Harvey Shred, Percy Stevens, Tom Quinn and Roy Tranter. Also, congratulations to 50-year ordinary members Cecil Pitt, Charles W. Davis and John T. Bradley.

These individuals' commitment and contributions do not go unrecognized by this government. Every year Legions hold their annual awards nights and I am pleased that this year our own Minister of Citizenship, Cam Jackson, helped launch Legion Week, from September 16 to 22.

In a recent press release, Minister Jackson praised veterans and encouraged that, "Ontarians seize every opportunity to recognize and celebrate the long and continuing contribution of our war veterans. Veterans in this province represent our living heritage and they deserve our profound appreciation for their sacrifices."

JEAN POIRIER

Mrs Claudette Boyer (Ottawa-Vanier): It is with great pride and pleasure that I announce to this House that one of our former colleagues, the former member for Prescott and Russell, Mr Jean Poirier, will be awarded the prestigious Séraphin-Marion prize from the Société Saint-Jean-Baptiste of Montreal this Saturday, October

13, right here in Toronto, just a few blocks away from where he served in this Legislature.

Ce prix, nommé en l'honneur du feu Séraphin Marion, un homme qui a consacré sa vie à la lutte pour le français en Ontario, est décerné annuellement à une personne qui s'illustre parmi les communautés francophones et acadiennes du Canada.

John Poirier served as a Liberal member from 1984 to 1995, winning four consecutive elections for his riding of Prescott and Russell. He was also deputy minister from 1987 until 1990.

M. Poirier est reconnu comme un grand défenseur des droits de la francophonie de cette province, oeuvrant principalement à l'ACFO. Plusieurs d'entre nous savons avec quelle verve et quelle énergie il se donne, corps et âme, aux projets qu'il entreprend. Le communiqué de presse émis par la Société Saint-Jean-Baptiste dit, et je cite : « Depuis plus de 30 ans, Jean Poirier mène inlassablement une campagne de défense et de promotion du français en Ontario. »

J'invite tous mes collègues à applaudir M. Jean Poirier, récipiendaire du prestigieux prix Séraphin-Marion.

Let us offer Jean Poirier our heartiest congratulations.

SPEAKER'S RULING

The Speaker (Hon Gary Carr): On Monday, October 1, 2001, the member for St Catharines rose on a point of privilege concerning the annual report of the Environmental Commissioner. According to the member, the statements in the report about the Ministry of the Environment's management of hazardous waste issues suggested that the ministry was in contempt of the Legislature for impeding and obstructing the commissioner, who is an officer of this House. In particular, the member quoted the part of the report that indicated that the ministry had misled its clients and the commissioner about the scope of a policy review, thereby undermining public confidence in the ministry. The government House leader also made submissions on this matter.

I have had the opportunity to review the Hansard for that day, the commissioner's annual report, the written submission of the member for St Catharines, and the relevant authorities and precedents.

The member for St Catharines referred to some of the authorities dealing with obstruction of House officers. To this, let me add that the member will also be aware of a series of rulings delivered in June 2001 in the wake of points of privilege that various statutory officers of this House were being obstructed by the government.

In the first ruling, on June 19, 2001, which dealt with the report by the Information and Privacy Commissioner, the Speaker ruled as follows:

"There was no mention in the commissioner's report that the commissioner was being hindered or obstructed. The report was simply expressing serious reservations about the impact of the government's policy, and it was requesting a change in that policy. Unlike the situation that was the occasion of my May 18, 2000, ruling re-

specting the commissioner's Special Report on Disclosure of Personal Information by the Province of Ontario Savings Office, Ministry of Finance, this report does not specifically state, in very clear terms, that the government was deliberately obstructing her investigation of a specific file."

Secondly, on June 21, 2001, in a ruling dealing with a report by the Ombudsman, the Speaker ruled that the report did not assert that the Ombudsman was being obstructed wilfully, maliciously or without valid or justifiable reason by a government ministry, or that he required the assistance of the House to perform his duties.

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Thirdly, on June 25, 2001, in a ruling dealing with the report of the Environmental Commissioner, the Speaker ruled that the report simply expressed criticisms and frustrations about inaction by a government ministry. It did not allege that the ministry was obstructing, frustrating or hindering the officer in the performance of his duties, or that the minister was attempting to do so. In reporting to the House, the Environmental Commissioner was simply fulfilling the statutory duties. As with two other rulings, a prima facie case of contempt was not made out.

In the case at hand, the report of the Environmental Commissioner expresses profound concerns about environmental issues and a request that those concerns be addressed, but it does not indicate that the Environmental Commissioner was being hindered or obstructed in the performance of his duties in the meaning of the ruling I have just referred to. The circumstances fall well short of what is required to establish a prima facie case of contempt, and I so find.

I thank the member for St Catharines for raising his concern as it afforded me an opportunity to address this very important issue.

INTRODUCTION OF BILLS

LOI DE 2001
SUR LES LANGUES DE LA CAPITALE
DU CANADA (OTTAWA)
CAPITAL CITY OF CANADA (OTTAWA)
LANGUAGES ACT, 2001

Mr Lalonde moved first reading of the following bill:

Projet de loi 108, Loi prévoyant une politique sur les langues française et anglaise pour la ville d'Ottawa / Bill 108, An Act to provide for an English and French languages policy for the City of Ottawa.

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

The member for a short statement?

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): La Loi de 2001 sur les langues de la capitale du Canada (Ottawa), Capital City of Canada (Ottawa) Languages

Act, 2001, modifie la Loi de 1999 sur la ville d'Ottawa en vue d'exiger que la ville d'Ottawa dispose d'une politique sur les langues française et anglaise en ce qui concerne l'administration de la cité et la fourniture au public de ses services municipaux.

The bill amends the City of Ottawa Act, 1999, to require the city of Ottawa to have an English and French languages policy relating to the conduct of the city's administration and the providing of its municipal services to the public.

La ville d'Ottawa est la capitale du Canada, un pays bilingue dont les deux langues officielles sont le français et l'anglais. En tant que capitale, elle constitue le lieu de résidence d'un nombre important de francophones et d'anglophones, y compris une grande population franco-ontarienne, une population bilingue encore plus grande. Il est approprié de veiller à ce que les résidents de la cité reçoivent une gamme complète des services municipaux en français et en anglais.

Bilingualism is a vital asset for the economic development of the city of Ottawa. Ottawa is acknowledged as one of the major high-tech centres in Canada and North America. Recognizing in law the bilingual character of the city would form a key element of the city's strategy to continue to attract investment and qualified human resources.

This is not a French bill or an English bill. This is a bill of fairness. Thank you.

VITAL STATISTICS
STATUTE LAW AMENDMENT ACT
(SECURITY OF DOCUMENTS), 2001
LOI DE 2001 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES STATISTIQUES DE L'ÉTAT CIVIL
(SÉCURITÉ DES DOCUMENTS)

Mr Sterling moved first reading of the following bill:

Bill 109, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system / Projet de loi 109, Loi visant à accroître la sécurité des documents de l'état civil et prévoyant certaines modifications administratives au système d'enregistrement des statistiques de l'état civil.

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

STATEMENTS BY THE MINISTRY AND RESPONSES

SECURITY OF VITAL DOCUMENTS

Hon Norman W. Sterling (Minister of Consumer and Business Services): The horrible and despicable acts committed in New York City, Washington, DC and

Pennsylvania on September 11 call upon governments to pursue action which may help to prevent future attacks on innocent men, women and children.

As the Premier announced in his message of hope and action on Monday, October 1, the government intends to go forward quickly to introduce new security measures in Ontario. Fortunately, my ministry was working on major revisions to our vital statistics legislation. September 11 accelerated that process.

As the Minister of Consumer and Business Services, I am the Registrar General and responsible for the issuance of birth, marriage and death certificates. I'm sure you will agree, Mr Speaker, that the fundamental rights to security and freedom start with the assurances that people are who they say they are. At this time, I wish to introduce legislation to improve the security of vital documents.

I ask for all-party support to see this legislation swiftly brought into force to better protect the people of Ontario and those people outside our borders. It is also important for us to hear any constructive suggestions to make this bill as effective as it can be.

As much as I wish the tragic events of September 11 had not happened, they have forever changed our time. While we have no evidence that Ontario vital documents have been misused to assist in any acts of terror, we believe it is prudent to move quickly to increase security. We are proposing a three-pronged approach to improving vital document security.

The first step is the proposed legislation, which I bring forward today. This would allow the government to take the appropriate steps to further safeguard the integrity and the security of vital documents, starting with the most fundamental, the birth certificate. Under the proposed legislation, individuals would be required to report lost or stolen certificates. This information will be shared with other programs issuing vital documents.

The second part of our approach is a series of changes in procedures. Effective immediately—that is, today—a new application form for birth certificates is in place. This form is available on the Internet from my ministry. Most notably, the new form requires more information and the signature of a guarantor to support entitlement. The guarantor would have to have known the applicant for at least two years, be a Canadian citizen, and be in a specified profession, such as a judge, police officer, mayor, MPP or lawyer.

The third step in protecting vital documents must be made by the people of Ontario. Ontarians can help protect themselves, not through any miracle of technology but through simple, sound day-to-day practices. I am told that many people carry their birth certificates in their wallets all the time. I strongly advise against that practice. People should keep their vital documents in a safe place, and only carry them when they are needed for travel, to make application for a passport or some other important activity.

A lesson we have sadly learned is that the crime of identity theft can be used to cover many kinds of illicit

activities. Identity theft—the use of someone else's identification—is considered by many analysts as the number one crime in the United States and is considered high on the list here in our own country.

One of the prime ways to halt identity theft is to keep personal documents secure. To assist, our proposed legislation would require any lost, stolen or destroyed birth certificates to be reported so that they could be tracked and deactivated. Anyone who finds a birth certificate would be required to forward it to the Office of the Registrar General or deliver it to the police or a lost-and-found service.

Finally, to help track certificates more effectively, the province has been working on plans to modernize the Office of the Registrar General's information technology systems and improve service to the people of Ontario, and we want to accelerate that work now.

1400

This overhaul began in the fall of 2000 when the ministry asked the Ontario Provincial Police to conduct an audit of the Office of the Registrar General. Most of the recommendations made have been implemented and are underway. We know what needs to be done and we will be moving quickly to act on the remaining recommendations.

In our expanded security program, another OPP audit of the operation is planned to determine that all of the appropriate security measures are in place and to identify further improvements that are necessary.

Around the world, concerns have been raised that measures proposed by democratic governments to combat terrorism could undermine the very freedoms they are intended to protect. Let me assure you that the Ontario government will continue to protect the privacy of individuals while providing increased security for vital documents. Protection of personal privacy has been a watchword in our deliberations on how we move forward with vital document security.

As a further step, I have written to my counterparts in other provinces, the federal government and territories, and will soon be in touch with colleagues at the national level to bring together a working group of vital document providers. This group will be dedicated to making the use of improper documents more difficult.

To review the proposal once again: Ontarians would be obliged to report lost, stolen or destroyed birth certificates; any missing birth certificate would be deactivated; information on deactivated documents would be shared with other government identity programs, such as the federal passport office; fines will significantly increase for wilfully providing false information when applying for vital documents; Ontarians would only be entitled to one valid birth certificate.

With these measures in place, identity theft would be more difficult, tracking fraudulent use of vital documents would be more effective, and criminals would face more severe penalties.

I began by talking about a tragic event one month ago which accelerated amendments to an act to protect us

from future terrorism. On the other side of this equation, we have the registration of births that can be a symbol of our future.

By coincidence, this very morning, October 11, at 10:15 am, my daughter Sara and my son-in-law Normond gave birth to my beautiful third grandchild, Madelaine. Perhaps, with your co-operation, she will be the first registrant under her grandpa's new legislation.

NORTHERN HEALTH TRAVEL GRANT

FRAIS DE TRANSPORT AUX FINS MÉDICALES

Hon Tony Clement (Minister of Health and Long-Term Care): I rise in the House today to inform this House that, thanks to the Mike Harris government's commitment to ensure access to quality health care, regardless of location or means, our government is enhancing Ontario's northern health travel grant program.

As you know, the northern health travel grant program is a two-pronged initiative to ensure access to health services in sparsely populated areas of northern Ontario. The first strategy helps to defray part of the travel costs of northern Ontario residents who must travel to receive insured, medically necessary specialist care not currently available in their area.

The second strategy recruits and retains health care specialists to serve patients in the north. I am pleased to share with both sides of this House the fact that since our government took office, 238 general and family practitioners and 163 specialists have been recruited to the north, and that is worth celebrating.

This means even more quality health care is now available to the people of northern Ontario without the time and worry of long distance travel. But beyond this, today I am pleased to announce that we are increasing our financial support for northern health travel. I think that is worth celebrating.

This enhancement reflects the increasing cost of travel for patients, and this is of particular importance to northern Ontario residents as it means they will be better compensated when travelling long distances for specialized medical care.

Nous avons pris note des inquiétudes exprimées par les nord-Ontariens. Cette expansion inouïe du programme, qui est non seulement permanent mais l'un des plus généreux de ce type au Canada, montre notre engagement. En fait, le gouvernement Harris consacre au titre du transport des patients un montant supérieur à celui dépensé par toute autre province.

We are very proud of that.

Our expanded commitment takes effect November 1, 2001, and entails an increase in the reimbursement rate for northern residents who travel at least 100 kilometres to receive specialized medical care.

Those who are eligible for the grant will see an increase amounting to 34.25 cents per kilometre, up from the previous 30.5 cents per kilometre, and it's important to note that reimbursements will now be based on the

total return-trip road distance to the nearest medical specialist or medical facility.

Given the number of quality health care facilities and the excellence of health care professionals in northern Ontario, I can say with confidence that Ontario offers one of the best health care packages available to residents in any northern jurisdiction in this country. I want to emphasize that the northern health travel grant continues as a permanent program for which all northern residents are eligible.

Since 1999, there has been a temporary travel assistance program in place as part of our priority to reduce radiation waiting lists. This program, which was offered by Cancer Care Ontario and is known as the Cancer Care Ontario radiation re-referral policy, covered all travel expenses for all breast cancer and prostate cancer patients from any region in Ontario.

I am pleased to say in this House that Cancer Care Ontario has announced that all patients in southern Ontario are now being referred to clinics closer to home for radiation treatment, and that is well worth celebrating as well.

It will no longer be necessary for cancer patients outside the north to travel to radiation treatment centres in Thunder Bay and Sudbury. Southern Ontario now has more radiation capacity because CCO has significantly increased staff, upgraded equipment, extended hours and opened an after-hours clinic at the Toronto-Sunnybrook Regional Cancer Centre.

Please allow me the opportunity to take a moment to pay tribute to Cancer Care Ontario's Ken Shumak, who passed away last night. Former president and chief executive officer of Cancer Care Ontario, Dr Shumak championed the after-hours clinic that makes, and will continue to make, such a difference to so many cancer patients. We mourn his passing and treasure his complete legacy.

Re-referral of breast cancer and prostate cancer patients to the north and to the United States began in 1999 as a temporary measure to meet the need for radiation treatment for breast and prostate cancer, while CCO increased capacity to provide radiation services where needed. Cancer Care Ontario ended the US re-referrals this past May.

The greatest need for re-referral was in the greater Toronto area. Now, however, more patients are being treated at regional cancer centres, at the Princess Margaret Hospital and at the after-hours clinic. As well, cancer centres across Ontario have extended operating hours to treat more patients sooner, and more radiation therapists and oncologists have been hired.

We're proud that our government's efforts, in conjunction with Cancer Care Ontario, have been so successful. Now we want to anticipate the future needs for cancer care so we can ensure patients will have access to treatment closer to home.

1410

Our government has already made significant strides in improving access to cancer care. In fact, since we took office in 1995, we have increased funding for cancer

treatment by more than \$328 million. As well, we have committed to three new cancer centres in Kitchener-Waterloo, Peel and Durham. Another cancer centre in St Catharines and a satellite cancer centre in Sault Ste Marie are in the works.

We hope to build on these successes through our other commitments that we have made to improve access, including the establishment of a northern medical school in Sudbury and Thunder Bay. That will be a great improvement for northern Ontario.

The expansion of the northern health travel grant program and the successful continuation of our specialist recruitment and retention initiatives in northern Ontario, for northern Ontario, exemplify our government's continued commitment to ensure a health care system that provides quality, integrated and accessible health services to the people of Ontario. That means health services at every stage of life and as close to home as possible.

Unquestionably, our commitment applies to every person in Ontario, no matter where they live in our vast province or what means they have.

Thank you very much for the opportunity to explain this program.

TOURISM

Hon Tim Hudak (Minister of Tourism, Culture and Recreation): I rise today to update the House on Ontario's new and exciting tourism marketing plan. As we all know, the tourism industry is facing challenges following the terrible events of September 11.

At the one-month anniversary I would like to again offer my condolences to our American friends and neighbours who, a month ago today, were victims of terrorist attacks designed to demoralize and destabilize the United States and the entire North American economy. Coming from Niagara, I know that many of my neighbors and constituents have been directly affected as well and my heart is with them.

Just the other day I spoke with my American counterpart, Brian Ackley, to offer encouragement from Ontario. I was impressed with New York state's plan and their fierce determination to bounce back from this tragedy. We both agreed that it is more important than ever to continue and aggressively promote our bi-national tourism opportunities.

Here in Ontario we're working very hard as well to support those industries here at home that have been affected. I'd like to say to those hundreds of thousands who work in Ontario's tourist attractions, hotels, resorts or restaurants that the Mike Harris government is working to help create an economic climate that will allow the tourism industry to create even more jobs in the years ahead.

In the weeks since the attack, I have held two tourism summits, bringing together leaders in the industry to develop with them an action plan to help the industry grow and reach new heights, despite these challenging times. During my tour of 101 events this summer, I

continued to be impressed with the character and determination of those who work in this industry.

Today I am pleased to announce a new, enhanced and improved marketing plan from the Mike Harris government to encourage people to visit and travel in the province of Ontario. For the fall, winter and spring seasons, we will be investing an additional \$4 million in a marketing strategy to promote what Ontario has to offer to the world, representing about a 35% increase in our key markets. This is a record investment in marketing in Ontario and we'll be launching a brand new television and radio campaign and stepping up advertising in all media, including newspaper inserts and e-marketing.

Within six hours' drive of the province of Ontario is a population of 30 million people. For the first time ever, Ontario will promote its fall and winter products in American border markets, beginning with a television advertising campaign starting at the end of this month. Our new aggressive multimedia campaign will also include three direct mailings in the fall, winter and spring seasons, and we will support our television, print and direct mail initiatives with e-marketing that will help sell niche experiences like snowmobiling, adventure tourism and angling.

In addition to our advertising campaign, \$400,000 will be devoted to new tourism research initiatives. We will monitor patterns in the tourism industry, project short- and medium-term visitor flow patterns to and from Ontario, and help share this information with our industry colleagues from one corner of the province to the other.

Our goal through our Web sites and our weekly bulletins is to make sure that tourism leaders have the latest information to make sure that they are adjusting their marketing programs accordingly.

In closing, I want to encourage all Ontarians to get out and discover anew all there is to see and do in this wonderful province. Whether it's Winterlude in Ottawa or WinterFest in Fort Erie, Niagara's wine country, the fall colours in Muskoka, theatre in Toronto or the casino in Windsor, there are great things to see and do. I say to our friends across the border, Ontario welcomes you and we look forward to your return. With our new plan, we will send a clear message to the world that in Ontario there truly is more to discover.

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): The Minister of Health's announcement today is indeed a victory for northerners. It is a victory of right over might. It is a victory for Gerry Lougheed Jr and Janice Skinner and all the members of OSECC and the 100,000 people from Kenora to Parry Sound, from Sault Ste Marie to North Bay and Mattawa who signed the petitions to try to convince this government that indeed their northern health travel grant wasn't sufficient.

It is a victory for people in the opposition who voiced the concern of northerners for two years trying to get this government to understand: a victory for Dalton Mc-

Guinty, Lyn McLeod and the members of the Ontario Liberal caucus who have worked tirelessly to try to get this government to make the concession they made today.

But this is only a good first step. It is indeed a victory for northerners, it is indeed a good first step. But the reality is that the people of the north are a little concerned today that the Minister of Northern Development and Mines in North Bay, in making the announcement, when asked about those who had to travel for cancer, said, "I'm not dealing with that today."

Indeed, the people of northern Ontario want this minister and the Minister of Health to deal with the discriminatory policy that was in place. It is also a concession that for two years this government said there was no problem with the northern health travel grant. They found they were wrong. Their own study, dated August 2000, told them that. So for two years this government tried to shortchange the people of northern Ontario. That's not right. Today was a good first step. We in the opposition will continue to advocate for those who are discriminated against.

SECURITY OF VITAL DOCUMENTS

Mr Mike Colle (Eglinton-Lawrence): Shamefully last week, when our leader Dalton McGuinty brought to the attention of this House that there was a real problem with how easy it was to get a birth certificate in this province, members on the government side laughed and said it wasn't a problem. I think they should apologize for not listening to the good recommendation our leader made.

I hope this government does more than spend millions of dollars on feel-good newspaper ads about doing something about the security of Ontarians. We need a government that listens to the opposition. We need a government that co-operates with our federal government. We need a government that does something about our power and water plants, which we brought to your attention. Instead of spending money on newspaper ads, listen to the opposition and do something about security.

Mr John Gerretsen (Kingston and the Islands): Indeed it is a very rare occasion when the government of the day doesn't just take one good idea from the opposition, not two good ideas from the opposition, but indeed implements three good ideas the opposition has come up with.

With respect to the birth certificates, we applaud the minister. With respect to northern health travel grants, we applaud the minister and say, do something for the cancer patients of northern Ontario as well. With respect to the tourism minister, I applaud you, but why couldn't you have spent at least another \$1 million that you wasted yesterday on these feel-good ads? You could have put it into advertising. You and I know that the tourism industry in Ontario is a \$16.5-billion industry. It employs hundreds and thousands of people. Those people are hurting. They need help from government to make sure we care for our tourists.

We indeed have a province we're all proud of, that we want to share with the rest of the world. We want people to come from all over the world to enjoy the natural beauty and the man-made beauty of this province. I suggest to the minister that there are many other ways in which his ministry could be involved in making tourism a greater reality for the province of Ontario.

There are so many things the government could learn by taking the good, positive recommendations from the Liberal opposition, which we come up with on a day-to-day basis, and implementing them. After all, at the end of the day, people really don't care who passes the laws. What the people really care about is whether the public policy that is put into force for this province is for the benefit of all the people. All the people of Ontario win when we put more money into tourism, when we treat all patients—cancer patients and other health care users of the system—equally throughout the province. I say this is a good step. Listen to us more often and you will be on the right path.

1420

TOURISM

Mr Tony Martin (Sault Ste Marie): The statement by the Minister of Tourism is fine as far as it goes, but it is a drop in the bucket when you consider what is really needed. We are into a recession. The government needs to come up with a substantive, comprehensive plan to stabilize our industrial sector, to work with communities and to help workers. It is one thing to put the Premier's face on an ad campaign; it's quite another to ensure that our tourism industry survives this winter, that there is an industry out there to invite people to participate in. Last year we lost the Mount Antoine downhill ski resort in Mattawa, right next door to the Premier's community. This year we almost lost Searchmont in my own community.

We have asked your government over the last two weeks to lower sales tax to immediately stimulate spending and in fact attract visitors from across the border, and we asked you to bring forward a community adjustment package that will help industries and businesses in stress.

Will you get serious? Roll up your sleeves, bring the substantial and important resources of government to the table, roll out the monies promised to communities under SuperBuild and stimulate local economies so they have the heart and enthusiasm for the longer-term planning that really needs to be done.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): Let me respond to the Minister of Health in this way:

Firstly, with respect to the northern health travel grant, the latest statistics for the underserved area program show that 32 communities need 117 family doctors and another 14 communities need another 174 specialists. That's a record level of need in northern Ontario now. It

is very clear that our families and friends and neighbours are going to have to continue to travel to southern Ontario to access health care, so of course we welcome any positive change the government makes to deal with their financial burden to do so.

Secondly, with respect to the private clinic at Sunnybrook, the NDP continues to believe that the money spent on the private radiation clinic would have been better used to expand services in the public radiation treatment sector. We have had an ongoing battle with you, Minister, to get the details of that contract released, because we firmly believe that the contract in the private sector is far richer than the amount of money you are paying for radiation treatment in the public sector. Again last week, at the estimates for health, you released figures that are substantially lower than the figures my colleague Frances Lankin gave us when she saw that contract.

I say to you again, this is public money, these are public dollars. You should be held accountable. Release the details of that contract, because I believe they will clearly show that the money you are paying to your friends in the private sector is much more than you are paying for radiation in the public sector.

Finally, with respect to the change in the northern health travel grant, let me say that this change does not end, does not change and does not justify this government's discrimination against northern cancer patients, and I want everyone to understand that. The issue for northern cancer patients never was the northern health travel grant. The issue was this government's refusal to treat northern cancer patients in the same way you treated southern cancer patients; that is, to pay 100% of their costs of travel, food and accommodation when they have to travel far from home for cancer too.

We raised the first case of this discrimination in this Legislature in December 1999. We continue to raise those cases on behalf of our constituents. We brought in petitions. We even had a referral of two of our patients to the Ombudsman, and what did the Ombudsman say in his report last year? That the Ministry of Health and Long-Term Care's omission to provide equal funding for breast and prostate cancer patients who must travel for radiation treatment is improperly discriminatory, and he recommended that the Ministry of Health and Long-Term Care should provide equal funding to breast and prostate cancer patients who must travel for radiation treatment. That means northern cancer patients too.

We had the Ombudsman before the Legislative Assembly committee. He was there twice. He said categorically that this was a case of discrimination and that government should fund cancer patients too. What happened? Your Conservative members voted against accepting his report and accepting the recommendation to pay.

Well, Minister, the re-referral program is over and your government has held out through that whole process. Your government has refused to admit what we all know in northern Ontario, which is you have consistently discriminated against northern cancer patients. I hope you're happy, Minister, that you held out this long and

that northern cancer patients won't get the justice that they were entitled to receive.

This government should retroactively pay those northern cancer patients for the whole period of time that the southern re-referral program was in place, and you should do it now.

VISITOR

The Speaker (Hon Gary Carr): Just before we begin question period, in the members' gallery east we have a former colleague, Mr Doug Rollins, who was a member for Quinte and a member of the 36th Parliament.

ORAL QUESTIONS

GOVERNMENT SPENDING

Mrs Sandra Pupatello (Windsor West): My first question is for the Minister of Community and Social Services. Minister, just when we thought your wasteful spending on Andersen Consulting was at its worst, we realized that you'd broken all previous records. We had some trouble in public accounts finding the total amount you spent this year, because they changed their name to Accenture. While they've changed their name, your wasteful spending on them hasn't changed. In this past year, 2000-01, you spent over \$98 million on this private consulting company; a one-year payment of almost \$100 million. This is one of the largest payouts the Ontario government has made to one private company.

My question to you is this: how much have you paid to them in total? Last year, when the Provincial Auditor reviewed the question of this contract, you committed to renegotiate the \$180-million boondoggle of a contract. What have you paid them now to date?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I committed some two years ago in this place to renegotiate the contract with the firm now known as Accenture Consulting to ensure that we delivered the project successfully, to ensure that we delivered it on time and to ensure that we delivered on budget. We have a five-year plan to design and build a new process and a massive technology overhaul of our social assistance system.

Over five years, this government will spend more than \$20 billion on social assistance, and what taxpayers want, what taxpayers demand from our government, is that we spend every dollar wisely and well and ensure that only those eligible for social assistance in Ontario get that support.

We brought in a contract with a cap of \$180 million. We're going to fully respect the contract, what Accenture Consulting was contracted to do; they will not make a single cent more than that.

There have been a number of changes since 1997 with respect to social assistance in Ontario—changes like M v. H that required a whole new definition of spouse, that obviously required change to the technology from what we contemplated in 1997—and that will amount to about \$193 million.

Mrs Papatello: Minister, since 1997, you've handed Andersen, now called Accenture, \$194 million. It hasn't even saved you a third of that amount of money. Your own best review says at best you saved some \$66 million.

You're spending more on Andersen than they will ever save you, and you talk about a computer technology program? Today, as we speak, that computer system crashed again. It crashed yesterday. It crashed in Hamilton. It continues to crash. This fancy technology you're spending \$200 million on is sending people cheques for more than they're supposed to be getting, and your staff has to work double time to check everything that goes out the door. The system is failing and you're spending \$200 million on it.

So let's go back to the original question: how much are you going to spend on a private company—you are now breaking records—on a contract that our own Provincial Auditor admits is a complete boondoggle of a contract? How do you stand up and justify that kind of money?

1430

Hon Mr Baird: The member opposite doesn't let the facts get in the way of her question. Let's look at the facts.

The member opposite presented savings of approximately \$66 million. She's wrong. To date, as of October 2001, this overhaul of our technology and of our process for social assistance in Ontario has saved more than \$350 million.

When this process is redone—

Interjection.

Hon Mr Baird: The member opposite asked the question and then she yells when she hears the answer, because she doesn't want the facts. If the member opposite asks a question and would like an answer, she should listen.

Once this contract is fully implemented, once this new process and technology is fully implemented, we will save more than \$200 million a year, every year, and that benefit goes fully to the taxpayers of Ontario.

We are overhauling, over five years, a \$20-billion program. We've been overwhelmed: 99% of the cheques have gone out at the right amount—99%. That's an outstanding—

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

Mrs Papatello: Minister, let me just finish with this last comment. The Provincial Auditor told you that government policy kicked people out of the program, but you continue to pay a private company because your welfare rolls went down. You're paying people for nothing, and the Provincial Auditor told you that you are paying a private company for work that your own ministry staff can do. You have an open-ended contract

that doesn't even end, a contract that was supposed to be \$180 million before you agreed to renegotiate, and your total to date is almost \$200 million. There's no end to what's going to happen to the Andersen contract.

How do you stand in the House, as our government revenues are dropping and we are looking forward to you cutting back vital programs in health care and environment—

The Speaker: Order. Sorry to interrupt. Stop the clock. There's been an occurrence that's been happening in this House by staff who are coming in and, quite frankly, disrupting. The members are looking at that. We're going to have nobody standing up at the railing. The ushers are going to insist on that or we're going to bar the staff sitting there from coming in. We can't continue to come in every day and have these interruptions during question period by these silly acts that are being committed behind my back. The people doing that will refrain from standing up at the railing or they'll be removed from the House.

I apologize for the interruption. I did want to get on the record about the activities. Minister.

Hon Mr Baird: Let's look at the facts. The new technology that's in place: 99—

The Speaker: The member wasn't finished. I thought she was finished. You can ask the question part with about 10 seconds, if you would be so kind.

Mrs Papatello: Minister, the final question is this: as you're about to embark on rounds of cuts to vital programs because our revenues are dropping, I want to know, and I want your promise, that you'll stop this kind of foolish spending on private consultant contracts before you cut one vital service in this province.

Hon Mr Baird: What we have with this new technology and this new process is an over 99% effective rate in the very pilot project which the member addresses. I don't think the member opposite could look at any technology project of this calibre anywhere in the public service, anywhere in the western world, and see a bigger success. The new process and the new technology and the people who have worked on this it can be very proud of the huge success of this initiative. We've been able to save more than \$350 million.

I know why Dalton McGuinty and the Ontario Liberals disagree with this. This program, this process goes after welfare fraud. This process and this initiative are part of our welfare reform agenda. Dalton McGuinty and the Ontario Liberal Party disagree with work for welfare, they disagree with zero tolerance on welfare fraud, they disagree with us going after people who are cheating the welfare system, and we will have none of it on this side of the House. We want to ensure that every single dollar goes only to those people who are entitled, and the project is an outstanding success.

LONDON HEALTH SCIENCES CENTRE

Mrs Sandra Papatello (Windsor West): My question is for the Minister of Health. Minister, you will know that this week my leader, Dalton McGuinty, men-

tioned to you a quote from Dr Joubert, a respected pediatric cardiologist from London. He issued a very dire warning. He said this week, "A child may die because of the decisions" at London Health Sciences Centre. You know this; we mentioned it here in the House today. While my leader was speaking with you, the member from London-Fanshawe yelled out from his seat, "He said 'may die,'" as though to iterate that that's really not serious enough.

My question to the minister today is that while Mr Mazzilli might suggest that the parents in London ought not to be concerned because the doctor just said "may die," I want to know who you would support. Would you suggest that you share Mr Mazzilli's feelings that a doctor's warning that a child may die doesn't warrant your being upset or concerned about the changes going on at that hospital?

Hon Tony Clement (Minister of Health and Long-Term Care): Of course the whole essence of some of the changes that are occurring are all about better clinical outcomes, better services for our kids, better services for their parents, better services for our parents in the London area. That's entirely what this sizing and scoping exercise is about. Many of the services they are referring to only have two clinical cases per year. Most of the medical community that is credible on this matter would say that when you're down to that level, it is better, it is far better in terms of clinical outcomes, to do that in an area that specializes in that kind of service.

We believe in better clinical outcomes for our kids and our parents in the London area. That is why we want the London Health Sciences Centre to be the best hospital offering the best services, rather than trying to be all things to all people, which is current Liberal policy, I suppose.

Mrs Pupatello: To the Minister of Health: when you don't like what you hear, then they are no longer credible to be giving an opinion. Is that what you think of Dr Joubert, because that's what you just said today in this House?

The only thing worse about your answer is the absolute inaction by the other London MPPs of the Conservative Party, who refuse to stand up for the children in southwestern Ontario. Whether those kids come from Owen Sound or from Windsor, you can't even tell us today where those kids are going to go when they can no longer go to the London hospital.

Minister, that doctor said a child may die. Don't talk to me today about scoping or clinical or study; you tell us where the kids are going to go. You can't get a bed in a Toronto hospital if that kid's got to go to Toronto. Where will the southwestern children go? You tell us that in the House today, and I demand to see why those London MPPs don't have the guts to stand up for the kids in their ridings.

Hon Mr Clement: Mr Speaker, forgive me for responding in this way, but this is the cheapest form of political theatre I have seen in a good long time, and I've been here for six years. If this is the sum total of the

Liberal brain trust and what they can deliver in legitimate and credible political debate on the issues of our province, they are in worse shape than even I thought.

Let me state for the record: the changes are going to be done in such a way as to ensure that there are no gaps in the system, that no child, no parent, no Londoner is going to be left dropping through the cracks. That is a commitment of the Ministry of Health. It's something I've discussed with my London colleagues, who care about the issue rather than the political theatre. On our side of the House what we care about is the clinical outcomes for the kids, for the pediatric kids who are involved in these programs, for the adults who are involved in these programs. We want the best clinical outcomes and I will defend that to the death. That's what this whole issue is about, rather than the theatrics on the other side.

The Speaker (Hon Gary Carr): Final supplementary?

Mr Steve Peters (Elgin-Middlesex-London): A gag order has been placed on doctors in London, Ontario: they continue to speak out. I challenge the minister right now to tell me that these doctors who are speaking out in defence of children in southwestern Ontario aren't credible.

Hot off the fax machine today: cardiologist Dr Kostuk says these cuts will have a profound impact. Dr Ed Harris, chief of surgery, has resigned his post in protest. Dr Timothy Frewen, chief of pediatrics, wrote an open letter demanding that you postpone this plan. Doctors Singh, MacKenzie, DeRose, Ouellette and other medical specialists are speaking out.

1440

These doctors are credible, Minister. These are the very people who know how to care for our health. They have spoken, but you know what? They've been met with a wall of silence from you, from administration and from those London Tories. Is this the message you're sending to southwestern Ontario, that you have more faith in the administrators and bureaucrats than you do in the doctors and nurses of southwestern Ontario? This is gravely serious. I am pleading with you: will you please—

The Speaker: Order. The member's time is up.

Interjection.

Hon Mr Clement: If the honourable member wants to participate in this debate—

The Speaker: We'll wait. That won't come off your time. You can start over. Go ahead. Sorry, Minister.

Hon Mr Clement: If the honourable member wants to be constructively part of this debate, why doesn't he tell the whole story? Why doesn't he talk about the 26% increase in funding for the London Health Sciences Centre that has been part of their increased funding over the last two years? Why doesn't he talk about the 60 specialists and physicians who have become part of the London Health Sciences Centre in the last year? Five new neuroscience specialists, nine new radiologists, five new OBs, five new emergency medicine specialists, 11 new surgeons, five new anaesthetists, eight new oncol-

ogists. If he wants to be true to the people of Ontario, why doesn't he mention those statistics, which are proof positive of our commitment to the health care of Londoners and our commitment to better clinical outcomes, which is what this debate should be about, rather than the theatrics on the other side?

I would only say that we on this side always welcome new ideas and new debate, but when you go to that lowness, that insults everybody in this House and I—

The Speaker: The minister's time is up.

TAXATION

Mr David Christopherson (Hamilton West): My question is for the Acting Premier. An ad campaign to profile Ontario's excellent tourism destinations is all well and good, but you still haven't offered travellers any added incentive to get out there and spend. If you're really serious about sending a message that Ontario would be a great place to visit, why not cut the provincial sales tax on all restaurant meals for three months? And if you want to do something for the long term, why not raise the threshold of non-taxable meals from \$4 to \$6?

Hon Janet Ecker (Minister of Education, Government House Leader): Mr Speaker, I refer the question to the Minister of Tourism.

Hon Tim Hudak (Minister of Tourism, Culture and Recreation): Thanks to the member for the question. No doubt, it's pleasing to hear from Tax Cut Christopherson about his support for tax cuts in the province of Ontario. This government is leading by example with record cuts to income taxes, record cuts to corporate and small business taxes and record cuts to capital taxes to stimulate the economy and create record jobs under the Mike Harris government.

Today I appreciate the member's support. A big announcement of a 35% increase in our tourism budget to key areas; \$4 million being invested there to encourage folks to come, to travel, to visit Ontario and to spend money in our hotels, our restaurants and our attractions. I'm sure it will be a big success.

Mr Christopherson: Minister, our economy can't afford for you to walk away from a good idea just because you can't handle the fact that it came from the NDP.

The reality is that your ad campaign is only going to take us so far. You need something to hook people to come into Ontario, and we're suggesting a two-pronged approach. One is to remove all the sales tax from restaurant meals for the next three months, and we're suggesting you follow the recommendation of the Ontario Restaurant Hotel and Motel Association, who have been lobbying for years to have the non-taxable meal threshold increased from \$4 to \$6. If you do those two things, linked with the ad campaign that you've announced today, then we've really got a chance of bringing people into Ontario, helping to save jobs and stimulate the economy.

Minister, will you take us up on these two important suggestions that go well with the announcement you've made today?

Hon Mr Hudak: I thank the member for the point and certainly I appreciate the two-pronged approach from the NDP, but obviously there's a multi-pronged approach from the Mike Harris government. I've mentioned personal income tax cuts, property tax cuts, cuts to the small business tax and cuts to corporate income tax. In fact, accelerating the personal income tax cut announced by Premier Harris a week or so ago today will bring an additional \$60 million in tax benefits to Ontario working families, part of a pro-growth plan to ensure economic growth in some challenging times.

No doubt it will also allow 75,000 people to come off the tax rolls altogether, combined with the hiring of Lewis MacKenzie as well as Norm Inkster on the security advisory side, and of course the exciting announcement today from the Ministry of Tourism to kick-start and reinvigorate this very dynamic tourism industry in Ontario.

Mr Christopherson: Minister, in response to your argument about the tax cuts your Premier announced the other day, let me just say that on that day the president of the Hamilton Chamber of Commerce said, "I don't think it will have much effect on the economy."

We're facing an enormous challenge in the next few months in Ontario vis-à-vis our economy. You've taken a step today by announcing an ad campaign that will help the tourism industry. We are asking you to take a couple of more steps. One is to respond to the association that knows this business best when they've asked you to increase the threshold for non-taxable meals from \$4 to \$6. We're asking you to agree to that as part of the announcement, and we're asking you to suspend all provincial sales tax on restaurant meals, again, in addition to the announcement you've made today.

We have to deal with the economic problems facing us one bit at a time. Your announcement today is not going to do it alone; it needs more. We've got two suggestions that we're putting forward. I'm asking you to tell me that at least you'll consider these two suggestions along with the announcement you've made today.

Hon Mr Hudak: I appreciate the points about the Ontario hotel and motel association. In fact, Terry Mundell is joining with us today for the announcement of the 35% increase in marketing funds for key areas, as well as Rod Seiling from the Toronto hotel association. We've had supporters like Noel Buckley from tourism in Niagara, folks from Windsor, northern Ontario and the Ottawa area, all in support of our initiatives to support the tourism and cultural industry in this province. I know that I'm excited because of the injection of some \$60 million from the Mike Harris government directly into the pockets of the taxpayers in this province to help spend at our attractions, our hotels, our restaurants, our theatres etc. No doubt it's very pleasing to see three great tax cutters at work today: Mike Harris, George Bush and Dave Christopherson.

INTELLIGENCE GATHERING
BY POLICE

Mr Peter Kormos (Niagara Centre): A question to the Deputy Premier: today Howard Hampton and I met with 20 community organizations, including the Ontario Council of Agencies Serving Immigrants. These people told us that they're extremely concerned about a war on civil rights right here in Ontario. They're extremely concerned about the appearance of the thought police and other totalitarian—yes, totalitarian—measures.

First you appoint a security adviser who believes in and advocates ethnic profiling. Now your Solicitor General says that he endorses the Toronto police's thousand-person hit list, their target list. The question is, how do you get on this target list, this hit list; and what do innocent people do to get their names off this list?

Hon Janet Ecker (Minister of Education, Government House Leader): I refer this to the Solicitor General, Mr Speaker.

Hon David Turnbull (Solicitor General): I thank the member for this opportunity to speak about this important issue. Let's be very clear: your party made accusations that there was going to be racial profiling, and we said, "No, absolutely not." The suggestion now is that the police should not do their job.

Clearly, when you examine the situation that existed on September 11, it would not have occurred if security had not broken down. Police have got to anticipate and investigate so that they know if there's anything wrong. All that these police are doing is looking at people who may have a profile—not, I emphasize, a racial profile, but the profile of somebody who may cause trouble of the nature that occurred on September 11. What's wrong with that? Please stand up and tell me.

Mr Kormos: Ethnic profiling, geographic profiling: call it by any other name; it still means that people are being targeted because of where they come from. That means they're being targeted because of the colour of their skin, because of their surnames, because of their religions.

The Solicitor General is on record as supporting this intelligence gathering that's being utilized and advocated by Norm Gardner, the Harris appointee to the Police Services Board.

Apparently, a list of 1,000 people exists here in Toronto, and people want to know what criteria get people on that list. These were hard-working people whom Howard Hampton and I met with, and they're afraid. They're afraid that they're being spied on for no good reason. One person told us today, "I never thought that I'd experience in my lifetime what Japanese Canadians went through."

What we're asking of you, sir, is very simple. Put it on the record today. What is the criteria for the creation of a surveillance list that you, as Solicitor General, endorse?

1450

Hon Mr Turnbull: I have to say that is probably the most ridiculous thing that has been uttered in this place.

Public safety is a priority of our government, and we have said we support the police in making sure that they have the intelligence so that we don't have the kind of situation that occurred on September 11.

Any suggestion that you're making that there's racial profiling going on is just absolute smear tactics. It's wrong. Clearly what is happening is the police are following up possible leads that they have that there may be reason to have concern about those people, to anticipate the ability to be able to respond. I'm sorry to hear you make these kinds of accusations here.

SAFETY AND SECURITY
OF DRINKING WATER

Mr James J. Bradley (St Catharines): A question for the Solicitor General: when I asked him a question on September 27 about the ability to deal with anthrax and smallpox threats, there weren't many people talking about the issue. Today they are. There's another issue that has emerged, and I'm not talking about the safety of nuclear plants where we have a real problem; I'm talking about water treatment plants.

After September 11, people are increasingly worried. It's obvious we're going to have to have far more frequent and far more extensive testing of drinking water; around-the-clock security at reservoirs and water treatment facilities; new technology to immediately detect chemical contamination; and reliable, responsible, high-quality laboratories to handle vastly increased volumes of tests and to handle them with integrity.

What specific action has your government taken to ensure the safety and security of drinking water in Ontario? Secondly, will you now re-establish the reliable, responsible, high-quality regional laboratories of the Ministry of the Environment, labs you so rashly and unwisely closed a few years ago?

Hon David Turnbull (Solicitor General): With respect to yesterday's situation in Toronto, I want to say that, first of all, the Toronto water authorities had in fact increased security around all of the facilities prior to this. The break that occurred got into a secondary door, did not get through the security barriers, and in fact was detected fairly quickly.

That particular reservoir is not a primary reservoir. It was not pumping at the time, but the water is being sampled and the liquid that was in the canister that was found is as yet unknown, but is not believed to be toxic in any way. We should have the results within 48 hours. The Toronto police have informed the ministry that nothing suggests that the equipment was tampered with.

The Speaker (Hon Gary Carr): Supplementary?

Mr Michael Bryant (St Paul's): Solicitor General, I would have thought that our water reservoirs would be as secure as Fort Knox in this day and age. Yet somehow the St Clair reservoir, the second-largest water reservoir in the largest city in Canada, had a break-in. This has got to be a wake-up call to which the government responds.

I ask you, while we wait for your security advisers to advise, will you—at least on an interim basis—provide the resources necessary to deploy additional police officers to conduct a safety and security audit of our water reservoirs, and to have a police officer standing on guard for the outside of these reservoirs so the people of Ontario can have confidence in the water they drink, the air they breathe and the food they eat? Will you commit to providing this interim safety measure to bolster public confidence?

Hon Mr Turnbull: We have been working with all levels of government to enhance safety, and that is well underway.

Security of water installations is a municipal responsibility. I have just come to question period from a meeting with the chiefs of police of all of the major police forces in Ontario and they are on a higher standard of alertness at this moment.

Quite clearly, as part of our review of all measures, we are looking at everything we can do and we're cooperating with the federal and municipal governments.

I would suggest that perhaps your party might want to try and consider making people a little more comfortable rather than trying to get everybody scared, because that's what it is. This is scare tactics and it's of the worst order of politics.

HEALTH CARE FRAUD

Mr Ted Chudleigh (Halton): My question today is for the Minister of Health and Long-Term Care. Minister, this government is strongly against fraud of all types. We have seen the dedication of this government to combat fraud in many areas, including health care fraud. When health care fraud is committed, tax dollars which could otherwise be spent on health care initiatives are not so spent. That upsets the people of Halton. This affects all people who use the health care system in Ontario.

Minister, could you please tell me and my constituents what initiatives you have implemented to detect, eradicate and prevent health care system fraud?

Hon Tony Clement (Minister of Health and Long-Term Care): I'd like to thank the member from Halton for the excellent and timely question. When it comes to health fraud, we on this side of the House have a zero tolerance policy and we are committed to eliminating all forms of health system fraud.

Some of the initiatives we've taken to date include establishing a dedicated fraud program unit, with police officers whose only job is to investigate health fraud. We are the only province in the Dominion that has an investigative unit that is entirely dedicated to health system fraud, and we can be proud of that.

In the 2000 budget, funding was announced to establish a provincial offences team and a crime technology team. Also, under the proposed civil remedies for organized crime and other unlawful activities legislation, introduced by my colleague the Attorney General, any

proceeds that result from the fraud can be frozen, seized or forfeited.

Of course, there is more that we can do and we will review all of our processes around health fraud as we go along.

Mr Chudleigh: Thank you very much, Minister, for outlining some of the initiatives this government has taken to ensure the prevention and detection of health care system fraud, but the proof is in the pudding. Can you tell me how effective these measures have been to date in Ontario?

Hon Mr Clement: I am pleased to have the opportunity to inform the House that the initiatives our government has taken to detect and prevent health system fraud have achieved a measure of success. From October 1, 1977, through to July 31, 2001, the OPP investigation unit that I referred to pressed 495 Criminal Code charges. We have secured 134 convictions to date and the rest are currently before the courts or are being completed otherwise. I can tell you that the provincial offences unit has laid 10 charges under the Provincial Offences Act and has secured eight convictions thus far.

We've recovered \$1,685,689.30 in relation to criminal investigation charges and convictions, including money recovered under the proceeds-of-crime legislation. That's enough money to buy a new MRI, and there will be more, of course, as we continue to root out this fraud and make our system better for all Ontarians.

SCHOOL BUS FUNDING

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Education and it concerns school bus funding. The minister will know that earlier this summer her officials from the transportation project at the Ministry of Education visited the county of Renfrew and the city of Pembroke, where they heard first-hand from a number of school bus operators doing business in the largest county in Ontario, namely, Renfrew county. Those officials heard those operators indicate just how difficult it is now to provide safe, adequate busing on the monies provided with the current funding formula.

1500

Can the minister tell this House today and school bus operators in Renfrew county and elsewhere what steps she intends to take, and when, to address what seems to be real and serious pressure in school bus finance?

Hon Janet Ecker (Minister of Education, Government House Leader): I've had several discussions, and staff have had meetings with the bus association and school boards on this issue. I've also had extensive discussions with my caucus members, who represent some of the rural boards where this is very much a pressure.

We recognize this is an issue that needs to be dealt with. That's one of the reasons we said very clearly that we would work with our education partners and the school bus association to develop a way to fund the

transportation that was fair, that was equitable, that recognized the safety needs of the industry, and at the same time recognized that there are many things school boards can do in terms of sharing services. Many boards have already moved down that road. We have invested additional monies for fuel costs; for example, the one-time monies we put in last year. We are looking at this and it is a priority. We recognize that more needs to be done to make sure we are funding school transportation in a fair way for our children.

Mr Conway: In my county, over 70% of the elementary and secondary students are bused. I've got hundreds of young kids who spend over two hours a day on a school bus. In the September 7, 2000, edition of the Ontario School Bus News it says the following, quoting Minister Ecker: "I recognize the problem," the minister stated, "and I am committed to finding a solution."

My question to you, Minister, on behalf of the students, parents and school bus operators in Renfrew county, is, what particularly do you intend to do to relieve this pressure and when will the school bus operators in Renfrew county get some clear indication of what the specific relief will be?

Hon Mrs Ecker: As the honourable member will know, and I've certainly heard from my colleagues from Waterloo-Wellington and Dufferin-Peel-Wellington-Grey who have been speaking on behalf of their boards and trying to assist us in coming to an appropriate formula to fund transportation, one of the things that has to be done is to make sure that we have the right factors, that we're recognizing the right things. We've been working with the industry to do that. They've been very helpful in terms of bringing that information forward.

Many of the boards were not ready to move forward. They did not have the technology to do this. We funded them to help them put that technology in place. That was one of the pieces we needed. In the interim, we have been providing interim funding to the school boards to assist their bus operators, because we quite recognize that pressure. We will certainly be communicating with them when those final decisions are made as to what we will do next, but we do recognize that this is an issue that must be addressed.

ONTARIO'S PROMISE

Mr Garfield Dunlop (Simcoe North): My question is for the minister responsible for children. I've been involved with the Ontario's Promise initiative for a number of months now. Just a few weeks ago there was an Ontario's Promise presentation held in the city of Barrie with speakers from across Simcoe county.

The audience was made up of representatives from all the communities within Simcoe county and learned first hand about the benefits of Ontario's Promise. The speakers at the event were actual Ontario's Promise partners, including Alliston and District Big Brothers, Kempenfelt Graphics Group and the Sports Alliance of

Ontario, representing agencies, corporations and organizations.

Minister, what I've found is that there is certainly a broad consensus that Ontario's Promise is an excellent opportunity to work together, but I'd like to know what successes have been achieved to date. How much of this goodwill has been converted into concrete action to help the children of Ontario?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Under the leadership of Premier Mike Harris, we've worked incredibly hard to try to encourage everyone to take a role in the helping of young children, not just in their early years from zero to six but right up until the age of 18, to ensure they each get a healthy start in life, to have a relationship with an adult who cares, safe places to learn and grow and the tools to succeed.

Interjection.

Hon Mr Baird: To the member for Napanee, we're talking about Ontario's Promise; we're not talking about Early Years. She wasn't listening to the question. Not one single cent of this came from the federal government. This is about Ontario's Promise. She doesn't pay any attention, her constituents should know.

We've encouraged more than 40 corporations, from Bell Canada to the TD Bank Financial Group, Pfizer Canada, Future Shop, and more than 80 non-profit agencies right around Ontario, to participate in Ontario's Promise, which is making it a huge success: people like Big Brothers and Big Sisters, groups like the Boys and Girls Club of Canada and the Easter Seal Society, the Sudbury Manitoulin Children's Foundation—

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

Mr Dunlop: Thank you very much, Minister. I know it is a good start. I think you'll agree that what we really need is a sustained effort, not only in the action taken by government but also by business and non-profit groups. While the message that we all have a part to play, setting children on the right path in life, is a powerful one, I'm concerned that the message will not be given the prominence it deserves. What action have you taken to make sure we can build on this positive start, particularly in recruiting more partners to join in this wonderful initiative?

Hon Mr Baird: Building on more than \$33 million in support that has been pledged toward initiatives that help Ontario's children and youth is a substantial increase. We've seen right across Ontario an increased investment in support. We're challenging corporations and not-for-profit agencies to increase by 5% or 10% their support to Ontario's children, which is a substantial investment in children.

We recognize that government can't do everything. We've got to encourage people, whether it's encouraging them to participate in an organization like Big Brothers or Big Sisters, to provide more support to children and mentoring and relationships. We're undertaking a major

social marketing initiative to try to encourage everyone to take a greater role. That initiative has had the support of the Globe and Mail, Famous People Players and Mediacom. Individuals are stepping forward to encourage all of us to do more for kids. People like Vince Carter and Carlos Delgado are lending their support to the initiative. People like Wayne Gretzky are entering through corporations like CIBC to support Youthvison, an initiative that was announced yesterday to give 30 individual scholarships, so they'll be able to get a good start.

GOVERNMENT SPENDING

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Community and Social Services. You have paid Accenture, formerly Andersen Consulting, a total of \$193 million over the past four years. The bulk of the payment involves salaries of Accenture staff, salaries that are far higher than the amount of money you're paying to your own ministry staff who are doing comparable work. In fact, in three of the four job categories under this project, Accenture is being paid more than what they originally proposed in the bid in 1996.

So my question, Minister, is this: why are you paying your friends more than you're paying your own ministry staff doing comparable work? And why are you paying Accenture even more than they asked for when they bid on this contract in 1996?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I'm not.

Ms Martel: You absolutely are. Here's the auditor's report from last fall, and the Provincial Auditor was in to deal with Andersen Consulting again. In the chart on page 263 you can clearly see the following: Andersen Consulting rates charged at January 1, 2000, per hour, \$400—Andersen Consulting 1995 proposed rates per hour, \$300; Andersen Consulting rates for managers charged at January 1, 2000, per hour, \$330—Andersen's proposal in 1995 for the same manager was \$200 to \$300; for an analyst, Andersen is being paid \$115 per hour right now. Their original proposal was \$70 per hour. In three of the four categories, you are paying them more than what they asked for. You are paying them considerably more than you're paying your own staff for doing the same work. The taxpayers aren't getting value for money with this; they're getting hosed. When are you going to renegotiate the terms and conditions of this contract, like the auditor told you to do, so we can get this project under control?

Hon Mr Baird: We negotiated the contract with Accenture consulting more than a year ago. We made a commitment in this House to deliver the project successfully, on time and on budget. Those are three objectives with which we were successful. We also sought to get the fee schedule to the rate it was back in 1997 and we were successful at that, by and large.

The member opposite disagrees with our welfare reform proposals. She has disagreed with every single

attempt this government has made to deal with welfare fraud. They have disagreed with work for welfare. All the NDP seems to be preaching now is tax cuts.

1510

HEALTH CARE ACCESS

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Health. I want to ask about the denied children of Ontario, the ones you deny health care to, despite the fact they're Canadian citizens, born in this country.

The minister knows these children are at risk. Their parents can't afford treatment. He also knows that hundreds, perhaps thousands, of children are affected. The Black Creek Community Health Centre alone has 300 of them. No other province does this discrimination.

Today, Minister, we heard from your office that you may indeed reverse part of your policy. But I want to ask, will you provide Canadian-born children—and some of these families are here with us today—the same entitlement to health care as all other Canadian-born children? Will you do that, and will you guarantee us that today?

Hon Tony Clement (Minister of Health and Long-Term Care): This will be an easy question and answer period. I can tell the honourable member that every Canadian-born citizen who is resident in this country deserves open, equal and universal access to our health care services, and that is indeed the case in the matter he refers to.

Interjection: How come they're not getting it?

Hon Mr Clement: Yes, they are getting it.

Mr Kennedy: I want to inform the minister—he was informed in May. We were advised by his office today that he was changing a policy. This has been going on since 1998. Minister, you cut off funding for hospitals to help people between the cracks. Children of immigrant families are in a grey area. We have with us today, for example, the Funes family. They're here with their son Carlos, their daughter Ariadma and their baby, 16 days old. Their 16-day-old baby, born in this country, has no health care coverage. What your ministry does is make these people go through appeals and then later on grants if they get through the appeals.

Minister, this is the only province in the country that denies Canadian-born children access to health care. Today a number of people came down University Avenue. They paraded past all the fine hospitals we have that they can't get into with their children. This is just about their children, Minister, and we expect you to be discerning in this case, for the Funes family and for the other children who are here today who do not have coverage—they're in every riding of this province. Every community health clinic has waiting lists because they can't serve them.

Minister, will you undertake today that the Canadian-born children of immigrant families will all receive the same access to OHIP coverage as every other—

The Speaker (Hon Gary Carr): Order. The member's time is up. Minister?

Hon Mr Clement: Yes, yes, a thousand times, yes. All along, these children have had access to health services through our community health centres. I can tell the honourable member that I am apprised that just yesterday, in fact, 70 outstanding cases have been dealt with, approved for coverage. So the answer is yes. I agree with the honourable member: if you are Canadian-born, if you are a citizen of this country, if you have chosen this country, you deserve access to quality, accessible, universal health care. Yes, yes, a thousand times, yes.

I'm not denying anybody anything. The answer is yes.

Mr Kennedy: But you're denying it.

Hon Mr Clement: The honourable member continues to suggest that my yes is a no. Let me state for the record, my yes is a yes.

LITERACY TEST

Mrs Tina R. Molinari (Thornhill): My question is for the Minister of Education. My constituents have often told me how pleased they are with the increased accountability of the education system, specifically the testing.

Minister, you announced last weekend that the grade 10 literacy test will be taking place next week. In your news release you said the test helps improve student learning and achievement. Can you explain how this test helps improve student learning?

Hon Janet Ecker (Minister of Education, Government House Leader): I'd like to thank the honourable member for a very timely question. The grade 10 literacy test is indeed taking place next week. The reason it is so important is that it is a graduating requirement for our students and it makes sure they have the appropriate literacy skills—the appropriate reading and writing skills—they need before they leave high school. The reason we do it in grade 10, of course, is that then they have the opportunity to take it again, to work and do remediation if that is required in order to pass it.

We've been phasing this in. Last year was a sort of trial run to make sure it was a valid and accurate test, to give teachers and schools an opportunity to get used to it. This year it will indeed count, if you will, for our students to get their diploma at the end of high school. It's part of improving the curriculum, part of improving testing to make sure we're giving our students what they need to succeed.

Mrs Molinari: It was reported in the National Post today that a boycott is being organized by the Ontario Coalition Against Poverty. This organization is urging students to skip the test as a type of demonstration against the government. Minister, are you concerned about the boycott and will this affect the outcome of the test?

Hon Mrs Ecker: I am certainly concerned that anyone would recommend to our students that they do something that would create a problem for them. Every student who wants to get our diploma for high school,

whether they're in a public school or an independent school, must take the grade 10 literacy test. That's a graduate requirement. What they're in effect doing is asking those students to sacrifice their future as some sort of silly political protest.

If we wanted to know the reason for this literacy test, why it is so important, on OCAP's own flyer they can't spell "privatization." If we had any reason to know why we need this test, they themselves have demonstrated it. They cannot even spell a very simple word.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Ernie Parsons (Prince Edward-Hastings): Speaker, the Minister of Citizenship was here. Is he still in the vicinity?

The Speaker (Hon Gary Carr): Stop the clock. Maybe you could direct it to another minister, please.

Mr Parsons: I will direct the question to the Acting Premier, then, if I could.

Acting Premier, your government says it is committed to passing the Ontarians with Disabilities Act. There are one and a half million people in Ontario who need the barriers removed in their province. The Premier said the bill will be introduced this fall. Our citizens have been waiting for six and a half years for this to happen.

The Minister of Citizenship right now is touring the province, speaking to groups. The minister needs to tour the province, listening to groups and listening to people.

The disability groups have been asking since 1995 for your government to hold public hearings. Acting Premier, will you commit to this House that there will be public hearings on this bill before a legislative committee? A simple yes or no will suffice for an answer.

Hon Janet Ecker (Minister of Education, Government House Leader): This government is very serious about meeting the commitments we've put forward to the voters. We do that on a regular basis. We will certainly be meeting our commitments with an Ontarians with Disabilities Act.

I know the opposition likes to have fine, flowery phrases on a piece of paper, that somehow or other that's going to make a difference for people with disabilities. What makes a difference for those individuals is supports and services; services like we have through the Ontario disabilities support program, which was a special new program this government put in place so people with disabilities did not have to rely on welfare. It's the most generous program in the country. There are new standards for special education, for those students who have special needs in our education system, to make sure they have the supports they need. Those are the kind of real changes that make a difference.

Legislation is important. We've made a commitment; we take it seriously. The minister has been consulting and listening across this province. I've had him in my own riding. He's done considerable work to get—

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

Mr Parsons: I was really hoping you could answer that question, but I didn't hear it. Ontarians with disabilities are not asking for charity, they are not asking for programs to keep them in their homes; they are asking for programs to get out of their homes so they can be part of society and work and enjoy the full citizenship they're entitled to.

I will ask the question again. You did not answer. Will you hold full public hearings, and will you hold them not just in Toronto but across the province? You don't know what Ontarians with disabilities need; you only think you know. Will you hold the hearings?

Hon Mrs Ecker: I find it rather offensive that the honourable member would cast aspersions on those many individuals and groups who have met with the minister, with our colleagues, to do that. They know what people with disabilities need. They've been quite free with their advice and their input to this government.

We are working very hard to put in place legislation that will be fair and balanced, legislation that will seek shared solutions. The honourable member's own House leader is frequently talking about how you can commit to something when you haven't even seen legislation. Here he is asking for a whole procedural change, a whole procedural commitment on legislation he hasn't even seen yet.

The work is being done. The minister has been meeting with groups. We've been listening, we've been consulting and we will be moving forward, as we said we would, with legislation that is fair, balanced and will make ongoing improvements to address the needs of persons with disabilities.

1520

SCHOOL BUS FUNDING

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I have a question for the Minister of Education concerning school busing. The Liberals tried to ask the question but they didn't go far enough. This problem is a concern of my riding.

We've been meeting with a number of school bus operators, both in my riding and from across Ontario. These people are experiencing financial challenges as a result of funding pressures because of increased fuel, staffing and maintenance costs. My question to the minister is whether she will inform us how she is working with school boards, and specifically what funding supports the government is currently committing to help school bus operators and students from across Ontario.

Hon Janet Ecker (Minister of Education, Government House Leader): To the honourable member, who I know has been advocating quite strongly on behalf of his school community on this issue, as I had mentioned, we have been working with the bus industry and school boards to develop a way to fund bus transportation that is fair, equitable and respects the legitimate costs of a safe, efficient bus system. We have funded school boards to help them put in place the information technology that

will allow them to run safer, more effective bus systems. We have done that in previous years to give them those financial resources.

Second, while this work is going on, to make sure we have a fair way to fund, we have topped up with special one-time funding. Last year we did that for the school bus group: \$23 million. We gave school boards an increase in resources this year that was flexible: \$360 million that they could use—

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

Mr Ted Arnott (Waterloo-Wellington): I want to thank the minister for that answer. We appreciate the work she's doing on this issue, but I would like to inform the House how this issue impacts on my riding of Waterloo-Wellington.

Like the member for Dufferin-Peel-Wellington-Grey, I am very concerned about the inequities in the existing funding formula. I have met with a significant number of my school bus operators and school board officials. What can I advise the school officials and school bus operators in Waterloo-Wellington on the status of the new funding formula, and will the minister inform the House if there are other ways to address these funding pressures?

Hon Mrs Ecker: As I have indicated, while the new way to fund is being developed, we have given them one-time funding. We have done that previously. We can certainly look and see if that is something that would be of assistance this year.

We are in the process this fall, as we do every year, of finalizing the policies for funding for the next school year. We are looking at the school bus transportation piece of that this fall. To the member for Waterloo-Wellington and my caucus colleagues, I will be seeking your advice on how best to make sure we roll that out in a way that is fair and effective. I've certainly heard from them. I appreciate the timeliness, the pressure that we need to get this issue solved.

GOVERNMENT SPENDING

Ms Shelley Martel (Nickel Belt): I have a question for the Minister of Community and Social Services. I want to make it clear that the figures I released today regarding payments to Accenture are the figures that went into effect after the deal you renegotiated with Accenture in April 2000. The payments I referred to are payments that are being made currently per hour to Accenture staff.

Let me tell you what the Provincial Auditor said about that in his report last fall. "The reduced rates now charged are still significantly higher than the rates charged for ministry staff doing comparable work." The auditor also included in his report a chart that clearly shows that in three of four employment categories, Accenture staff are being paid more now than what they asked for when they bid on this contract in 1996. The source of this is the Ministry of Community and Social Services.

Minister, I ask you again: why are you paying Accenture staff more than what you pay your own ministry staff for doing comparable work, and why are you paying them more than what they even asked for when they bid on this contract in 1996?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I'll deal very directly with the question the member opposite raised. I don't think you can compare what a partner at Andersen makes versus what a deputy minister or a minister or a project director makes. People in the public sector just don't make those rates. But to quote very directly, the member opposite talked about figures; she referred to page 263 of the auditor's report and she talked about 1996 rates.

Let's look at the facts. Andersen Consulting rates charged December 31, 1997, partner, \$530 to \$575; Andersen Consulting rate charged on January 1, 2000, \$400. Manager: used to charge \$335, now charging \$330. Consultant: used to charge \$230 to \$325 an hour, now charging \$280. Analyst: used to charge \$105 to \$250, now charging \$115. By my count, all four are down from what they were just four years ago.

Ms Martel: Let's refer to the figures again. Here's the Andersen Consulting rate charged at January 1, 2000, for a project director: \$400 an hour. The rates that Andersen proposed for the same project director in 1995: \$300. The ministry rate for the same person: \$75 to \$315 an hour. The second category, manager: Andersen is now being paid \$330 per hour. They proposed in 1995 to be paid \$200 for that position. Comparable ministry staff is being paid \$50 to \$180. Let's do one more. Consultant: Andersen is now being paid \$280 an hour for a consultant. The rate that they proposed in 1995 was \$150; the rate for a comparable ministry staff is \$45 an hour to \$105 per hour.

In three of the four categories they're being paid more than they asked to be paid when they bid on this contract in 1996. In every category they are being paid more than comparable ministry staff who are doing the same work. How can you justify this type of public money being spent to support your private sector friends?

Hon Mr Baird: Using the chart that the member opposite refers to, in every one of the four categories she cites, the differences between the 1997 rates and the rates in 2000 are all down. That's the commitment we made and it's the commitment we followed through on. Yes, in 1995, before the contract was even signed, there were proposals on the table, but that didn't form part of the basis of the contract.

We are redesigning a entire \$20-billion welfare system over five years. Over five years we'll spend more than \$20 billion supporting social assistance in Ontario. It is a huge effort to retool the mess that your party left in welfare, the mess where welfare fraud was so out of control that people in jail collected welfare, and people with five cars registered with one ministry were collecting welfare from another ministry. The out-of-control welfare mess is just ridiculous.

I thought I had seen everything. First the NDP at the beginning of the week talks about tax cuts, and now they're lecturing on how to run a welfare system. I'll give it, Mr Speaker—they've got nerve.

BUSINESS OF THE HOUSE

The Speaker (Hon Gary Carr): The government House leader on the order of business for next week.

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

Monday afternoon, we'll continue debate on Bill 87. Monday evening, we will continue debate on Bill 60.

Tuesday afternoon—there are some negotiations ongoing about the business, that will be determined; Tuesday evening, we'll continue debate on Bill 69.

Wednesday afternoon and evening, that is still under discussion and we may have some more on that later.

Thursday morning, during private members' business, we will discuss ballot item 25, standing in the name of Mr Parsons; and ballot item 26, standing in the name of Mr Gravelle. Thursday afternoon's business is also being discussed.

PETITIONS

COMMUNITY CARE ACCESS CENTRES

Mr Ernie Parsons (Prince Edward-Hastings): "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 \$175 million due to a funding freeze by the provincial government; and ...

"Whereas due to this funding shortfall, CCACs have cut back on home care services affecting many sick 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 institute real patient-based budgeting for health care services, including home care, so as to ensure that working families in Ontario can access the health care services they need."

I am pleased to add my signature to this petition.

1530

DRIVER EXAMINATION CENTRES

Mr Carl DeFaria (Mississauga East): I have a petition to the Legislative Assembly of Ontario. It reads as follows:

“Whereas an Etobicoke-based ministry test site is using residential streets in Mississauga to train students; and

“Whereas residents were not notified of a public hearing or forum indicating that this examination centre would be located in their neighbourhood and thereby directly affecting the residents through increased traffic; and

“Whereas long-time residents of this community have seen the inconveniences associated with the airport runway issues and now must be further distressed with hazardous conditions in the community; and

“Whereas our children are being used as targets and practising pylons for driving students; and

“Whereas residents on Claypine Rise south of Bough Beaches reside on a U-shaped crescent for the main reason that there should not be any through traffic of any sort of vehicles unless it is local traffic; and

“Whereas the residents of Claypine would like to impose a restricted zone on our street;

“We, the undersigned, hereby respectfully petition the Legislature of Ontario as follows:

“(1) that the government of Ontario will confine all driving schools to their own municipality or local areas for practising with their students;

“(2) that there will be a restriction on the usage of Claypine Rise as practice or test ground for driving schools.”

I affix my signature to this petition.

LONDON HEALTH SCIENCES CENTRE

Mr Dwight Duncan (Windsor-St Clair): I have a petition to the Legislative Assembly of Ontario which reads as follows:

“Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

“Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

“Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

“Whereas these cuts will put the health of the people of southwestern Ontario, and particularly the children of southwestern Ontario, at risk; and

“Whereas these cuts will diminish the London Health Sciences Centre’s standing as a regional health care resource; and

“Whereas these cuts will worsen the continuing physician shortages in the region;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk.”

I am proud to affix my signature to this petition.

CRUELTY TO ANIMALS

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

“Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

“Whereas those who commit crimes against animals currently face light sentences upon conviction; and

“Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment that they have inflicted on puppies under their so-called care;

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

“That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as quickly as possible.”

I sign my name to that as well.

Mr Mike Colle (Eglinton-Lawrence): This is a petition to the provincial Legislature of Ontario:

“Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

“Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

“Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

“Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

“We, the undersigned, petition the Legislature of Ontario as follows:

“That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and also strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the Society for the Prevention of Cruelty to Animals to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public.”

I affix my signature to this petition and I fully support it.

PERSONAL NEEDS ALLOWANCE

Mr David Christopherson (Hamilton West): I am pleased to present further petitions from the Hamilton second-level lodging home tenants task force, and the petition will be received by Emma McGuire from Kingston. The petition reads as follows:

“To the Legislative Assembly of Ontario:

“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 personal needs allowance to meet incidental costs other than those provided by the facility; and

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

"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."

Again, I add my name to these petitions.

CRUELTY TO ANIMALS

Ms Marilyn Mushinski (Scarborough Centre): I have the following petition to the Legislative Assembly of Ontario.

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

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

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I am pleased to affix my signature to this petition.

AUDIOLOGY SERVICES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I have a petition to the Legislative Assembly of Ontario.

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

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

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

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

"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."

I affix my signature to this petition.

1540

MUNICIPAL RESTRUCTURING

Mr Mike Colle (Eglinton-Lawrence): "To the Legislative Assembly of Ontario:

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

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

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

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

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

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

I affix my name to this petition by thousands of people in Victoria county.

HOME CARE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My petition is 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.”

I affix my signature to this petition.

The Acting Speaker (Mr Bert Johnson): Further petitions? The Chair recognizes the member for Scarborough-Centre.

CRUELTY TO ANIMALS

Ms Marilyn Mushinski (Scarborough Centre): Thank you, Mr Speaker. I thought you did that the last time. That’s why I tapped on the mike. I appreciate your recognizing me here this afternoon.

This is a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

“Whereas those who commit crimes against animals currently face light sentences upon conviction; and”

Mr Frank Klees (Oak Ridges): Far too light.

Ms Mushinski: I agree.

“Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

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

“That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible.”

I am pleased to affix my signature to this petition.

Mr Mike Colle (Eglinton-Lawrence): To the provincial Legislature of Ontario:

“Whereas puppy mills and other cruel breeding activities are unregulated and unlicensed in the province of Ontario;

“Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

“Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

“Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers,

“We, the undersigned, petition the Legislature of Ontario as follows:

“That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and that strengthens the powers of the Ontario

Society for the Prevention of Cruelty to Animals to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public.”

The Acting Speaker (Mr Bert Johnson): I just wanted to explain that for 48 years I’ve been practising being able to look in one direction and speak or hear in another direction. It enables me to carry on a conversation while driving a car safely.

ORDERS OF THE DAY

PROHIBITING PROFITING FROM RECOUNTING CRIMES ACT, 2001

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

Resuming the debate adjourned on October 10, 2001, on the motion for second reading of 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.

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

Mr Peter Kormos (Niagara Centre): I am pleased to speak to this bill and I am just looking for the copious notes that my office sent down to me earlier today.

The Acting Speaker: Could I address a question? Is this the leadoff for your caucus? I addressed the question for debate to that caucus. There wasn’t anybody who stood up. I would address it here. Is that all right with the member for Niagara Centre?

Mr Kormos: What had happened, Speaker, was that there was a remnant left on the government’s leadoff which they appear not to be utilizing. It’s their right not to want to speak to the bill. It’s their bill. But the leadoff then would go to the Liberals. If they’re prepared, I’ll cede the floor to them.

Interjection.

The Acting Speaker: I’m standing up and I’m occupying the Speaker’s chair now and I’ll exercise the responsibilities and duties of that office. I would just like to explain what and why I am doing it.

Further debate? The Chair recognizes the member for Eglinton-Lawrence. Do you know, though, if this is your leadoff? It is. Thank you.

Mr Mike Colle (Eglinton-Lawrence): I appreciate your understanding, Mr Speaker. I wish to notify the Speaker that I will be splitting my time with the member for St Paul’s.

It is my pleasure to address the House with regard to Bill 69, the Prohibiting Profiting from Recounting

Crimes Act, 2001. I think the government's intention is to hopefully protect victims by essentially prohibiting profiteering from crimes.

As you know, over the years there have been all kinds of examples of people who have written books and profited from crime. There was a great debate during the celebrated Bernardo case of the monstrous murderer whether people should be profiting from crime at the expense of the innocent families that were victimized by these incredible tragedies set upon them by that individual.

I think the basic thrust of the bill is a good one. You can't really argue about too many things in it. We as a party think we should remind ourselves—I know our own leader, Dalton McGuinty, was very prominent—of the unfortunate tragedy in Ottawa when the OC Transpo workers were shot down. Dalton McGuinty asked for immediate compensation for those families. It was very difficult to get that accepted. I remember there was a bureaucrat in Ottawa who refused to give compensation to those families. After a public outcry, and thanks to the people of Ottawa who spoke up, the OC Transpo victims and families received compensation.

1550

As you know, in terms of victims, we had some very good initiatives by my colleague from St Paul's, Michael Bryant, on the replica gun bill, which I think reminds people that you can also cut down on crime by eliminating real guns and replica guns. Also there were Rick Bartolucci's bills on sexual predators and soliciting, prostitution, from underage children. Certainly David Levac, our member from beautiful Brantford, forced the government to abandon its drive-through prison system that allowed convicted drunk drivers and drug dealers to spend their jail sentences in their homes.

These have been some of the initiatives by our party in terms of ensuring that nobody profits from crime. We know of all kinds of potential hazards, because we live in a society where there are people who essentially live off the avails of crime. They do it at the jeopardy of and with consequence for the victims, who essentially have no way of protecting themselves. There has to be very serious protection and consideration given to that.

I want to give you a couple of examples that are maybe not known to a lot of people outside Toronto. I will give you one example of a situation that occurred in my own riding where an individual has basically been living off of crime for the last number of years. He has been running a private school in my riding. This individual is up on 44 cases of fraud. He has defrauded everybody from banks to car companies, but worst of all this individual has lived off the crime, basically, of pretending he runs a school when he does not.

This individual, who runs this school called St James Academy, defrauded families of their hard-earned money by pretending to operate schools that were to teach children with learning disabilities. There were no books and basically no trained teachers. The facilities were there without even a blade of grass in the so-called schoolyard.

The school itself looked like a warehouse, at the corner of Lawrence and Caledonia in the city of Toronto.

This individual basically profited and made money from families, took money from them, said he was running a school to help children with learning disabilities. He took advantage of those poor, innocent victims, took money, and continued to do this. It wasn't for one year or two years; this individual has been defrauding parents and students over the last 10 years.

He was able to do this because there was essentially no government ministry that took on this perpetrator of criminal acts. I asked the Ministry of Community and Social Services. I asked the Ministry of Education. I asked the Ministry of Labour, because this individual also pretended to hire teachers who taught in his school and he never paid them. So he took their money also; he basically took their labour.

This individual even went to China and took money from Chinese citizens who thought they could get a break and get a visa to come to Canada. He took approximately \$20,000 from over three dozen Chinese citizens, claiming to offer them a student visa and an education here in Toronto. Anyway, there was no visa, no education program, so he even perpetrated his crimes overseas in China.

This school operated by this individual, a convicted criminal, was listed on the government Web site for education, so people who were looking desperately for a school to send their learning-disabled child to saw this school listed for years on the government Web site. Therefore they thought the government sanctioned this school.

This individual was, in essence, taking advantage of these poor victims, profiting by undertaking these criminal acts of fraud, and four or five government ministries could not shut him down, year after year. This is how these criminals work. They are basically without conscience, they are blatant, a lot of them are sociopaths.

So here we have, in essence, a sociopath pretending to be the principal of the school. Some of the crying parents told me he even had a diploma on the wall that said he was Dr So-and-so, claiming to have a degree as a doctor. According to press reports, it was found that he had a doctorate from a fictitious school in the United States. You put \$20 in the mail, and you can call yourself whatever you want—another fraud perpetrated on desperate people looking for education for their children.

This school, St James Academy, operated continuously without any admonition from the government. Again, this individual was essentially taking advantage of innocent children who, for the most part, had learning disabilities and didn't have English as a first language and whose parents were desperate. In one case, one parent was the guardian of a child who had been in an incredible domestic situation where a murder was perpetrated in his presence. The parent in charge of this child was desperately looking for a school for this very troubled 13-year-old. She looked on the government Web site, and there was this school advertised on the govern-

ment Web site. She was so desperate she ended up enrolling that child in this government-registered school. When she got there, she couldn't believe this was really a school. She had paid \$13,000. Do you know what it's like, in any place in Ontario, to get \$13,000 together? This poor mother, who was in charge of this adopted child, a ward of hers, has not got back that \$13,000.

In some cases, young children who spent eight to nine months or a year in this school received no credit, when they were promised a credit by this fraudulent school principal. To this day, those children have not received any credit, and their money has not been refunded. These are victims of crime, because they have not received their money back. We've got victims of this criminal act over in China who are trying to sue this individual. But they can't sue him because they'd have to line up with about 500 other people who are suing this individual who has defrauded people right across the country.

This is the kind of criminal act that this government basically did nothing about. These victims still do not have their money back, because they can't sue the guy. As I said, he's up on so many charges that there are literally millions of dollars owing to people all over the country, if not internationally. As a parent who gave that school \$13,000, how do you get your money back?

I think that family, those families, those children are victims of crime. They should be compensated by the government, because this government knowingly advertised this school on their Web site. When they were given complaints—the Premier got complaints, the Minister of Education got complaints, the Minister of Community and Social Services got complaints—they did nothing, and this individual continued to perpetrate his criminal fraud on innocent victims.

These are the types of things that happen in our society, and we do need protection from them. There is unequivocal agreement that crime victims, through no fault of their own, are put into a situation where there is nowhere for them to turn. We have to send a strong message to perpetrators of these criminal acts that we will not, essentially, look the other way when criminal acts take place.

1600

Yesterday I talked to an individual who is very familiar with the situation at the Don Jail. I'll tell you how stupid government can sometimes be. I don't know if you've ever been to the Don Jail, Mr Speaker, or visited there. You don't want to be a visitor or whatever; it is probably the worst black hole of a prison anywhere in North America. Anyway, that place is filled with people with hepatitis B, AIDS and all kinds of diseases.

Do you know that if a person awaiting trial is transferred from the Don Jail to the Metro West Detention Centre and that person has hepatitis B—all a person with hepatitis B has to do is cough on you and you could actually contract hepatitis B. I'm glad the Minister of Health is here, because this may be something he can do something about. I know he's an attentive individual who may look into this. It may not be his jurisdiction, because

it's under correctional services, but he might be interested in this. If you're a hepatitis B prisoner in the Don Jail and you get transferred over to the Metro West Detention Centre, under the laws of this province, the guards and the personnel at the Metro West Detention Centre and the driver of the paddy wagon are not allowed to be told you have hepatitis B. So unknowingly, these innocent victims, these hard-working people in our jails or whatever, have to take these prisoners not knowing that if that prisoner coughs on them, they could catch hepatitis B. Under Ontario law, you cannot tell people that you've got a health condition, even if you are a convicted criminal passing from one jail to another.

To me, those jail guards are innocent victims. They're trying to do society good by defending us against people who have been convicted or jailed. They cannot even get the government to listen to their pleas to notify them if the people under their charge are suffering from a contagious disease. It is not allowed in Ontario to give that information out to the jail guards and the people who work in the jails, whether it be in the cafeteria feeding these prisoners or whatever. You can't get that information.

Where in Bill 69 is there an attempt to address situations like this, where unwittingly or through its own negligence the government doesn't take proactive steps to defend the interests of innocent Ontarians who are caught in these situations? You wouldn't want to wish hepatitis B on anyone. Maybe you don't get this in Listowel or beautiful Stratford, but in the city of Toronto, sad to say, there are a lot of junkies and drug addicts who suffer from hepatitis B. They are in our jails and they're being transferred from jail to jail, and the poor jail guards aren't even made aware of the fact that these prisoners have these contagious diseases.

We have cases like this, which demonstrate that whether you're a fraud artist saying you're the principal of an Ontario school or whether you're some poor jail guard who's trying to protect his own health, we've got a government that sometimes is maybe too big and bureaucratic to stop to think that we've got to use some proactive listening to fix some of these problems so we don't have more innocent victims. We've got to have a government that looks out for things they can fix to help people, that is looking out for the interests not so much of the system but of the individuals in the system who get caught and are victimized by the callousness of a system that surrounds us in this province.

These are examples of why we need to protect victims. We've got to make sure no profiting takes place—sometimes we have film companies that come to Toronto and want to jump at the opportunity of glorifying some horrific act. I think that's got to be given a second look. At the TTC, one time, there were a couple of film companies that wanted to film some horrific things on the transit system. That was blocked. It's a difficult decision, but sometimes you have to ask, "Who are they benefiting by having such a film production?"

In this province, we have numerous cases of people who, through no fault of their own, get caught in criminal

activity. We have to ensure that those people are given the best possible ways of ensuring they are not victims of a crime, monetarily and health-wise. We have to make sure that the people who perpetrate these crimes are also given a strong signal that their crimes will be dealt with in a quick and focused way, with due process, but with a punitive effect, to make sure they don't repeat these crimes against other individuals, because the sad thing about crime is that there is repetitive nature to it.

People sometimes, through being repeat offenders or whatever it is, get into a culture of crime, and they see criminal activity as a way of profiting. We are concerned that this type of criminal has to be stopped and has to be stopped in such a way to give a strong message to everyone that this is not tolerated in Ontario.

The last comment I'll make is in terms of the most horrific thing that we see over and over again. I mentioned the junkies and hepatitis B in the city of Toronto. While we have the tragic event of September 11—which is maybe the most horrific premeditated crime we've ever seen in our lifetime, and I hope never to see again—with untold victims, we have to ensure that we take a lesson from that tragedy in terms of ensuring that no one profits from this crime, whether it's the al-Qaeda network or these horrific organizations, that they in no way profit from this crime. But we also have to make sure that we give a lesson to all criminals.

The other criminal area that is sometimes swept under the rug, because it doesn't seem to get the attention it deserves, is the whole area of drug dealing—the selling of drugs and the manufacturing of drugs—which is taking place quite regularly throughout our major cities in Ontario. Sometimes our police forces don't have the resources, but we need to remind people that there are all kinds of people behind the scenes who never go to the Don Jail, who never go to prison. They're the people who walk around in the fancy suits, who are financing these criminal activities. They're the people you don't see in the television news at night getting arrested for dealing drugs. There are too many of these ringleaders that we don't catch who are profiting by crime, and they are profiting in the millions, if not billions, in terms of the sale and distribution of drugs in this city, in this province, in this country.

We are totally preoccupied, and justly so, with bringing to justice those mass murderers who perpetrated that day of infamy in New York City and the Pentagon, but we should also in this time perhaps think of sending a message out to all criminal organizations, the ringleaders, the people who are behind the scenes who set up the smuggling, who finance the smuggling, who launder the money. I want to see that targeted by this government, hopefully.

In co-operation with the RCMP, Toronto police and the OPP, we have to be very aggressive in going after the street dealers, and we have been. The police in Toronto do a magnificent job. I know in my own division, there is a great group of officers working out of 13 division who have been in the front lines in the war against drugs for

the last 20 years, day and night. They have been very valiant, very dedicated, and in fact even while the men and women in 13 division fight drugs and crime, they almost act like a service agency in my community. They host an annual Christmas dinner for the poor, they have basketball camps for the youth in the area. These are the police officers who are up to their eyeballs in catching criminals, but they're almost like a service club on top of their police work.

1610

But this war against crime that they have and the war against drugs which takes place is sometimes like the old story of the person standing by the river's edge and pulling out the drowning person, helping him come to life on the banks of the river. Then a half an hour later another body comes down the river gasping for air. You pull another body out and you say, "Wow, two people in one day." Then all of a sudden a third body floats down the river and you have to rescue that third person. Perhaps you ask yourself the question, "Maybe I should go upriver. What's causing all these people to come floating down the river, drowning? Perhaps the bridge needs to be repaired upstream. That's the cause of it. The bridge has collapsed." So I think just as you have to go upstream in saving people's lives, you have to go upstream in terms of fighting crime in this province.

Too rarely do we see these kingpins of crime arrested. Too rarely do we see the mega-millionaires who are profiting by crime arrested. We need to give more resources to our intelligence service. We need to give more resources to the RCMP, to the OPP, to local police, so they can catch not only, as I said, the ones who sell the crack on the street corner but the ones who basically are the CEOs or CAOs of the drug trade in this province and this city. They are the ones who eat in the fancy restaurants and drive the fancy cars and wear the fancy Armani suits. Those are the ones I hope the government goes after, because they're the ones who perpetrate crimes. The countless victims of drugs—the person with hepatitis B, the junkie and the addict—are also victims, as well as the person who has his home broken into because the addict needs money, as well as the jail guards who have to basically deal with people spitting on them, people coughing on them, people transmitting infectious diseases to them. They're innocent victims too. So we have a whole perspective of innocent victims and people who profit from crime in this province.

I hope this bill does a little more than what we've been doing in this area of ensuring that there's essentially no profiteering from crimes, whether it goes from the whole spectrum of—I won't even mention his name—the perpetrator of the crimes in St Catharines or the al-Qaeda network or these drug dealers who are sometimes glorified. We have to be very conscious of the fact that we, as legislators, have to look for ways of cracking down on not only the little criminals but the big criminals, who have the money and the resources. They can afford to pay for the best lawyers in town.

Those are my remarks and I appreciate your attention.

Mr Michael Bryant (St Paul's): I'm pleased to rise today to speak to this bill, although I have to say at the outset that while we support this bill, as we supported its previous incarnation in 1994, this bill is about blowing smoke. This bill is about the government trying to look like it's doing something in the area of crime, or anything at all.

It is extraordinary, I think, that right now, while the federal Parliament is readying itself to introduce an omnibus anti-terrorist bill that covers a number of different areas, while state assemblies across North America are introducing bills fighting terrorism, here we are debating a bill that already exists. Bill 69, which we're debating now, is making minor changes to a 1994 provincial law that prohibits criminals from profiting from recounting their crimes.

We all agree that criminals should not be able to profit in recounting their crimes. In fact, the courts have held that criminals cannot profit from recounting their crimes. There was already the ability through the common law for victims of crime to trace money back either through equity or through the common law and get any profits from crime that may have been obtained from the criminals.

That said, a bill was introduced by then-opposition MPP Cam Jackson, I suppose to make it clear, as we have to do from time to time, that not only in the common law but by statute in the province of Ontario one can obtain the profits from crime, in this case through the statute, that might have been wrongly and unjustly obtained by criminals in the recounting of their crime. That confirmation took place. The bill had all-party support and it passed in 1994.

I know that there are no reported cases of any victim of crime in the province of Ontario who had recourse to use this statutory tool—again, they could have made the claim under the common law—nor was there a reported case of any attempt to recoup profits from the recounting of a crime, because it clearly was not happening, or at least it wasn't happening to the point that it made its way into the reported cases. Our search of unreported cases came up with the same result; that is, this was not being used. Even if there were some unreported cases out there in which an attempt was made, it would be very surprising to me that it didn't find its way into the reported cases or into the media, because it would be extraordinary. It goes without saying, it just defies common sense that criminals should be able to profit from recounting their crimes.

But as I said, this has been a law on the books since 1994. It has been a law that has not really been used. If the government is going to take energy and time in this Legislative Assembly and through the Ministry of the Attorney General and expend it on making some changes to a law—there's only so much time that can be spent—surely we should be focusing on a bill that's actually being used. Making an amendment to a bill that in effect amounts to a dead letter is a futile exercise. It's a wasteful exercise. You have to ask yourself, why would

this government do that? Why would they do that? The answer is it's obvious the government is trying to look like they're doing something about this issue, when in fact it is not an issue that requires revisitation through amendment of the 1994 bill.

To make matters worse, when it became pretty obvious when then-Attorney General Flaherty introduced this bill that in fact it had been a dead letter for the previous six years at the time it was introduced, when the government came under criticism for using up the valuable resources of the great people in the Ministry of the Attorney General to bring forth a bill that was already on the books, when it was clear that all that had happened with the reintroduction of Cam Jackson's bill was simply that they were repealing Jackson's bill and cutting and pasting its contents into a new bill, I would have thought that when the House prorogued, when that bill necessarily died on the order paper, they wouldn't bring it back again, for goodness' sake, to take up the time of this House when, again, we already have this law on the books.

If it wasn't on the books and there were examples of judges saying, "You cannot recoup any profits that had been obtained by criminals in recounting their crimes," that would be one thing. That's not the case. The case has not been made in this House that in fact these cases are finding their way into the courts.

1620

On the other hand, then-opposition MPP Cam Jackson perhaps thought that if in fact the bill was passed, if the statutory dots were connected to permit victims of crime to avail themselves of this remedy, maybe we would then see victims having recourse to such a remedy.

Guess what? That didn't happen, because, mercifully, this was not happening. We weren't seeing—the precursor to this bill in 1996, the Son of Sam law—instances of criminals profiting from their crimes, violating a fundamental principle that everybody understands, that crime shouldn't pay.

We've got it on the books, and if for some reason sometime down the line the situation arose where a criminal did that or attempted to do that and it wasn't stopped via an injunction by a victim of crime, which one would imagine it normally would be, if it wasn't stopped by that or if the book publisher or the movie producer or whoever wasn't convinced that this was the wrong thing to do, at least you'll have the remedy if this ever does come to pass.

So it already exists. There's no need for this. This bill is reflective of the kind of paper tigers that have been coming out of the government, particularly when it comes to victims of crime.

I am concerned, beyond that, even looking at this bill, that basically what the Ministry of the Attorney General is saying to victims of crime is, "If you've got a criminal who is somehow profiting from his crime by recounting the crime, you go sue them." That's what the government is saying to victims: "You go sue them." Is the government suing them? No. The government is putting

out, in black and white, the way in which the remedy would be obtained. But again, that was already on the books. That was already the law of Ontario, and the government knew that. If it didn't know it, it certainly knew it when Attorney General Flaherty introduced it. It makes it all the more shocking that the government would try and bring this in one more time, because, among other things, it's not a step forward for victims. Victims are being told they've got to do the work by going to court. That's not good enough.

So, fine, that's the criticism. What are some solutions?

Let me say that I'm very proud to serve in a caucus that has put forward a number of measures and initiatives and private members' bills and questions to try and assist victims of crime in Ontario.

In June of this year I introduced a private member's bill to basically entrench a provincial victims' service standard. Why? As has been said time and time again in this House, the Harris government's so-called Victims' Bill of Rights, passed in 1996, is a toothless paper tiger itself. We know that the Ontario Superior Court found in 1999 that it was unenforceable. Victims tried to enforce this paper tiger and were told by Justice Day that, in the words of the court, "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not," the court said, "establish any statutory rights for the victims of crime."

What kind of rights for victims of crime are needed in the province of Ontario? This is a bill which does not address that need, because the law is already on the books. It's an attempt to look like the government's doing something for victims when it in fact is not.

The private member's bill that I introduced relies, in no small part, on the recommendations provided by the Office for Victims of Crime, part of the Ministry of the Attorney General. It surprises me that we are now debating this bill, redundant as it is, as I've said, when we could be debating a bill that actually has some real, enforceable rights for victims of crime.

What do victims of crime need? Well, the Office for Victims of Crime says they need a provincial victims' service standard. Such a standard says that no matter where you live, no matter how big or small the community you live in, you will be getting the same treatment, the same benefits, as any victim in Ontario. So in cash-strapped Toronto—which is a result of downloading—where they cannot pull more blood from the stone, victims of crime in the riding that I have the honour of representing, St Paul's, would be getting the same services as anywhere else. Victims of crime in small urban and rural communities, no matter where they lived, would be getting the same standard, because there are communities, obviously, that are not being serviced or not being serviced equally. The argument here is, you shouldn't be penalized for living where you are if you're a victim of crime; all victims ought to be treated alike and receive the same standard.

There is no such provincial victims' service standard in the province of Ontario. That would be a right to

which victims could avail themselves; that would be a right that they do not now have. That would be a benefit that this government could in fact introduce, and that would be something that I would welcome to debate in this Legislature and, of course, support.

How could this government do it? Let's get the members of the government caucus to support my private member's bill that would institute a provincial victims' service standard.

Next, legal representation for victims where required: sometimes victims of crime are required to testify in order to meet the defendant's rights to answer in defence. If that victim is required to testify, it is important for the government to assist the victim. There are some victims who cannot get legal representation, and sometimes they're going to want to have legal representation. Of course, the crown is going to do their best, but not always are the interests going to converge. That has been the recommendation from a number of experts and supporters of victims of crime in Ontario and elsewhere. That's in my private member's bill.

Mandatory opportunity to present victims' impact statements: according to the 2000 report on victims' services in Ontario, the Office for Victims of Crime found that 53% of victims received no assistance in preparing a victim impact statement. When I say "assistance" and when I say a "mandatory opportunity to present a victim impact statement," I mean that the prosecutors, the Ministry of the Attorney General, must go beyond notifying the victim that they have the ability to provide this victim impact statement and go a step further to ensure that they actually get the opportunity. That may mean that they get the assistance that's necessary so they can make that victim impact statement. This was part of the victims' rights revolution that we have seen taking place in our lifetime—for some members here, not myself, in their legislative lifetime—where it became clear that victims were being left out of the equation. The defendants, the accused, had rights and had representation. The crown, of course, was trying to meet the charge in the court, trying to present evidence in a way that they were successful in prosecuting the accused.

But what of the victim? We found out that victims wanted to have a voice in this. The victims were being shut out by our criminal justice system. So the federal government said to victims, "You will have the opportunity to give a victim impact statement." But saying that you can give a victim impact statement is obviously very different than saying, "We shall give you the opportunity to do so. We shall assist you in doing so." That would be a victims' right that I would be happy to be debating in this Legislature. We can do so through my private member's bill.

Mandatory provision of information requested by victims: again, this is part of the victims' rights revolution. Being shut out of what's going on, often not knowing what's going on, ends up revictimizing the victims. Sometimes they find out after the fact what's happened. In the worst days of the treatment of victims in this

country, they might read about what happened in the newspaper as to whether or not there was acquittal. They need to know what's going on. They need to know for themselves, or with respect to their loved ones, the status of the case. They need to know the outcome of the case, obviously. They need to know how it's moving along, particularly given the delays that we have these days in Ontario in our courts.

1630

Next, recourse for violation of victims' rights: the purpose of this right that I'm proposing in the private member's bill—it's obviously not located in this bill because this bill is a paper tiger—would be to reverse the current Victims' Bill of Rights put forth by this government which in fact provides for no enforceable victims' rights.

Enforceable employment protection is another element in my private member's bill. I have no copyright obviously on any of this; these are ideas that I want the government to take and adopt and put into their legislation, and it goes without saying that I will support these rights, because I've already put them forward on behalf of my constituency and on behalf of my caucus. I want them to become the law of the land.

With enforceable employment protection, I'm referring to victims who have to take an afternoon off or a morning off or a day off, time off in order to attend in court, to provide victims' impact statements or otherwise. They should not be penalized by their employers, and we found that some employers are not as sensitive as others. Employers should not be able to penalize victims for being a part of the criminal justice system which must be their right. Yet in fact that's what was happening. This would ensure that any employer who did that would have to pay the price—in this case a fine—and know very well that they would have to pay the price if they denied one of their employees the right to fulfill their victim's rights.

Last, mandatory treatment of victims with courtesy and respect: that may on the surface sound pretty obvious, but right now that's actually not part of the overall mandatory focus in this province, whereas it is in other provinces. What other provinces, you ask? Well, I'll tell you: Alberta, Quebec, Nova Scotia, Manitoba and British Columbia have victims' rights statutes which, unlike Ontario's existing victims' rights bill, impose obligations on the state to provide victims with information concerning the progress of their cases. British Columbia, Nova Scotia and Quebec have victims' rights statutes, which again, unlike Ontario's, create a mandatory right for the victim to be treated with courtesy and respect.

According to the National Center for Victims of Crime, every US state has enacted legal rights for crime victims; 32 states, additionally, have entrenched victims' rights in their state constitutions. Here in Ontario we have a law which has been described by the Ontario Superior Court as being unenforceable, as being beguilingly clothed in the language of legislation but merely a statement of principle and policy. So we don't have those

rights here in Ontario. They have them in other provinces in Canada. Victims have rights in other states in the United States, even in some of their state constitutions. Here in Ontario, no such rights. Incredibly, we've fallen behind the rest of the continent in supporting victims of crime. This bill, as I've said before, is not going to improve that one iota.

The Office for Victims of Crime in its report, *A Voice for Victims*, made 71 recommendations designed to improve victims' services in Ontario. One of them was to establish a provincial victims' service standard. Again, that's not in this bill; it is in my private member's bill. Let's get this standard one way or another, either through an opposition bill or through a government bill. But that's not happening with the bill that we have before us.

A close look at the public accounts of Ontario reveals that despite all the bluster and rhetoric about law and order from the Harris government, despite all the talk about crime, when push comes to shove the money is not being spent on victims in this province. Victims' assistance accounts for less than 1% of the operating budget of the Attorney General. It accounts for about 90% of the rhetorical budget of the Attorney General, but of the operating budget of the Attorney General it's about 1%. The proportion of the operating budget allocated to victims has actually decreased in the last two years. The rhetoric has increased, but the actual commitment has decreased.

In 1998-99, 0.78% of the operating budget of the Ministry of the Attorney General was allocated to victim assistance; in 1999-2000, it was 0.75%. I'm referring here, with these numbers, to the public accounts of Ontario, comparing 1998-99 to 1999-2000. In 1999-2000, the Attorney General spent about half the allocation than in the previous year on victims of abuse. Again I get that from the public accounts of Ontario.

The rhetorical agenda is clear: the Harris government will try to distract the public from the fact that the government is adrift by talking about crime. But even that rhetorical agenda is not backed up with operating budgets in the Ministry of the Attorney General. The spending is going down, even as the rhetoric gets ramped up.

According to Canadian Centre for Justice statistics, a study came out in December 2000 showing that only 14% of Ontarians believe that the courts do a good job of helping victims. This is below the national average of Canadians who believe that the courts are doing a good job of helping victims. I say to this government that we should be leading this country in terms of assisting victims. The public's lack of confidence in this government's assisting victims is a serious indictment of its rhetorical efforts to talk tough on crime. When it comes to crime, the Harris government is all talk, no action.

Other initiatives: date-rape drugs. We have a situation right now where only 6% of sexual assaults are ever reported to police, according to the Ontario Women's Directorate. In Halton region, the rape crisis centre is encountering two to three drug-induced sexual assaults

per week. Similar incidents have been reported in Toronto, Hamilton and London. So we've got a serious problem with the increased use of date-rape drugs.

I was shocked to find out from victims' rights advocates that if a victim wants to find out whether or not they've had a date-rape drug slipped into their drink or otherwise, they cannot do so right now, as a right; they cannot. They have to go to the police and report the crime. Well, here's the problem. As I said, 6% of sexual assaults are reported. The government's response to that is, "We want victims of crime to report crimes to the police." Open sand, enter head. This government, when faced with the reality of what happens to date-rape-drug victims, said to 94% of victims of date-rape drugs, "You're on your own. Too bad."

Of course the problem is, and I guess the stupidity of it is, that if in fact the agenda is to get more victims of date-rape-drug crimes to report to the police, then give them the opportunity to find out whether or not something has happened. It's that kind of crime. Typically, the police report, the victim will wake up the next day and not quite know what happened. The last thing they're going to want to do is make a fool out of themselves. The first thing they're going to want to do is find out what happened to their body.

If you can get a cholesterol count through our health care system but you can't get a test for date-rape drugs, and the government has been made aware of it and at the end of the day it's doing nothing about it, it confirms my concern with this bill, which again we support because we supported its previous incarnation, that yet again this government is all talk, no action.

Mr Joseph Cordiano (York South-Weston): I'm very happy to speak on this bill. At the outset let me congratulate my colleague the member for St Paul's, who has done a masterful job as our Attorney General critic. When it comes to matters of law and order, I think he has done just a terrific job pointing out how, in the face of a number of these types of paper tiger bills, as he puts it, this government attempts to create the perception out there that it is doing a great deal about law and order and is doing a great deal when it comes to victims of crime. He has repeatedly pointed it out, and not only pointed it out but I think demonstrated with his own initiatives with a number of private bills. His replica gun bill, which this government saw fit to pass, was a demonstration of just that. He has, I think, done a masterful job, as I said, and as well with regard to his victims' rights bill. I want to go into that in just a moment.

1640

But let me just say from the outset, again, that this government has not really enacted any legislation that has any teeth when it comes to victims of crime. Of course our caucus supports this bill, because we are entirely against—the very notion that someone could profit from their crime is reprehensible. None of us could support that in this Legislature, let me say. I don't think there would be anybody who would have any argument with that.

But, really, what it comes down to is that, time and again, this government has not introduced real legislation that effects the kinds of changes that we would like to see and that would empower individuals, victims of crime, in the way that I think has been illustrated by my colleague, the member for St Paul's.

This bill would make the government responsible for acting on the victims' behalf; however, it requires that regulations be brought in to do just that. As my colleague pointed out, in all of these cases the victims of crime will have to sue in order to prevent criminals from profiting by recounting their crimes. This would be a very difficult and onerous process. In fact, if the crown did receive the proceeds of that crime after taking initiative—the crown could take initiative to sue criminals—the proceeds from the crime, given to the crown, would not entirely then go to the victim of that crime. There would be some complications for the money that was collected, so not all of the proceeds would end up in the hands of those victims.

I think there is something to be said about this. As was pointed out, this legislation wasn't really necessary. Previous legislation that was enacted did much the same thing to recoup the money paid from the proceeds of recounting a crime, so this legislation is rather toothless and does not put into effect the kinds of conditions that would effect an easier transition for the proceeds of crime to end up in the victims' hands. That is to say that we should have a much stronger act that deals with victims of crime.

Let me just reiterate some of the aspects of the victims-of-crime bill that was introduced by my colleague in his private member's bill. These are some of the things that I think this government should take note of, because it has not done so with regard to its own legislation.

Legal representation for all victims of crime: the government should assist with that. When it comes to impact statements, as he put it before, it's simply not doing that. It's not assisting with the writing of an impact statement. There should be assistance.

The government should go beyond just notifying victims of crime, ensuring that there is mandatory information that's provided for the victims of crime so that they know what's going on. Oftentimes victims of crime do not know what is taking place and are not informed.

Victims should also not be penalized for taking time off from work write their impact statement or to have it put in place. These are sensible recommendations that have been made with respect to the private member's bill.

His last point was that all victims of crime should be treated with respect. Other provinces have similar statutes in place that treat victims of crime with a great deal of respect, that would inform them and allow them to have assistance in all aspects of making a submission, an impact statement. There are other jurisdictions that do much the same thing.

In the end I think what I've heard some government members say is that when it comes to law-and-order

issues, the Conservative Party, the government, believes it has a monopoly on this issue. The perception of the public is that this government is very much in favour of promoting that agenda, and they score high marks for it. Frankly that is not the case. I tell you that when you look at the facts, the facts are that this government does not have any real, strong legislation to deal with these issues. Most of what this government has done has played to that perception, by and large, but there are no teeth in this legislation to effect those changes.

I say to the government members that maybe that is the perception. I doubt it. I think our critic has done a great job of informing the public that that is not the case, and other members of our caucus are doing much the same. We would stand up and support what you were doing if that was the case, but it's not the case.

Largely it's also an emanation from this government that it's not spending the kind of dollars it should be spending in a variety of areas. This happens to be just another example of that, a lack of funding when it comes to law-and-order issues. In fact its legislation is rather weak and needs to be strengthened when it comes to victims of crime. So this government repeats itself. Its pattern is clear: it doesn't fund these initiatives properly, it has weak legislation and we continue to have problems right around this province.

I am a member who represents a constituency in the Toronto area. Obviously that is a constituency, like other Toronto-area constituencies, that has a number of difficult problems to deal with. These are matters of great concern for us when it comes to law and order. It would be wise of the government to take this area far more seriously and dedicate more resources, not only with respect to dealing with policing but also prevention.

Again, I would say the government needs to strengthen this legislation, along with other victims-of-crime law.

The Acting Speaker (Mr Frank Klees): It's time for questions or comments.

Mr Kormos: This is the two minutes I have to respond, to make comments, to pose questions. Michael Prue, the member for Beaches-East York, is going to use his two minutes as well. We're going to hear from a couple of members from the other parties, but then I'm going to have a chance to speak to this bill.

I'm going to be speaking to it for an hour. I'm going to talk about the bill before the House and I'm going to talk about the bill it repeals. Since the bill deals with victims' rights, I'm going to talk about this government's failure when it comes to victims' rights, and I'm going to talk about this government's failure when it comes to real law and order and public safety in our communities.

I'm going to talk about victims of the crime of extortion being imposed on them on a daily basis by the cable television companies of this province, people like COGECO who are ripping off their consumers, giving them poor quality service and toying with them, playing with them, feeding them some of the most embarrassing stuff while at the same time extorting larger and larger amounts of money from them. Yes, companies like COGECO and their sister and brother group, admittedly

regulated federally—not regulated very well, I'll put to you, not very well at all. You talk about victims of crime: people who have signed up with COGECO cable down where I come from are being victimized on a daily basis, on an hourly basis, virtually every minute of the day.

Interjection.

Mr Kormos: If somebody from the government benches wants to defend the cable companies, feel free. I'd love to hear a defence of cable in this province or in this country. I'd love to hear a defence. The cable companies can't defend themselves, because there is no defence for what they're doing to consumers.

I'm looking forward to the hour I have with respect to this bill, and I'm looking forward to hearing the response of Michael Prue, the two minutes he has in just a few minutes from now.

1650

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to make a few remarks to the three Liberal members who spoke. The member for Eglinton-Lawrence expressed his general concerns about victims and indicated he's going to support the bill. The member for St Paul's said he doesn't like it but he's going to support it anyway. The member for York South-Weston gave a testimonial to the member for St Paul's and then said he's going to vote for it too.

The opposition seems to have taken a tack that this government is doing nothing with respect to victims' rights. They know that's wrong. They know we've done a lot and we're continuing to do a lot. This bill, which prohibits profiting from recounting crimes, is part of a plan our government has been developing to help victims. Of course, it started with Mr Jackson's private member's bill, the Victims' Bill of Rights.

There are other pieces of legislation and plans that we've put forward. Some of them have passed and some of them are currently before the House: the Victims' Bill of Rights Amendment Act, which creates a permanent office for victims of crime; a province-wide assaulted women's crisis line; the introduction of Bill 60, the Victim Empowerment Act, which is currently before the House and which, if passed, would allow victims of crime greater participation in parole hearings; Bill 117, the Domestic Violence Protection Act, which was given third reading; Bill 86, the Rescuing Children from Sexual Exploitation Act, which is currently being debated by the House; and finally, the introduction of Bill 30, which provides civil remedies for organized crime.

Mr James J. Bradley (St Catharines): I enjoyed the remarks of Mike Colle, Joe Cordiano and Michael Bryant, as we would know them. I thought they analyzed the legislation very well. They found it to be wanting in some cases, but suitable enough to be supported in general principle, and without the usual hostage the government puts in a bill so the opposition won't vote for it, so they can then tell the people the opposition didn't vote for it. I know you would never believe that, Mr Speaker, but that's what they do.

I hope they put the resources into dealing with the provisions of this bill. I'm concerned that those resources

won't be there for two reasons. One, they're giving \$2 billion in tax cuts to the corporations, and two, they're spending so much money on self-congratulatory, clearly partisan government advertising that they don't have the kind of funds they should have to enforce the provisions of this bill.

It does affect my constituency in a certain way. I recall the revulsion that I think all of us in all parties in this House felt last year when a company said it was going to make a movie about Paul Bernardo. Jason Priestly was going to be the star, and it was going to, if not glamorize it, certainly give a lot of publicity to it.

One would hope that the company listened to those of us who wrote to the company and said they should not proceed with this, that if they were doing a fictitious movie about a fictitious circumstance, that was one thing, but it would be very hard on the families to put up with a film glorifying Paul Bernardo and his accomplice, Ms Homolka.

I am supportive of a bill that will ensure, as well as we can, that there is not an opportunity for people to make money when they have committed the crime and then wish to exploit the crime for financial purposes after. I think my colleagues have done a good job of speaking to that.

Mr Michael Prue (Beaches-East York): I'd like to stand up just for two minutes to talk. I especially appreciated the comments of Mike Colle about the Don Jail. I'm not sure exactly what that had to do with this bill, but it took me back to my previous job, when I worked in the immigration department. I spent many hours in the Don Jail and can tell you from first-hand experience what a horrible and reprehensible place that is, not necessarily the people who are housed inside but just the old building and the decrepit conditions that I'm sure exist to this very day.

But the real issue here I guess is the victims of crime. I've listened to the debate with some interest today and I have to ask, are we really dealing with victims of crime? I have met many victims of crime: people who have been beaten up, people who have been robbed, people who have been raped, people who have had all manner of things stolen from them. I have never, ever met a victim of crime who has had somebody profit by going out and talking about it or publishing a book about it. I'm wondering why all this time is being spent—and maybe I'm a rookie here—on something that in my lifetime I don't remember actually happening, other than when Clifford Olson tried to do it many years ago.

How many people have heard criminals brag about what they're doing and publicly go out and try to make money off it? I don't think very many. I'm hoping the debate takes its due course, but the reality is that this is not likely to solve one problem of the people of this province. There are so many things we could be debating, so many things the government should be bringing in that are far more important than this.

It's fun to listen, the anecdotes are pretty good and the analysis is pretty good by some of my colleagues, but the

real issue isn't this, but how do we deal with victims, real victims?

The Acting Speaker: Time for response.

Mr Bryant: I obviously enjoyed and learned from the great speeches of the members for Eglinton-Lawrence and York South-Weston, and of course the comments from the members for St Catharines, Niagara Centre, Beaches-East York and Dufferin-Peel-Wellington-Grey.

Let me just say this. This government, through this bill, is trying to blow smoke and talk about security and crime. But today the government of Ontario had an opportunity to actually do something about a real concern when it comes to the security of the people in the riding I represent, St Paul's.

There was a break-in at a water reservoir, and even if there was just the threat of a break-in, the people of Ontario need to know that their water is safe. Of course we're at a time of heightened anxiety. People need to have public confidence. Today I asked the Solicitor General, "Until such time as your security advisers' advice is implemented by this government, will you on an interim basis put the resources forward to permit either the OPP or municipal police forces to restore public confidence in our public works and public sites and, in particular, conduct an emergency audit for security of all of our water reservoirs to make sure they cannot be broken into? And second, let's get some police standing on guard for thee out there so as to give people the confidence they need in their water supply."

Again, do we need to have them on guard for the next 20 years? I don't know, but I do know that right now the people need that confidence. Do you know what the Solicitor General said to that? The Solicitor General stuck his head in the sand and said, "It's not my responsibility; it's the municipality's."

There are states that have brought in the National Guard, most international cities have fortified their public sites, and this government continues to blow smoke. They're all talk and no action when it comes—

The Acting Speaker: Thank you. Further debate? For clarification, this is your leadoff hour?

Mr Kormos: Yes, sir.

The Acting Speaker: Thank you.

Mr Kormos: Here it is Thursday afternoon, 5 pm. Jim Bradley is here in the Legislature—

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On a point of order, Mr Speaker: correct me if I'm wrong. I thought I might be the next speaker. I'm not sure.

The Acting Speaker: The member missed his rotation. You were actually scheduled to be first up. When debate began you weren't in the Legislature, it passed over to the Liberals and now the appropriate order—unless we have unanimous consent to allow the member to proceed with his debate.

1700

Mr Kormos: On a point of order, Mr Speaker: I submit to you, sir, that it's not for the Speaker to move unanimous consent.

The Acting Speaker: I'll simply make the offer to the House. If you want to move it, you can do so.

Mr Kormos: Far be it from me to give unanimous consent to forfeit my time on this Thursday afternoon.

The Acting Speaker: Member take his seat.

Mr Kormos: Thank you kindly, Speaker.

The Acting Speaker: You have no idea what a pleasure it is for me to tell you to take your seat.

The member has missed his rotation. We'll proceed with the leadoff for the NDP.

Mr Kormos: Thank you kindly, Speaker. And you have no idea how many people enjoyed your saying that.

My apologies to Mr Gill, but again, I tried to draw it to the government's attention when we started up. Gosh, nobody stood up. I went, "Holy cow. The debate's going to fold." The government had a remnant, as I understand it, of their leadoff, and I'm looking and nobody from the government's standing up and I'm doing my best to help. So I stood up and then the—

Mr Garfield Dunlop (Simcoe North): You put a lot of effort into it, Peter.

Mr Kormos: Well, I was doing my best. I stood up and then of course, to be fair, once the government blew its chance to finish the remnant of the leadoff, the opportunity went to the official opposition. I want the official opposition to note because I ceded the floor.

Interjection.

Mr Kormos: Well, I'd like to see some reciprocation from time to time.

One of the issues here that is very important is to contrast the bill before the Legislature and the bill that it repeals. So understand, this debate has already spent some time—nowhere near enough—focusing on the repeal of the 1994 legislation. It's the Victim's Right to Proceeds of Crime Act, 1994, passed, as has been noted, as a private member's bill. It was Cam Jackson who moved it as a private member's bill. I recall, because I've been here for a little while, that it was the NDP government of the day that actually began what has become, to be fair, the more and more frequent, but perhaps not frequent enough, process of permitting private members' bills from opposition members to succeed.

One of them was Dianne Cunningham's helmet bill. That was the first time in a long time that anybody here could remember a private member's bill becoming law when the private member's bill originated in the opposition. The government of the day didn't scoop the bill, rewrite it and claim it as its own. No, they let Mrs Cunningham, a member of the opposition, carry it through committee, as it did with Mr Jackson's bill. The interesting thing—

Mr Tilson: It was a great government.

Mr Kormos: Well, there were some elements of fairness there that have been sorely lacking in the last while I've been here.

The interesting thing about the 1994 legislation of course, as you've already heard, is that there's no record of it ever having been utilized.

Mr Bradley: None.

Mr Kormos: Not once.

Now there are a couple of problems and the reason why—you've already heard from Mr Prue—is that by and large criminals are loath to recount their crimes. Criminals aren't going to sit down and write a book. What you're talking about is either criminals who are so far outside the jurisdiction—and that's increasingly difficult in terms of extradition treaties and so on, unless the crimes are the most modest ones—or criminals who have already been convicted and served their sentences.

In reflection of the bill and its impact, I tried to think of publications, similar things, that might have attracted the force of the bill. I thought of and recalled Roger Caron. Do any of you people remember him? Roger is an incorrigible thief. He's been in and out of jails all of his life here in Canada. He's also a brilliant writer. His first book, which I recall reading many years ago, *Go-Boy*, was his memoirs of Guelph reformatory back in the late 1950s, early 1960s, before that major penal reform took place here in the province, the one that Donald MacDonald initiated here in this Legislature.

Roger Caron's *Go-Boy* includes, in no small part, a significant recounting. He was what we would call a young offender now. He was only 16 or 17 years old in Guelph—in the old Guelph. If you think some of these joints are tough now, talk to some of the guys—and they committed crimes—who did time in those places back in the 1950s or even 1960s. Roger Caron's *Go-Boy*, I suppose, would be the subject matter of either the existing bill, that of 1994—in fact, more likely of 1994 because there are some interesting differences between 1994 and the bill before the House today. That's why I hope this warrants some committee hearings. You haven't heard anybody say that it's an evil proposition to deny criminals the profits from recounting their crimes.

Mr Tilson: Martel says she's going to vote against it.

Mr Kormos: Yes, but you haven't heard anybody deny that it's an inappropriate thing for criminals to be disallowed the profits from recounting their crimes. But I balance that against, let's say, Roger Caron and *Go-Boy*. I balance that against any number of things that one Mr Rowbotham could write.

I first met Mr Rowbotham by reading the law reports and the appellate decisions as a result of that major hashish drug-smuggling escapade, the conspiracy to traffic in drugs. Mr Rowbotham is now a reasonably well-known and respectable CBC journalist, who, when I've listened to him from time to time, has had some pretty relevant and interesting insights into the things he's reporting on, including some of his own history. As far as I am aware from Mr Rowbotham, he doesn't seek any sympathy for himself. He did the crime and did the time. But would Mr Rowbotham be excluded or prohibited or prevented from any meaningful publication of maybe—just maybe—some important things that he has to tell a whole lot of us, maybe important things he has to tell us about that criminal subculture around drug trafficking, drug importing, drug conspiracies? I suppose that would be now prohibited.

Certainly Alan Eagleson's memoirs would be prohibited by this legislation, because if they were complete in any way, shape or form, they would have to recount—think about it. We're telling Alan Eagleson, "Don't write a complete memoir. Write chapters 1 to 30, but chapter 15, leave blank." Come on.

We understand the motivation for this bill. Let's recall what happened, and Jim Bradley has already made reference to it. Two notorious rapist-murderers in southern Ontario were going to be portrayed in a Hollywood-made movie, presumably to be made here in the city of Toronto. I'm not even going to name them because I'm not interested in naming them. I don't think people should name them. It's so sad that more often than not the criminals' names are remembered far better than the victims', aren't they? The criminals are turned into Hollywood heroes and the victims are the bit players because they get whacked, they get shot, before you're five minutes into the movie. In terms of those horrible rape-murders down in southern Ontario, close to my home, I think we should adopt, as a standard, denial of any acknowledgement of the names of the perpetrators. We should spend more time remembering those young women, and other victims.

What happened is that there were not just rumours; there were newspaper column items, pieces about the prospect of this movie being made. I'm proud that the New Democrats immediately demanded of this government that the government of Ontario not participate in any way, shape or form, neither by permitting filming—because many of the government premises, places at Queen's Park and places around Queen's Park, are frequent and popular movie sets. The old city hall courtroom here in Toronto, you see it pop up week after week in any number of movies of the week, as a courtroom. We're proud of that industry, proud of that business, proud that Toronto can be a setting for what have been some very major and entertaining and profitable movies. But we said no, no to this government—ensure that no government facility, be it the old city hall courthouse, be it anything that this government has even the minutest control over, be used for the filming of that despicable event.

Furthermore, make sure that the film development corporation doesn't put a penny into it. I think we owe the victims, those young women, that much.

1710

I suspect the policy folks in the Attorney General's office—and it was a different Attorney General then—went, "Yikes! We've got to get something out there on paper to reflect what is some pretty strong sentiment about the prospect of one of those or both of those rapist-murderers receiving even a nickel or a dime"—because I am told that's what happens in these films. They hire these people as consultants, they pay them stipends for access.

Nobody disputes the proposition that foul, despicable people like the rapist-murderers—whether they're going to be in jail the rest of their life or whether they're going

to be released, they still remain rapist-murderers, no question about it—shouldn't receive a nickel, not a penny. Quite frankly, in that instance, going further, we don't even want to be party, here in the province of Ontario, to a movie being made of it. So be it. If Hollywood wants to make one, there's very little we can do to stop them except use some moral persuasion. But you're not going to do it right here, right here on the stalking grounds of those same vicious murderers.

There was no quarrel about that. I was pleased, because the government did respond, and the government did take the moves that it believed it could to counter that prospect. As it is, at the end of the day, it never unfolded.

But then we got the piece of legislation that we're talking about and that's before the House today. Somebody had to have read the Victims' Right to Proceeds of Crime Act, 1994, because the bill before the House repeals, of course, the Victims' Right to Proceeds of Crime Act of 1994. So somebody knew it was there.

I tell you, I would have much preferred to see a set of amendments to the Victims' Right to Proceeds of Crime Act of 1994 presented than this bill which repeals it. I'm going to tell you why, and I tell you: for some very good reasons.

One, the Victims' Right to Proceeds of Crime Act, 1994, applies to any crime. It doesn't apply to classes of crimes or certain levels or types of crimes; it applies to any crime—theoretically, shoplifting.

Furthermore, the Victims' Right to Proceeds of Crime Act, 1994, dedicates any proceeds from the recounting of the commission of that crime to the victim, himself or herself, or to a spouse who's left without a wife or a husband or children left without a parent. But the Victims' Right to Proceeds of Crime Act, which is being repealed by this bill, ensured that the money didn't go to general revenues. That's exactly what the bill before the House today does ensure. The Victims' Right to Proceeds of Crime Act ensures that it isn't the government that exercises its discretion about how monies are distributed or spent, and that's exactly what happens in the bill before the House.

Agreed, the Victims' Right to Proceeds of Crime Act, as a prerequisite, requires that there be a lawsuit initiated by the victim, whether it's the direct and immediate victim or whether it's by the spouse under the Family Law Act or children or parents; it requires that a lawsuit be initiated. But it interestingly also extends the limitation period—Speaker, you know this—for that lawsuit to, what, five years after the date of posting of receipt of any proceeds that a criminal would have contracted for. So in other words, the Victims' Right to Proceeds of Crime Act—and if I'm wrong about any of these things, please correct me—extends the limitation period. So it can't be argued, "Oh, well, what happens if the victim's limitation period runs out and then the criminal initiates a book or a movie?"

I appreciate the problem with forcing people to engage in lawsuits. I have a solution. It's not that big a problem. I would put to you that were the Victims' Right to

Proceeds of Crime Act before this House for the purpose of amendments, a reasonable amendment would be a surcharge, an imposition of some toll on the proceeds of recounting crime to pay for costs for people initiating those lawsuits. That wouldn't be difficult at all. You could even establish a clinic. You'd only need one in all of the province, because it would have interaction, contact, with similar legal aid clinics, let's say, in other communities to the north and south. That clinic would provide those services. In fact, you'd acquire some pretty significant specialization.

One of the things that I regret is that there are nowhere near enough lawsuits by victims. We've talked about a whole lot of stuff here over the course of the last several years and a whole lot of stuff that this government has put forward, and I understand: it's put forward to try to make it appear pro-victim and anti-crime. I understand the government's interest in trying to create that appearance.

The sex offender registry, which we supported—in fact, you'll recall I tried to make it tougher. I tried to make it broader. I didn't agree with the government that 17-year-old rapists weren't dangerous enough to include in the sex offender registry. I said, "No, 17-year-old rapists are as dangerous as 19-year-old rapists, and they should be in the sex offender registry as well."

This government disagreed with me. This government said, "Oh, no, 17-year-old rapists, we don't have to put them in the sex offender registry. We don't want to." I had amendments before the committee to that effect. I was very upset about that, upset because my amendments were designed to literally make the bill better, because we in the New Democratic Party support the sex offender registry and indeed we wish and we support the call for a federal sex offender registry so that Ontario wouldn't be isolated, because it is. So I was sorely disappointed that the government didn't agree with me that 17-year-old rapists are as dangerous as 19-year-old rapists and therefore should be on sex offender registries.

We do not encourage and facilitate sufficient civil action against criminals. I believe that every abused child in this province should be given adequate legal assistance to launch a lawsuit against the perpetrator, seeking civil damages, in addition to the Criminal Injuries Compensation Board, which, let's be fair, in the total scheme of things, because of the limited resources and the caps on settlements from the Criminal Injuries Compensation Board, doesn't amount to a whole lot. I believe we need those lawsuits. Yes, some will be against parents for sexual abuse. Some will be against strangers. Some will be against professionals. Some will be against friends of the family. But ensuring that those young people have the resources to initiate that lawsuit, and undoubtedly get judgment, ensures that they too are entitled to some compensation for the wrong done to them.

Is every offender with assets so that they can pay the judgment? Of course not. But many are.

You know, I used to be in the courts and I used to do criminal defence. I did. But I've always been boggled at

how the victim, then and now, when all was done and over with, oh, maybe if you're lucky you'd get an application form to the Criminal Injuries Compensation Board. But please take a look at some of the payments that are made under the Criminal Injuries Compensation Board for what you and I would consider very significant wrongs done to people. And of course, no payment for mere property damage.

But as I've told you before and, by gosh, I'm going to tell you again, you talk to a 90-year-old single woman whose house has been broken into, whose sole physical loss may have been the little jewellery box and the rings that her now-dead husband gave to her 70 years ago, and I'll show you a woman who is traumatized and injured and pained and worthy of some sense of recognition in way of compensation.

1720

Is monetary compensation perfect? Of course it isn't. Both the bill before the Legislature today and the 1994 bill that it replaces talk about monetary compensation. Does that replace a lost limb, a stolen heart? Does it replace a lost child? Of course not. But I tell you this as well: (1) it's as close as we can get; (2) it in some small measure—talk to victims and you'll discover this—indicates to them some sense of recognition of their loss and of their pain. I believe that; I really do.

So here we are, we're talking about legislation that's going to scoop, not inappropriately, profits or rewards that criminals make by virtue of recounting their crimes, either in books or in film or maybe hired for an interview on whatever TV show or radio show that pays for interviewees. But we're not dealing with the victim really, are we? We're expressing our repugnance toward that criminal being able to make some sort of income by recounting their misdeeds. Are we really thinking about the victim? I don't think so. That's what bothers me.

Here we are, we're aiming this way and we're doing our best but we miss it again. We're trying—and I'm not suggesting that the author of this bill wasn't trying—but missing the mark. I believe in a comprehensive program in this province to ensure that all victims—and if you want to use a means test, then fair enough, use a means test, but make sure it's a realistic one—but especially young victims have an opportunity to file civil suits against their wrong-doers so that judgment can either be effected immediately, if there are assets, or by goodness, if the perpetrator doesn't have money for another 10 years, wait for another 10 years. The judgment is still there and make that perpetrator pay.

You see, criminal law deals with the wrong against the state. That's one of the problems in our approach to this. One of the things that's happened, in my view, in criminal law over the course of the last 15 years is there's been this blending of civil concepts of wrong—you understand this too, Speaker. If I'm wrong about any of these things, I'm looking forward to being corrected. But civil law deals with compensation for the person wronged. It's a simplistic perspective but I think it's fairly enough said. Criminal law deals with the wrong

against the state and the state extracts its punishment. It gives very little justice to the victim in a criminal court. It may do the victim, in their hearts, some good to know that a perpetrator is sent away for six months, six years or 60 years, it may make them feel a little more secure, but it doesn't correct the wrong.

So what have we got? We've got a bill that repeals the 1994 legislation. The 1994 legislation covers all crimes; the bill replacing it covers only categories of crimes. Why I mentioned the break-and-enter—and to be fair, the break-and-enter would fall into the category of crimes in the new bill, no question about it. The maximum penalty for break-and-enter into a dwelling I think is still life, although it's never given. So it would still fall into the category. But doesn't the omission of many crimes trivialize those crimes? Why is the state saying certain crimes don't count? That's why I mentioned the break-and-enter, because people say, "Look, would I rather be broken into or beat up or mugged?" Most people say, "No, break-and-enter into my house when I'm not there." But I'm telling you that the injury can be as profound and as lasting. I'm concerned about this new bill before the House which applies only to certain crimes, and by doing so, trivializes those other crimes, and more important than trivializing those other crimes, trivializes the victims.

Once again let me put it this way: if somebody boosts my barbeque from my patio, for me it's one of those things, if it happens, it happens, and I go out and buy another barbeque. But there are people for whom that trespass, that intrusion alone, can be an incredibly shocking sort of thing. What we do then, when we trivialize or dismiss those kinds of crimes and say they're not worthy of consideration, is we tell those people, who now become obsessive about simply fortressing their own household in a community, that they should have to live like that. "No, let's forget them. They're not worthy of consideration." I don't think so.

I'll move on. The Victims' Right to Proceeds of Crime Act, 1994, which is being repealed, applies to all crimes. The bill replacing it applies only to certain classes of crimes, only to certain categories of crimes.

The Victims' Right to Proceeds of Crime Act ensures that any monies seized, obligated to be turned over to the government, are merely held in trust for the victim. The bill that replaces it doesn't reserve them solely for the victim. In fact, subject to how you want to read the provisions—this bill's got to go to committee because there have to be some questions asked and there have to be some answers given, because in the bill that's before the Legislature now, the one that repeals the 1994 legislation, the money seized is "deposited in an account" and "the Minister of Finance may make payments"—it's discretionary—"out of the account for the following purposes...to compensate persons who suffered pecuniary or non-pecuniary losses ... as a result of the crime."

This is pretty unusual. The bill should read "shall make payments to compensate those victims," shouldn't it? Is it going to be discretionary to the Minister of

Finance? That's what "may" means where I come from. You know the difference; I know you do. Black's Law Dictionary, around page 487: "shall" versus "may", a very important distinction. The bill says "the Minister of Finance may make payments." That to me—I know this sounds wacko but I'm sorry, that's what the bill reads—means the Minister of Finance may refuse, so that if a victim from my community says, "So and so had a movie made about me of the crime they did," the Minister of Finance, because "may" is discretionary, can in his or her discretion say, "No, we're not going to compensate your victim." I don't find that acceptable and I don't think other members of this assembly should find it acceptable.

As well, since there is no lawsuit involved, there is no standard for the amount the Minister of Finance shall pay out, or may pay out. The Minister of Finance, in his or her discretion, can say, "That's worth a thousand bucks." What happens to the other \$99,000? At the end of the day the other \$99,000, if it's "more than is required for the purposes referred to in paragraphs 1 and 2,"—and I'll get to paragraph 2—"such other purposes as are prescribed by the regulations." Come on, guys. We know what that means. It means general revenues, or it means any number of things none of which have to do with law enforcement or with enforcement of any regard, or heed to any regard, for victims of crime.

The second purpose for which the money can be used is "to assist victims of crime". I find that an interesting proposition because we've already heard that the 1994 act has not resulted, insofar as anybody's aware, in a single penny being seized.

First of all, what the bill really does—let's cut through all the stuff—is create a disincentive to recount crimes, doesn't it? It doesn't say you can't do it, right? Ontario's most vicious rapist-murderer can still write a graphic book about his attacks and murders of women—the bill permits that—but won't be allowed to make any profit from it. This bill does nothing to, for instance—and I appreciate this may not be a provincial jurisdiction. Wouldn't you like to see some sense of—and I query those who have more familiarity, for instance, with this area of law than I do—copyright or ownership of that actual series of facts by the victim? Isn't that an effective way to begin to approach this?

1730

We've seen the tortured families in Hamilton and Niagara spend millions of dollars on litigation—I'm sure it's millions by now—trying to protect the memory of their daughters by virtue even of trying to protect court transcripts and videotapes and other photographic stuff. You see, this bill doesn't, nor does its predecessor, prevent any criminal from recounting the crime; it just prevents them from profiting from it. Shouldn't we be looking at, and calling upon if need be, the federal government—I believe they're the ones who have to be responsible for this—in establishing some sense of ownership of the facts and the evidence and any material that's acquired in the victims and/or their families? That way, nobody could even publish it, whether they were profiting or not. That way, nobody could even publish it.

I think there's a point of order to my left.

Ms Marilyn Churley (Toronto-Danforth): Absolutely to your left. Mr Speaker, I believe there's no quorum in the House.

The Acting Speaker (Mr Carl DeFaria): I'll ask the clerk to check for quorum.

Clerk at the Table (Ms Lisa Freedman): A quorum is present, Speaker.

The Acting Speaker: Thank you. The member may proceed.

Mr Kormos: We can get back to that over the course of the following days of this discussion.

Mr Dunlop: Ha ha.

Mr Kormos: Do you like that?

It's one thing to tell perpetrators not to profit, and this bill creates a serious disincentive for that, but I think one of the other things, probably not within the jurisdiction, nowhere close to the jurisdiction of the provincial government but for the Criminal Code or appropriate federal legislation, is to exercise some control over certain types of crimes and the elements of that crime so that the property in them rests with the victims. I think it would go a long way further. It would mean even that the third party writer, author, filmmaker would have to be very cautious about what he or she did.

Let's understand: the movie that was proposed to have been made that prompted this new bill—the one that we in the New Democratic Party objected to and objected to the government's participation in in any way, shape or form—would not have been prohibited by the bill. It wouldn't have been stopped. So that's yet another concern.

I've got some real difficulty with this focus, victims' rights, and the ongoing debate here when this government's history around victims' real rights is so poor. It gets even more difficult when we recognize that in certain jurisdictions in this province—more, I'd suggest, rather than few—like Niagara, certain crimes don't even get investigated. Do you know that, Speaker? Not because police don't want to, but because they don't have the resources to.

Break-and-enters down in Niagara region don't get investigated unless they involve weaponry or the shooting of a gun or violence—then it's break-and-enter/robbery. But the break-and-enters by and large don't get investigated except the rare occasion when Niagara Regional Police Services have sufficient resources to put together a specialized team, and then they usually clean up a whole whack of them. They prepare the incident report so you can give it to your insurance company, but break-and-enters don't get investigated.

Auto thefts don't get investigated. I mean, a couple of car thieves could conspire to steal a car and do it. The car is never found and it ends up in one of those container trucks to whatever country happens to be the depository of the day, week or month, not because our police don't want to find it but because they don't have the resources, and they've had to prioritize.

It's police officers themselves—and you know them as well as I do. These are women and men who work incredibly hard, work in very dangerous and stressful jobs that take their toll on police officers' family lives and certainly on their social lives, jobs that are so conflicted, because on the one hand—and again, I appreciate this. On the one hand we tell cops to go out there and arrest criminals and stop crime, but on the other hand we tell them that this is a very precise set of rules that you have to conduct yourself by. Police officers find this to be a real contradiction, but that's necessary in a democratic society. Police officers understand that as well, but that doesn't mean it in any way diminishes the sense of contradiction.

Police officers whom I talk to are frustrated about doing an extensive investigation, a lengthy one that involves real skill and talent on their part, and then they find out that a crown attorney feels obliged to plead the charge down because the backlog in the courts is so great and the crown attorney is so understaffed and under-resourced that he or she has to plea bargain away a certain number of their cases to clear the docket because there are more and more coming in.

What is going on? We've got crimes that aren't being investigated. We've got charges that, after a whole lot of hard work by cops across this province, aren't being prosecuted. I've told you about some of them. Two of the most notorious ones have been raised in this Legislature and come up often during the course of discussions about this government's commitment, if there is one, to victims' rights.

It comes around the discussion of this government's Victims' Bill of Rights. You know what happened there. That was a couple of attorneys general ago, one Mr Harnick, and a Victims' Bill of Rights.

Rights for victims didn't happen for Linda Even down in Welland. Remember Linda Even? I've talked to you about her before. Linda Even was a woman huddling under a blanket who was attacked by her male partner and stabbed again and again until that blanket was blood-red, blood-soaked, and her body was pierced with the deep wounds of a killer's knife.

It wouldn't surprise you to know that that guy was charged with attempted murder. If that isn't attempted murder, what is? Linda Even, as a victim, was a woman whose life was that close to ending as a result of this vicious, cruel, sadistic, painful attack. Linda Even was surprised to learn that the deal had already been made to allow her attacker, the male who attempted to murder her, to cop a plea to a much reduced charge so that he walked a long time ago and she is still crippled by the wounds. She wasn't even consulted. Nobody even told her that the deal was being cut. Linda Even understood that anything can happen in court.

I've talked to so many victims in this regard. One of the things I have to caution victims about who have been advised that there is going to be a reduction, a plea, is, "Look, anything can happen in court. Trust me, anything can. Critical witnesses can fail to show up, evidence can

be lost, the judge or jury can make what seem to you to be just totally out-in-left-field decisions.” The victims I talk to say, “I know that, but I’m still prepared to take my chances. Let the judge walk the perpetrator, but after I’ve had my best kick at the can in terms of giving my evidence and making my plea to that court for the conviction of that attempt murderer.”

Linda Even didn’t get any rights under this province’s Victims’ Bill of Rights.

Karen Vanscoy: Jim Bradley and I have talked about her again and again in this Legislature, a young teenaged daughter shot dead, a bullet through the brain, again by a male partner, a young tough, a young punk. Where I come from, we call that murder. This wasn’t an accidental discharge of a firearm, not by any stretch of the imagination. Again, charges were dealt away without effective consultation and certainly without any consent on the part of Karen Vanscoy.

1740

So what did Karen Vanscoy and Linda Even do? They litigated. They went to Alan Young, a law professor at York University, Osgoode law school. I think you know him, Speaker. If you don’t know him personally, you know him by reputation. He’s got a good reputation. He’s a good law professor and he knows his stuff. Alan Young has taken on a number of cases that involve important social issues.

He took on the case of these women, and he sued the government. He said, “These women were clearly denied any right that would purport to be given under the Victims’ Bill of Rights. They were denied any right of consultation or any right of participation in the decision-making about the reduced charge that allowed these perpetrators to walk.”

The government of Ontario defended the action. Mr Harnick, the Attorney General of the day, sent his lawyers. They didn’t even bother defending the Victims’ Bill of Rights. The government’s own lawyers said, “Judge, you can’t award any damages to these women for having their rights violated under our Victims’ Bill of Rights because, you see, Judge—come close—there are no rights.” That’s what they did. The government’s own lawyers—these might have been some of the same lawyers who drafted the bill—said, “Judge, you can’t find the province of Ontario liable for violating these women’s rights, because there are no rights in the Victims’ Bill of Rights.”

Judge Day was compelled, not just because of the argument of these lawyers, but because of his analysis of the legislation, to conclude, and he wasn’t pleased—read Judge Day’s judgment and the tone of it, and you hear a judge talking and writing who would love to have acknowledged some rights these women had that were denied to them. You read that in the body of his judgment. But very regrettably he had to say that this Victims’ Bill of Rights, the one this government has been trumpeting, the one it’s been waving like a grand old flag, contains no rights at all. It ain’t worth the paper it’s written on.

New Democrats, people like Marion Boyd, had been critical of the government during the course of the debate on the Victims’ Bill of Rights, had been cautioning this government that the bill may well not provide any rights. She was dismissed, just like this government dismisses critics today. “Go away,” it says, “We don’t want to hear what you’ve got to say. You’re either for us or you’re agin us.” And if you’re “agin us,” you’re just—what was it the Premier said?—another special interest group.

The Victims’ Bill of Rights could have been cured by amendment. It still stands as a piece of law; it’s never been repealed. It could have been made effective, but the government has not brought it forward, not once, not even promised, not even committed to bringing it forward for amendment so that rights could be in store, could be in place in a piece of legislation for victims in the province of Ontario.

I’ve got a hard time understanding this government’s lack of commitment to victims’ rights. I understand the fanfare that accompanies the bill before the House today, the Prohibiting Profiting from Recounting Crimes Act. I understand it was a knee-jerk reaction to the prospect of that horrible film being made, even though it would not and could not to have prohibited the film from being made. But I also understand that it no more reflects this government’s sincerity on victims’ rights than does the Victims’ Bill of Rights, that this government’s claims about standing beside victims and standing in support of victims and standing with victims are pretty hollow, pretty shallow, when this government has to be reminded on so regular a basis that there are fewer cops per capita on the streets today than there were in 1995. Understand that? One of the issues that police officers across this province raise themselves is the longer and longer response times, and that’s a simple function of inadequate levels of policing: too few police officers out on the road at any given point in time.

You know they do their best. They will go like the wind, if the streets permit them, to get to a report of a crime, because these people are as committed as anybody could be. They are. Look, they are the best-trained cops this province has ever had. Talk to them. You know them. You’ve got more college degrees and university degrees among policing now. You’ve got police officers who study actively throughout their careers, acquiring new—mind you, if there are resources available for them to do that.

I told you that two summers ago I was with the member for Timmins-James Bay up along the native reserves, aboriginal communities along the James Bay-Hudson Bay coast, visiting native policing services, visiting young police officers, inevitably young police officers, in very remote communities accessible only by plane, who had received basic police officers’ training down here at the Aylmer police college. But even though they requested them time after time and knew that they needed the additional skills, they had never been permitted, because the money wasn’t there for them, to attend an additional single course: nothing in forensics,

nothing in arson, nothing in fraud, all those specialties that police officers across this province avail themselves of to make themselves better cops.

These native communities: one-person police stations, right? You know, snowmobiles with no tracks, boats with no motors, police stations with no lockups and communities with no justice of the peace. I'm talking to these native police officers who are, again, doing their job, trying to do it, with no tools, and what tools they do have are broken. I don't consider that a very high level of commitment to victims on the part of this government, because it's cops out there, like the police in these small native communities in Timmins-James Bay, the riding of Gilles Bisson, or up in Howard Hampton's riding, similar communities, it's these cops who would help prevent victims in the first place by effective policing, if they were given the tools.

We told this government years ago now that it was going to reduce police forces to doing bake sales to raise money, and lo and behold, if option four doesn't exist in more than a few policing jurisdictions, where effectively that's what happens. Expensive police officers are put out there fundraising during the course of what should be a working day, during the course of a day on which they would very much like to be pursuing files and investigating crimes, crimes of all nature that have taken place in their communities, and they would very much like to be out there on the streets in a visible presence, not just in daytime but in nighttime too—I don't have to explain that one to you, do I?—where their presence can be an even more effective deterrent.

This bill has to go to committee. We've got to have a chance to ask the government to ask the Attorney General to ask his parliamentary assistant—I like the parliamentary assistant and I wish that he were the Attorney General, because he has displayed a far more cogent understanding of some of the defects not only in this bill but in a number of bills now in succession that he's been required to lead or carry through debate here in the House than the Attorney General certainly has. The parliamentary assistant is an uncut jewel, and I wish that the Premier's office would take notice of that. But the parliamentary assistant can't make commitments for the government, can he? The parliamentary assistant has these bills foisted on him and has to do his best.

1750

The government gets really ticked off when the opposition rip these bills to pieces: "Oh, don't be so critical." Well, the problem is it's not difficult at all to be critical. This is child's play in the total scheme of things.

Speaker, did you read the bill that's before the House today? Be honest, Speaker. Did you read the 1994 version, Cam Jackson's private member's bill which has been in existence now for seven years? Did you read that one? It's not fair to kid people. Did you read that one? Well, you should.

The Acting Speaker: Please continue the debate without asking questions of the Speaker.

Mr Kormos: I was addressing my remarks to the Chair, and I apologize for doing that. I'll refrain from addressing my remarks to the Chair.

Ms Churley: But you're supposed to.

Mr Kormos: I am advised by a former Deputy Speaker that as a—I understand, Speaker.

Folks, have any of you read the bill that you're repealing? If you haven't, the time to read it is now, before—

Mr Dominic Agostino (Hamilton East): You're supposed to go through the Chair.

Mr Kormos: I am not going through the Chair with this one. I've been admonished once; not twice. You realize, if I get thrown out of the House at this time of day, my colleagues are going to be ticked at me. They're going to say, "There he goes again. He's on House duty. It's his bill, he's supposed to carry it, and what happens?" But this time it wouldn't have been my fault.

I'm simply putting to you, read the bill you're repealing. There is some substantially good stuff in there.

Ms Churley: He's set a new precedent in the House.

Mr Kormos: I know he's set a new precedent in the House. I know. I was being a little irritating, though. I acknowledge I was.

Ms Churley: And he can be, Speaker, irritating.

Mr Kormos: I'm sorry, Ms Churley, what was that?

Ms Churley: I was speaking to the Speaker.

Mr Kormos: Not only read the bill that you're repealing but read the bill you're replacing it with. Read the incredible general powers you're giving to the government to confiscate. If indeed there are already instances—and I have no qualms about passing a bill in anticipation of instances—why not?—rather than letting something slip through. Read the bill that's replacing it with the government's broad powers to divert money away from victims into general revenues. That's something the existing legislation specifically precludes.

Mr Tilson: I don't think it says that.

Mr Kormos: The parliamentary assistant wants to engage me in the debate. He's going to have two minutes to respond in short order and I look forward to it, because I'm telling you I think it does say it. You and I disagree. Fair enough, I still like you and I still think you would make a good Attorney General. But that's why the bill has got to go to committee, because I want to be able to put my proposition about the fact that this bill—look, folks, I'll read it again. I feel compelled to.

Here we are, section 9. What happens to the money that is seized and put into the special purpose account? At the end of the day, "such other purposes as are prescribed by the regulations." It doesn't even say, "such other victims' interest purposes as are prescribed by the regulations." The door is wide open. I say to the parliamentary assistant that if his intent is indeed not to make it go to general revenues, the bill should be in committee and there should be an amendment making that very clear.

Having said that, what do you say to the fact that it's discretionary on the part of the Minister of Finance as to whether or not it pays out any of those proceeds to the

victims of the crime? What do you say to that? Do you agree with the proposition that it should be at the Minister of Finance's discretion? I think not, Parliamentary Assistant. I think it should say "shall." Do you agree with the proposition in the bill, Parliamentary Assistant, that there is no schedule or requirement for certain amounts, or even minimum amounts, to be paid to the victims of crime? If the parliamentary assistant agrees with that proposition then he should say so. If not, the bill should go to committee, where amendments can be put.

Does the parliamentary assistant agree—my apologies. I'd like to speak through the Chair but I've been admonished for speaking through the Chair. Parliamentary Assistant, if you agree that the mere purpose of assisting victims of crime should remain undefined, then say so and put it before the committee so that amendments can be made defining what, when, where and how.

Parliamentary Assistant, if you agree that only certain crimes should be covered in the bill, as compared to all crimes which are covered in the 1994 legislation—I know I spoke to that before, and I very quickly want to restate it. In the 1994 legislation all crimes become subject to the government's power to seize the assets, the proceeds.

In the current bill it's only certain crimes; granted, the more serious ones, but it's only certain crimes. I've already explained to you that that seems to trivialize certain crimes, the ones that aren't included, and it also trivializes the victims of those crimes, doesn't it, if only certain crimes qualify?

I've tried to illustrate over and over again: talk to victims—I'm sure you have; I know you have—in your constituency office, in your professional career. Otherwise, even what is a relatively low-level crime in the scale of things in the Criminal Code can be an awful, intimidating, frightening and scarring experience for a victim. So there we are.

I want the bill to go to committee. I know the bill is going to pass, unless the government whip's group fouls up like this morning. But by and large, under the normal course of things, the bill will pass. The government may use its bully power to rush it through committee in a mere half day, one afternoon. I hope that doesn't happen. I know there are folks who have things to say about the bill. You know that as well.

The federal Senate trashed a similar bill because it had concerns about the charter implications. I think we

should hear about those first, but I'm not one of those people who's going to go running scared: "Oh, the charter; let's not pass it." I told you we agree with the proposition that there have got to be controls. I told you before and I asked you to take this up. Remember, I told you this doesn't prevent anybody from publishing anything. It simply prevents the actual criminal from profiting from it. In other words, XYZ film production company can make a million bucks portraying any number of serious crimes and further exploiting those victims, some young women whom we all know so well. A film company can make a million bucks doing it. Until there's federal legislation that puts some copyright control—it's a bizarre concept and maybe I'm way off base, but I'd be interested in hearing some analysis of it—over ownership of those stories, even in the victims, so that even a third party, a big, multimillion-dollar film company—

Interjection.

Mr Kormos: I'm very nervous about being admonished by the Speaker at this point in the afternoon—a big, multimillion-dollar film company, Parliamentary Assistant, can still make a fortune. Isn't that what we're really trying to avoid?

Shouldn't we really be thinking about including some of the very important elements of the 1994 legislation in this bill, or indeed withdrawing this bill and amending the 1994 bill so it's there? It has not been used once since it was passed but, by God, let's have it there in case it's needed. But let's make it work far better than the current legislation before this House would permit it to work.

So, Parliamentary Assistant, I thank you.

Mr Tilson: Not all victims can afford to sue.

Mr Kormos: You weren't here when I talked about that. I said that every victim in this province, especially child victims, should be suing, should be registering lawsuits, should be obtaining judgment against the perpetrators, and that the province has a responsibility to ensure that happens, either through legal clinics or legal assistance. There are not enough victims using the civil courts. They should be getting judgments across the board so that those judgments could be exercised if and when that perpetrator ever has assets.

The Acting Speaker: It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

The House adjourned at 1759.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Halton	Chudleigh, Ted (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton East / -Est	Agostino, Dominic (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Beaches-East York	Prue, Michael (ND)	Hamilton West / -Ouest	Christopherson, David (ND)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister without Portfolio (Health and Long-Term Care) / ministre sans portefeuille (Santé et Soins de longue durée)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Burlington	Jackson, Hon / L'hon Cameron (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of the Environment / ministre de l'Environnement
Cambridge	Martiniuk, Gerry (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Davenport	Ruprecht, Tony (L)	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (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	Cunningham, Hon / L'hon Dianne (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	Turnbull, Hon / L'hon David (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	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
Eglinton-Lawrence	Colle, Mike (L)	Mississauga Centre / -Centre	Sampson, Hon / L'hon Rob (PC) Minister of Correctional Services / ministre des Services correctionnels
Elgin-Middlesex-London	Peters, Steve (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Erie-Lincoln	Hudak, Hon / L'hon Tim (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	Snobelen, Hon / L'hon John (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (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	Elliott, Hon / L'hon Brenda (PC) Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (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	Baird, Hon / L'hon John R. (PC) 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	Newman, Hon / L'hon Dan (PC) 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	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) 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	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stoney Creek	Clark, Hon / L'hon Brad (PC) 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	Coburn, Hon / L'hon Brian (PC) 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)
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Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	Young, Hon / L'hon David (PC) 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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Gilles Bisson, Alvin Curling, Gerard Kennedy,
Frank Mazzilli, Norm Miller, John R. O'Toole,
Steve Peters, Wayne Wettlaufer
Clerk / Greffière: Susan Sourial

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Finances et affaires économiques**

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Marcel Beaubien, David Christopherson,
Doug Galt, Ernie Hardeman, Monte Kwinter,
John O'Toole, Gerry Phillips, Joseph Spina
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Vice-Chair / Vice-Président: Michael Gravelle
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Bert Johnson, Tony Martin, Frank Mazzilli,
Jerry J. Ouellette, Bob Wood
Clerk / Greffière: Donna Bryce

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Toby Barrett
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Toby Barrett, Marcel Beaubien, Michael Bryant,
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Lyn McLeod, Tina R. Molinari
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Vice-Chair / Vice-Président: Julia Munro
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Règlements et projets de loi d'intérêt privé**

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Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Garfield Dunlop,
Raminder Gill, Pat Hoy, Morley Kells,
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**Alternative fuel sources /
Sources de carburants de remplacement**

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Vice-Chair / Vice-Présidente: Marie Bountrogianni
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug
Galt, Steve Gilchrist, John Hastings,
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons
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