



Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 27 May 2002

Lundi 27 mai 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 27 May 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 27 mai 2002

*The House met at 1330.
Prayers.*

INTRODUCTION OF MEMBER FOR NIPISSING

The Speaker (Hon Gary Carr): I beg to inform the House that during the adjournment a vacancy has occurred in the membership of the House by reason of the resignation of Michael Harris, as member for the electoral district of Nipissing, effective the second day of April 2002.

Accordingly, I issued my warrant to the Chief Election Officer for the issue of writs for by-elections.

I beg to inform the House that the Clerk has received from the Chief Election Officer and laid upon the table a certificate of the by-election in the electoral district of Nipissing.

Clerk of the House (Mr Claude L. DesRosiers): I have a letter addressed to:

“Mr Claude DesRosiers

“Clerk of the Legislative Assembly

“Room 104

“Legislative Building

“Queen’s Park

“Toronto, Ontario

“M7A 1A2”

It reads as follows:

“Dear Mr DesRosiers:

“A writ of election dated the third day of April, 2002, was issued by the Honourable Lieutenant Governor of the province of Ontario, and was addressed to John A. Inch, returning officer for the electoral district of Nipissing, for the election of a member to represent the said electoral district of Nipissing in the Legislative Assembly of this province in the room of Michael Harris who since his election as representative of the said electoral district of Nipissing hath tendered his resignation. This is to certify that, a poll having been granted and held in Nipissing on the second day of May, 2002, Al McDonald has been returned as duly elected as appears by the return of the said writ of election, dated the twenty-first day of May, 2002, which is now lodged of record in my office.

“John L. Hollins

“Chief Election Officer

“Toronto, May 27, 2002.”

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Mr Speaker, I have the honour to

present to you and to the House Al McDonald, member-elect for the electoral district of Nipissing, who has taken the oath and signed the roll and now claims the right to take his seat.

The Speaker: Let the honourable member take his seat.

MEMBERS’ STATEMENTS

SUDBURY ON-LINE HEALTH RESOURCE

Mr Rick Bartolucci (Sudbury): Today I’d like to applaud a Sudbury doctor, Dennis Reich, for creating a one-stop, patient-friendly Web site. Dr Reich makes it much easier for Sudburians to access health resources in the midst of our severe doctor shortages.

He has created www.sudburyhealth.ca, a user-friendly Web site designed to take the guesswork out of looking for our local health resources.

Dr Reich, who works at a Sudbury clinic, tries to keep, as he explains it, “the dam from bursting.” He is well aware that over 40,000 Sudbury area residents are without a family doctor, and so understands the need for this Web site. The site provides answers to questions Dr Reich hears repeatedly. He identified a need and took the initiative to respond in a very accessible way. His vision and leadership should be commended by this government. He advises that the new Web site is a work in progress and is constantly being updated in order to provide accurate information to our patients.

My staff and I will certainly be referring constituents to www.sudburyhealth.ca. Dr Reich’s efforts serve to patch up the leaks in the health care dam while we continue to lobby the Eves government to address Sudbury’s critical doctor shortage.

AUTOMOTIVE INDUSTRY

Mr Ted Arnott (Waterloo-Wellington): First of all, I want to congratulate the member for Nipissing on taking his seat this afternoon for the first time.

I also want to inform the House of another positive development in Ontario’s automotive industry and more new jobs in my riding of Waterloo-Wellington.

As indicated recently in the Kitchener-Waterloo Record, Trim Masters Inc is set to begin construction of a new factory in Elmira that’s expected to employ about

150 people in the business of supplying seats and door panels for Toyotas assembled in Cambridge. These new jobs will strengthen the automotive cluster that is developing in Waterloo-Wellington to supply that same Toyota plant and the Honda plant in Alliston. Reinforced by governments—local and provincial—our educational institutions and skilled workers, the auto cluster is enhanced with every new supply-line industry that comes to our area.

To illustrate the strength of our automotive industry, I'll share with you some facts provided to me by Canada's Technology Triangle, a not-for-profit economic development organization that markets Waterloo region and its cities internationally. Their 1999 export study found that the motor vehicle industry is the most important in terms of value, accounting for about \$3.5 billion in exports. Around Waterloo region and Wellington county, the auto sector is flourishing. Elmira is also home to YM Technologies, a Honda supplier. There's TG Minto in Palmerston, Musashi in Arthur, Jefferson Elora in Elora, Long Manufacturing in Mount Forest and Denso in Guelph, all of which have opened in the last six years or so, supplementing our substantial automotive employment at companies like Budd Canada and Lear Seating.

I want to congratulate the Minister of Enterprise, Opportunity and Innovation for the summit that he held last week. Together, in partnership with the province, we will continue to work hard to strengthen our local economy and continue to create the new jobs we need.

NORTHERN HIGHWAY IMPROVEMENT

Mr Michael Gravelle (Thunder Bay-Superior North): I'm pleased to have the opportunity today to once again speak about crucial highway infrastructure needs in northwestern Ontario. Certainly it was heartening to hear Premier Eves during his recent visit to Thunder Bay speaking publicly about his plans to four-lane the Trans-Canada. Clearly the section between Thunder Bay and Nipigon must be the number one priority in our area, and I hope we will see evidence of this Premier's sincerity in next month's budget. What we need is a yearly allocation specifically geared to that part of Highway 11/17. This is a vital infrastructure need in my riding, one that we've been waiting for for too long.

In terms of other priorities, I want to renew my call for a full set of advance warning lights along the Thunder Bay Expressway. Advance warning lights save lives. It's as simple as that. They are utilized very effectively in many other provinces, and it continues to trouble me that the Ministry of Transportation has resisted using them more often. To the Premier I say, please hear our plea. Advance warning lights are not expensive. They work. They save lives. Certainly I will not give up my fight to see them put in place.

Another part of my riding that demands significant and speedy improvement is Highway 584 between Geraldton and Nakina. This is a truly dangerous stretch

of road that is narrow, bumpy and pothole-ridden. It is a true hazard for all who drive it, and I fear we may soon face a needless tragedy unless the government recognizes this as the true priority it needs to be.

Let's not wait until tragedy strikes to see all these crucial improvements put in place.

WEST NORTHUMBERLAND HOSPITAL

Mr Doug Galt (Northumberland): I rise in the House today to recognize the hard work of everyone involved in the construction of the new hospital for west Northumberland residents. I'm pleased to announce that construction is on time, with a scheduled opening in the late fall of 2003.

But perhaps more importantly, the project is currently under budget. The fundraising campaign, Caring for Generations, has been extremely successful, raising \$22 million from a local population base of only 50,000. Even more impressive is that \$15.6 million has come from local residents and businesses.

Many thanks to the Caring for Generations chair, Mr Bill Patchett, and all members of his organization for their dedication.

Thanks also to the hard work of hospital staff and volunteers. Mr Brian Hart, the hospital committee chair, Ms Joan Ross, the hospital CEO, and Mr Don Morrison, chair of the hospital's board of trustees, have dedicated many hours to this project which indeed are appreciated.

Finally, thanks to everyone who has volunteered their time and made helpful donations to this wonderful cause.

I encourage all members to check out the progress of this wonderful facility on the southwest corner of Highway 401 and Burnham Street in Cobourg.

1340

CONTAMINATED SOIL

Mr James J. Bradley (St Catharines): The new Minister of Environment and Energy, although pre-occupied with his duties as government House leader and mired in the mess of his government's proposed sale of Hydro One, has an opportunity to take a positive and comprehensive piece of action to deal with the very difficult circumstances facing those residents of Port Colborne whose properties have been contaminated from industrial airborne fallout. The minister has a chance to alter and toughen the control order placed on Inco to better reflect the concerns of the affected residents; specifically, advancing the timetable for the cleanup, lowering the threshold at which the soil is considered traditionally to be contaminated and specifying adequate compensation for those whose properties have been devalued and whose health has been adversely impacted.

The model the minister should consider employing is that which was used for lead contamination in the Niagara and south Riverdale neighbourhoods of Toronto in the late 1980s, when the Peterson government utilized more aggressive levels of cleanup and took fast action to

ensure that the health and safety of the residents could be protected.

The consultation process should be superior to that which now exists. Residents feel that their full input has not, so far, been reflected in MOE actions and the minister has the power to rectify this situation.

The minister should ensure that all matters related to the Port Colborne situation be treated as a priority and that adequate staff and resources be made available immediately to address this serious situation.

DURHAM HOCKEY TEAMS

Mr John O'Toole (Durham): I rise in the House today to pay tribute to three hockey teams from my riding of Durham that captured Ontario championships. Just this weekend I was pleased to join the Orono teams at their awards banquet. The village of Orono is understandably very proud of its Orono Lumber Midgets team and the Allin's Orchard Bantams team, each of which won 2001-02 Ontario championships this year.

I would like to pay tribute to the Orono athletic association and to the players, parents and coaches of both teams. Because of time constraints, I cannot name all the players although I would like to. However, the coaches for the Allin's Orchard Bantams are head coach Brian Allin, trainer Arnold Hicks, assistant coach Blain Moffat and practice coach Scott Wood. Coaching staff for the Orono Lumber Midgets are coach Dale Millson, manager Ken Rowe and trainer Brent Weiss.

Finally, I would like to recognize the Newcastle Stars Atoms, who not only won the Ontario Atom Championship but also captured the gold medal in the Lake Placid International tournament last month. The Stars are also the Regional Silver Stick Champions. Congratulations to each of the team members on their accomplishments. I'd also like to pay tribute to the sponsor, Newcastle IGA, along with coach Rick Palmateer, assistant coach Ken Boyd, trainer Tom Malone and manager Doug Orr. The members of the Newcastle Stars team have a sense of accomplishment.

These teams represent the best of our hockey traditions and are excellent ambassadors for their communities. We salute them all.

GOVERNMENT'S AGENDA

Mr Dwight Duncan (Windsor-St Clair): You are no doubt aware that today we begin the third week of sitting in the second session of the 37th Parliament, and what have we had from the government? In a few short moments we will be voting on a speech from the throne. Now, speeches from the throne lay out a legislative agenda, a legislative plan. Have we had one bill introduced since the House started? Not a single piece of legislation; not one piece of legislation. Have we had a date announced for the budget? No; no date for a budget, the most important piece of financial information the government of the day can lay out for the people of this

province. We don't have a date. The only thing we've been able to do is delay estimates because the government's estimates weren't ready on time for consideration by this House.

But is it a question of not having things to do? Absolutely not. The government tells us they're going to bring forward hydro legislation in what they termed "enabling legislation." What that is code for is that they'll do a blank piece of legislation now and not make their announcement until the summer, when the House doesn't sit and the government can't be held accountable.

They've done nothing about the crisis in long-term care, they've done nothing about the crisis in home care and they've done nothing of any substance to address the funding problems in our schools.

It's a shameful first three weeks. We need a Dalton McGuinty Liberal government.

ATTAWAPISKAT EVACUATION

Mr Gilles Bisson (Timmins-James Bay): Members in the House would know that over the last couple of weeks the residents of Attawapiskat had to be evacuated from that community because of the threat of a flood in that community.

I want to thank those people who were involved in the evacuation from the Attawapiskat First Nation who worked really hard at their end in order to organize things, but also the many volunteers within the community of Moosonee and Timmins, where some 1,800 people were evacuated by aircraft in order to put them up in various accommodations while the threat of flood was going on in the community. I know that the people of Attawapiskat were well treated. In all of the discussions I've had with the relief workers and the emergency workers, everybody who was involved in both the Moosonee and the Timmins operations on the evacuation side really felt that things went well. It was a really positive experience for our community. I can tell you that I'm very proud of the work our volunteer firemen have done, as well as the people of the Red Cross and multiple other organizations who were there in a time of need.

I think it's at times like that that you find out that our communities, although they may be spread apart in northern Ontario, and in this particular case by quite a large distance, sometimes we're a lot closer than we think. When it comes to an emergency, people do come together, pull together and make sure that people are well taken care of.

To the chief of Attawapiskat, Theresa, all her council and the community members, glad to see that you're back home. I look forward to seeing you as I go up to Attawapiskat over the next few weeks and assess things from there.

This is a very good story of what people can do when they come together.

TOM TURNHAM

Mr R. Gary Stewart (Peterborough): I'm pleased to stand today in recognition of one of my constituents from Peterborough, Tom Turnham, who was presented with the Duke of Edinburgh Gold Award at St James's Palace in London recently.

Only 200 youths throughout the British Commonwealth are given the opportunity to receive the Gold Award each year. This award has four categories and is completed in three stages.

Tom Turnham began working toward the award when he was only 14 years of age. He completed the categories to work his way through bronze, silver and gold as follows: service to the community, where he worked with the elderly in the role of caregiver; expedition, where he completed a canoe adventure in Algonquin Park; physical recreation, where he chose Tai Chi; and selected skill, where he took first aid.

The Gold Award also comes with the completion of an extra category called a residential project. For this project, Tom Turnham attended a one-week course at the Royal Institute of Photography in England. As activities are selected for respective categories, participants must specialize and progress within those categories on a point system.

Please join me in recognizing this fine young citizen for his recognition in receiving this outstanding award.

MOTIONS

COMMITTEE MEMBERSHIP

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I move that the following amendments be made to the membership of certain committees: Mr McDonald replaces Ms Mushinski on the standing committee on general government, and Mr McDonald replaces Mr DeFaria on the standing committee on justice and social policy.

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

HOUSE SITTINGS

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, May 27, Tuesday, May 28, and Wednesday, May 29, 2002, for the purpose of considering government business.

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

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1350 to 1355.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Eves, Ernie	Miller, Norm
Arnott, Ted	Flaherty, Jim	Molinari, Tina R.
Baird, John R.	Galt, Doug	Munro, Julia
Barrett, Toby	Gilchrist, Steve	Mushinski, Marilyn
Bartolucci, Rick	Gill, Raminder	Newman, Dan
Beaubien, Marcel	Gravelle, Michael	O'Toole, John
Bountrogianni, Marie	Guzzo, Garry J.	Parsons, Ernie
Boyer, Claudette	Hastings, John	Patten, Richard
Bradley, James J.	Hodgson, Chris	Peters, Steve
Brown, Michael A.	Hoy, Pat	Ramsay, David
Bryant, Michael	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Jackson, Cameron	Sampson, Rob
Clark, Brad	Johns, Helen	Sergio, Mario
Clement, Tony	Johnson, Bert	Smitherman, George
Coburn, Brian	Kells, Morley	Spina, Joseph
Colle, Mike	Kennedy, Gerard	Sterling, Norman W.
Conway, Sean G.	Klees, Frank	Stewart, R. Gary
Cordiano, Joseph	Kwinter, Monte	Stockwell, Chris
Cunningham, Dianne	Lalonde, Jean-Marc	Tascona, Joseph N.
Curling, Alvin	Levac, David	Turnbull, David
DeFaria, Carl	Marland, Margaret	Wettlaufer, Wayne
Di Cocco, Caroline	Martiniuk, Gerry	Wilson, Jim
Dombrowsky, Leona	Maves, Bart	Witmer, Elizabeth
Duncan, Dwight	Mazzilli, Frank	Wood, Bob
Dunlop, Garfield	McDonald, Al	Young, David
Ecker, Janet	McLeod, Lyn	
Elliott, Brenda	McMeekin, Ted	

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

Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Churley, Marilyn	Marchese, Rosario	
Hampton, Howard	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 79; the nays are 7.

The Speaker: I declare the motion carried.

Motions? Statements by ministries?

M. Gilles Bisson (Timmins-Baie-James): Un point d'ordre, monsieur le Président : c'est juste pour être clair. Je comprends que le rapport est en français et qu'il va être disponible en français cet après-midi.

1400

STATEMENTS BY THE MINISTRY
AND RESPONSES

WATER QUALITY

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I rise today to talk to this House about water; how we as Ontarians treasure it and yet sometimes take it for granted. Everyone in Ontario now knows the challenges of dealing with water. We know how a seemingly benign glassful could bring harm to many. We know how a lack

of responsibility in planning and science all contributed to the transformation of water from a thing of vitality to a cause of death. And we know what we must do to prevent that situation from recurring. We know these things partly because of the patient strength of the men, women and children of Walkerton. These are people who, though pained by tragedy, have remained dedicated to transforming their experiences into lessons for others.

We also know the road that lies ahead of us, thanks to the work of Justice Dennis O'Connor. I think all members of this House would agree that, just as the government asked him to do two years ago, he has produced a comprehensive and thorough report. He offered his recommendations with one eye on Walkerton and with one eye on the future, reflecting the balance that you would expect from someone skilled with the scales of justice. Yet he also produced a document that calls for change, even as it avoids condemnation. As he said on page 11, "[My] recommendations should not be viewed as a criticism of Ontario's current water quality standards ... the current standards were established with great concern for the safety of the province's drinking water..."

Those words are both heartening and helpful: heartening because the most comprehensive environmental study in this province's history has concluded that while Ontario's water system deserves attention, it is fundamentally sound; helpful because the report serves as a plan for the work that awaits us.

This government's "great concern for the safety of the province's drinking water," something that was sensed and confirmed by Justice O'Connor, has been sincere. That concern guided our immediate actions to protect drinking water and it continues to guide us as we put the focus on the broader issues outlined in the second O'Connor report.

You would expect us to undertake a thorough and complete review of a report that has been lauded for its comprehensiveness and attention to detail, and we are doing that. But make no mistake: as the Premier said, we will address all of Justice O'Connor's recommendations. Some actions are straightforward and can be acted on more quickly than others. Some recommendations require new legislation that will benefit from the counsel of our partners; for example, the introduction of a Safe Drinking Water Act. Still others will take the form of continuous improvements in the way we do business. But all of the recommendations will be dealt with. That is our commitment to the people of Ontario and that is our promise to future generations. Members of this House can look forward to seeing actions over the coming weeks and months, actions that both address the key themes of Justice O'Connor's report and represent the fundamental approaches of our water strategy for Ontario.

When I looked through the report, I was happy to see that many of its themes are consistent with the work we have already started. This is particularly the case with the report's emphasis on looking at water from source to tap. It ties in with our immediate emphasis on drinking water

protection, as well as our ongoing work on nutrient management and watershed planning. As members of this House know, the government's proposed Nutrient Management Act would substantially improve our ability to track sources of pollution and address capacity for the system to absorb these pollutants on a watershed basis. We are glad that our approach meshes with Justice O'Connor's report's emphasis on nutrient and watershed management.

Justice O'Connor's recommendations are also consistent with the strategic investments we have made, as well as the pilot projects that have begun in six communities. It ties in with the doubling of our ministry inspection teams, as well as expansion of our training opportunities for municipal operators.

Justice O'Connor's report is also consistent with the two things that have guided our actions since the tragedy in Walkerton: first, that Ontario's water future demands and deserves innovative thinking; second, that those thoughts must come from the broadest range of people, who have the broadest range of responsibilities for protecting Ontario's water. We are going to need co-operation and commitment from many parties to move forward on these recommendations. We need to move quickly to work with our partners. We need to hear their ideas about how together we can make the kinds of changes that will continue to provide Ontario's people with clean, safe water.

As I said, we are moving forward with a plan based on two years of work by Justice O'Connor and his team. Four of the commissioner's part one report recommendations were met in advance of the report's release in January. Since then we have implemented six more, and ministries are actively working on the remaining recommendations. In the weeks and months ahead, the Ministry of the Environment will move with great speed to develop implementation strategies to deal with the rest.

Justice O'Connor's work has shed a thoughtful and penetrating light both on what happened during that fateful Victoria Day weekend some two years ago as well on as the state of water management across this province. Across this country, the federal government and other jurisdictions from coast to coast are looking at O'Connor's words very carefully for the lessons that can be learned.

We too in this government have been doing that. Even as we embrace this final report from the O'Connor inquiry, we remind ourselves that Walkerton has been a lesson for everyone, whether they test samples, build systems or enforce standards.

We have waited for this report for some months. Now that Justice O'Connor's recommendations have been tabled with the public, we will take action on each of them. The people of Walkerton and future generations of Ontarians deserve that clean water legacy.

Mr James J. Bradley (St Catharines): The people of this province should be reminded that this tragedy in Walkerton was contributed to immensely by government cutbacks; that is, approximately half of the budget and

one third of the staff of the Ministry of the Environment were eliminated when Premier Ernie Eves was Minister of Finance. That drastically increased the risk to the water supply in this province, and no one should ever forget the contributing factor that that policy decision was in this situation.

We got the water and sewer situation muddled a bit in 1997 when the government said, "We're getting out of that infrastructure. We're backing away from that. We're no longer going to provide funding for those purposes." The Red Tape Commission was lurking in the background, always threatening the Ministry of the Environment, trying to weaken it in every way possible. The government proceeded with funding cuts to essentially pay for a premature tax cut that even the Minister of the Environment, to his credit in those days, opposed—having that tax cut invoked before the budget was balanced. Therefore, they had to have even deeper cuts.

Only eight of 28 recommendations from the first part of the report have been implemented so far. This government has been moving at a snail's pace in this regard.

The closing of the Ministry of the Environment labs, getting rid of all those expert scientists and technical people, was a drastic mistake on the part of this government.

What we have to do is toughen the Nutrient Management Act and make it very specific.

What we have to do is restore the staff and the funding to the Ministry of the Environment. The minister said, "They're all going to be permanent people." I just read Topical. Half the people they're hiring in one category are temporary people. They are not permanent, as the minister tried to buffalo the press with the other day.

I want to say as well that there are going to have to be massive amounts of money for infrastructure renewal, contributed to by users, the federal government, provincial government and local governments.

We're going to have to have a Safe Drinking Water Act in this province, without question. We're going to have to have water treatment and sewage treatment plants improved considerably. We must protect the raw water supply as well as the drinking water supply. That means tough enforcement of the municipal-industrial strategy for abatement commenced in the late 1980s in this province. We must have a clean air regulation, a clean air program which is going to prevent those contaminants which today fall from the air into our waterways and therefore contribute to the contamination of water.

We must ensure, in other words, that the Ministry of Environment has its funding returned to its previous levels at least, that it has its staffing returned to its previous levels at the very least. Even though the province has grown, even though there's been much more development which impacts the environment, those two things are certain.

But another that is certain is that the Ministry of Environment must have its clout back. At one time, the Ministry of the Environment was almost feared within government because it was a regulatory ministry. It was a

ministry which policed other parts of the government, the private sector, the crown corporations and so on. Today, some of the polluters out there in the private sector simply thumb their noses at the Ministry of Environment of Ontario. Even those within government sharpen their elbows and elbow aside the Ministry of Environment in any tough decision-making process.

The Premier, who will say anything, apparently, that comes to his mind on a given day, has indicated he is prepared to implement these recommendations. Those of us in the opposition, environment groups and residents are going to be looking at those 93 recommendations and relooking at the recommendations from the first part of the report to ensure that this government implements them. I don't believe they have the will to do it, and I don't believe they have the intention to do it.

1410

Mr Steve Peters (Elgin-Middlesex-London): The Minister of the Environment states that he's glad in regard to the Nutrient Management Act, glad that the approvals mesh with the report's emphasis on nutrient and watershed management. Perhaps the minister should read the report because—this is right from the report—"Nutrient management plans do not necessarily take into consideration watershed-specific information."

Let's go on further with this report, where it says "the Nutrient Management Act as it is proposed may not be sufficient in itself to protect the sources of Ontario's drinking water," and its "effectiveness will depend on the development of appropriate regulations." The report goes on to say, "There is a substantial overlap between the farm water protection planning I recommend and nutrient management planning for other purposes, and I think it may make sense to deal with both of these issues at once."

There are a number of points that are raised in here, and what we're seeing is this Nutrient Management Act at general government with one half-hour to deal with some very specific recommendations. It's not enough time. I would ask that you give consideration to the general government committee to fully deal with and implement these in the act.

Ms Marilyn Churley (Toronto-Danforth): The first thing the minister should have done today was get up and make an announcement that the government would be immediately reinstating the staff: the front-line staff, the inspectors, the scientists, the people who do the work for us; that the people who they laid off over the last several years would be reinstated as of today; that the budget would be put back to at least where it was when this government came to power in 1995 and immediately started talking about protection of the environment as red tape. There were some members of the government who did that.

I want to focus on two elements of the Walkerton Inquiry report. I want to thank Judge O'Connor and all of the many people who were involved in making this report possible; in particular to thank and to show our respect to the people of Walkerton, who waited a very long time for

this report to come forward. It's very important to them and indeed to all of the people of Ontario that these recommendations be implemented without delay.

I want to focus on the Safe Drinking Water Act. As you know, two years ago I presented a Safe Drinking Water Act in this Legislature. It has been before the House twice. It is based on existing American legislation that's been around for 20 years, plus some made-in-Ontario components. It is a very good bill and responds to a lot of the issues and questions that are before us today. That bill should be sent out to committee now so that we can hear the people of Ontario, so that we can make, if necessary, any amendments and improve upon it. That bill is ready to go out. There is no excuse for delay. It should be sent out immediately for public hearings.

The second thing I want to focus on, and I hope the new Minister of the Environment listens carefully to this, is that he lauded the Nutrient Management Act in his statement. I want to say to the minister that the Nutrient Management Act as it is now written is inadequate for the purposes of meeting the requirements and recommendations from Judge O'Connor. I'm going to give him a couple of examples.

Minister, this is extremely important. The NDP, fortunately, did force the bill back to committee hearings on Wednesday. We have a short window of opportunity to make some amendments that the NDP proposed earlier, which were rejected by your government and which we want to make again. This is what I want to say very clearly: studies submitted to the Walkerton Inquiry establish that over 150,000 wells in Ontario may be contaminated by bacteria in excess of maximum levels from the Ontario drinking water objectives. Studies indicate that contamination results twice as frequently in fields where manure is regularly applied. Evidence also indicates that the pathogens contained in the manure can survive in soil for months or years and may travel through the soil, entering underground aquifers kilometres away from their point of origin.

I want to make clear to you, Minister, that nutrient management plans as now defined in your bill will not prevent what happened in Walkerton, will not prevent manure contamination of our drinking water, because they focus mostly on the nutrient requirements for the growing of the crops but fail to address the pathogens in the manure.

Your Nutrient Management Act is proposing by regulation—regulation which we have not seen yet—simply to make mandatory nutrient management planning, agricultural best management practices and environmental farm plans. There is a limited regulatory approach and it may be, from my reading of it and many other experts in the field as well, no more successful than the present system.

We need a risk-based approach to water resource management which will require aquifer mapping and vulnerability assessment programs with continued monitoring.

Minister, please take a look at the nutrient management plan. Make sure that it's the Ministry of the Environment overseeing the plan. Make the necessary amendments that will actually meet the recommendations from the commissioner. As it sits now, it will not do that. You have an opportunity on Wednesday to get your members to support my amendments, or bring in your own; I don't care. But the Nutrient Management Act, as it now sits, must be amended if you want to fulfill the recommendations required by the O'Connor commission.

Mr Peters: On a point of order, Mr Speaker: Given that Justice O'Connor's report contains sweeping and specific recommendations regarding Bill 81, the Nutrient Management Act, and given the Premier's commitment to fully implement those recommendations, and given that the standing committee on general government has Bill 81 currently before it, with very short time constraints—one half-hour—therefore, I'm seeking unanimous consent of this Legislature that the standing committee on general government be given additional time to carefully consider the recommendations of Justice O'Connor's report in order to ensure that Bill 81 truly reflects and implements that report.

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

DEFERRED VOTES

THRONE SPEECH DEBATE

The Speaker (Hon Gary Carr): We now have a deferred vote on Mr Hampton's amendment to the amendment to the motion for approval of the speech from the throne.

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

The division bells rang from 1417 to 1422.

The Speaker: All those in favour of the amendment to the amendment to the motion for approval of the speech from the throne will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	McMeekin, Ted
Boyer, Claudette	Gravelle, Michael	Parsons, Ernie
Bradley, James J.	Hampton, Howard	Patten, Richard
Brown, Michael A.	Hoy, Pat	Peters, Steve
Bryant, Michael	Kennedy, Gerard	Prue, Michael
Christopherson, David	Kormos, Peter	Ramsay, David
Churley, Marilyn	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lalonde, Jean-Marc	Smitherman, George
Conway, Sean G.	Levac, David	
Cordiano, Joseph	Marchese, Rosario	

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

Nays

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

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 37; the nays are 48.

The Speaker: I declare the amendment to the amendment to the motion lost.

The next question to be decided is Mr McGuinty's amendment to the motion.

All those in favour of Mr McGuinty's amendment to the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

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

The division bells rang from 1425 to 1430.

The Speaker: All those in favour will please rise and be recognized by the Clerk.

Ayes

Agostino, Dominic	Cordiano, Joseph	Levac, David
Bartolucci, Rick	Curling, Alvin	Marchese, Rosario
Bisson, Gilles	Di Cocco, Caroline	Martel, Shelley
Bountrogianni, Marie	Dombrowsky, Leona	McGuinty, Dalton
Boyer, Claudette	Duncan, Dwight	McLeod, Lyn
Bradley, James J.	Gravelle, Michael	McMeekin, Ted
Brown, Michael A.	Hampton, Howard	Parsons, Ernie
Bryant, Michael	Hoy, Pat	Patten, Richard
Christopherson, David	Kennedy, Gerard	Peters, Steve
Churley, Marilyn	Kormos, Peter	Prue, Michael
Colle, Mike	Kwinter, Monte	Ramsay, David
Conway, Sean G.	Lalonde, Jean-Marc	Sergio, Mario

The Speaker: All those opposed to the amendment to the motion will please rise.

Nays

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

Clerk of the House: The ayes are 36; the nays are 49.

The Speaker: I declare the amendment to the motion lost.

We now come to the motion by Ms Mushinski.

All those in favour of Ms Mushinski's motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1434 to 1439.

The Speaker: All those in favour of Ms Mushinski's motion will please rise one at a time and be recognized by the Clerk.

Ayes

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

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

Nays

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	McMeekin, Ted
Boyer, Claudette	Gravelle, Michael	Parsons, Ernie
Bradley, James J.	Hampton, Howard	Patten, Richard
Brown, Michael A.	Hoy, Pat	Peters, Steve
Bryant, Michael	Kennedy, Gerard	Prue, Michael
Christopherson, David	Kormos, Peter	Ramsay, David
Churley, Marilyn	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lalonde, Jean-Marc	Smitherman, George
Conway, Sean G.	Levac, David	
Cordiano, Joseph	Marchese, Rosario	

Clerk of the House: The ayes are 50; the nays are 37.

The Speaker: I declare the motion carried. Let it therefore be resolved that an humble address be presented to His Honour the Lieutenant Governor as follows:

"To the Honourable James K. Bartleman, Lieutenant Governor of Ontario:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has addressed to us."

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: A moment ago my colleague raised the possibility of extending time in committee with

respect to Bill 81. The government House leader indicated a willingness to discuss that at House leaders' meeting. Mr Speaker, I seek your advice. If we wait until the House leaders' meeting to do that, it'll be too late because the bill is before committee Thursday morning for half an hour for clause-by-clause.

Given Justice O'Connor's report, and I know the sincerity the government House leader conveys with respect to the implementation of that report, could I ask that the government consider a meeting today between the three House leaders to make a determination with respect to further opportunity to discuss Bill 81 in the context of Justice O'Connor's recommendations?

The Speaker: As you know, the Speaker doesn't schedule the House leaders' meeting. They can meet any time they like. You can use any of the facilities; we have an office at the side. We'll offer anything we can and it will be up to the House leaders. I don't set up the meetings, unfortunately.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): On the same point of order, Mr Speaker: My door is always open.

ORAL QUESTIONS

CHILDREN'S HEALTH SERVICES

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. Last week the Minister of Health said that he was shutting down children's cardiac care programs in Ottawa and London. You said, when approached by the media, that you needed an opportunity to review the matter. Now that you've had that opportunity, I'm sure you would have come to two very important realizations. First of all, requiring families to drive up to five hours to Toronto for care will impose tremendous hardship on them. Second, there is no medical rationale supporting this centralization program. Premier, will you admit that the decision to centralize cardiac care for our children is wrong and that the best thing for our kids is to provide continuing quality care close to home?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): No, I will not. I think the most important thing at issue here is the health of young people and how they can best be looked after to the best of everyone's ability. That is the underlying focus of the government. It was the underlying focus of the study which was done by a group of professional medical people.

Mr McGuinty: Premier, you're making the same argument as your minister: you're saying this is all about better health care. If you take a look at the studies that have been quoted by your minister, you will discover that in those particular cases we're talking about some tragic, horrific outcomes.

In the case of the Children's Hospital of Eastern Ontario, the success rate for pediatric cardiac surgery and catheter interventions is the same as at Sick Kids. There is no medical rationale for taking this program away from CHEO and transferring it to Sick Kids. On top of that, doctors are telling us that we are going to place very tiny, very fragile, very vulnerable children—infants, in fact—at risk by requiring that we transport them to Sick Kids in Toronto.

I'm asking you, Premier, to take a long, hard look. If you do that, you will discover that what this effectively does is impose a tremendous burden on our families. It is not a case of improving outcomes for our families; if that were the case, you and I would have something on which we could agree. But the fact is that the outcomes at Sick Kids are the same as the outcomes at the Children's Hospital of Eastern Ontario. I'm asking you to review this matter, and, once you've done that, I'm asking you to agree that this is not in the best interests of eastern Ontario families or their kids.

Interjections.

The Speaker (Hon Gary Carr): It's too noisy. We'll wait. Sorry, Premier.

Hon Mr Eves: I'd be happy to review the report, but I don't believe the facts in the report are indeed as the leader of the official opposition states. I believe the facts are that the mortality rate in comparable cases at Sick Children's Hospital in Toronto is zero and at CHEO it's somewhere between 2% and 4%. Therein lies the crux of this very difficult decision the government has to make. The government has to make a decision based on what is in the best interests of all the young people who are in need of this type of surgery in the province.

You will recall that a similar situation arose in London, Ontario, and that particular hospital stopped doing these types of procedures as of last November, following a coroner's report. Surely the leader of the official opposition isn't going to wait until there is a coroner's report to deal with the situation in Ottawa. We're trying to avoid that situation.

Mr McGuinty: Premier, I can tell you that your information is not the same as my information. If you have information that you would like to table here and make clear to all of us, we'd be delighted to entertain that and receive it.

What I can tell you is that my information is telling me the outcomes at the Children's Hospital of Eastern Ontario are identical to the outcomes at Sick Kids in Toronto.

I can also tell you that in those cases where studies have said that in order to bring about improvement in outcomes you have to bring about an increase in volume, the study that's relied upon by your minister is a California study. The plan there resulted in an average travel distance for families of 45 miles to the centralized site. In the case of Ottawa families having to travel to Toronto, we're talking about a distance that is closer to 300 miles.

I think a very important factor in all this is, what is the hardship that is going to be saddled on our families? It is tough enough to have a very sick child in the family. That is already extremely stressful. But to tell those families that they have to visit their child 300 miles away, that they have to struggle to juggle their responsibilities vis-à-vis their child at a hospital in Toronto and the rest back home in Ottawa, is unfair to those families.

I'm asking you, Premier, to review the—

The Speaker: The member's time is up.

Hon Mr Eves: I've already indicated to the leader of the official opposition that I'd be happy to review the report. But I do have to point out a few facts from the report, as I understand them.

First of all, this is a specialized pediatric services review committee. Over half the members of the committee are people who aren't from the greater Toronto area. In fact, it is made up of people from southwestern and eastern Ontario, as it should have been.

The number of procedures being performed at CHEO have been declining steadily for the last three or four years. The studies coming from Manitoba, our own study, as well as other studies around the world indicate that the more procedures, especially complicated procedures, that are carried out at any specific site, the higher the success rate and the lower the mortality rate. Surely that is the ultimate objective here at the end of the day.

1450

MINISTRY OF THE ENVIRONMENT STAFF

Mr Dalton McGuinty (Leader of the Opposition):

This question is to the Premier. Last week we received part two of the Walkerton Inquiry report. I was frightened, in fact, to learn through the Globe and Mail and the Toronto Star that you insist that your 1996 cuts to the Ministry of the Environment and to the number of inspectors working there had no link whatsoever to the Walkerton tragedy.

I am sure you've had the opportunity to read part one of the report of the Walkerton Inquiry. You will be aware of Mr Justice O'Connor's findings with respect to the impact your cuts had and the way they contributed, at least in part, to the Walkerton tragedy.

I'm asking you today, Premier: in the face of Mr Justice O'Connor's findings, how can you possibly say the cuts you made as our Minister of Finance had nothing whatsoever to do with the Walkerton tragedy?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): There were many contributing factors to the tragedy that happened in Walkerton two years ago. Obviously, it is hindsight now, but it was the reporting mechanisms with respect to testing and where those results were reported to which in part contributed to the tragedy that was Walkerton. That is what I said on Friday and that is what I'm saying in this Legislature today. The important thing from here is to get on with the job we

have started of making sure that Walkerton never happens again.

Surely the leader of the official opposition will recognize that on page 2 of Mr Justice O'Connor's report, he talks about the quality of drinking water in the province of Ontario and how safe it is. It's one of the leading jurisdictions in the world. I didn't hear that in his preamble. I'm sure he left that out by mistake.

Mr McGuinty: What I didn't hear from you, sir, is at least some admission to the effect that your cuts—you wielded the knife recklessly—led, at least in part, to what happened at the Walkerton tragedy.

Pages 34 and 35 of Mr Justice O'Connor's report, part one, say the following: "Before the decision was made to significantly reduce the MOE's budget in 1996 ... the cabinet received numerous warnings that the impacts could result in increased risks to the environment and human health. These risks included those resulting from reducing the number of proactive inspections—risks that turned out to be relevant to the events in Walkerton. The decision to proceed with the budget reductions was taken without either an assessment of the risks or the preparation of a risk management plan." He is talking here specifically, Premier, about your cuts and how they led, at least in part, to the Walkerton tragedy.

I don't need to hear about the reporting requirement. We know that too was a problem. I need some assurance that you understand the role you played leading up to the Walkerton tragedy. Ontarians need to know that if we're going to have confidence in you moving the yardstick forward now.

Will you stand up, Premier, and admit that your cuts led, at least in part, to the Walkerton tragedy?

Hon Mr Eves: Your bluster in the House here today is really trying to make political hay out of a tragedy that happened in the province of Ontario. I don't really think it does anybody any good at the end of the day—

Interjections.

The Speaker (Hon Gary Carr): Sorry for the interruption. Premier?

Hon Mr Eves: Since May 2000, the government has spent over \$351 million in safe drinking water initiatives. Is it enough? Obviously, it's not enough. That's why on Friday morning I said we will be committing to implement every one of Mr Justice O'Connor's 93 recommendations in the second report as well. It is going to take some time to implement some of those recommendations, but some of them are going to be relatively easy to deal with. We're going to deal with them in short order.

I would remind the leader of the official opposition, though, that Mr Justice O'Connor premises and prefaces his remarks by saying that readers should not conclude that Ontario's existing system needs radical reform. It does not. We can be proud of the high level of expertise and competence that our leading water providers exhibit.

Mr McGuinty: Premier, you can bob and weave all you want, but at some point in time you're going to have to admit that your cuts to the Ministry of the Environ-

ment—you're the guy who wielded the knife—led at least in part to the Walkerton tragedy.

In the Tory leadership debate on January 17, you had this to say, "You know, within 30 days of taking office in 1995, Mike Harris and I sat down, and we were able to cut \$2 billion of spending out of the provincial budget."

Mr Justice O'Connor said—to remind you, Premier—"The reductions were initiated by the central agencies of the government, rather than from within the MOE, and they were not based on an assessment of what was required to carry out the MOE's statutory responsibilities."

This has everything to do with your involvement in the Walkerton tragedy, Premier. If you really want to move forward, the first thing you have to do is take responsibility. When are you going to stand up and take responsibility for the fact that your reckless cuts—you wielded the knife with wild abandon—led at least in part to the Walkerton tragedy?

Hon Mr Eves: Very simply, that is not the case. He has no conception at all of how the budgetary process in this place works or how any reductions that may have taken place in any ministry occurred. They're not imposed from the top down; they are requested from various ministers. They go to the Minister of Finance every year. That is how the process goes. That is how the process worked then and how it's working now.

If he wants to come back to the Walkerton issue—

Interjections.

The Speaker: Order. The Premier has a few more seconds.

Hon Mr Eves: I understand the frustration of the member from Vaughan-King-Aurora—I'm glad to see he's here. I understand his frustration. He wishes he were sitting there. Maybe some day he'll get a chance to sit there.

Walkerton is a very serious issue. The government is taking the recommendations of Mr Justice O'Connor very seriously, and we will be proceeding with those recommendations.

WATER QUALITY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Last week Mr Justice O'Connor presented his recommendations to protect Ontario's drinking water and prevent another Walkerton tragedy. His recommendations set out a clear agenda: to provide safe, clean drinking water for all Ontario residents.

We understand from the press that you have now committed to implementing all his recommendations. If that's the case, Premier, you will have to get busy, very busy, this spring session. Safe drinking water needs to be job number one.

So my question is, will you stop pushing Hydro privatization, which nobody wants, and focus on safe, clean drinking water, which everybody needs?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, we are not pushing Hydro

privatization. Secondly, we will certainly spend the time that is required to deal with the implementation of Mr Justice O'Connor's report.

Mr Hampton: Well, Premier, according to your schedule we have five weeks left in the spring session to get serious about safe, clean drinking water. If you are serious, there's some work you can do right now.

Your colleagues tried to push through a flawed nutrient management bill last December. New Democrats held it up because it was flawed, and Mr Justice O'Connor's recommendations point out how clearly it was flawed. But the bill is still before a legislative committee.

New Democrats will bring forward amendments straight out of Mr Justice O'Connor's report so that they can be implemented in that bill. The question is, will you commit to the people of Ontario that you will not try to pass the nutrient management bill until the recommendations from Mr Justice O'Connor that should be in that bill are in fact included?

1500

Hon Mr Eves: As a matter of fact, Mr Justice O'Connor says on page 138 of his second report, "With respect to nutrient-containing materials, the act, if passed in its present form, would certainly provide the province with the authority to create the tools it would need to develop the farm water protection planning system that I am recommending."

That is exactly what we plan on doing. To the leader of the third party, the draft regulations and thoughts on regulations can be ready to go. They can go out. They are the tools, I believe, that Mr Justice O'Connor is referring to on page 138 of his report. We'd be happy to have your input and that of the committee and your members on the committee over the summer to those regulations to implement the tools in the act in its current form, as Mr Justice O'Connor himself recommends passing in this Legislature.

The Speaker (Hon Gary Carr): Final supplementary.

Ms Marilyn Churley (Toronto-Danforth): Premier, if you go on to read the report you will find that there are discrepancies in the existing Nutrient Management Act and the recommendations from Judge O'Connor, one being that he wants the Ministry of the Environment to be the lead ministry. There are others that I pointed out earlier today. I am glad that my caucus, the NDP caucus, in fact sent it back out to committee so that we do have another opportunity to make those amendments.

I want to ask you another question here. You say you want to support all of the recommendations made by Judge O'Connor. Let me remind you that the introduction of a Safe Drinking Water Act is one of his key recommendations. But when push comes to shove, your government has denied again and again the ability to send my Bill 3, the Safe Drinking Water Act, which passed in this House, out to committee so we can bring it back for speedy passage.

There is a bill before the House already which is comprehensive and should be sent out to committee now. So I'm asking you, will you commit today to send Bill 3, my Safe Drinking Water Act, out for public committee hearings so it can come back for third reading and a final vote?

Hon Mr Eves: Yes, I will. As a matter of fact, I had an opportunity to review the member's bill over the weekend. There are five or six additions that the government believes are amendments that would be needed to provide the effect that Mr Justice O'Connor would like to provide with the Safe Drinking Water Act. I'd be more than happy to see that member's bill go out to committee for discussion.

COMPETITIVE ELECTRICITY MARKET

Mr Howard Hampton (Kenora-Rainy River): A question to the Premier: Tom Adams, your comrade-in-arms and supporter of your scheme to deregulate and privatize our hydro system, now says that Ontario's electricity consumers are facing big hydro price spikes this summer.

For months your government has been saying, "Oh, don't worry. Ontario has plenty of power. Ontario won't be like California. Everything's going to be fine." But now one of your staunchest supporters is saying that you're in trouble. He says, "Deregulating hydro when you don't have enough power means hydro rates can go through the roof this summer."

Premier, why are you risking big hydro price spikes when even one of your staunchest supporters says it's going to put you into trouble?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, there will be fluctuations in the price of hydroelectric power, electricity rates. He knows that. He knows that if he looks at what the rates have been since the market was opened, in general the rates have been far below what they normally are. He will also know that there is some protection with respect to the rates not going above 3.8 cents a kilowatt hour that OPG provides to their customers, and if they do happen to spike for a brief period of time in the summer over that amount, those customers from OPG will be rebated.

Mr Hampton: Mr Adams said very clearly, "The delay in returning Pickering A to service, combined with" other issues "and slowdown in private-sector investment, is substantially increasing the risk of big price swings and big price spikes."

Premier, you know that in a deregulated hydro system the price swings can be very wild, and you know that the problem in California, as your government keeps saying, is that they didn't have enough power at the right time. That sounds like the same recipe that Mr Adams says you're now headed for here.

So I'm asking, why do you persist in your agenda of deregulating our hydro system when even one of your staunchest supporters says it may lead to incredible hydro price spikes this summer?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm sure the Minister of Energy can answer this specific request.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Mr Adams was referring to the supply adequacy report done by the IMO in April 2002.

The fact of the matter is, I say to the leader of the third party, when they were discussing the supply adequacy report, Pickering was assumed not to be in place. Therefore, having Pickering up or having Pickering down would not have any effect on the supply of power in Ontario. I've told you this three times. You can get the report and view it for yourself.

Either you're choosing to ignore the facts or you're not understanding the facts. I think it's probably the latter rather than the former. Let me say as clearly as I can again: the IMO study presumed the Pickering plant wouldn't be operating, and they still determined there would be an adequate supply of power for the province of Ontario—end of story; full stop.

CHILDREN'S HEALTH SERVICES

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Premier. Last Thursday the Minister of Health announced he was shutting down the pediatric cardiac surgery programs at the children's hospitals of both western Ontario and eastern Ontario. You stated later that day, "I believe that if you have the expertise and the ability to provide those services in a regional centre, then you should be able to do that." Well, London had that expertise and that ability. Since October, with the threatened closure of the program in London, there's been a tremendous outcry from patients, families and physicians.

The studies and numbers used in the report do not enjoy unanimous support. Please listen to all these experts and do not be selective. These same studies also conclude that transferring from one hospital to another has a significant risk of mortality, and yet this is exactly what your minister is proposing to do for all sick children outside Toronto.

Premier, I'm asking you today to personally review this decision. Do not allow your minister to put the lives of children at risk. Will you intervene? Will you commit to protect regional pediatric care for the children of this province?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The honourable member will be aware, I'm sure, of the remarks of Dr Tim Frewen, chair of pediatric studies at University of Western Ontario, who in fact does not come to the conclusion that the member comes to with respect to this. Dr Frewen and others who served on the review committee have the best interests of young people at heart. Surely that is the most important thing at the end of the day, as I said to his leader during an earlier question.

The Speaker (Hon Gary Carr): Final supplementary.

Mr Richard Patten (Ottawa Centre): Premier, you just mentioned that you would do a review. I would hope that in doing your review you have certain information. Obviously, out of interest, we have certain information as well. We're doing studies, we're taking a look at studies that were done and we've read the report as well.

We've got professionals who are questioning this particular move. Dr Jamie Hutchison, who is in charge of our intensive care unit, is saying you will be threatening the lives of children by the very nature of transporting children for five hours by car, or perhaps a little less.

You will remember Sean McCarthy, the little boy who drowned in a creek and was dead for two and a half hours. We reviewed that particular case, and you will know the surgeon said that if CHEO had not been there and they had tried to transport that child to Toronto, he would have died. Sean is alive today because of that hospital and because of that program. If you make this particular move, you will not just hurt the surgery unit; you'll hurt the whole cardiac unit.

So I ask you: when you do your review, will you allow us to provide some information on the arguments you put forward for your particular decision?

Hon Mr Eves: I obviously will take a look at any information he has with respect to a review. He makes a very important point, but we're not talking about closing down all pediatric services at CHEO. We're talking about a specific type of surgery. In the case of CHEO, I believe it's elective surgery. But I'd be happy to look at the information he has, and I'm sure the Minister of Health will as well, as we go forward.

1510

AUTOMOTIVE INDUSTRY

Mr John O'Toole (Durham): My question is for the Associate Minister of Enterprise, Opportunity and Innovation. No one understands better than the MPPs from Durham region the importance of the automobile manufacturing sector to our economy, both locally and indeed provincially and nationally. This industry employs over 130,000 people in our province, many of them at the GM assembly plant in Oshawa and related manufacturing centres throughout Durham region. This industry has given hundreds of families a high standard of living, opportunities for advancement, education and a great way of life. I know this personally within my own circumstances.

A strong automotive industry is vital to the success of Ontario's economy. I'd like to know what our government is doing to ensure that the automotive industry remains competitive and a strong part of Ontario's economy.

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I would like to thank the extremely hard-working member from Durham for this question.

The main task of the Ministry of Enterprise, Opportunity and Innovation is to ensure that we have a competitive and attractive business climate in which all businesses, including the auto sector, can expand and create even more jobs.

The auto industry, as the member mentioned, is extremely important to Ontario's economy. That's why last Wednesday, Minister Flaherty hosted an automotive round table with experts from the industry, including automakers, parts companies, academics and representatives from the CAW, as well as the federal government. This is the first step toward strengthening the industry not only in Ontario but in Canada. It's also the first step toward laying the foundations for a long-term strategy for the auto industry. We will do whatever is needed, as government, to facilitate new ideas and fresh approaches.

Mr O'Toole: Thank you very much for that response, Minister.

I was pleased to attend the round table myself, along with other industry leaders as well, as you've described. I indeed commend you and the minister for spending the whole day in your leadership role consulting and listening to the people who work in the auto sector. I think it's important to listen to the ideas of those who work in the field and to hear the thoughts they have on strengthening the industry.

There is, however, one concern about the follow-up to the round table consultations. Minister, what will be the outcome of the round table and what does it mean for the men and women, not just at General Motors and the assembly line but the entire auto sector in the province of Ontario? What are the next steps?

Hon Mr Turnbull: As I mentioned, the round table was an important first step toward forming a long-term strategy to strengthen the automotive industry. But as the member from Durham points out, it was just a first step, which is why we have committed to releasing a follow-up report, an action plan, on the many new and innovative ideas that we've heard at the round table, by the middle of June. This action plan will address ways in which Ontario can continue to attract new automotive investment and jobs—investment and jobs that will help areas such as Durham region.

We've also committed to reconvening an auto advisory council as a way to work through some of the concerns raised at the round table and develop a long-term vision for the industry. We also plan to meet the mayors and municipal officials and CEOs of the key companies.

The auto industry is one of the very important sectors of Ontario, and the government values the contribution it makes to our economy.

CURRICULUM

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. I have here a copy of your curriculum of a few years ago—a nice cover; and you like to talk about it a lot. But here's a

newer report, the Bailey bridges project out of the Niagara board. The Niagara board has spent eight weeks looking at the impact of your curriculum on struggling students. They call it the Bailey bridges report because that's what they did in the Second World War: they put up temporary bridges and helped them get out to the other side. The problem is that this isn't about a natural disaster or war; it's about the disaster of your lack of commitment to these kids. They document thousands of kids who are struggling. They say, "What has become very apparent is that the new curriculum, while in itself a necessary change, was hurriedly put together, poorly planned, implemented in an unworkable fashion and grossly underfunded."

Minister, today what I want to find out from you is, are you prepared to build a Bailey bridge of your own? Are you prepared to help these kids in time for next year? Will you announce today the kind of support you're going to extend to the thousands of kids in Niagara and elsewhere who are suffering because of your lack of support for the curriculum?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I appreciate the information that you've brought to my attention. I'd be pleased if you would give me a copy of the report that has been done by the Niagara board.

As the member knows, our intentions are to provide the best curriculum for the students in Ontario. I certainly am aware that some of our students are having difficulties, as students have always had. There is a need to provide them with remediation support. I'd be happy to take a look at the report. You can be assured we will do what is in the best interests of students in order that they can succeed and achieve success.

Mr Kennedy: Minister, let's find out, because the Niagara board talked to almost 1,200 people for this report. I understand this is the first comprehensive look at what's happened under your curriculum.

You have known, though, that 40,000 students failed math in grade 9. You've known about that. You've known about the absence of credits for almost 50,000 kids in the same program. Randall Daly, the frontline principal who did this report, says, "The results show that students are frustrated beyond belief, parents have disengaged, teachers are overworked and continue to feel unappreciated, books are scarce, and resources are few."

On February 8, you talked about the need for corrections. Your predecessor has known about this for a long, long time. Is your tenure as minister going to be a protracted charade? Are you actually going to hear or just pretend to listen?

There's a report here. It's built on what's happening in this province. The evidence is there that there's an urgency to act for next year. All you have to say today, Minister, to people like Mike and Kaley Mihalich, who live in Sarnia and are doing well but are finding it so stressful they can't hold down jobs, they can't live a normal life, partly because of the lack of support for the curriculum—Madam Minister, I have a very quick ques-

tion. Will you be abandoning kids like the Mihalichs or will you today be telling them there will be something extra for them, a Bailey bridge, some tangible support in the budget—

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

Hon Mrs Witmer: We are well aware of the fact that there are some students who are going to need assistance and support. I have already started meetings with parents, teachers, educators, individuals who are well acquainted with the curriculum. Obviously we've already invested as well. We've provided \$25 million for remedial programs for students in grades 7 to 10 in 2001 and 2001-02.

But again, I would very much appreciate receiving a copy of the report. I do believe we need to take a look at the report and at the recommendations. I can tell you we want to work with the Niagara board and with other boards in order that we can help the students in this province achieve success. That's our ultimate goal.

HIGHWAY 401

Mr Doug Galt (Northumberland): My question is directed to the Minister of Transportation. The people in Northumberland continue to lobby for upgrades to Highway 401. As you're aware, Minister, in Northumberland the annual increase in the urban population is 3%. There's a thriving tourist industry and a dynamic economy.

County council is concerned about the number of detours on to County Road 2, previously provincial Highway 2. Northumberland needs a transportation corridor that can meet the growing needs and provide increased road safety. Recently you and I jointly made an announcement.

Minister, can you please explain to my constituents and the business community in my riding of Northumberland how this project will indeed help?

Hon Norman W. Sterling (Minister of Transportation): I'm always glad to make announcements on roads that lead east. We understand the need for good transportation links, particularly for the economy of the member's area in Northumberland. That's why I was pleased to announce most recently significant improvements to Highway 401. We're spending \$21 million to widen Highway 401 from four to six lanes between Northumberland County Road 2 and County Road 28. As well, we will be constructing a cement barrier down the centre of the highway in order to provide enhanced safety for motorists going down that way. As I said last week, I do happen to travel that way quite frequently back and forth each weekend.

Supporting economic growth is important not only for Northumberland but for all of Ontario. Our transportation corridors like Highway 401 are essential to that growth.

1520

Mr Galt: Thank you very much, Minister. I appreciate that response. Also, the people of Northumberland ap-

preciate that centre barrier. It has certainly saved a very, very large number of lives.

Minister, as you are aware, there are a lot more lanes going out of Toronto to the north and to the west than there are going to the east. The limited number of lanes on the 401 going east to serve eastern Ontario, particularly Northumberland, has limited the capacity of those areas. The limited number of lanes going east results in unnecessary traffic jams and long delays. Will this \$21-million investment in the 401 in the Port Hope area assist in the long-term investment in Northumberland county?

Hon Mr Sterling: It certainly will. This government is proud not only of what it's doing for roads and transportation east, but we've been doing things all over this province. In fact, since 1995 we've invested \$6.5 billion in improving our infrastructure—unheard-of amounts prior to our government coming to power.

This is of course important to Northumberland; I understand that. As well, in the east we're building a considerable highway, 417, west of Ottawa; to the north we're including Highway 69 and Highway 11; and we're doing the TransCanada Highway east of Sault Ste Marie, just to name a few of the projects. We're looking at improvements to our international boundaries as well. We are investing. We have invested in the past and we will invest in the future in the infrastructure of Ontario, particularly with regard to transportation.

LONG-TERM CARE

Ms Shelley Martel (Nickel Belt): I have a question for the Premier. Today the Ontario Health Coalition released a report regarding Ontario's long-term-care facilities. That report clearly shows that changes in policy made by your government to benefit for-profit long-term-care facility operators comes at the expense of seniors and residents who need care in these facilities.

For example, since 1999 your government has eliminated the requirement to provide a minimum of 2.25 hours of care per resident per day in nursing homes; eliminated the requirement to have a registered nurse on duty 24 hours per day, seven days a week; eliminated the requirement for nursing homes to submit staffing schedules to the Ministry of Health; eliminated the requirement to reserve the majority of long-term-care beds as ward accommodation; and reduced by 40% the number of annual inspections of long-term-care facilities between 1996 and 1999.

The question, Premier, is: when is your government going to stop catering to the demands of the for-profit long-term-care operators and finally start responding to the serious health care needs of residents in our long-term-care facilities?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I refer this question to the associate minister of long-term care.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): This report today is a report that

was prepared for the Hospital Employees' Union of British Columbia by the Ontario Health Coalition. In fact, I haven't had a chance to look at the report yet and I wonder if it indeed mentioned the fact that while the NDP was in government, not one single new long-term-care bed was built in this province.

That aside, the questions that the member opposite raised today about the minimum requirement of nursing care in nursing homes in our province—each and every resident in a long-term-care facility is assessed according to his or her needs. That's the level of care required for each one of those residents in that facility.

The question that the member also raised with respect to having a registered nurse on duty—the Nursing Homes Act states that a registered nurse must be available to each long-term-care facility 24 hours a day, seven days a week. In fact, the ratios of private to not-for-profit and charitable homes really hasn't changed since their party was the government.

Ms Martel: Minister, I suggest you read the report, because the facts in the report are very clear. The report goes back to a report commissioned by your government that was released in January 2001, done by Price-waterhouseCoopers, which showed the results of a massive study that compared the situation in Ontario's long-term-care facilities with others in Canada, the US and Europe. They showed that Ontario's long-term-care facilities have the lowest level of nursing care across all jurisdictions studied; Ontario's long-term-care facilities have the lowest level of rehabilitation services across all the jurisdictions studied; and Ontario's long-term-care residents with behavioural problems receive 10 minutes of therapy per day, among the lowest levels across all of the jurisdictions studied. Your changes with respect to nursing care, with respect to the minimum level of care provided, have had a direct, very negative impact on residents living in long-term-care facilities.

In light of the report released today, in light of the report funded by your government and released in January 2001, will your government now implement new standards of care in Ontario's long-term-care facilities so that Ontario can finally be at the top instead of at the bottom of the heap when it comes to caring for residents in long-term-care facilities?

Hon Mr Newman: Our government has demonstrated, without a doubt, that we are committed to providing quality, sustainable long-term-care services in Ontario. We recognize that, as the population ages, increased demands on long-term-care services will be felt. That's why we moved forward in 1998 on an ambitious \$1.2-billion plan to construct 20,000 new long-term-care beds, as well as to refurbish up to 16,000 beds in the class D facilities in our province.

We have a strong commitment to long-term care. In fact, when the member opposite was part of a government for five years, not one single new long-term-care bed was built in this province, at a time when everyone agreed that we had a growing and aging population. This government does not need to take a lecture from the

NDP on caring for our seniors in long-term-care facilities.

COMPETITIVE ELECTRICITY MARKET
MARCHÉ COMPÉTITIF DE L'ÉLECTRICITÉ

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): My question is for the Minister of Energy. Minister, last week the member from Scarborough East said in this House that no one from his government signed an electricity contract. I ask you, could this be because your government has concerns about the legality of these contracts?

Ontarians have been misled, threatened, harassed and forced to sign contracts. Many seniors were told that their hydro would be disconnected if they didn't sign the contract immediately, while others have had their signature forged on these contracts.

Here are a few hundred examples that I received from a Glengarry news clipping. The Quesnel family were told, "You have 20 minutes to sign or else we're cutting your power off." I'll give you this copy. I have the Cloutier family. They were told that they had signed a contract, which they never did. They are still waiting for a copy. They've been waiting for months. On my own contract, they forged my signature twice in a year. On this contract, the Marchand family from Embrun were approached by a gentleman at the door who was saying he was from Embrun Hydro—false again. They were from Direct Energy.

My question to you, Minister, is, are you prepared to cancel all contracts signed prior to today and bring in a standard contract to protect Ontario consumers? Secondly, would you revoke the licences of retailers such as the Ontario Energy Savings Corp, who, I am told, are thieves who have misled, threatened, harassed and forged signatures on many of their contracts?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I think it's very fortunate he has made those comments in this chamber rather than outside.

Interjection: Maybe not.

Hon Mr Stockwell: Maybe not. The fact of the matter is, if these are examples—and I have no reason to doubt the honourable member; I know him to be a very honourable and sincere man—you should bring those to the attention of myself or the Ontario Energy Board. You're not even just talking about unethical practices, you're talking about criminal actions with respect to forging signatures etc. This is well beyond the scope of even the energy board with respect to reviewing them. I'm sure they would, but this is a criminal action that should be investigated by the police.

So yes, I will be happy to review those issues and certainly they can be dealt with by the Ontario Energy Board. As I said last week to your honourable friend Mr Conway, these are exactly the kinds of things—if you can bring them to the attention of myself and the Ontario

Energy Board—we'd like to look into. And yes, the energy board has the teeth to withdraw licences if that's what is necessary.

1530

Mr Lalonde: It's in police hands already. We need a stronger ruling at the present time. You are too weak.

Monsieur le ministre, selon l'information reçue d'un de vos membres, le député, votre gouvernement voudrait vendre Hydro One dû à sa mauvaise gestion. Au mois de mars dernier, Hydro One faisait parvenir une lettre adressée à chacun des résidents et résidentes d'une ville de ma région qu'à compter du 1^{er} février 2002, le coût de l'électricité serait de 7,67 cents le kilowattheure. J'ai immédiatement appelé Hydro One pour des explications. Ils m'ont confirmé que la lettre portait dans l'erreur et aussi à la confusion, mais je me suis aperçu que le lendemain, après qu'on a fait parvenir ces lettres, un des vendeurs d'une filiale d'Hydro One cognait à chacune des portes pour faire signer un contrat avec une augmentation de 38,37 %.

Hydro One a commis une grave erreur. Je crois que vous avez une responsabilité. Comme certains députés de votre gouvernement reconnaissaient qu'il y avait une mauvaise gestion au sein d'Hydro One, avez-vous l'intention de procéder à un—

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

Hon Mr Stockwell: Again, some of the allegations are in fact criminal by nature. I'm not suggesting for a moment that investigation isn't proper, but I'm seriously suggesting to the member opposite that if you haven't reported these to the police, you should. Furthermore, if the allegations you're making have substance and weight, if you provide that kind of information to the Ontario Energy Board, they are in fact entrusted with the responsibility of investigating circumstances exactly as you speak. They have the power to fine, to roll back, to wipe out contracts altogether and to withdraw the licence.

I say to the member opposite, I suggest you avail yourself, through the legislation that was passed, of the powers of the Ontario Energy Board, because exactly what you're asking me to do already rests with the Ontario Energy Board. If you seek through them some kind of reprisal, you will get it if your allegations prove to be true. I encourage you, I beg you, to go and see them, put this stuff before them, and they will clean up this nasty bit of affair.

NORTHERN ONTARIO DEVELOPMENT

Mr Al McDonald (Nipissing): My question is for the Minister of Northern Development and Mines. I'd like to take this opportunity to congratulate the minister on his new responsibilities. I know that northerners will be well-served by his appointment.

During my by-election in Nipissing, I met many people and had the opportunity to speak to many of them about their concerns. One of the concerns that seemed to be consistent among the people of my riding is about the

economic challenges that northerners so often face. I've also heard from residents regarding the recent census data that's showing the population of the North is declining.

What initiatives are underway to bring prosperity to our northern communities?

Hon Jim Wilson (Minister of Northern Development and Mines): I, too, want to congratulate the honourable member, Mr McDonald, for his by-election victory. I want to say, on behalf of all of us in caucus who campaigned with him, we saw first-hand that he's a man of integrity, of honesty and he already has an incredible track record as the now former deputy mayor of North Bay of serving the people of northern Ontario. I say to the Premier that Mr McDonald or Mr Miller, who are both northerners, would make excellent Ministers of Northern Development and Mines when I retire, because it's the best job in government.

We are working very hard to improve economic conditions in the north. In fact, the goal is to ensure that northerners have the same economic equal opportunities that we have for jobs and prosperity here in the south. To do that we've increased the northern Ontario heritage fund, a fund that was gutted by the previous government: doubled it to \$60 million, \$300 million in five years; \$1.3 billion have been spent by this government since 1996 on improving the roads and highways in northern Ontario, which will help bring jobs—

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

Mr McDonald: I'm pleased to hear the good work our government has done for the north. But as the minister knows, there is more to be done.

On May 9, the government set out its priorities for the coming session in the speech from the throne. I would like to ask the minister what throne speech commitments will benefit the north.

Hon Mr Wilson: The throne speech contained a lot of good news for northern Ontario, and for Ontario generally, for that matter. Mr Eves, the new Premier, enshrined in the throne speech his commitment to northern Ontario to build full, equal campuses at the new medical school in northern Ontario in Sudbury and Thunder Bay.

The new Premier also enshrined in the throne speech—"Promises made, promises kept"—that we would introduce northern tax incentive zones. These tax incentive zones will allow local northern and rural communities to attract new businesses, new jobs and prosperity for their areas by giving them a leg up and allowing those businesses to prosper in an area of the province that traditionally has higher costs for businesses and therefore more difficulty in creating jobs. That will be a first for Ontario. It will be a first for much of Canada. It is something that we're very proud of. I know it will bring new jobs to the north. It will help build upon the successful record that this government has had in increasing jobs. Even though the population has been going down, the number of jobs has been going up for most of the north.

AFFORDABLE HOUSING

Mr Dominic Agostino (Hamilton East): My question is to the Premier. Your government six months ago signed a memorandum of understanding with the federal government regarding affordable housing. This agreement would allow \$245 million of federal money to come into Ontario to help with affordable housing.

Let me remind you that since you signed this deal, 14 homeless people have died on the streets of Toronto in the last six months.

The intent of this deal is specifically to put new provincial money on the table. The agreement says, "Provinces and territories will be required to match federal contributions overall."

Premier, you're on the verge of signing this deal. A simple question: will you stand up and guarantee today that there will be \$245 million in new provincial dollars on the table to match the federal contribution?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I refer this question to the Minister of Municipal Affairs and Housing.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Yes, we are getting very close to signing a housing agreement with the federal government. It's something I had the honour of being the chair of at the provincial-territorial ministers' meeting last year. We worked it out in London and again in Quebec City in November. Ontario's signing will take place in the near future.

You're asking me to match what the federal Liberals have done. It's the first time in 10 years that the federal Liberals are putting money into housing, but let's not get carried away. I explained to the House last week that they make \$400 million a year from CMHC. There are only two places that money comes from: it's passed on to tenants in the form of the insurance premiums for rental accommodation, and also, for the people who can't afford the full down payment of 25% for the banks, they insure. So they make \$400 million. They're putting back \$170 million a year. They are still netting \$230 million. If you're asking Ontario to match that, I would have to cut the \$879 million we spend annually and then figure a tax on poor people for \$230 million. Surely that's not the Liberal position in this House.

Mr Agostino: The minister would like to fool people to think this \$875 million goes toward—that's a shelter subsidy mostly for people on welfare, and you know that, Minister. Not one cent of that money goes toward affordable housing.

The reality is that the federal government, in cahoots with you, has sold out homeless people in Ontario. This deal you're ready to sign is a bad joke. It's a sham. You are to blame. The federal government is being irresponsible and gutless in signing this deal with you. This does not help homeless people in Ontario. This does not build low-income housing. The reality of the deal is that you are not committing one new cent. What you are doing now is you're going to take municipal contributions,

private sector contributions, and claim it to be Ontario's contribution to this deal. That is a bad deal. The federal government should not sign this deal with you. You have let people down. You have let homeless people down in Ontario. Very clearly, this government, if they are serious, will match the \$245 million.

Frankly, I say to you, don't sign this deal unless you've put your money on the table, because you are not living up to the intent—

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

Hon Mr Hodgson: Through this rant, I seem to gather that the new McGuinty Liberal position for Ontario is to block federal money from coming to the province of Ontario. So that's your position: block any federal money. That's not our position. Our position is to cooperate with the federal government and municipal governments to try to alleviate the shortage of affordable housing.

If you're against affordable housing, say it. You've put it clearly on the record that the McGuinty Liberals are against federal money coming into Ontario.

On our side, we have to be responsible. We do not agree with you.

1540

OCCUPATIONAL HEALTH AND SAFETY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is to the Minister of Labour. In the next couple of weeks the Lions Club, where I'm a member, will be participating in a walkathon to raise funds for safe communities. Can you tell us more about the Safe Communities Foundation? How has your ministry partnered with this organization?

Hon Brad Clark (Minister of Labour): The Safe Communities Foundation started about six years ago as a result of a tragic loss that affected an Ontario family. In 1994, Sean Kells went off to work one morning, and it was his third day on the job, a part-time job. He was 19 years old. At work, Sean was pouring a flammable liquid when static electricity ignited it and Sean lost his life. From that, Sean's father, Paul Kells, determined that other parents and families should not have to undergo such a devastating tragedy.

Paul Kells has a vision, a vision that we happen to share: changing our culture to a safety culture so that no one else would ever have to suffer like his son and family did. His dedication and determination resulted in the creation of the Safe Communities Foundation. Safe Communities is a national, not-for-profit charitable organization. There are 22 of them in Ontario. I'm proud to have one of them in Hamilton. The Ministry of Labour works as a partner with this foundation, as does the WSIB.

Mr Gill: Thank you, Minister. I understand that the Safe Communities Foundation is in the process of rolling out the passport to safety program for young workers. Can you tell us more about this important initiative?

Hon Mr Clark: It's an educational program. We happen to believe, on this side of the House, that injuries are

preventable, and so we work to that end. A part of preventing injuries is through education. The passport to safety program is an education program and employment tool aimed at protecting our youth when they go to work.

While Ontario's work in the field of youth and health and safety has made great strides, last year approximately 16,000 young people suffered lost-time injuries at work. Passport to safety has been successfully piloted in Peterborough and Safe Communities Foundations right across the province. Young people between the ages of 15 and 24 receive a booklet, a passport, which they use just like travelling. The page gets stamped for every recognized safety course that that student successfully completes. Students are recognized by their potential employers as being value-added employees of their corporation. Employers want employees to understand what safety is all about and to prevent injuries, and we work with them to that end.

WATER QUALITY

Mr Howard Hampton (Kenora-Rainy River): My question is to the Premier. In Mr Justice O'Connor's report, he makes it very clear that both the Liberals in Ottawa and your government have failed virtually absolutely to ensure the delivery of safe, clean drinking water to First Nations. In fact, in his report, he spends a great deal of time dealing with that particular issue, and he recommends that your government make available to First Nations, should they ask for it, not only assistance with training of water operators but also, on a cost recovery basis, a number of other elements which go into the delivery of safe, clean drinking water.

Premier, your government is across the far north, telling First Nations you want access to the minerals on their property, you want access to the timber on their territory. But it seems when it comes to another resource—safe, clean drinking water—you're not there. If you want the timber and you want the minerals, are you prepared to work jointly with First Nations and perhaps the federal government to ensure that safe, clean drinking water is available?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Yes, we are.

PETITIONS

POST-SECONDARY EDUCATION FUNDING

Mr Rick Bartolucci (Sudbury): This petition is from the College Student Alliance Partners in Learning and it's about the double cohort and quality.

“Whereas by eliminating the fifth year of high school the government of Ontario has created a double cohort of students; and

“Whereas the government of Ontario has promised that there will be a space at a university or college for every willing and qualified student; and

“Whereas Ontario’s universities and colleges have not received sufficient funding from the government of Ontario to accommodate these double cohort students; and

“Whereas the quality of education at Ontario’s universities and colleges has been declining in recent years; and

“Whereas the double cohort students will add an additional strain on an already fragile university and college system;

“We, the undersigned, petition the Legislative Assembly of Ontario to: provide full funding for every new student entering Ontario’s universities and colleges; provide additional funding to increase quality at Ontario’s universities and colleges; provide targeted funding to colleges for skills and innovation; and increase the per student funding to the national average over the next five years.”

I affix my signature to this petition.

ANIMAL PROTECTION

Mr Ted Arnott (Waterloo-Wellington): My petition is on behalf of the member for Guelph-Wellington, who is unable to present petitions because she sits in the cabinet.

“Petition to the government of Ontario:

“Whereas it is immoral to use lost, stray and abandoned animals, most of whom are former pets, for the purpose of experimentation, particularly if it is not done for their direct benefit;

“Whereas turning over unwanted animals for research is a misuse of tax dollars and undermines the public trust in municipal animal control systems;

“Whereas 11 US states and several countries, including Great Britain and Sweden, have prohibited the use of pound animals in research without any negative consequences for human health and public safety; and

“Whereas over 1,000 cats and dogs from animal control facilities are used for experimentation each year in Ontario;

“We, the undersigned, petition the government of Ontario to amend the Animals for Research Act to ban the use of pound animals for experimentation.”

HYDRO ONE

Mr Dave Levac (Brant): I have a petition to the Ontario Legislature:

“Whereas the Conservative government plans to sell off Hydro One and Ontario’s electricity transmission grid—the central nervous system of Ontario’s economy;

“Whereas the government never campaigned on selling off this vital \$5-billion public asset and never consulted the people of Ontario on this plan;

“Whereas Ontario families want affordable, reliable electricity—they know that the sale of the grid that

carries electricity to their homes is a disaster for consumers;

“Whereas selling the grid will not benefit consumers—the only Ontarians who will benefit are Bay Street brokers and Hydro One executives;

“Whereas selling Hydro One and the grid is like selling every 400-series highway in the province to private interests—selling the grid means the public sector will no longer be responsible for its security and protection;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature as follows:

“To demand the Conservative government halt the sale of Hydro One until the government has a clear mandate from the owners of Hydro One—the people of Ontario.”

I sign my name to this and give it to Travis, our page.

MEDICAL SCHOOL TUITION

Mr Pat Hoy (Chatham-Kent Essex): “To the Legislative Assembly of Ontario:

“Whereas medical school tuition was deregulated by the Ontario government in 1998; and medical school tuition has and continues to increase in excess of 300% such that at some universities tuition is now \$14,000;

“Whereas the combination of excessive tuition and frozen student assistance have impaired students’ accessibility to a medical education;

“Whereas the physicians most likely to practise in a rural area are originally from rural areas themselves; and

“Whereas unaffordable tuition disproportionately excludes medical students from rural communities;

“Be it resolved that we, the undersigned, petition the Ontario government and the universities of Ontario to ensure that medical education be made financially accessible to all qualified students; and

“Be it further resolved that we, the undersigned, request that medical tuition be capped and re-regulated at a level accessible to all Ontarians, and that the Ontario student assistance plan/Canada student loan program be adjusted, in order to ensure that Ontarians from all communities are able to afford a medical school education.”

This petition is signed by a number of residents from Leamington, Wheatley and Ruthven. I too sign this petition.

1550

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Michael Gravelle (Thunder Bay-Superior North): A petition to the Ontario Legislature:

“Whereas Ontario disability support program recipients have not received a cost-of-living increase since 1987; and

“Whereas the cost of living in Ontario has increased in every one of the years since, especially for basic needs

such as housing, food, utilities, transportation, clothing and household goods; and

“Whereas Ontarians with disabilities are recognized under the Ontario Disability Support Program Act, 1997, and as such have the right to have their basic needs met, including adequate housing and a proper and healthy diet; and

“Whereas their basic needs are no longer being met because the Ontario government has not increased the shelter and basic needs allowances for the nearly 190,000 Ontarians on ODSP, and because increases in Canada pension plan benefits are clawed back;

“Therefore, we, the undersigned citizens of Ontario, petition the Legislative Assembly of Ontario to provide a cost-of-living increase of 2% per year retroactive to 1987, with a continued annual indexing at 2.4%, to give ODSP clients the dignity of a living benefit.”

I'm pleased to add my name to this petition, signed by hundreds and hundreds of Ontarians.

CHILDREN'S HEALTH SERVICES

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

I have a petition to stop the closure of cardiac surgery services at CHEO.

“To the Ontario Legislature:

“Whereas the Conservative government plans to close cardiac surgery services at the Children's Hospital of Eastern Ontario;

“Whereas the Conservative government plans to centralize all cardiac services for children in Toronto;

“Whereas cardiac surgery at CHEO is an essential service for children in eastern Ontario;

“Whereas many children such as Shawn McCarty, the ‘miracle baby,’ would not have survived had the cardiac surgery services not been available in Ottawa;

“Therefore, be it resolved that the undersigned petition the Ontario Legislature as follows:

“To demand that the Conservative government halt immediately its decision to close cardiac surgery services in Ottawa.”

I add my signature.

DOCTOR SHORTAGE

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

“Whereas the residents of Centre Hastings are facing an immediate and critical situation in accessing physician services; and

“Whereas a retiring family physician has been unsuccessful in procuring a replacement physician, potentially leaving 5,000 patients without a doctor; and

“Whereas accessibility to already overcrowded hospital emergency departments and walk-in clinics is limited because of distance and availability to transportation; and

“Whereas Centre Hastings has been designated as an underserved area in need of five physicians;

“We, the undersigned, petition the Legislative Assembly of Ontario to act immediately to establish a community health centre in Centre Hastings.”

I will affix my signature to this petition.

EDUCATION FUNDING

Mr Ernie Parsons (Prince Edward-Hastings): “To the Legislative Assembly of Ontario:

“Whereas the funding for school boards is now based on student-focused funding legislative grants for the 2001-02 school board fiscal year;

“Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

“Whereas application of the student-focused funding model for 2001-02 does not allow sufficient funding for the Hastings and Prince Edward District School Board for secretarial support in schools, principals and vice-principals, transportation, or school operations;

“Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines,

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

“To reassess the student-focused funding legislative grants for the 2002-03 school fiscal year to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding ... to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario.”

I will add my signature to this.

ONTARIO DRUG BENEFIT PROGRAM

Mr Michael Gravelle (Thunder Bay-Superior North): “To the Legislative Assembly of Ontario:

“Whereas people with Alzheimer's disease deserve to have equal access to the full range of drugs, including Reminyl; and

“Whereas Reminyl has been proven to be a viable alternative to Aricept and Exelon and will provide an alternative for people for whom the other two other drugs are not a good therapeutic choice; and

“Whereas there is a need to broaden the choice of therapeutic alternatives for persons with Alzheimer's disease; and

“Whereas without coverage under the Ontario drug benefit plan, many people for whom Reminyl is the most appropriate therapeutic choice will not be able to afford this drug;

“Therefore, we, the undersigned citizens of Ontario and residents of northwestern Ontario, petition the Legislative Assembly as follows:

“To add Reminyl to the Ontario Drug Benefit Formulary at the earliest possible opportunity.”

This is sent in by the Alzheimer's Society of Thunder Bay and I'm pleased to sign my name to the petition.

INSURANCE CLAIMS

Mr Dave Levac (Brant): This petition brings over 200 voices from the people of Ontario to the Legislative Assembly of Ontario.

"Whereas it behoves us to ensure the practice of justice in all cases, and for all persons; and

"Whereas the statute of limitations applies in cases where it has been impossible to tell for many years what the truth of an insurance claim was;

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

"The laws concerning the statute of limitations for insurance claims should be suspended if it has been discovered that there was a possibility of evidence tampering and/or it is discovered that the case was investigated poorly, causing hardship to those who were wrongly blamed" for car accidents in the province of Ontario.

I put my name to this and share this with Jean-Alexandre, our page.

HYDRO ONE

Mr Rick Bartolucci (Sudbury): My petition is to the Legislative Assembly of Ontario.

"Whereas Ernie Eves is planning to ram through the sale of Hydro One without a mandate from the people of Ontario; and

"Whereas an Ontario Court judge has ruled that the sale of Hydro One is illegal; and

"Whereas Ernie Eves's Bay Street friends will benefit from the sale of Hydro One at the expense of Ontario's working families;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to encourage Ernie Eves to take Dalton McGuinty's advice to put working families ahead of his Bay Street friends by immediately stopping the sale of Hydro One."

I affix my signature to this petition.

AUDIOLOGY SERVICES

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario and it's entitled:

"Listen: Our Hearing is Important!

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

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

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

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

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

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

I affix my signature to this petition.

POST-SECONDARY EDUCATION FUNDING

Mr Rick Bartolucci (Sudbury): This petition is regarding the double cohort and quality. It's from the College Student Alliance, Partners in Learning, and it says:

"Whereas by eliminating the fifth year of high school, the Ontario government has created a double cohort of students; and

"Whereas the government of Ontario has promised that there will be a space at a university or college for every willing and qualified student; and

"Whereas Ontario's universities and colleges have not received sufficient funding from the government of Ontario to accommodate these double cohort students; and

"Whereas the quality of education at Ontario's universities and colleges has been declining in recent years; and

"Whereas the double cohort students will add an additional strain on an already fragile university and college system;

"We, the undersigned, petition the Legislative Assembly of Ontario to: provide full funding for every new student entering Ontario's universities and colleges; provide additional funding to increase quality at Ontario's universities and colleges; provide targeted funding to colleges for skills and innovation;" and finally, "increase the per student funding to the national average over the course of the next five years."

I affix my signature to this petition as well.

1600

ORDERS OF THE DAY

TIME ALLOCATION

ATTRIBUTION DE TEMPS

Hon John R. Baird (Associate Minister of Francophone Affairs): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime, when Bill 69 is next called as a government

order, 60 minutes shall be allotted to the third reading stage of the bill, to be divided equally among all recognized parties; and

At the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "deferred votes"; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Deputy Speaker (Mr David Christopherson): Mr Baird has moved government notice of motion number 4. Is it the pleasure of the House—

Interjection.

The Deputy Speaker: I want to see if there's any debate. Do you want to speak? Fair enough. The member for London-Fanshawe.

Mr Frank Mazzilli (London-Fanshawe): Today we begin third reading of Bill 69, the Prohibiting Profiting from Recounting Crimes Act. Joining me in the debate will be the members for Bramalea-Gore-Malton-Springdale and York North. I also know members from across the way will certainly be joining the debate.

I want to say clearly that our government believes in debate on these very important bills. On this particular bill, to date there have been 7.4 hours in debate in this Legislature over this matter. I know that my good friend from Niagara South, I believe it is, will be joining the debate, and he'll likely have some things to say about not having enough time to debate this matter. But in fact, he's already spoken for 63 minutes, and I certainly value another 63 minutes of his contribution to this debate.

I'm pleased to participate in the debate on this very significant bill. Bill 69, the Prohibiting Profiting from Recounting Crimes Act, is an important part of our government's commitment to help victims of crime and to take the profit out of crime. We need to protect vulnerable victims. In the Blueprint, we promised to support victims. We've kept that promise and we're continuing to do even more.

We recognize that the victims of crime need help in coming to terms with traumatic experiences they are forced to go through because of criminal activities.

We've also taken action, and will continue to take action, on taking the profit out of crime.

This legislation is linked to the Remedies for Organized Crime and Other Unlawful Activities Act, which was recently proclaimed into law. Let me take a moment to comment briefly on the purpose of this law, because it complements Bill 69, which we are debating here today. The Remedies for Organized Crime and Other Unlawful Activities Act—

Excuse me, Mr Speaker. I certainly have a throat problem. If I could be excused from this debate for a moment.

The Deputy Speaker: It's not a problem. We'll stand down your time and I'll look to another government member. The member for York North.

Mrs Julia Munro (York North): I'm pleased to be able to rise today and speak to the Prohibiting Profiting from Recounting Crimes Act.

I think it's important to see this bill in context, a context that has been a government priority since 1995. We have recognized the importance of helping the victims of crime, and in this bill then to go one step further and take the profit out of crime.

This bill would require criminals to forfeit profits that could be made from recounting their crimes. It would establish a fund from the forfeited proceeds that would be made available to victims. If passed, it would obviously then stand as a testament to the continuing concern this government has in relation to helping victims of crime.

Our record on assistance and support to victims is a long and successful one. We are certainly proud of the continuing attention, and continue to provide this support. For example, we have passed the Victims' Bill of Rights, which sets out the basic tenets regarding victims in the justice system. In June 2001, the government proclaimed the Victims' Bill of Rights Amendment Act, 2000, to create the first permanent Office for Victims of Crime in Canada.

The Office for Victims of Crime gives victims a stronger voice in the justice system. It recognizes that victims deserve to have their voices heard. The Office for Victims of Crime provides advice on a number of issues. It helps to improve access to services for victims. It helps to ensure that programs for victims are distributed appropriately. It also helps to assist victims in accessing services in all areas of the province.

This government has also sent a strong message that domestic violence will not be tolerated in Ontario. We have created the domestic violence court program, the largest of its kind in Canada, and allocated funding to support victims of domestic violence and their children. The domestic violence court program is being expanded across the province to better support victims and hold their abusers accountable.

Our government's victims' justice action plan is committed to enhancing and expanding services for victims across the province. As part of this plan, we are expanding the victim/witness assistance program across the province to support victims and witnesses as they make their way through the justice system; adding new victim crisis and assistance referral service locations to provide crisis intervention services to victims of crime and disaster; and finally, expanding the support link program to 13 additional programs across the province. This program provides free wireless phones that are pre-programmed to dial 911, and personal safety planning for victims at risk of personal harm from sexual assault, domestic violence or stalking.

The supervised access program is also being expanded to a total of 77 locations providing supervised access services throughout the province, far exceeding this

government's commitment to expand to 54 locations. Supervised access centres provide safe settings for visits and exchanges between children and non-custodial parents or other adults involved in custody and access matters.

We are doing our part, but there is more to be done. Over and over again, we have asked our counterparts in the federal government to change aspects of the Criminal Code that would provide better protection to victims and would hold offenders accountable for their crimes. One example is bail conditions. We have asked that they be toughened by reversing the onus of proof in bail proceedings in domestic violence cases. This would put the burden on accused individuals to demonstrate that their release would not be a further threat to the victim or victims of the accused.

Bill 69, then, is one more step to assist us in achieving our objective of helping victims in every possible way. This legislation, if passed, would provide for funds for victims from the money generated by a convicted person's writing about or otherwise recounting his or her crime. It would also allow victims access to these funds without having to obtain a civil judgment. Finally, it would strengthen the enforcement mechanisms that are currently in place under existing legislation.

The proposed bill, if passed, would not affect rights that victims already have. For example, victims could still sue the criminal in court to obtain a civil judgment. Why might this be necessary? Let me explain. For instance, a criminal may try to avoid the impact of the bill by agreeing to receive only a minimal sum of money from a publisher for a crime recollection. Since only a small amount of money would be forfeited to the crown for distribution to victims, a victim may still wish to sue a criminal for any harm suffered. In this way, a victim could gain access to any other assets held by a criminal once a civil judgment is obtained.

I think it's important to understand just the kind of applications this bill would have. Obviously, we're talking about people who have been convicted of a serious violent crime or a serious property crime designated under the act. It also covers people who might be acting on behalf of the criminal, such as a spouse, a partner or other relative. It includes a corporation in which the convicted person has a substantial interest and it also covers those who have been accused for the purpose of an interim freeze order.

1610

Offences that could be covered by the bill include sexual assault with or without a weapon; attempted sexual assault with or without a weapon; aggravated sexual assault; all violent indictable offences carrying a sentence of five years or more; and, finally, a serious property offence under the Criminal Code.

The kind of thing that would happen is where someone who has been convicted and is then involved in any kind of contract would be liable and would fall under this bill. A contract would include any money paid to a convicted person, either before or after a conviction. This

would cover a literary or media description or recollection of the crime, the use of documents that may be related to the crime, an interview with the convicted person about his or her crime, or an appearance on a television or radio show by the convicted person. From this, you have a sense of exactly who we are speaking about who might be prosecuted under this.

The kind of thing that I would also like to deal with is the fact about the guarantee: will this person, the victim, be guaranteed to receive the funds? If this bill is passed, victims would be entitled to be compensated from any funds that are forfeited to the crown. That is, of course, one of the main purposes of this bill. The bill provides for the payment of all forfeited funds to be kept in a special-purpose account. This clearly would be kept separate from other monies in the consolidated revenue fund. The bill provides that payments may be made out of the account to compensate persons who suffered losses as a result of the crime and to assist victims of crime. Details of the criteria and procedures for this payment would be set out in regulation.

Let me point out that under existing legislation, the Victims' Right to Proceeds of Crime Act, these funds would have been treated as residual funds and returned to the criminal. Bill 69 does not return the funds to the criminal.

As I said before, the Prohibiting Profiting from Recounting Crimes Act is needed. Someone might ask the question, "How real a threat is this?" The intent here is to simply send the message that even a few instances of criminals making money by writing about their crimes is a matter of concern for victims and for their families, so it is as a response to their concerns that this bill has been structured. It has a very stringent reporting mechanism. If the bill is passed we certainly have to expect more information; for instance, someone providing a contract has 15 days in which to indicate to the government that this has been done. It will also protect people where the potential profit is actually outside the province. The court would have the opportunity to look at this on a case-by-case basis.

I think from this brief overview it is possible here to see how important it is for all members to support this bill and ensure that no one in this province, then, is able to in fact derive profit from recounting crimes. It is a part of our steps then to ensure that we are assisting victims of crime.

The Deputy Speaker: I've been advised by the member for London-Fanshawe that indeed his throat irritation is not going to permit him to finish off his remarks this afternoon. Therefore, we will go into the regular rotation.

Mr Michael Bryant (St Paul's): I'm glad to see that the member for London-Fanshawe is well and has recovered. He had to step down because there was a problem with his throat.

I, too, choked when I saw that yet another debate-killing motion was before this Legislature. There has been a record number of debate-killing motions. They're

sometimes called guillotine motions; they're sometimes called closure motions. The technical reference description, so that nobody knows what they are, is time allocation motions. That sounds friendly. That sounds very friendly.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): That's what the Liberals called them.

Mr Bryant: Look, two wrongs don't make a right, I say to the minister. This is precisely why Dalton McGuinty has proposed a democratic charter, to say once and for all to all members of the Legislature, let's not talk about what Ernie Eves did with all of his debate-killing motions. He's off to a great start—the great listener. This is what, his third week now in the Legislature? The great listener, Premier Eves, has now brought in a debate-killing motion. There's a great listener. Let's not talk about the 60-odd debate-killing motions that Premier Harris brought in. Let's not talk about the debate-killing motions brought in by the New Democrats and the Liberals past. Let's stop it once and for all. Let's create, and this is the purpose of the democratic charter, a scenario where we don't continually engage in these parliamentary tactics of partly revenge and partly a failure to adhere to what more often than not works.

You know what happens when you don't take—
Interjection.

Mr Bryant: I don't understand what on earth that member said, but I never do.

Mr Peter Kormos (Niagara Centre): It will go in Hansard by responding to it. Don't respond, because that means it will get into Hansard.

Mr Bryant: I thank the member. By the way, I'm sharing my time with the member from Sarnia-Lambton and the member for Brant.

In any event, what we are here to debate is a debate-killing motion on what amounts to an amendment to a private member's bill originally introduced by then-opposition MPP Cam Jackson. The bill was really rendered a dead letter. It was never used once by one Ontarian. That doesn't mean that it wasn't a worthy principle or idea codifying the common law. There has always been a common law principle that you cannot basically profit from a wrongdoing. In equity, you can't come to court with unclean hands and expect to profit from that. In fact, what Mr Jackson's bill did was codify it. It was very similar to Son of Sam laws introduced in US jurisdictions, many of which were struck down, by the way. In this case, this one was never struck down, for the simple reason that it never went to court. No one ever used it.

So why, you might ask, are we bringing in amendments to the Jackson bill? If in fact amendments were needed—and I don't know on what basis amendments could possibly be needed if the bill is never used—then why didn't we amend that bill? Instead, what's happening here is the Jackson bill is being killed. It's just gone. There's a provision in the bill which says the Jackson bill is dead.

Why would we do that? I'll tell you why. A couple of years ago, Princeton's prince of paper tigers—then-Attorney General Flaherty—on his way out the door decided to announce something like four bills in four days, and one of them was this bill. It is a paper tiger. We support the principle behind this paper tiger. We're going to support the bill because there's nothing really that's offensive about it except this. Of all the things that we could be doing right now to help victims of crime, passing a paper tiger is not one of them.

This government talks the talk about helping victims of crime. If this government wants to help victims of crime, then they need to fulfill their commitment to provide money promised by the Attorney General—past, present—of \$50 million to the victims' justice fund. Fifty million dollars. That's money promised by this government for the victims' justice fund. But has any of it been delivered? No. Ninety per cent of the money committed—promised—well over a year ago for the victims' justice fund is being held back. The announcement was made June 27, 2000, by the Attorney General, a \$50-million victims' justice fund. Quite a promise for victims.

1620

The fund is financed by victim fine surcharges. So victim fine surcharges are being used and brought back into the system to help victims. That makes sense. It was supposed to be spent on services for victims of crime. That makes sense. The victims' justice fund was announced in response to a report released by the Office for Victims of Crime. We heard the member opposite refer to that office and to that report, *A Voice for Victims*. It was an important recommendation. It said, "Put your money where your mouth is. Don't just talk about helping victims of crime; do something." And so a commitment was made in June 2000. And what has happened since? What has happened is that the money has sat there. I guess it incurs interest. I guess it grows. This \$50 million must now be, I don't know, \$60 million-plus. In the nearly two years that have passed since that announcement, incredibly, 90% of that money has not been let go; it's been held back. "Why?" I ask the government. You want to do something for victims of crime. Don't pass this bill that's a dead letter—

Mr Kormos: On a point of order, Mr Speaker: Is a quorum present?

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: Quorum is now present.

The Deputy Speaker: Quorum now being present, the member for St Paul's may resume his control of the floor.

Mr Bryant: I was talking about the victims' justice fund being held hostage by this government. More than 90% of a \$50-million fund announced nearly two years ago is just sitting there. It's not going for victims. It's not helping victims. It's just sitting there. Now, that money had better be released. If that money is going to be diverted to help the government balance the budget, it

will mean that the government has failed miserably in its mandate to protect victims of crime.

I do not see the justice in allowing money dedicated to victims of crime to just sit there while the government gets to take credit for it, money that is needed for victims of crime to just sit there and not go to the victims of crime.

If the government wants to send a message, as the member opposite just said, this debate-killing motion that we're debating about this paper tiger of a bill—if this government wants to send a message in favour of victims of crime, then what it needs to do is release the monies dedicated to the victims' justice fund, because the Office for Victims of Crime that the government member was pronouncing upon with great pride—and we should all have pride in the Office for Victims of Crime, but they did not recommend to have the victim's justice fund go nowhere; they recommended the creation of this fund to help victims. That's not happening, and that's a tragedy. Blowing smoke with this bill, bringing forth this paper tiger, does nothing for victims of crime. When it comes to protecting victims, this government is all talk and no action.

If the government wants to help victims of crime, instead of recycling an old idea of Cam Jackson's, why not start fighting against the fastest-growing crime in North America? It's unbelievable that this self-acclaimed crime-fighting government, this government that talks the talk about crime constantly—constantly talking the talk about crime. What are they doing about the fastest-growing crime in North America? Nothing. A couple of infomercials, to be fair. Mr Sterling did have a couple of infomercials. That tells you something. There is no initiative before this House from the government that deals with the issue of identity theft.

I have introduced a private member's bill, Bill 26. It is An Act to provide civil remedies for the victims of identity theft. The purpose of the bill quite simply is to help people who are victims of identity theft get their identity back—legally, that is. I know of one victim, whom I spoke to personally. We tried to help her out. She lives in Windsor. She doesn't want her name being used because she's had her identity ripped off only once. She is on ODSP, she is receiving disability payments. One day she receives a refund cheque from Revenue Canada. She calls up Revenue Canada and says, "How did I get a refund cheque?" They said, "Well, you know, you're employed in this company in the GTA and you've had several different jobs and you deserve a refund cheque." She said, "No, no. I don't work. I haven't worked since my injury, for over a year." So they said, "There's somebody with your name and your social insurance number who in fact is using your identity and presumably one day they will not pay taxes. They didn't get the refund this year."

So she went out, this victim of identity theft, to try and find out how to correct the problem and say to Revenue Canada, say to these new employers of hers, which of course weren't employers of hers, in essence, "I'm the

real McCoy. That other person with my name," the victim said, "in fact has stolen my identity." What she was told was that she would have to do all the dirty work: she would have to contact all the employers; she would have to contact the credit card companies; she would have to contact the consumer reporting companies. The victim would have to do all the work.

If you are a victim of, say, a break-and-enter, the police don't ask you and the prosecutors don't ask you to go out and find the property and bring it back. No, that's not something the victim should do; that's a job for the police, for prosecutors. I know of many police officers who are very frustrated by identity theft because there is no mechanism by which to help the victim get their identity back. So some of them will write a letter in support of the victim, saying, "This person has been a victim," but it's very haphazard. Sometimes a letter is written, sometimes it's not.

What I'm proposing through Bill 26 is a process by which we can help victims of identity theft get their identity back. Let's send this off to the Ministry of the Attorney General, have them look at the evidence. They don't have to deal with conviction; they can just deal with the evidence to make a finding, in essence, as to whether or not there is a victim of crime here and in those circumstances provide some kind of a certificate—

Interjection.

Mr Bryant: One moment, everybody. Stay tuned one more second.

The Deputy Speaker: Just what are we doing here with the House leader for the third party? Are you rising on a point of order?

Mr Kormos: I'm just counting.

The Deputy Speaker: Then stay in your chair. Stay in your chair.

Mr Bryant: Thank you, Speaker.

The other problem is, what do you do about unscrupulous companies that recklessly participate in identity theft? Fine, some companies are ripped off and misled, but what about those companies that have information in front of them and say, "This is odd, this is strange," companies that say, "It looks like there's more than one identity here, but you know what, we want the account so we're going to just go ahead and participate in this."

Any company that knowingly or recklessly participates in identity theft under the bill that I've introduced, Bill 26, will in fact be held accountable in our courts of law. There would be something new for victims of crime in Ontario, as opposed to recycling something that now Minister Jackson, then opposition member Jackson, introduced in 1995.

1630

Instead of recycling a seven-year-old idea, however well-intentioned that idea may be, why doesn't the government move forward on the fastest-growing crime in North America? In Ontario we have had, every year over the last couple of years, thousands of new victims of identity theft. Identity theft has been described by

Canada's privacy commissioner and Ontario's privacy commissioner as the fastest-growing crime in the jurisdiction. The Better Business Bureau has described countless cases of identity theft that have been brought to their attention. It is a huge problem. It involves, obviously, organized crime.

Instead of helping victims of identity theft—and that's what Bill 26 does; it helps victims of identity theft—plus doing what they ought to be doing, cracking down and preventing identity theft, we have this paper tiger, this Son of Sam law that's already on the books and already exists in common law, and we're going through it all over again.

To make matters worse, we're not even going to debate it. We're going to have a debate-killing motion. We're not even going to look at it. What happens when you don't look closely at bills? Two words: Justice Gans. That's what happens. When you don't look closely at bills, when you don't get it right, sometimes things come back to haunt a government.

Did the government get legal authority to sell off Hydro One? No, it never had that authority. It was very clear from then Minister Jim Wilson that the government had absolutely no intention of privatizing Hydro One, and so there was nothing in that bill to permit them to privatize Hydro One. There was nothing in that bill about the disposition of assets of Hydro One—so held Mr Justice Gans—and this government found out the hard way that when you rush bills through the Legislature, when you don't take a good look at bills, mistakes can be made, and that's my concern about this bill.

I know the member for Niagara Centre has concerns about the specifics of the bill—and we're going to hear from the member in a moment—but we're not going to get to debate those, are we? We're not going to get to send them to committee, I presume, or it's going to go to committee and we're going to spend about two minutes on it.

Mr Kormos: We've already had them.

Mr Bryant: We've already had committee hearings on it. It's over. The debate is over, and we're not going to get a good look at this bill. We're not going to get an opportunity to debate the amendments, because we have this time allocation motion before us.

What else could we be doing besides the victims' justice fund? I encourage Ontarians to turn to A Voice for Victims: The Report of the Office for Victims of Crime. There is recommendation after recommendation that sits there and gathers dust, day after day, as time after time the various rhetorical warriors in this government stand up and try to talk big talk about victims of crime. But when it comes to either putting their money where their mouth is or actually bringing in bills that will make a difference, what we find is that there's nothing.

I ask the government, what have they brought in since 1999 that has actually made a difference for victims of crime? They say, "We've made the Office for Victims of Crime a statutory body." Well, the office already existed.

They called it the Compensation for Victims of Crime Amendment Act, and it did only one thing: it re-announced the Office for Victims of Crime. I have some concerns about making that office part of the Ministry of the Attorney General, and I have said that before. I would prefer that the office have some independence, so that it can produce reports such as A Voice for Victims. But that debate is over.

What else have they done? Well, the squeegee bill. Great. At the end of the day, especially in the wake of the comments from the Solicitor General, or whatever he is called—

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Minister of Public Safety and Security.

Mr Bryant: Thank you. Excuse me, but I think that description departs from the tradition of having a Solicitor General who is apart from the Attorney General. We have those ministries separate and apart for very good reasons.

Last week I asked the Attorney General, through the Deputy Premier, to investigate the Minister of Public Safety.

Interjection.

Mr Bryant: Look, the government seems to want me to repeat their renaming of the Solicitor General over and over again. I've acknowledged what the correct name is, but I also acknowledge that there may be a little bit of rhetoric in that new title and in that new ministry. What I'd like to see is a little bit more action and a little less talk from this government when it comes to victims of crime. A lot more action and a lot less talk would be even better.

There's nothing here for victims—nothing, nothing. This is a dead letter. I mentioned the Jackson bill; we're here debating it and then killing the debate all over again.

It is unbelievable, when I'm sure the issue of the sale of arguably our most valuable asset, Hydro One, is on the minds of everybody in this House—I would be surprised if the members opposite weren't getting a few calls in their constituency offices. We should be here debating that particular issue at some point. If the bill is before the House—I understand not every bill can be debated at the same time, but it's not even before the House. That's the most important issue facing the province right now.

In closing, before I hand it over to the members for Sarnia-Lambton and Brant, I would just like to say this government has got to stop talking the talk about helping victims. They've got to release the funds promised for the victims' justice fund. The \$50 million promised is being held back. It's a disgrace that it's being held back, because every day it's held back, victims who need help are not getting help.

Instead, we've got this bill that has, at the end of the day, done nothing over the last seven years, and we have no indication it will do anything in the days to come, once it becomes the law of Ontario. When it comes to protecting victims of crime, this government is all talk and no action.

The Deputy Speaker: Further debate?

Mr Gill: I am also very pleased to speak on this very important bill which the Attorney General has brought forward, Bill 69. I come back to the bill to remind the viewers at home, because a lot of times when people from the opposition speak, they're all over the left spectrum and people at home forget what the bill is about.

Bill 69, the Prohibiting Profiting from Recounting Crimes Act, 2001, would take the profit out of crime by allowing for the seizure and forfeiture of the profits convicted criminals get from retelling their crimes in books, interviews and other media.

As you know, in the past, very, very serious offenders have gained money by telling their stories. I think we have to be careful about that and do everything possible, so that criminals don't benefit from their crimes. This act will allow for a fund to be established from the proceeds that would be used to assist victims of crimes.

Under this act, whenever a publisher or other party signs a contract with a criminal, they would be obligated to report to the Attorney General within 15 days of signing that contract. Publishers could be liable for a fine of up to \$50,000 for failing to report a contract. As well, directors and officers of publishing and media companies who have entered into a contract with a criminal would be obliged to report the contract. This would include, of course, whenever money is paid to a convicted person for telling the story of their crime in a book or any other media, for that matter, using material that may be related to the crime, giving an interview about the crime or appearing on radio or television to recount the crime.

Under this act, a crime may be committed before or after the legislation becomes law. Designated crimes would be committing or attempting to commit sexual assault either with or without a weapon, aggravated assault, any violent offence with a maximum sentence of five years or more in prison or a serious property offence under the Criminal Code.

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The act would apply to a person convicted of a serious criminal offence or property crime as described in the act. It would also apply to anyone who acts on behalf of the criminal as an agent; for example, a spouse, a relative or even a business partner. Criminals cannot shelter behind even shell corporations, because the act also applies to a company where the criminal has ownership or a substantial interest.

In some cases the courts may freeze profits of an accused person until a criminal charge is dealt with. Funds may not be forfeited from an accused person but they can be frozen. If the person were not convicted the money would eventually be returned to that person; and this is appropriate, Mr Speaker, as I'm sure you will agree. A person is innocent until proven guilty. At the same time, this prevents criminals from spending the proceeds while the courts sort out who would have the money.

If a person were convicted of a designated crime under this bill, the Attorney General would have the authority

to begin legal proceedings by applying to court to forfeit the profits of the crime. If a person has been charged with a crime, the Attorney General would be authorized to apply in court to freeze the money pending the outcome of the charge, and he would base his decision—

Mr Kormos: On a point of order, Speaker: Is there a quorum, sir?

The Deputy Speaker: There's a call for a quorum check. Would the clerk please check for quorum.

Clerk at the Table: A quorum is not present, Speaker.

The Deputy Speaker: There not being quorum, please call in the members. This will be up to a five-minute bell.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Deputy Speaker: Quorum now being present, the member may continue his remarks.

Mr Gill: If a person has been charged, as I was saying, with a crime, the Attorney General would be authorized to apply in court to freeze the money pending the outcome of the charge. He would base his decision on factors like whether it is deemed that the contract applies to the act, the reason for the contract, the kind of story that is being recounted, the sum of money the criminal expects to receive under the contract, the type of crime that has been committed or the number of victims. Other pertinent factors would include whether it is believed that a person other than the convicted person who has entered into the contract is acting on behalf of the convicted person.

As you know, profit seized from convicted criminals would be placed in a special-purpose account. The funds would be available for victims to help them deal with monetary losses and to help alleviate the misery caused by the criminals or criminal who committed the crime against them. The process of applying for funds would be set out by the regulations. The regulations would probably refer to factors such as the kind of injury caused, any out-of-pocket expenses, the amount of money forfeited and other factors like whether judgment has been obtained in civil court.

What we are talking about here is merely common sense. It is common sense that if it is wrong for a person to profit directly from a criminal act, then we should take the indirect profit out of the crime as well.

A few constituents from my riding of Bramalea-Gore-Malton-Springdale have called my office about this bill, and I would like the Attorney General to know that they think he is on the right track, and I also agree with them. We need to listen to ordinary Ontarians. They are sick to death of people getting away with crimes or merely being slapped on the wrist. They don't want ever to see crime turned into a sideshow or a freak show so that criminals can get rich selling their stories to the sort of people who read so-called "true crime" novels.

Bill 69 is an essential complement to Bill 30 of the previous session, the Remedies for Organized Crime and

Other Unlawful Activities Act. On April 12, I was glad to see that other act proclaimed into law. Like the bill we debate today, Bill 30 was all about protecting society. The government, as it always does, kept its promise to help victims and make communities safer. I congratulate the Attorney General, the Honourable David Young, on this achievement. I know he had to work on it for a long time, but I'm happy that it has passed.

The Remedies for Organized Crime and Other Unlawful Activities Act allows the province to ask a civil court to freeze, seize and forfeit the proceeds of unlawful activity. The legislation was the first of its kind in Canada. Bill 30 allowed the province to ask civil courts to freeze, seize and forfeit assets that are proceeds of unlawful activity or that are likely to be used as instruments or tools in the commission of unlawful activity. It also allowed the government to take to court two or more people who conspire to harm the public. And much like this Bill 69, Bill 30 set up a fund to help defray the costs and damages suffered by victims of crimes and unlawful activities. It was a natural fit for real justice because it made the perpetrators pay the costs wherever possible. People who have been victimized by unlawful activity will have the opportunity to get back what is rightfully theirs. The message to criminals is clear: they have no right to keep their illicit cash and assets.

Of course, there's a difference in focus between Bill 30 and Bill 69. Bill 69 deals with the profits that are made through publishing or otherwise exploiting the notoriety and the fame that come with being a famous criminal—or infamous, for that matter. But Bill 30 dealt with preventing persons who engage in unlawful activities and others from keeping property that was acquired as a result of unlawful activities and preventing property from being used to engage in certain unlawful activities. The money that we went after then was money that was legally ambiguous but morally corrupt.

The money that criminals can make by selling their stories is morally corrupt as well. The government is seeking to abolish this dirty money, this blood money.

In the Blueprint, we promised to support victims. We have kept that promise, and we continue to do even more. We recognize that victims of crime need help in coming to terms with the traumatizing experiences they have been forced to go through because of the criminal activities. We've also taken action and will continue to take action on taking the profit out of crime.

This legislation is linked to the Remedies for Organized Crime and Other Unlawful Activities Act, which was recently proclaimed into law. Let me take a moment to briefly comment on the purpose of this bill, because it complements Bill 69, which we are debating here today.

The Remedies for Organized Crime and Other Unlawful Activities Act protects victims of organized crime and other unlawful activities. Specifically, the law allows the province to ask civil courts to freeze, seize and forfeit assets if they are proceeds of unlawful activity or likely to be used as instruments or tools in the commission of unlawful activity; take to court two or more people who

unlawfully conspire to harm the public; enable direct victims of unlawful activity to claim compensation against the forfeited proceeds. It stops further victimization. It protects the people of Ontario, many of whom fall prey to scams and fraud committed by illicit organizations.

1650

A third piece of legislation, the Rescuing Children from Sexual Exploitation Act, is another example of our government's commitment to taking the profit out of crime and helping victims, in this case vulnerable children. We want to stop the illegal actions of predators who lure children into prostitution and other forms of sexual exploitation. The proposed bill would attack the problem of child prostitution by providing the tools to allow sexually exploited children to be rescued from dangerous situations. It would also allow the government to hold abusers liable. Those who sexually exploit children for profit would have to pay back the money they have cost taxpayers for the services required by the children they have exploited.

Bill 69, the bill we are debating here today, is a very important part of our cohesive strategy to stop criminals from making money from their illegal activities. The Prohibiting Profiting from Recounting Crimes Act is another integral part of the government's goal to take the profit out of crime and help vulnerable victims. This bill would help prevent criminals from making a profit from recounting their crimes in any type of medium, including media interviews, books and movies. On the approval of the court, any money generated by a criminal who has written or recounted his or her crime would be forfeited. A fund would be established with the forfeited money and would be made available to the victims of the crimes.

Many jurisdictions, including most US states, have legislation in place to prohibit criminals from profiting from retelling their crimes. The Ontario government recognizes how important it is to have an act in place that stops criminals from benefiting financially from the pain they have caused victims and their families. We consider that even a few instances of criminals making money by writing about their crimes are matters of concern for victims and their families, as well as for the public. This bill would take the profit out of recounting crimes by providing for the seizure of proceeds for the benefit of the victims if such a contract is entered into.

Because the bill also has stringent reporting requirements, we expect to have more information in the future, if the bill is passed, about the frequency of these types of contracts. A publisher or any party to a contract with a criminal convicted of a serious violent or property offence to which this bill applies would be required to report their contract. If they fail to report the contract, they could be fined up to \$50,000. Contracts to which the bill would apply, whether entered into before or after criminal conviction, would include the use of documents that may be related to the crime, an interview with the convict, or an appearance of the convicted person to recount his or her crime.

Residual monies would be used to support government initiatives designed to help victims. Since 1995, our government has implemented many initiatives to enhance victims' rights. The people of my riding, Bramalea-Gore-Malton-Springdale, have no patience for criminals who victimize society, especially when those same criminals try to get rich off their victims. It might sound a little bit old-fashioned, but I still think crime should not pay, not ever. This government believes in and is committed to the rights of victims, and our record clearly illustrates this strong commitment. This bill further assists victims of crime, and I'm very proud, along with my caucus colleagues, to support this bill.

I know my colleague who had difficulty speaking earlier on would like to come back and share the time.

The Deputy Speaker: The floor is open for further debate.

Mr Dave Levac (Brant): I appreciate the opportunity to engage in the debate that's taking place right now on the time allocation motion for Bill 69. What we're talking about here is not actually the bill itself; we're talking about the motion to allocate the amount of time you're allowed to speak about the bill. What it says is basically, "We're going to shrink that time and we're going to stop all the talk. We're not going to allow the regular interval of time that's allowed in this House to talk about the bill."

In prepared notes, people tend to sit back and just say what they want to say according to the notes that they have on their desks, or whatever's been provided for them. I find it hard to resist the temptation that I have to respond to some of the things that are being said by the members on the other side.

I will start by simply saying this. What we have is a lot of breast-beating that says, "We know how to do it. Everybody else is soft on crime. We're tough on crime." So what I want to do is take a few moments to dispel some of the myths that have been perpetrated on the other side.

There's a very large myth on that side that they've done such a great, fantastic job by passing all these bills, so let me share with you a couple of small points that we've had. Back in 1999, Justice Day talked about the government's Victims' Bill of Rights remaining a toothless piece of legislation. This revamped bill is being presented in front of us as Bill 69. In 1999, Justice Day of the Ontario Court described the flawed Victims' Bill of Rights as follows: "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

In this particular bill, Bill 69, what I'm concerned about, particularly right now as presented, is that it doesn't do some of things that the breast-beating on the other side says it wants to do. What I want to do is give quite a few different examples of how members on both sides of this House have tried to make sure that the government of the day understands that what you do and

what you say are two different things. So let's give a few of those examples.

The \$50-million fund that was created has hardly been touched at all. I think maybe about 10% of that money has been distributed. There's another \$40 million that still lies in wait and is being held up by this particular government. That's really concerning themselves with the victims.

Let's take a look at the member for St Paul's, who presented a bill that takes care of the fastest-growing crime in this province, the identity theft bill, Bill 26, that would try to get those identities back and stop the perpetrators from using those identities to bilk the system in the province of Ontario of hundreds of millions of dollars. He also introduced a victims of crime bill himself, a private member's bill, Bill 89, which had teeth and was reviewed by the law society, which said, "Now you're talking about taking care of those victims." So we have all of this stuff going on.

I look at the other side and say that one of the biggest pieces of legislation that got trumpeted was the squeeze bill. We pointed out a flaw in the bill and asked them to make a subtle change in the bill. They refused and hundreds of millions of dollars that were being raised by charities across the province go uncollected because they wouldn't make an amendment and accept it in a non-partisan way. "Would you please change the bill, because you're causing a major problem for charities in rural and small, urban Ontario?" No, they wouldn't make that change and it's still to this day not changed. There are boot tolls in this province not able to be done, and hundreds of millions of dollars not being collected. They're victims now because of that bill, and that's not being corrected.

Our leader, Dalton McGuinty, had to take this government kicking and screaming from a defiling of this opportunity. The OC Transpo shootings of the four people in the Ottawa area—they said no in this House. On October 11, 2000, the leader asked a simple question: "Would you compensate the victims?" What was the answer? A definitive and resounding no. It took intervention by my leader to go directly to the Premier and say, "Premier, you've got it all wrong. Please change the minister's mind. You've got to compensate the victims." He had to appeal in order for them to come up with the common sense to say that should have been compensated.

We had a bill from Michael Bryant for replica guns. He put forward the idea. The government stole it—good idea. The bill that the member on the other side takes credit for, the member for Sudbury, Rick Bartolucci, put out there long ago, in 1998, about the exploitation of children, the exploitation of young prostitutes who need to be taken off the street. That was done as well.

We've got a few more examples I think should be spoken of, like my bill, Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system. We're talking about proactive pieces of legislation this government has ignored time

and time again, and yet they're trying to tell us that they know exactly what they're doing every single time.

I'm saying there are times when this government is not listening to the common sense that's out there from the people. Of course, we support the fact that nobody should be making proceeds from these kinds of crimes. But the proactive measures that are being proposed by the NDP and the Liberals have never been listened to, and when they take a moment to stop beating their breasts, I'm absolutely convinced that we can put legislation on the books that is going to protect the people of Ontario.

1700

The Deputy Speaker: The floor is now open for further debate.

Mr Kormos: Today's a time allocation motion, but I suppose we might as well talk about Bill 69, because if the time allocation motion passes, there won't be any third reading debate but for an hour: 20 minutes per caucus. The most insidious thing about Bill 69 is its repeal of Bill 210, and that hasn't been addressed by government speakers, nor has one of them—we haven't even begun third reading debate on this bill—not one of the rather few government participants in this debate around this time allocation motion has offered a single sentence of explanation as to why this Legislature is not going to be permitted a third reading debate of Bill 69. Not a word from these people to justify a time allocation motion.

The government hasn't introduced any bills. The government has no idea what its legislative agenda is through to the end of June other than for the fact that they very much want to get out of here on the last Thursday in June.

Here's the government, wanting to sit evenings so it can have sessional days and avoid question period, yet they don't have any stuff to be debated during the course of those evenings.

By the way, New Democrats are not supporting the time allocation motion. We're voting against it.

I understand that from time to time, when debate has been ongoing and when there's some urgency to a piece of legislation, a government may—as a matter of fact, they have the old common law jurisdiction to call for closure, where the Speaker has to exercise his or her discretion. That may happen from time to time. It doesn't make me happy when it does, but what's the justification for shutting down debate around Bill 69 when we haven't even started third reading, Speaker, have we?

Sorry, Speaker, I couldn't hear you.

The Acting Speaker (Mr Dave Levac): No.

Mr Kormos: Thank you.

This is pretty messy stuff. When I heard the first speaker—not the aborted speaker but the first speaker—for the government talk about this government's record on the rights of victims, I darn near swallowed my bubble gum. This government's record when it comes to victims? Whose leg you are trying to pull over there,

madam? This government's record when it comes to victims is despicable.

Marion Boyd was the justice critic for the New Democratic Party when this government passed its Victims' Bill of Rights. I recall Marion Boyd explaining to this government in great detail how the bill failed to provide victims' rights.

When Ms Vanscoy and others—I wonder if Mr Hamilton included that in his briefing notes for the speakers to this bill. Did Mr Hamilton bother, in the briefing notes to the Conservative backbenchers, to remind them that it was the government's own lawyers who argued in court that the Victims' Bill of Rights was of no effect? Did you, Mr Hamilton? Did you include that in the briefing notes? Did you include the reference by Judge Day that effectively it ain't worth the paper it's written on?

I ask the author of the speaking notes for these Tory backbenchers whether this urgency around Bill 69, such that it has to be time-allocated, is confirmed or in any way legitimized or justified by the fact that this bill has been sitting around here since June 2001. The government simply hasn't called it. That's how serious the government is about this bill: it hasn't bothered calling it. It didn't call it last November; it didn't call it last December. It hasn't. What kind of game are you guys playing?

The fact is that this isn't where it all began. There was a predecessor to this that yet a former Attorney General couldn't get through this Legislature. Clearly it wasn't that important to anybody, because clearly the bill fails to do anything that these government members allege it will.

If I thought for a minute that Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime, would prevent former Premier Mike Harris from publishing his memoirs, I'd support it. Do you understand what I'm saying? If I thought this bill would prohibit former Premier Mike Harris from appearing on any talk shows, I'd support it. It's supposed to protect victims of crime by prohibiting profiting from the commission of a crime. If I thought for a minute that this bill would prevent Premier Mike Harris from being rewarded by his Bay Street buddies, whom he served so faithfully—like that little RCA Victor dog in the old Victrola ad, tongue hanging out, lap, lap, lap; “His Master's Voice,” that was the little logo under it—if I thought for a minute that this would prohibit former Premier Mike Harris from being paid off, greased, by his Bay Street buddies to whom he was so beholden, I'd support it. But it does none of those things. It doesn't. It doesn't achieve any of those goals.

The bill that it repeals—because mention has been made that that bill hadn't been utilized. You heard that in a previous comment, and that's quite right. During committee hearings we determined—it wasn't easy getting answers, least of all straight answers—that Bill 210, which was Cam Jackson's private member's bill that the NDP passed into law and that has been on the books for

some eight years or so now, has never been utilized. Well, that's the whole purpose of it, isn't it? Isn't that the purpose of the exercise? You don't want criminals out there exploiting their own crimes for personal gain.

I know this government has been re-igniting and reviving the hot-button, law-and-order stuff. You notice that last week the Solicitor General—what's his title now? the minister of—well, Bob Runciman—was talking about how an al Qaeda cell had been crushed. He was free to tell us that, but he wasn't free to tell us when, where, why or how. In fact, this chimerical al Qaeda cell that had been crushed merely had left town.

We understand that Mr Chrétien misspoke himself when he was talking to the homeless person. I understand; you get caught up in the enthusiasm of it. Maybe you want to make a point or you want to get a headline that day. So did the minister, Mr Runciman, feel compelled to—because what he was doing was playing that terrorism fear card that has been overplayed, quite frankly, in the United States. You notice, every time there appears to be waning support for governmental action, military action, all of a sudden some mayor from some city announces that a bridge is destined to be attacked. And thank goodness the attacks haven't happened. Look, I'm not diminishing the reality of the threat at any point in time of any sort of criminal conduct that could not only disrupt people's lives but could take lives the way September 11 did. But look how these guys are starting to play those law-and-order buttons again.

1710

There we were with the Attorney General and the incredible misinterpretation—you were there; Mr Hamilton, you were there when the Attorney General tried to spin that line about the law society passing a rule that would permit lawyers to keep what would properly be police evidence, and that was the farthest thing from the truth. That isn't what the law society was doing. But the Attorney General's down there in the press room and he's got his little hangers-on and his staff: big staff, little staff, you know, high-priced staff, low-priced staff. His entourage comes late, of course, but shows, and then, "Oh, yes, the law society, those lawyers." That was stupid, because that just wasn't the case. He tried to create the impression that somehow a law society regulation would indemnify a lawyer who did what he did by virtue of the regulation from criminal prosecution. Of course you can't. Quite frankly, the Attorney General hasn't got much to say about it because it's federal legislation. The laws of evidence in the Criminal Code are well within the federal jurisdiction and no province ever dare try, better not try, to stomp on that turf. So there was the Attorney General—

Mr Gregory S. Sorbara (Vaughan-King-Aurora): Why should facts get in the way of a press conference?

Mr Kormos: That's right. Yes, there was the Attorney General. Why should he let the facts get in the way of a press opportunity? Somebody stayed up late, saying, "AG, we can exploit this one. We can ring those bells of

fear again and make ourselves appear to be on the side of the angels."

Interjection.

Mr Kormos: Lucifer was the fallen angel.

The fact is that the Attorney General was exploiting a very horrendous crime that took place down where I come from, and the community still suffers from it. Not only do the families, of course, who suffer incredibly—and we all have great sympathy for them—but that community has been scarred. To a large extent in a very peculiar way that horrific crime down in Port Dalhousie—you know, we lost yet another facet of that innocence that small-town Ontario had. But, my God, it's been played in a shameful way, in a way about which this government quite frankly should not be proud.

That stunt last week, accompanied by the former Solicitor General, now Minister of Public Safety, I suppose, the stunt about the al Qaeda—that's all they were: stunts. As I say, one begins to wonder whether the Solicitor General maybe let his imagination get away with him a little bit. Sometimes, especially when you're a kid, you dream and then you wake up in the morning and you're not sure whether it was really happening or not. Could it just be some youthful dreamlike phenomenon? But there's a message to the theme that was being advanced last week, and there's a message to the revival of Bill 69 and the types of speeches that Tory backbenchers are making, trying to support it.

Let's make one thing very clear: this bill will never—never could, never will—prohibit or prevent the worst conceivable criminal from appearing on television, from acting as a consultant or providing his or her life story, from providing all of the incredible, gory, gruesome and horrid details of his or her crime. Let's make that very clear and let's not try to pretend that it does achieve that goal.

The last time I got to speak to this on second reading, I suggested that what this government ought to be doing was working with the federal government to try to develop some sense of, let's say, copyright by victims around their experience. Do you understand what I'm saying? Because that would prevent the criminal, for profit or not for profit, from exposing or publishing or causing to be published or acting as the source for publication of gory, intimate details of a crime that would serve only to further victimize victims or their surviving families. That's the direction that should be taken.

We saw some interesting litigation, for instance, around the destruction of graphic evidence that no longer had any use. The counsel for the families of victims, among other things, appears to have argued that the maintenance of that evidence—it was videotaping—and the possibility of it ever getting out of the custody of evidence security was so overwhelming as to justify its destruction. It was relatively novel, insofar as I understand it, but I certainly supported that argument.

If this government were really serious, instead of just wanting to play games and play the law-and-order card, they would be working on—and it would have to be done

in conjunction with the federal government—some fundamental changes to the law that created, as I said, an ownership of facts and details surrounding a crime and establishing that of the victims. That would be a bold and positive step. That would mean that details around the crime could only be published, be it in print, film or radio drama, with the specific and direct consent of the victims. I think that makes sense. I think everybody in this Legislature would be quite pleased to participate in that particular exercise.

This bill repeals Bill 210. Let me tell you what the difference is between the two bills. Neither this bill nor Bill 210, which it repeals, has the effect of prohibiting the worst possible criminals—their names come to mind all too readily and I won't, quite frankly, even dignify those criminals by speaking their names—from assisting in the publication of the details of the crime.

Bill 69 is a government confiscation bill. That's what it is; let's make no mistake about it. It has nothing to do with victims. What it does is dictate that any monies or consideration in kind paid to a criminal for his or her recounting of the details of that crime shall be forfeited to the state. That's it in a nutshell. Sorry, it ain't more complex than that. Any consideration, cash or kind, paid to a criminal or his or her agent will be confiscated by the state. I know countries where they used to do that regularly. Anybody's property could be confiscated by the state. We don't particularly admire that.

The bill that it's repealing, Bill 210, seizes monies for the purpose of compensating the victim of that criminal. It makes a lot more sense. Under Bill 69, this government's piece of legislation, the one by which they repealed Bill 210, it's up to the government as to how much of the money seized from criminal A is provided to the victims of criminal A. Another meat chart? No, that's not justice.

Cam Jackson's private member's bill, Bill 210, which was passed into law with the support of the government of the day, the New Democratic Party, seizes monies and holds them specifically for the victims of that criminal. It's not the government that dictates the amount of monies to be paid to that victim, because that victim has access to the courts for a judge, or judge and jury, to determine—what do lawyers call it, Mr Sorbara?—the quantum of damages.

Mr Sorbara: The quantum of damages, exactly.

1720

Mr Kormos: I don't want this government's or any other government's bureaucrat to be telling me what I'm to be paid in compensation for having been victimized by a criminal, using some sort of meat chart or what happens to be the political wind of the day as direction or guidance.

Look, talk to people who have had to appear before the Criminal Injuries Compensation Board if you want to know what the meat chart approach is. Granted, there we're using public monies, and I have to understand—I think all of us do—there has to be some constraint. But,

my God, this bill, Bill 69—and this is very important—could preclude me from satisfying my judgment.

Do you understand what I'm saying? In other words, if I was the victim of a crime or if anybody was the victim of a crime and received a judgment for \$100,000 for the crime inflicted on them, in Bill 210, the existing law, they can satisfy that judgment with the assets seized, the income seized from the criminal. Under this bill, I can't ask the sheriff's office to take my judgment and seize these monies; this fund is judgment-proof. It is. The consolidated fund, this dedicated fund being established by this act, is judgment-proof. It's no longer the criminal's asset, so the writ can't be served as against the criminal. It belongs to the government of Ontario, and the government of Ontario is not a party—is that the right language?—to the action that was initiated.

Bill 69 rips off victims. Bill 69 says, "Oh, Big Brother in the Pink Palace up here will decide what, if anything, a victim of a particular criminal will be entitled to." That's not fair, nor is it just. There's nothing in this bill that even dedicates all of the monies seized, if any are seized, to the purpose of satisfying victims who have suffered injuries, because this little fund can be used any which way you want. The government can use it for doing anti-crime advertising—more glossy magazine ads.

Mr Sorbara: With a picture of the minister.

Mr Kormos: With a picture of whoever happens to be the minister; perhaps the former Minister of Labour at 2 am. Who knows?

This bill is a confiscatory bill. It is a means whereby money can be confiscated, with no regret, not only from the criminal but, with great regret, from the victim. I consider this a very dangerous bill.

Should Bill 210 be looked at for the purpose of perhaps responding to the degree to which the nature of crimes or the way in which crimes can be publicized is changed? I would like this Legislature to do that. But repeal it? No. It's a bad bill; it's bad law.

I know that the official opposition, the Liberals, supported this bill, Bill 69, up to now. I know that they have supported Bill 69, and that's OK. I understand, because it's nice to ride that law-and-order wave. But I think this government may have some difficulty with Bill 69 when it does get put to a third reading vote because I think Liberals may be opposing Bill 69. I think the Liberal caucus here—and, by God, if we're all here and there's enough of us and if the government's messed up even by just a few members, we can win. We can defeat Bill 69 and maintain Bill 210 as the law of the land, a far preferable piece of legislation, one that is far more supportive of victims than Bill 69 is. Bill 69 is a direct rip-off of victims.

The government is going to say, "Yeah, but then victims have to sue." Well, I've got some answers there too. Let's give the office of victim support the resources and tools it needs to truly advocate for victims, including lawsuits. Quite frankly, I'm a fan of lawsuits, and I don't say that in any silly way. I don't practise, and I never did, civil litigation. There are other lawyers out there who do

it and do it real well. But I believe that people are entitled to their day in court. There are variations, dispute resolution—alternative dispute resolution has acquired a great deal of currency. Fine; that's yet another forum in which that litigation can be resolved.

So in response, because I heard it during second reading, the government says, "Under the existing law, victims have to get a lawyer and they have to sue." Yes, and they get fair judgments instead of some bureaucrat deciding on his or her own and again being dictated to, however subtly, by the government of the day as to what flavour is in, what the amount of that cheque will be. I say, "Good. Let the office of victim support do advocacy for victims." Because I, quite frankly, don't think that enough lawsuits have been filed against criminals. I very much believe the filing of lawsuits, litigation, and the judgment that would be almost inevitable—if there's been a criminal conviction on the standard of proof in a criminal court, the success of a lawsuit is almost inevitable. Having those lawsuits—and granted, a great deal of offenders, a large number of offenders are inexigible—

Mr Sorbara: How about judgment-proof?

Mr Kormos: As Mr Sorbara says, they could be judgment-proof as well, but I think it's one and the same.

Granted that a whole lot of the people who would be the defendants in these lawsuits wouldn't have money, but the fact is that a judgment could sit there and sit there and sit there and wait until they do. I think the office of victim support should be facilitating the acquisition of judgments against wrongdoers. It would be a tremendous tool to have the leverage that would imply. Under Bill 69 it would be all for naught, because Bill 69 protects the offenders, the criminals' income from a lawsuit by the victim. And I say to the staff people who are sitting behind you, Speaker, no, it's too late to write hurried notes, "Respond to Kormos and rebut that comment."

Bill 69 covers the criminal's butt. It prevents a victim from recovering damages against that criminal. So whose side is this government really on? I'm not suggesting that they're pro-crime; of course not. They play that game from time to time. It's a stupid game and I'm not going to suggest that at all.

I'm just saying that Bill 69 is wrong-headed. You screwed up, OK? Can I put it more plainly? You screwed up royally. You mucked up as badly as anybody could ever muck up. Why are you passing what in effect is yet another Victims' Bill of Rights, so that instead of litigating and getting judgments against the criminals, victims are going to have to litigate with you—with your huge resources, where you can dig into the taxpayers' pocket to keep funding and funding and funding lawsuits. And you show them the pattern.

You guys are the patron saints of lost causes. Think about their success rate in the courts. When the Attorney General of the day went up to the Supreme Court of Canada, he was going to argue—I can't even remember what the heck he was going to argue. But he was going to argue something, and the Supreme Court justices

harrumphed a couple of times, as those folks are inclined to do, they're harrumphers, but basically said, "Good grief, get this guy out of here; he's embarrassing his client," who happened to be the province of Ontario, or the government at least.

This government doesn't have a very enviable track record when it comes to court but it has a massive track record when it comes to making members of the public expend huge amounts of resources taking this government on and inevitably winning. That's what Bill 69 is going to do. Bill 69 re-victimizes victims. Why would you please not simply let this thing—you had an opportunity to let this disappear off into legislative orbit, to float out there never to be seen again and avoid the embarrassment. Rather than do that, no, you want to accelerate its passage, as if you haven't been futzing around with it for long enough now. You had no interest in getting it on the order paper after it received second reading last year. All of a sudden now you need a time allocation motion.

1730

What are you going to say to your constituents? It's going to be a rare case, we acknowledge that, it's going to be the rare situation that says, "Look, the guy who murdered my spouse or my kid is getting paid however much money to do a series of interviews on some shabby American Jerry Springer kind of show," or what have you. What are you going to say to your constituent who says, "Even though the judgment I got in court for \$500,000 is alive and well, you, the government, seized the money and I can't satisfy my judgment. I can't serve it on anybody because you have taken the money that should have been mine and you're now protecting it. You're making it judgment-proof"? What are you going to say to your constituent? Are you going to say, "I'll write a letter for you. I'll raise it in the Legislature"? No, you're going to have to tell him you voted for Bill 69. Yes, then there'll be a little bit of accountability, won't there?

The Attorney General can do better than this. Why he embarrasses himself and his staff by putting stuff like this before this chamber is beyond me. Why doesn't he listen to the advice of his staff and simply bury junk like this? Why wouldn't the author of Bill 210—Mr Jackson was a member of the opposition; I remember it well—join us in this Legislature and speak up for the legislation that he fought so hard for and fought successfully for? Surely his cabinet position isn't more important than doing the right thing. Surely he'd let that car and driver go in a New York minute if he thought that by speaking out he might be able to save his bill, Bill 210, which is a far more effective bill at ensuring that any proceeds obtained by a criminal are routed directly to the victim rather than ending up in deep government pockets.

When this bill is called for third reading it's all going to be over and done with in 60 minutes. Then there will be nothing but waiting for the dramatic and regrettable incident.

It's nice to see the Liberals onside with us, finally. They've come around. It appears that they've changed their position on it.

Interjection.

Mr Kormos: Well, yes. Why, earlier today, I saw the letter from the Liberal House leader to the government House leader saying, "We need more hearing time on nutrient management." We agree, but the Liberals wanted to wrap it up on unanimous consent last December. The Liberals were jumping up and down trying to move unanimous consent to get Bill 81 all wrapped up, tied with a bow and delivered. New Democrats said, "No." So the Liberals are saying, "Government House leader, we need more time on this bill." You're darn right, you do. What were you doing in December trying to wrap it up and have it pass without any further debate? Why were you trying to do that? Good grief. Thank goodness New Democrats said no.

Ms Caroline Di Cocco (Sarnia-Lambton): You're just so perfect.

Mr Kormos: Well, thank goodness. At the end of the day, there may not be much of a second kick at the can on Bill 81, but thank goodness New Democrats refused to let it pass without further debate back in December. Thank goodness Mr Gilles Bisson from Timmins-James Bay stood up on his feet and forced this into committee so there would be some prospect, however futile, of it being reconsidered in the light of the Walkerton report.

You've got to be very careful about time allocation motions and passing stuff here without thorough debate. It's already been mentioned by at least one other speaker that that's how you end up with bad law. That's how you end up with some very dangerous scenarios.

There are rules in this House about how to get a piece of legislation through. I understand why the government may not be overly enthusiastic about having to debate bills or listening to opposition members berate their bills. I understand that. But I'm sorry, there are reasons for those rules. There are reasons for a need for second and third reading debate. You're denying this House, all 103 members, the opportunity to participate in any real third reading debate.

Do you want to change the rules and eliminate third reading altogether? Is that what you guys want to do? You'd just as soon shut this place down, which is what you intend to do as quickly as you can, and rule out of the Premier's office, with no debate, no public exposure and no accountability. You've done your best to avoid question periods and, with your time allocation motions, you're doing your best to avoid the rigours of this chamber.

We're going to be voting against this time allocation motion.

The Deputy Speaker: The floor is now open for further debate. The member for Sarnia-Lambton.

Applause.

Ms Di Cocco: I have some exuberant caucus members over here. Thank you very much for the applause.

This is a time allocation motion, as we have heard, which means that debate is being curbed on this bill. Considering the depth of the debate sometimes in this place, I have to say that this could be considered a blessing at times. On the other hand, it's important to note that these measures continue to erode the tradition of meaningful, adequate debate in this Legislature. It's important to note that we have had more and more time allocation motions as a way to expedite legislation in the provincial Legislature here in Ontario.

What this Bill 69 does is modify existing legislation to prevent people convicted of serious crimes from profiting through the recounting of their crimes. In essence, this means that a convicted person cannot get paid for publications or speaking engagements about their crime. It's important, because the spirit of this bill is supported by the Ontario Liberals. We do not believe that criminals should profit from their crimes.

Let's put some facts on the table. There is relatively very little, if anything, new in this bill. Bill 69 is simply making a few minor changes to a 1994 provincial law that prohibits criminals from profiting from recounting their crimes. Furthermore, that later prohibition already exists in common law. So, again, there is very little that's new in this bill.

One of the things that, in opposition, the Ontario Liberals have been quite successful at when it comes to crime is influencing the government to help victims of crime. If you remember, and many of the members in this House recall, when Dalton McGuinty forced the government to give families of the four victims of the OC Transpo shooting \$100,000 each. The government refused to make the payments on October 11, 2000, but reversed its position the next day when they came under fire, because Dalton raised it in the House in question period. And that's a good thing because it means you've got good opposition. Sometimes the government comes to its senses and decides, "This is what we should do. They're right."

1740

One of our members, Rick Bartolucci, brought forward three bills, Bills 22, 23 and 24. Rick has had an incredible commitment to protecting children from sexual predators. He's had this bill before the Legislature—it's still in committee—but this government should get its act together and move it forward faster than it has, because this is a very important issue.

I remember when I was in the Legislature and David Levac forced the government to abandon what he called its drive-through prison system that allowed convicted drunk drivers and drug dealers to spend their jail sentences in their homes. It was David Levac who brought it forward. I have to commend my colleagues, because they have been quite effective in influencing some good action that the government has taken.

The biggest hole that I believe is in this government's approach to crime is in prevention. One of the things that happens in what I call a government that has vision is that it looks at not just the punitive aspect of crime but

also the prevention of crime. That, though, is a more complex aspect of the whole notion of crime. There are aspects of mental health needs that are out there, addiction rehabilitation that is not a revolving door but addresses long-term recovery programs that actually have positive results. There are women who are victims of abuse by their partners. We need care in shelters, counselling services, child care, education and adequately funded legal aid so that all victims have access to legal counsel.

These systems, in place to protect victims and prevent crime, are complex and numerous. I'll say again: a government with vision does not provide only punitive measures as an answer to crime but looks at all measures, such as strong preventive programs. Yes, preventive measures are more complex and require intelligent, thoughtful political will. These characteristics, unfortunately, are woefully lacking in the government's direction for crime prevention.

Last week we heard an astonishing comment from Minister Runciman, the startling revelation that there was an al Qaeda terrorist cell in Ontario. But have no fear. This terrorist cell was under surveillance by the OPP, and because of this intense scrutiny they moved away. We have nothing to fear now, because they're somebody else's problem. Maybe they're in Quebec, or maybe they're in Manitoba. Maybe they're in Michigan. As I've heard, this is maybe the Tories' definition of protection: just shoo them away and they'll be somebody else's problem.

To me, the question is, is this responsible action by this government? If we see no terrorists, we don't have any fear of them; they've gone somewhere else. To me it speaks to a fundamental problem, and that is to actually act in a comprehensive way when dealing with crime. Not only should we have good legislation—and again I'll say that when it comes to criminals profiting from their crimes we, the Ontario Liberals, believe they should not profit from their crimes, and therefore we support the spirit of this bill.

Mr Garry J. Guzzo (Ottawa West-Nepean): Everybody but Gagliano.

Ms Di Cocco: Well, we can go into the rules and regulations of how politicians conduct themselves, and maybe we should all raise the bar when it comes to our behaviour and how each of us in the House, this one and the one in Ottawa, conduct ourselves.

It's important that government maintains its responsibility and has a significant role in protecting victims, but also ensures that those who commit crimes do not profit from them, because then the victims are doubly victimized. Not only have they endured being a victim; they see that their perpetrator has profited from the crime.

The Ontario Liberals support the spirit of this bill, although we understand that the complex issues of crime prevention are certainly not on the current government's agenda.

The Deputy Speaker: Further debate?

Hon Mr Baird: Mr Speaker, I believe there is unanimous consent—I moved the motion but didn't speak—to use the remaining three or four minutes of our time.

The Deputy Speaker: The chief government whip seeks unanimous consent to allow him to speak to this for what is technically a second time. Is it the pleasure of the House?

Interjection.

The Deputy Speaker: I heard a no. I'm going to test the House once more.

Is there unanimous consent? Unanimous consent is granted. Please take the floor.

Hon Mr Baird: I appreciate it, mon cher collègue le député du nord de l'Ontario.

I'm pleased to wrap up the debate on this important motion in the next four and a half minutes. We have debated this bill a long time. At first reading, the Conservative member Mr Young spoke, the Liberal critic Mr Bryant spoke and the New Democratic critic Mr Kormos spoke.

At second reading, Mr Young, the Attorney General, spoke, Mr David Tilson, the former member who is not even here, spoke, Mr Stewart spoke, Mr Galt spoke, Mrs Molinari spoke and Mr Dunlop spoke. Mr Caplan spoke, Mr Curling spoke, Mr Gerretsen spoke, Mr Crozier spoke, Mr Lalonde spoke, Mr Colle spoke, Mr Bryant spoke—two speeches—Mr Cordiano spoke, Mr Bradley spoke, Mr Agostino spoke, Mr Peters spoke and Mr Parsons spoke. Ms Martel spoke, Mr Martin spoke, Mr Kormos spoke again, Mr Prue spoke and Mr Bisson spoke.

We had 29 Liberal speeches, 24 NDP speeches—seven and a half hours of debate. That's 126 pages of debate, in contrast to the Book of Genesis—I have the Bible here—which is about 50 pages. I think that if God took half as many pages to create the entire Earth and everything that dwells within it, it's time to wrap up this debate.

I listened to my colleague the member for Niagara Centre, who made numerous comments about young Ben Hamilton, who is here, and about his work—my former colleague from the Ministry of Community and Social Services, a talented fellow. The member for Niagara Centre took great delight in commenting on it. True, he is working to try to pass this bill, because it's good legislation for the people of Ontario. Bill 69, the Prohibiting Profiting from Recounting of Crimes Act, is an important part of our government's commitment to help victims of crime and to take the profit out of crime.

If you have talked to victims of crime, this is something that causes them great concern. In my former constituency in Nepean—actually in the constituency of my colleague the member for Ottawa West-Nepean—we have Sharon and Gary Rosenfeldt, two individuals who have spent a lifetime working to help push the cause of victims. Now Ms Rosenfeldt works with the Office for Victims of Crimes and, I think, does an absolutely outstanding job for the people of Ontario. Indeed, they're

national leaders in the victims' rights movement, and I know they are supportive of any initiative to help victims of crime.

We need to protect vulnerable victims. In the Blueprint campaign document with which we sought election in this place, we promised to do more to support victims. We have kept that promise, and by passing Bill 69 we'll be able to do that even more.

It's important that we recognize that victims of crime need help in coming to terms with the traumatizing experiences they have been forced to go through because of the criminal activities of others. This piece of legislation does that. The law allows civil courts to freeze, seize and order assets to be forfeited if they are proceeds of unlawful activity. That's something that's very important.

Il est très important d'assister les victimes dans la province de l'Ontario. Je sais bien que mon cher collègue le député de Timmins-Baie James sait l'importance de ce projet de loi. Il veut avoir un vote et il veut que l'on procède à la troisième lecture du projet de loi avant de partir pour la prochaine session de cette Assemblée législative.

We have debated this bill for quite a long time. I think it's important that we have the opportunity to vote on second reading and to debate at third reading this important piece of legislation so it can benefit the people of Ontario.

The Deputy Speaker: The time for debate has expired. Mr Baird has moved government notice of motion number four. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1751 to 1801.

The Deputy Speaker: Members will please take their seats.

Those members in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

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

The Deputy Speaker: Those members opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Hampton, Howard	McMeekin, Ted
Bartolucci, Rick	Hoy, Pat	Parsons, Ernie
Bisson, Gilles	Kormos, Peter	Patten, Richard
Bountrogianni, Marie	Kwinter, Monte	Peters, Steve
Churley, Marilyn	Lalonde, Jean-Marc	Prue, Michael
Colle, Mike	Levac, David	Ramsay, David
Di Cocco, Caroline	Marchese, Rosario	Ruprecht, Tony
Dombrowsky, Leona	Martel, Shelley	Sergio, Mario
Gravelle, Michael	McLeod, Lyn	

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

The Deputy Speaker: I declare the motion carried.

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

The House adjourned at 1804.

Evening meeting reported in volume B.

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Clerk / Greffière: Tonia Grannum

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