



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)**

Thursday 30 May 2002

Jeudi 30 mai 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 30 May 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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*The House met at 1000.
Prayers.*

ATTACK ON THE UNITED STATES

Mr Rob Sampson (Mississauga Centre): Mr Speaker, on a point of order: At 10:29 this morning in New York City there will be a solemn ceremony to mark the removal of the last piece of debris from the terrible events around September 11. I seek the unanimous consent of this House to stand at 10:29 of the clock this morning for one minute of silence in honour of those who gave their lives to the people of this country and this world on that terrible day and at those terrible locations where those events occurred.

I ask also that the clock stop for that one minute in recognition of the fact that at that point in time, time did indeed stop.

The Acting Speaker (Mr Michael A. Brown): Agreed? Agreed.

PRIVATE MEMBERS'
PUBLIC BUSINESS

TOMMY DOUGLAS ACT
(PATIENTS' BILL OF RIGHTS), 2002
LOI TOMMY DOUGLAS DE 2002
SUR LA DÉCLARATION
DES DROITS DES PATIENTS

Ms Martel moved second reading of the following bill:
Bill 27, An Act to promote patients' rights and to increase accountability in Ontario's health care system /
Projet de loi 27, Loi visant à promouvoir les droits des patients et à accroître l'obligation de rendre des comptes dans le système de soins de santé de l'Ontario.

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

Ms Shelley Martel (Nickel Belt): It's my pleasure this morning to debate second reading of Bill 27, the Tommy Douglas Act (Patients' Bill of Rights). With this bill, New Democrats are taking the first step to put the focus of our health care system back where it belongs; that is, on patients and their families. We believe that our health care system has to be far more responsive to the

needs of the people it was originally designed to serve. So our bill will put into law what Ontarians can expect from our health care system and it will ensure both the development of and accountability for health care standards for patients.

Before I deal with the provisions of the bill, I'd like to point out that this is the third time the New Democratic Party has introduced a patients' bill of rights in the Ontario Legislature. In 1998 my colleague Marion Boyd, the former MPP for London Centre, introduced Bill 50. It was debated at second reading on October 15, 1998, and during the debate it was endorsed by members on all sides. Regrettably, while the government members voted in favour of Bill 50, the government then blocked it from being sent to the standing committee on social development for further consideration. Ms Boyd reintroduced the bill in April 1999, but it died on the order paper with the call of the 1999 election.

I'm introducing the same bill that was put forward by my colleague Ms Boyd. There are two changes that have been made to it. Let me tell you what they are.

The first is a change in the title of the bill. It is no accident that I have named the patients' bill of rights after Tommy Douglas, the founder of medicare. He waged a tremendous battle as the Premier of Saskatchewan to bring in publicly funded, publicly administered health care coverage for the residents of his province. That model of the single-payer health system was subsequently adopted across this country.

Medicare today continues to give Ontario and, frankly, Canada an enormous social and economic advantage and we cannot underestimate that fact, nor can we take it for granted. New Democrats believe that an overwhelming majority of Ontarians continue to support medicare and they want an expansion of publicly funded, publicly administered health care services.

The second change comes in the section including the health care standards commissioner. It increases the number of health care organizations and health care providers with whom the health care standards commissioner should consult while developing standards of care.

Otherwise, the bill remains unchanged from the one that was introduced by Ms Boyd. In that regard, I'd like to take a moment to acknowledge the tremendous amount of work and effort she put into developing those bills. They were drafted after much consultation with the Ontario Hospital Association, the Ontario Nurses' Association, the Registered Nurses Association of Ontario,

CUPE, OPSEU and SEIU. Frankly, the provisions developed in 1998-99 are as important today as, if not more important than, they were then.

I want to describe some of the provisions of Bill 27. The preamble makes it clear that the principles of the Canada Health Act should be extended to include not only hospitals and doctors' offices, as the act now covers, but should also include public health and long-term care, both in the community and in facilities. This extension of the Canada Health Act would recognize the objectives of health care policy applied to every stage of life and across every sector of the health care system.

What Ontarians can and should expect from their health care system is codified in the patients' bill of rights. The most important provision is the right to receive all necessary health care services in a health care system that is accessible, universal, comprehensive, publicly funded and publicly administered, one that ensures timely treatment, one that ensures choice of treatments, one that recognizes that every provider of health care services is a valued member of an interdisciplinary team and one that does not permit income to determine access to health care services.

Other rights of patients include the right to give or to refuse consent to treatment; the right to obtain full information regarding who will provide health care services and what their qualifications are; the right to participate in developing plans of care; the right to make complaints without fear of reprisal; the right to receive information about the rules and policies which affect health care providers, and so on.

Health care standards, clinical best practices and standards for health facility management would be developed by a health care standards commissioner, and he or she would be appointed as an officer of the assembly, like the Ombudsman or the Provincial Auditor. The bill outlines the many health care professionals and health care organizations which would be involved in developing those same standards. The commissioner would also be responsible for implementing a complaints process so that patients whose rights have been violated or who are concerned that standards of care are not being met have somewhere to go to have this investigated and dealt with.

1010

Every year, the commissioner would have to report to the Legislature on the complaints that have been dealt with and would also make recommendations to the government on changes to health care laws and health care policies. In this way, there would be accountability with respect to health care standards for patients. The onus would be on the government of the day, on health care facilities and on health care providers to make the best effort to respond to both the concerns and the recommendations made by the health care standards commissioner.

The final section, on whistle-blower protection, is aimed at allowing health care providers to come forward when the system is failing patients and their families

without fear of reprisal from their employers. Patients are very vulnerable when they are ill or when they are injured. Too many will not speak out because they fear losing the few services that they have.

So providers must have a mechanism to advocate for patients when they see that their employer is failing to meet standards, clinical practices and the health care needs of these same patients. That mechanism must include being able to come forward and not be disciplined, not be demoted or not be fired as a result.

I would encourage all members to support this bill. I urge the government members, in particular, to support this bill and to support sending it to a standing committee for further development. I say that because this government, despite repeated promises, has not brought forward its own patients' bill of rights. That was first promised by Minister Witmer in 1997, when she spoke to an ONA-RNAO convention and said that she intended to present a patients' bill of rights.

That promise was repeated in 1998, after Ms Boyd introduced Bill 50. The promise was repeated again in the 1999 Conservative election platform, the 1999 throne speech and the 1999 budget. It was repeated again in the 2000 throne speech and the 2000 budget. In fact, in the 2000 budget the government announced \$10 million would be spent that year to implement a patients' bill of rights in Ontario.

The fact of the matter is that a government bill has not come forward. In light of that, I am asking government members in particular to work with the bill that I have brought forward today. Work with me and work with this bill so that we can finally put in place legislation which does protect patients and does ensure that the health care needs of Ontarians are recognized and then are met.

In conclusion, I said at the outset that the Tommy Douglas patients' bill of rights puts the focus of health care back where it belongs: on patients and their families. I encourage all members to support it and to support its referral to a standing committee.

The Acting Speaker: I'd like to bring members' attention to a visitor we have in the west members' gallery. Tom Wells, the mayor of Haileybury, is with us.

Further debate?

Mr John O'Toole (Durham): It is indeed my pleasure to rise today to address the member for Nickel Belt's private member's bill, which was introduced just recently here, on May 23.

It's really a two-page bill. I would say at the very outset I wholeheartedly support the bill and I must inform her that our government is already developing a patients' charter of rights and responsibilities.

As she has mentioned in her remarks, there has been a lot of work done by this government and commitments have been made. More specifically, the April 2001 speech from the throne outlined our core goal of ensuring accountability in the health care sector. A patients' charter not only letting people know what they have a right to expect from the health care system but outlining their responsibilities in return is very much a part of this

government's agenda of accountability, as you've heard before.

The patients' charter of rights and responsibilities is but one in a series of initiatives this government is implementing as part of its accountability agenda to improve Ontario's health care system.

The Blueprint pledged a patients' charter and other elements of a comprehensive accountability framework, including patient satisfaction surveys, hospital report cards and regular reporting to citizens on the performance of their local hospital. Budget 2000 contained a commitment to the patients' charter, hospital report cards and related accountability mechanisms. In fact, we have already begun to issue hospital report cards to let the public know how their hospitals are performing.

We have consulted on the health care system on a scale that has never been seen before in this province. We went to the public through our public dialogue to find out what they thought about the health care system. It turns out patients indicated that although they could see improvements, they were generally satisfied with the health care system, specifically those receiving treatment.

There are many out there that are not in the system, or demanding from the system, that are clearly stakeholders that are staking out their territory.

So our strong commitment to accountability to patients and to providers in the health care system is already on the record.

Something as important to health care and its future sustainability as a patients' charter of rights and responsibilities must have public discussion. As we move forward, we will consult on the specific elements of the charter to ensure it works for both patients and providers. We will also be asking for advice on the proposed elements of our charter, incorporating both the needs of Ontarians and the needs of a sustainable health system for our collective future. In this respect, we welcome Ms Martel's contribution to the discussion.

Many of the elements of Bill 27 are already found in the proposed charter, such as the right to give or refuse consent for health care services; the right to all information necessary to make fully informed health care choices; the right to be dealt with by health care service providers without mental, physical, sexual or financial abuse; the right to make complaints, raise concerns, and recommend changes without fear of interference, coercion, discrimination or reprisal—in other words, a whistle-blowing clause.

However, it is important to note that patients not only have rights but, on the other side of the equation, responsibilities. We need to encourage all Ontarians to participate in discussions with their health care providers to ensure that they know the options available to them. It is also important that the people of Ontario use the health care system responsibly. That is why, a number of months back, the Minister of Health announced that people would be receiving statements on their health care use—a long-called-for accountability mechanism. These

are not bills, but statements that would indicate the true cost of health care services.

I think the biggest problem today is that many perceive the system is free. However, there is more to using the health care system responsibly. From ensuring that medical appointments are kept or cancelled in a timely manner to improving awareness of healthy lifestyle, patients also have responsibilities.

In many ways, Bill 27 is a duplication of our already initiated objectives. But it doesn't go far enough. It only addresses one side of the equation. We must recognize, for the good of our health care system, that patients have rights and responsibilities.

In the remaining moment or two, I think it's important to put on the record the many current initiatives that Minister Clement is working toward. I think the family health network system, which has been endorsed by the OMA, a phenomenon in health care that includes a very comprehensive, one-stop approach for patients and their physicians, provided with other health care providers, can make a truly comprehensive health care system work for all Ontarians, whether they're in urban areas or rural areas like my riding.

Just recently I met with Dr Ruth Wilson, who's the head of the Ontario Family Health Network, in my role as PA to health, and I'm convinced that this is the solution for the future in primary health care reform, and indeed health care. But it starts with rights and responsibilities.

Mrs Sandra Pupatello (Windsor West): I'm very pleased to stand in support of this bill by Ms Martel and hope that we can, in fact, have one day in Ontario a patients' bill of rights. As the member from Nickel Belt mentioned, it is a very familiar story to be talking about a patients' bill of rights because I too remember then-Health Minister Witmer discussing the potential of having this bill back in 1997. I would ask the people of Ontario this morning what they have noticed has changed about the health care system in Ontario, other than a greater and greater need every year to have a patients' bill of rights. I disagree wholeheartedly with the members opposite who would suggest today that people are very pleased with the care health system.

1020

What has happened in Ontario is that people have begun to expect less. People with money have been encouraged to go elsewhere for health care. That's what has happened in Ontario. So while I certainly will vote in support of this bill today, I am very cynical about what we can expect to come out of such a bill regarding health care in Ontario.

I ask the question of the government, what rights do patients have? What rights do ordinary citizens have to health care? I would ask anyone opposite to come and spend some time in my own home riding of Windsor. I would ask the members of the Conservative Party to come and I would ask them, how long is too long a wait on a cardiac care list for angioplasty? I would ask the members opposite, how long is too long a wait to get in

to see a neurosurgeon where I come from? I would ask, how long is too long a wait to get to see an ob-gyn? We have a raft of specialists who no longer practise in my city. They've moved or they've been enticed to go south of the border.

You can't access a family doctor in my town if you've just moved to my city, where we have an average now of some 30,000 to 40,000 to 50,000 people—they can't guess how many—without a family doctor. We've heard this government go on and on about primary care reform since 1995, as long as I've been here, and we still have, today in Ontario, 2% of family doctors participating in rostering or in some form of primary care reform—2% of family doctors. While this government is famous for making many, many announcements, nothing comes to fruition in terms of improving health care.

Here is a very telling example. Within this past month I've sat with a whole number of nurses who work in all parts of Hotel-Dieu Grace Hospital in my hometown, and we talked about how after these many years people cannot expect to have better care, because they can't access it. The number one issue for people in Windsor is access. So we said, "How can it be that people in Windsor still wait hours and hours in our emergency room?" Surely the government would know by now that there would be a solution to this. By the government's own policies, they've created longer and longer waits right across the board in accessing health care service.

When I spoke of the people who still call my office today and say, "How can it be that they could sit in a waiting room that long a time for something as simple as a shoulder dislocation, which surely won't kill them but is probably one of the most painful experiences an individual could have?" one of the nurses piped up and said, "We have resolved some of that issue." "Oh, and was that resolved?" "We decided to start administering some pain therapy while they're waiting in the emergency room." So in fact local professionals somehow have had to devise a way to mitigate what is a terrible length of time to wait in an emergency room by starting to give them shots while they're still sitting by the front door, instead of accessing a doctor and getting them into a hospital bed when that's required. We'll hear many, many stories now of more codes that are being implemented to try to deal with this.

When we heard about emergency vehicles being turned away and redirected across Ontario, the government's answer to this resulted simply in changing how they started counting what they call "code 7." So instead of these ambulances waiting and counting the amount of time they waited, they were now asked to give ambulances a 15-minute grace period before starting to count the amount of time the ambulance had to wait.

So I would question, even when we pass this bill today, which surely we'll be passing, what will change in this patients' bill of rights? We need to account; we want better accounting in the health care system. But if professionals are constantly called on to change how we count instead of the government being held to account for how they service the public, what will really change? The

people in my hometown still will wait and wait for services. This is the kind of health care system that is unacceptable.

In honour of Tommy Douglas, and with that name I'll also throw in that of Paul Martin Sr, who brought medicare to the nation, thanks to the work Tommy Douglas did in his home province, I'm proud to support this bill and I encourage all my colleagues in this House to do the same.

Mr Michael Prue (Beaches-East York): It is indeed a privilege and an honour to stand here to speak in favour of this bill. I am very happy to see that it appears it's going to receive all-party approval.

Tommy Douglas has been called many things, but one of them is the father of medicare. In his name, this is an excellent bill. As the member for Nickel Belt so correctly pointed out, this had its roots in rural Saskatchewan in the 1930s. People were finding that they were losing their homes, they were becoming bankrupt over medical costs and they were unable to get basic medical services or find a doctor. Tommy Douglas fought very long and very hard for decent and affordable, universal medicare for the people of Saskatchewan. He did so for many years and through a great deal of turmoil. There were doctors' strikes; there were problems in the hospitals that had to be massaged out and worked on until it became acceptable in that province.

Medicare went on to become a national movement. Yes, I heard the previous speaker and, yes, it was a Liberal government in Ottawa that brought that about, but they in no small way brought it about because Tommy Douglas was by then the leader of the New Democratic Party, its first leader, and campaigned quite effectively on the need to have a universal national program for all Canadians.

I remember as a young student growing up in Ontario those 1960s debates, and the emotion of all the debate on whether or not it was possible or feasible or whether we should go ahead and try to do that. There were many people in the early 1960s who said that it could not be done and should not be done, that it would destroy relationships between doctors and patients. With the hindsight of 40 years we can see that much of that argument was false. In fact, today most Canadians will tell you that the institution of government they like best in this country, the institution they most respect and the institution they will fight hardest to preserve is that 40-year-old tradition of universal health care, which was brought about in the 1960s in this country.

Mr Romanow is travelling the country, trying to get input, and almost universally he is hearing this same message: people want the system to be protected, they want it to be expanded, they want to have input in it and they do not in any way want something to come between them and the health care system that works for all Canadians.

The bill before us today is an excellent bill. It is a bill that is long overdue. It is a bill that has been promised literally for years.

The Acting Speaker: Thank you. By unanimous consent of the House, we will all rise and observe one minute of silence—the galleries are welcome to participate—in honour of remembrance and acknowledgement of the horrific events that took place at the World Trade Center in New York City, as they remove the last piece of debris. The clock will be stopped for one minute.

The House observed one minute's silence.

The Acting Speaker: Thank you.

The member for Beaches-East York.

Mr Prue: This is a bill whose time has come, just as surely as national medicare's time came in the 1960s. It is a time when we can extend, and need to extend, the rights of patients especially to know what they can expect in the system. We already know what the institutions are expected to deliver. We already know what the medical practitioners—the doctors, nurses, chiropractors and everyone else involved in the medical system—are supposed to do, but this is an opportunity for ordinary people to understand how the medical system is to work for them.

They will have the opportunity to know their rights. They will have the opportunity to know what they can expect when they walk into a doctor's office, when they walk into a hospital, when they walk into a home for the aged or from home care in their homes. Those are the places where people go, or to whence professionals come to their homes, to get medical care.

1030

I'd like to digress for just a moment to talk about some of the problems that ordinary people are encountering in some of those institutions. Recently, the Toronto Star, Canada's largest newspaper, has run day after day, page after page, a synopsis of what takes place at Toronto East General Hospital. That is located in my riding of Beaches-East York, and it is a community hospital that is universally accepted in the community. People call that their community hospital. They go there for any range of ailments, for emergencies; they go there for minor operations. It is one of Canada's largest birthing centres. Many, many babies are born in that hospital, including my two brothers, who were both born there. It is a hospital that the community respects and it is a hospital that they support. In fact, every year when there is fundraising, you can count on the community to spend a lot of money in support of their community hospital, because they believe it belongs to them. It is part of their community; it is part of their health system.

But we have seen in the Toronto Star articles over the last week or so some of the cracks that are appearing in that hospital system, and some of the patients who believe they are not getting the kind of care that they always thought they should have gotten. We have seen the workers who are stretched to the limit. There aren't as many of them now as there once were. The demands upon them are getting worse and worse, being stretched to provide the kind of human care, the kind of one-on-one relationship with the patients that the patients have come or should reasonably come to expect.

We need something in those hospitals. We need something so that the patients who are lying there in the beds, the patients who are waiting in the emergency rooms, the patients who are waiting to see doctors, can look on the wall and see what they can reasonably expect; that they can expect to be seen in emergency within an hour or two, that they can expect that the doctor will use sympathy with them and be sympathetic to the ailments that they may have, that they can expect that if there are prescriptions or medicine needed at the end of their visit, it will be properly prescribed, that they can expect that their medical practitioners and all those who are involved will do everything possible to make the experience, if not pleasant, the least onerous possible, the least troubling possible.

We believe that this is a good bill, because it covers not just hospitals, not just clinics, not just doctors' offices, but home care and nursing homes and community-based care. Surely we have to start worrying about the aging population in this province. For any of you who have gone into nursing homes—I'm sure most of us have in the last couple of years—one has to know that the frail elderly who are living in those homes are older than they were a generation ago. We have to know that they suffer many ailments that, a generation ago, simply were not seen, because the people are living so much longer. The level of dementia, the level of Alzheimer disease and cognitive inability in our nursing homes is now up to 60% and 70% and 80% in some of them. Those people do not have the wherewithal to understand what they should expect, and they rely upon their families, they rely upon their caregivers to make sure they get it.

We need a patients' bill of rights in those nursing homes. We need it for the patients, even if they cannot understand it, so that their families can understand it, so that the caregivers can understand it, so that the people who go in to assist and the volunteers can understand it. We need the same for home care, so that it is available to them when someone comes to their home after they have been discharged from hospital, so they know what the nurses and the nurse practitioners and the doctors who come are going to do for them and how they are going to do it, and the minimum level of service that they can expect on each and every visit. We need it in the community-based health care centres, where people often go when they do not have a doctor of their own, where they go to get medical expertise.

This bill will go a long way to providing an Ontario health care standards commissioner, someone who will look at all of the care facilities, who will look at all the practices and who will be able to make recommendations that the government would be bound to, after consultation, in order to improve what patients and the general public can expect.

This bill also does one other thing which is really, really important. I'd just like to focus in my last few minutes on that. That is, it provides whistle-blower protection for those who work in hospitals, those who

work in home care, those who work particularly in nursing homes, so that people who work there can be the eyes and ears of those who have no one else. For those of you who have gone into nursing homes to visit loved ones, as I do every Sunday to see my mother-in-law, you will know that some of the people in those homes have no visitors. They have no relatives, they have no friends who come to visit them. They have no one to speak on their behalf, save and except those who work in the facility.

It is important to have whistle-blower protection. It is important for workers to feel empowered enough that they can come forward and speak when things go wrong, when someone is abused, when someone is not getting the kind of care that he or she deserves, when someone is not being treated in a human or humane way. They need the kind of protection of being able to come forward and to voice that without fear of reprisal and without fear of losing their jobs.

We have to remember that many of the workers in these institutions earn, although not minimum-wage salaries, they do not earn high-wage salaries. They are jobs very often associated with drudgery: cleaning bed-pans, washing and mopping up floors. They are jobs that need to be done and are essential for the smooth running of the hospitals and the nursing homes. They are the eyes and ears of so many people. They are there and they can make a very real difference, but they cannot be afraid of losing their means of livelihood in doing it. So many public employees in the history of this country, in the history of this province and in the history of this city have been fired for blowing the whistle. People are afraid of losing their gainful employment, especially since in the majority of cases it is the best employment they have been able to find, either because they like the kind of work or because it is giving enough money to sustain themselves and their families. They cannot be afraid of saying that something is going wrong and being fired for saying it.

An essential element of this piece of legislation is to remove that fear and make people secure that, when they do complain on behalf of someone who is frail or elderly, someone who has cognitive disabilities, someone who cannot read or cannot understand what is happening to them, someone who is under the influence of just having had an operation and may have drugs to ease the pain and cannot understand what is happening to them—they are the people who are there on the front lines and they must be protected.

I'd just like to close with a quote. I think it's a very apt quote that deals with an analysis of the patients' bill of rights. It comes from Colleen Flood and Tracey Epps of the University of Toronto faculty of law. They produced a draft paper and they have spoken about patients' rights vis-à-vis health care professionals. The quote goes as follows:

"We envisage that a bill of rights in Ontario would therefore include not only rights in health care, but would also include rights to health care. It could do the latter by

setting rights in terms of guaranteed maximum waiting times. A commissioner or ombudsperson could be charged with the task of investigating complaints in relation to access and timeliness and reporting annually as to progress in meeting the targets set. What is a 'reasonable' waiting time will depend on the severity of the condition, the total level of resources available to the health care system and societal values.... Thus, for example, it may be reasonable to say in Ontario that patients should expect to wait no more than a year for non-urgent elective surgery like hip operations. It will still be up to physicians to triage patients on the basis of the acuity of their condition, but in general no patient should expect to have to wait, for example, for more than a year. By providing for a right to timely care, the goal is to reorient the system partially towards the justified concerns of patients and to impose some measure of accountability on the part of funders/managers for ensuring the delivery of timely care."

This bill is appropriate for the time. It marries, finally, the rights of individuals with the rights of doctors and with the sometimes brilliant work that is done in our hospitals, in home care and in our nursing homes. It all needs to come together. It needs to give ordinary people the right to know what they can expect and the right to complain if those expectations are not met. It protects the rights of workers from being fired or disciplined for standing up for those who have no one else to stand up for them.

I commend Ms Martel for bringing this forward. I commend the members who have spoken from the other two parties for supporting this bill. I look forward to its speedy passage.

1040

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I rise today to just briefly address the member for Nickel Belt's, Ms Martel's, Bill 27. I'd like to indicate that from this side, I support the spirit of the bill. I would like to inform the House, however, that our government is developing a patients' charter. We are on the record, not just from the April 2001 speech from the throne but also from our Blueprint pledge of a patients' charter, on this issue.

I am very pleased today and would like to commend the member for being very strong on this issue. It's of major importance to Ontarians to have a patients' charter, and I am glad to see the member defending it in this House.

We as a government will be consulting on this issue. We feel that there should be public discussion on this issue. We want to consult on the specific elements of a charter to ensure that it works both for patients and for providers. We want to make sure that the needs of Ontarians are served, and also the needs of a sustainable health care system for our collective future. In this respect, we welcome Ms Martel's contribution to this discussion. What is lacking in the private member's bill is the other side of the equation, which is the responsibility of patients to ensure that there is no abuse of our health care

system, to make sure that taxpayers' dollars are spent properly.

I agree with the member for Beaches-East York, Mr Prue, that such a charter should have a whistle-blower clause. I strongly believe that patients in the health care system often are not in a position to complain about the services they are getting, and it would be very appropriate for the people in the health care system—the employees, the nurses—to be able to be advocates on their behalf and to bring it to the attention of the authorities if there are abuses or concerns about the level of care that patients are receiving.

With that caution, that we must provide in the charter some responsibility on the side of the use of our health care system, I'll be pleased to indicate to the member that I do support in spirit her bill.

Mr Gerry Phillips (Scarborough-Agincourt): I, too, will be supporting the bill. I wanted to devote my remarks at the outset to the economic advantages of our health care system to Ontario and why it is so imperative that we maintain and strengthen our health care system. I always carry around with me the government's own document on why you should do business in Ontario. In the very front of it, it says, "Ontario is one of North America's most peaceful and secure communities, and our remarkable health and education systems are publicly funded and open to everyone." Later on in the document, they talk about the enormous cost advantage for our businesses because of the way we've chosen in Ontario and in Canada to manage health care. It points out in this document that manufacturers in the US pay about \$3,100 per employee for the kind of health care coverage that is provided in Ontario for a cost to our manufacturers of roughly \$500. In other words, there's a \$2,500-per-employee cost advantage to doing business in Ontario.

In addition to being an enormously central part of our social well-being and something that I think sets Canada very much apart from the US, for our business community this is an enormous advantage. That's one of the reasons why we have said it is wrong to proceed with corporate taxes in Ontario 25% below the US. How do we have this way of funding health care? How do we have this enormous cost advantage? It is because we have said to ourselves that we will collectively fund health care through our taxes. But we've now decided in Ontario to have corporate taxes 25% below the US. Corporate taxes in the US, according to the government, are 40%; in Ontario, they're 30%. That is roughly \$4 billion of forgone revenue in the province of Ontario—\$2.2 billion in Ontario and \$1.8 billion of the Ontario federal income taxes, so \$4 billion. How are we going to make that up if we want to have this cost advantage in the way we fund health care? Does it mean that the government is going to increase sales taxes? How are we going to make that up? That's why we've argued, saying, "Listen. Our policy should be that corporate taxes are totally competitive with the US." My leader, Dalton McGuinty, has enunciated that always. But not 25% below the US. I think it is a fundamental mistake, and for our business

communities what it will mean is that health care costs will shift and they will end up paying a higher and higher percentage.

We talked recently with the CAW, and they pointed out that one of the enormous advantages in Canada is the way we fund health care. It is a terrific advantage for our auto sector. It is a major arguing point for why you should locate in Ontario. But we've now decided that we're going to take \$4 billion less in corporate taxes. How will we fund health care? So I say to the people of Ontario, you can't have it both ways. We can't have a significant cost advantage on the way we fund health care for our companies and still have corporate taxes 25% below. The math doesn't add up.

One of the things, among other things, that I appreciate in the bill by Ms Martel is the independent commissioner. I've always felt that the Ministry of Health has a conflict of interest. On the one hand, they are like an insurance company. They are trying to manage health spending. On the other hand, they are setting health policy, and I think they often get into conflict. I've often said the Ministry of Health's fundamental operation is that they never say no, but they never say yes. They find ways of delaying improvements in health care because they know they are going to, in many cases, have to invest some money in it. So I appreciate the independent commissioner that will help the Legislature.

I would say on health standards that the Liberal Party has argued for many years now that our budget—by the way, we're the only province in Canada that still doesn't have a budget. It's absolutely ludicrous that here we are now well into the fiscal year—I remember Mr Ernie Eves promised in 1995 that you would have a budget presented before the fiscal year started—still no budget. Still no budget. But to conclude, one of the things we have argued for many years is that the budget should include some standards on health measurements. I think that would also strengthen this bill.

So I will be supporting the bill and look forward to the vote later this morning.

1050

Mr John Gerretsen (Kingston and the Islands): I'm very pleased to stand in this House today and speak on this bill, which I will be supporting. This is private members' hour and I hope there are members on the government side who will be supporting this as well.

Some of the drivel we've heard from the government members—and I'm very disappointed in the new Minister of Citizenship, who says he supports the spirit of the bill but doesn't support the bill. What absolute nonsense is that? In 1999, during the election campaign, Mike Harris promised, if re-elected, to implement and pass a patients' bill of rights. This is your opportunity to do it. Why aren't you doing it?

Then to listen to the other member who spoke earlier talking about responsibilities, that patients have responsibilities. Of course patients have responsibilities—absolutely they have responsibilities. So why aren't you passing the Public Sector Accountability Act, which was

introduced with such great fanfare back in 1999 in your throne speech and hasn't seen the light of day since then? Yes, people have responsibilities, but what does that have to do with the right people should have to the best health care system available for them here in Canada?

Take a look at the bill. What does the bill say? The bill says that everyone in Ontario should have the right to have an "accessible, universal, comprehensive and publicly administered and funded" health care system. It should offer "freedom of choice," that patients should have the "right to all information necessary to make fully informed" health decisions, the "right to receive publicly funded health care of high quality in the home and in the community as well as in health care facilities." There's absolutely nothing in this bill that couldn't be supported by every member in this House.

As the member from Scarborough has already mentioned, it talks about the implementation of a health care standards commissioner. We all know we spend more of the public's money on health care than in any other area as far as the government is concerned. We hear these figures all the time. It's 35%, 40%, 45%, and yet we don't have any officer who really looks after the needs of the patients, who is responsible to this House in the same way that some of our other officers of the Legislative Assembly are responsible to us to ensure that the health care system is run in an efficient way and is run in a way that is accountable to the people of Ontario.

I find it amazing that the members opposite can take the position that, "We're doing the best we can and, therefore, by that alone the patients' bill of rights is already there." It isn't there. This is your opportunity to actually set some standards and to implement the thing you promised in 1999.

Another reason that was given by Mr O'Toole earlier was that the bill somehow doesn't go far enough. If the bill doesn't go far enough, let it go to committee and bring in amendments that will implement the type of things you would like to see in the bill. This will give the people of Ontario an opportunity to discuss this bill, it'll give the parties an opportunity to make necessary changes to the bill so that there can be further discussion about it and so that changes can be made to actually improve the bill.

I would ask every member to examine within themselves the reasons why they shouldn't support a very important bill like this. Is it because it came from an opposition member and the government somehow wants to own this bill? OK, rename the bill. Do whatever you want. If you want credit for it, take the credit for it, but ultimately we are responsible to the citizens of Ontario, and they demand a patients' bill of rights.

Mr Steve Gilchrist (Scarborough East): I'm pleased to add a few comments here this morning. I feel forced to do so after the interjection of the previous member more than anything else.

I certainly will be voting in favour of this bill. I applaud the member for reading the Conservative Blueprint in the last election and getting this bill on to the order

paper before the government did. I am quite prepared, in the principle of supporting private members' bills, to see this one go forward because I think this is representative of the kind of initiative that should constitute what we debate here every Thursday morning. Far too often what comes from the other side, including the member who just spoke, is nothing but rants and anti-government positions that do nothing to move forward this province. It seems to me with all of the petitions that you introduce in this place you would find other initiatives worthy of legislative support or reform. I applaud the member opposite for identifying an area where there is a need for further protection, for government and, in this case, the opposition to move forward with legislation that will improve the lot of patients in this province.

I would suggest to members opposite that if this hour is going to be as productive as it possibly can be, this is the sort of bill that we should be talking about.

I applaud the member. I can tell her that it is consistent with what the government is doing, but I'm not going to take anything away from the fact that she did get a bill on to the order paper first. For that I congratulate her, and I look forward to supporting the bill later this morning.

The Acting Speaker: Further debate? If not, the member for Nickel Belt has two minutes to respond.

Ms Martel: Let me begin by reminding the member from Scarborough East that this very bill was first introduced by my colleague Marion Boyd in 1998. We certainly didn't follow your Blueprint. We were way ahead of you. It was reintroduced in 1999 and we are here again today because in five years your government has not brought forward a patients' bill of rights.

Let me remind the government in particular that it was your minister, Ms Witmer, who told a conference in 1997 that it was her intention to bring forward a patients' bill of rights. Here she is on June 25, 1998, in Hansard in this House: "I would indicate to you that our government is working on a Patients' Bill of Rights: we're working on a patients' safety" net.

I heard the member from Durham today say his government is developing a patients' charter, that many provisions of the government's patients' charter are actually provisions that are in the bill that I brought forward today. I say to the government, if you're working on a patients' charter, it's the best-kept secret of your government. Who are you consulting with? Who are you talking to? Please do not try and pretend before this House today that you are actually delivering on something.

Let me go back to what Mr Klees said in the debate on Bill 50, this same bill, in October of 1998. He said, "One of the things we will have to do is to take into consideration the recommendations that were made by the member here," Ms Boyd. "It will be very helpful in the discussions we're having with our minister to ensure that some of these very important issues are incorporated in the government legislation." The government hasn't brought forward any legislation, not since the first promise made by this government in 1997. That's why this bill, the Tommy Douglas Act (Patients' Bill of Rights), is before us today.

I say to the Minister of Citizenship, yes, we need more consultation, even though this bill was developed with a number of stakeholders. The way to do that is to get it out to a legislative committee and have a full and open debate about what patients need in the province of Ontario.

The Acting Speaker: The motion will be decided upon at 12 o'clock noon.

FIREFIGHTERS' MEMORIAL ACT, 2002

LOI DE 2002

SUR LE MONUMENT COMMÉMORATIF EN HOMMAGE AUX POMPIERS

Mr Wood moved second reading of the following bill:

Bill 113, An Act to honour firefighters who have died in the line of duty / Projet de loi 113, Loi visant à rendre hommage aux pompiers décédés dans l'exercice de leurs fonctions.

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

1100

Mr Bob Wood (London West): A few minutes ago we observed a moment of silence for those who lost their lives in the tragedy of September 11, 2001, in New York. That, I think, was an instance of where some good did come out of a great tragedy. In the most dramatic and high-profile way, what firefighters and other emergency workers do day in, day out, year in and year out was demonstrated to the whole world.

Firefighting is very exciting, very exhilarating and very exacting work. I had the honour of trying it myself along with some other MPPs, MPs and city councillors in London some five years ago. You don't realize how true that statement is until you actually try going through smoke-filled rooms, going down into manholes and other places in order to, in our case, learn and in the case of the firefighters who actually do it, help the public.

I think the firefighters also recognize that this is very dangerous work. We know that in the most difficult way possible because every year or two in Ontario we do indeed lose a firefighter in the line of his or her work, as we did a few days ago in Barrie. I think the firefighters do it because they enjoy it, because they want to serve the public and because they are those kinds of people who want to make their community, their province and their country a better place in which to live. They do it, however, knowing the danger they face every day. They understand, each time they go to work, what the dangers are and the very difficult conditions they're going to face.

We have with us today in the gallery a number of guests I'd like to introduce to the House: Chief Milt Wilson, the president of the Ontario Association of Fire Chiefs and the fire chief for the city of Oshawa; Robert Kirkpatrick, who is a captain with the Mississauga Fire and Emergency Services and author of the book entitled *Their Last Alarm*; and also Mr Greg Colton, president of the Toronto Professional Fire Fighters Association. I

think we're going to be joined later by Mr Henry Watson, president of Ontario Professional Fire Fighters Association; and Fred LeBlanc, executive vice-president of the Ontario Professional Fire Fighters Association.

There probably is a reasonable consensus around the idea of a memorial to fallen firefighters. I think, however, the question does have to be asked, and appropriately answered, why this memorial should be in the precincts of Queen's Park. The answer to that question lies in the vision of the original creators of this building and this precinct. Their idea was that this building would celebrate and showcase who we have been as a people, celebrate and showcase who we are as a people and show our people what the great potential was for the future.

When the MPPs of the 1890s created this building, they got off to a very good start. The building of course now attracts many thousands of visitors, both from Ontario and elsewhere, every year. However, creating and achieving their vision is an ongoing process, and I would suggest to the House and to the people of Ontario that a key part of this precinct should be a memorial to fallen firefighters. They demonstrate the best qualities that we, as Ontarians, have. Surely a memorial to them would fit perfectly into what this precinct is about and should be about.

I'd like to emphasize that in proposing a memorial here, I am not in any way detracting from memorials elsewhere, particularly the one in Gravenhurst. This memorial is intended to complement all the other memorials to fallen firefighters in Ontario.

The proposal seems to have been well supported to date. I've had about 75 indications of support from across the province for this proposal. I was also very pleased to note in the throne speech that the government has agreed to support the proposal as well. I'd like to thank the new Premier of the province for that.

If this bill is passed, I'm going to ask that it go to the Legislative Assembly committee in order that that committee might receive public input. After that input, hopefully the bill might receive final passage.

The reason I suggest this is that I think there are some important issues with respect to this memorial on which we should hear the public's input. I'd like to suggest a few which would be of particular interest to me. Who, precisely, should be honoured? Should it be only those who actually died while they're on duty? Should it include those who contracted diseases because they were firefighters and their lives were shortened because of that? What should be the design of the memorial? What should be the location of the memorial? Whom should we call on to assist in the design of the memorial? Who should be responsible for the cost of the memorial?

The 21st century, more than any other, is going to be, and is, the century of communications. Surely we should include as part of what we communicate to ourselves and to visitors to Ontario something that indicates the best that Ontarians have been and can be.

Mr Dave Levac (Brant): I rise today, first to tell the people of Ontario why we're debating this bill and why

this bill has come before us in terms of the construction of the memorial itself. Unfortunately, we had to stand in the House this week to honour Bill Wilkins, a firefighter, only 32 years old, who was tragically killed in the line of duty. We lose more lives in this profession, firefighting, than in any other in Ontario.

I was very proud to ask for support of Bill 107, my bill, An Act to proclaim Firefighters' Memorial Day. I am proud to say that I've spoken with the members on the other side, and they supported that bill, and that bill became law back in 2001.

I have letters here that I probably could go through to explain clearly that back in August and September 2001 I had approached and asked the fire marshal and the government side, the minister at that time, David Tsubouchi, to support building a wall of recognition at Gravenhurst, where the memorial stands today. I basically was told that that memorial is there and that's what we do and that's what it's there for.

So I'm very proud of the fact that Dalton McGuinty and the Liberals had proposed this particular bill some time ago, and of the fact that we did get government support on the memorial day, that it was very acceptable. We're very pleased on behalf of the firefighters.

So I rise today to support the private member's bill that Mr Wood is putting forward. The building of this memorial will be centralized; it will be focused. I've been in contact with firefighters across the province and, generally speaking, all are in favour and they basically agree that this is something the people of Ontario should witness, that they should have an opportunity to honour those brave men and women who have given the ultimate sacrifice in the line of their duty.

I repeat again that this profession is the number one killer of its own people, because of their bravery and because of the things they have to do day in and day out: to sacrifice in order to protect. We're not talking property here; we're talking life. Many, many lives have been saved.

I also remind the government that during that time I brought to their attention the very important issue of funding for fire departments across the province and also for equipment needs across the province. My challenge is and will be—and somewhere down the line I know it's going to get done, and I'd love this government to take that lead—to make sure that every single fire department and absolutely every single community has access to, and is given by the province of Ontario, thermal imaging.

Thermal imaging is a lifesaver. Since the Scott pack, it's the best innovation for firefighting, bar none. You get to literally see in blackness. It has in my community—where I was very proud to sponsor and run a campaign that raised \$110,000 and we bought three thermal imagers for our fire departments, for each of the houses—saved lives. I had a firefighter friend of mine call me up and say, "You've done it." I said, "What do you mean?" "You've done it. We saved two lives today using the thermal imager. We were able to see."

Until that time, when the thermal imager was used, firefighters were using methods that were hundreds of

years old, where they would crawl on the ground inside a house and touch and feel their way through, room by room. Four minutes less, you can't save a life. A thermal imager can scan an entire room in seconds.

So my challenge would be to the government: it's a fantastic idea to honour our firefighters, but let's make sure they've got the equipment to do the job so we might not have to use this memorial as often as we do. I would say to you that we need to debate and discuss and ensure that the people of Ontario are protected by the wonderful work that our firefighters do.

In my closing seconds, I also want to make mention of the families of our firefighters. The firefighters don't necessarily want this. The firefighters don't necessarily even want a memorial day, but we must give them that. But what we really must do is to ensure that their families—their wives, their mothers, their fathers, their children—are appreciated and understood, that they know that that firefighter, every single day on the job, could give the ultimate sacrifice.

I'm asking for support for this bill. I'm asking for the government to step forward and say, "We understand the job, we appreciate the job, and now we're going to fund the job." Let's make sure we get a thermal imager in every single community in Ontario.

1110

Mr Peter Kormos (Niagara Centre): The New Democratic Party caucus supports this bill enthusiastically and supports the proposition that it go to committee; the Legislative Assembly committee is not an inappropriate one.

Minutiae around names that might or might not be engraved on the statue are but that—small details. I envision a monument that is a piece of statuary that is as bold and courageous as the women and men who serve in our firefighting services on a daily basis. I envision a monument that inspires members of the public who look at it, that draws their attention to it from as far away as possible, that is bigger than life because, yes, firefighters are bigger than life.

Earlier this week, we painfully paid tribute to a fallen firefighter. It was a painful experience that none of us want to repeat but one we know we'll be called upon to repeat. As I said earlier this week, it's a tragedy when any worker dies in the pursuit of his or her job, vocation or profession, but firefighting is a calling wherein the firefighter knows there is the inevitable risk of injury, disease or death. Every call that a firefighter is sent to carries with it that tragic potential.

As I also said earlier this week, firefighters like Bill Wilkins in Barrie remind us of our own shortcomings. The courage of firefighters, the courage of Bill Wilkins, the bravery, the commitment, the professionalism—because while others like us flee from danger, firefighters rush to it, and they do it for the single purpose of saving people's lives and preventing injury to victims of fire and so many other catastrophic situations.

I'm not by any stretch of the imagination advocating that firefighters no longer be called firefighters, but they

are far more than firefighters. Whenever there is a catastrophe, whether it's a motor vehicle collision, whether it's a natural disaster, whether it's the collapse of an arena roof or whether it's an attack by terrorist forces on a very public building, like in New York City, it's firefighters who are called upon and it's firefighters who respond.

They don't hesitate and pause and reflect on the element of danger that may or may not be present in a potential call or a potential scene. They don't have the time for that. Besides, it's not part of their job, not part of their consideration. So I, on behalf of New Democrats, look forward to this monument.

The monument has got to be more than a piece of brass or steel or iron or marble. The monument must be so imposing that it serves as a constant reminder to us—all of us, quite frankly, as taxpayers—that we had better be prepared to invest in the women and men who serve every community in this province, who serve every member of every community in this province; that we shouldn't expect our firefighters to go out there with broken or obsolete tools; that we shouldn't expect our firefighters to respond to a call with anything less than the most complete training that could be provided, whether it's big-city fire services or small-town fire services; and that we shouldn't expect our firefighters to serve in understaffed firefighting services. We shouldn't call upon our firefighters to earn less than a decent salary proportional to their training, to the task they perform and to the danger they encounter. That means we've got to make those choices, we've got to make those decisions. I, for one, would be pleased to see my tax dollars invested in firefighters and in firefighting services.

It's labour-intensive, no two ways about it. At the end of the day, all the technology in the world, the slickest high-tech gadgetry, can't replace or make obsolete the personal attributes that every woman and man in firefighting services possesses and has nurtured by virtue of their training and experience. It's a labour-intensive job. It's a labour-intensive service. It's about people. It's about special people. It's about people who are bigger than the rest of us. It's about people who are braver than the rest of us. It's about people who are more committed than the rest of us.

So that monument had better be within the realm of Queen's Park. Why? If only because it's Queen's Park that attracts those huge numbers that have been spoken of and we want as many people, be they Ontarians or other Canadians or visitors to this country, to see that monument to our firefighters.

That monument has to be a monument not only to firefighters who have died in the course of performing their duties but, as importantly, a monument and a tribute to the firefighters who continue to serve us. That monument has to be an inspiration to all of us to ensure that we make the kind of investments that firefighters deserve and need, and that monument should be a statue of such magnificence that it serves as some solace to the

mother of Bill Wilkins. That monument has to be so grand that it serves as some comfort to the brothers of Bill Wilkins in Barrie. That monument has to be so overwhelming that it helps ease the grief of the young fiancée, wife-to-be, of Bill Wilkins, yes, for years to come. And that monument has to say to firefighters still performing their duties, every one of them risking that tragic fate, that their community appreciates them, that their community respects them, that their community acknowledges their special skills and their special commitment.

It's not inappropriate that joining me in speaking to this on behalf of New Democrats will be Michael Prue, because he will be a member of the Legislative Assembly committee and considering the bill when it reaches that committee. He is from big-city Ontario. I'm from small-town Ontario.

1120

Mr James J. Bradley (St Catharines): Small town?

Mr Kormos: I come from places like Thorold, Pelham, Thorold South, Crowland and Welland, where people still leave their doors unlocked.

I come from a community that has some of the best firefighters in this province, in this country. I come from a community that has seen firefighters nurtured generation after generation. I come from a community where my good friend Henry Labenski, succeeded his father as a professional firefighter. I remember his father well, Jack Labenski. Jack lived on Wallace Avenue, but two blocks away from the small old Crowland fire station, near Lyons Avenue. We could hear the sirens wailing and Jack Labenski would be rushing that two blocks to the fire hall to get that truck going. The firefighters would be donning their coats and their hats as the truck was already wheeling out of the station—just a small station, as small as any could be. But Jack Labenski, who was a big man in so many ways, also gave us two sons who are incredibly skilled, competent, professional and committed firefighters. John, now retired, is a former chief. Henry serves his community and also serves his fellow firefighters in his role in the association.

So this monument is going to be a tribute to the fallen, to those firefighters whose lives have been stolen from them by the dangers of firefighting, but it's also going to be a tribute and a monument to the living. It will remind us on a daily basis that among us in our communities, in our neighbourhoods, in big cities and small towns, live heroes, firefighters who save lives and protect people, who save kids, who save grandparents, who save spouses and brothers and sisters, and who make our communities a far better place.

Mrs Margaret Marland (Mississauga South): I consider it a privilege this morning to be able to rise in support of Bill 113. The fact that this is an act to honour our firefighters who have died in the line of duty is so important to all of us in this province. There is an irony, of course, that this week we have lost Bill Wilkins, another firefighter. The bravery of all of the men and women who serve in that very highly specialized profession is something of which we are all in awe.

We in Mississauga have just honoured our firefighter of the year. This is an annual event when we honour both our firefighter and our police officer of the year. I've always felt that it was very little for us to do in return for the courage and the bravery with which both police officers and firefighters enact their responsibilities for our protection. In this case, in Mississauga, actually on an evening in September of last year, a young woman who was unconscious in a basement apartment tucked away in the back, in a small washroom, was rescued by two individual firefighters. But I think what is so significant about this award and recognition in this particular incident is the fact that not just the two who went in to rescue, resuscitate and save this young person were recognized but also the two crews who worked on that event. From my observations of the firefighting that we read about on an almost daily basis in all our media, and certainly the enormity of the 9/11 tragedy, it only works because firefighters are always a team.

When we talk about having a permanent memorial, it is going to be a marvellous, tangible thing. It will represent for everyone in a tangible way the fact that these people risk their lives every time they go to protect people who are in danger from a fire.

In Mississauga, the firefighters of the year were Captain Allan Thompson, Firefighter Gerald Lacasse, Firefighter Peter Perrone, Firefighter David Middleton, Acting Captain John Hill, Firefighter John Watts, Firefighter Edward Nelson and Firefighter Larry Jackson.

Their courage resulted in the saving of one life. They are the exemplary role models for all people who work in that service and for us, as citizens, who are the beneficiaries. I believe this memorial will remind all of us of the fact that that is part of their job and part of their responsibility that they are willing to do on a daily basis—day in, day out, year in, year out.

My privilege again is to say thank you on behalf of my constituents of Mississauga South to all the men and women who serve as firefighters in this province and to extend to all of the families whose lives have been affected by the loss of a loved one in that service my deepest sympathy and all our ongoing support.

Mr Bradley: I am privileged to participate in this debate and to indicate my strong support for the bill that is before the House today, which will provide appropriate recognition and honour firefighters who are unfortunately and tragically killed in the line of duty.

There aren't many jobs in our society that are such that when you leave your own home, your family and those close to you to go to work, you are actually placing your life on the line. This is certainly true of those who are involved with our fire departments across the province of Ontario, because they are dealing, almost invariably, with dangerous situations where the lives of others are on the line and where there are individuals who are injured.

I think also that with the advent of the 911 number in many places in the province—probably in most places now—we find that it is firefighters who are there first on

the scene, whether it's for a fire or a medical emergency or some other circumstance that is considered to be an emergency.

I know the danger that these firefighters place themselves in. Many of them are personal friends of mine who have related stories about having to rescue others in many cases, having to go into a home where there are children who have been killed, and then go back home with sadness and dire memories, try to sleep and try to keep their own lives going. I've known individuals who have had to extract kids they knew from a car in an accident, kids who unfortunately didn't make it. So it's a very serious occupation.

1130

It's a good group of people who are involved in our community. Our firefighters are invariably involved in community organizations. Our volunteers so often are involved in charitable activities, as well as being involved in those things that are in their line of duty.

With new chemicals that they face, with new kinds of structures that they deal with, they indeed place themselves in danger each and every time they go out on a call.

This memorial came to mind this week particularly when we learned of the death of Bill Wilkins, a 32-year-old individual, a person in the prime of life who, while doing his job as a firefighter, lost his life.

I believe we owe it to firefighters in our province, and I know those in St Catharines would agree with me—because we have an excellent fire department and great firefighters in our community—that this is appropriate and the location is appropriate, in the Queen's Park area, where the public can see it, where the public comes together, just as we have a police memorial here at the same time.

I am pleased to be able to support this legislation. I hope it will move quickly. I hope we'll see the memorial there. And I hope each year, when a special day is set aside at that memorial, that indeed all of us will be part of that memorial service.

The Acting Speaker: Further debate?

Mr Michael Prue (Beaches-East York): I too rise to support this memorial. It too is an idea whose time has come.

We are committed to the men and women who work in the fire services in all of the municipalities of this great province. We are committed to what they do and understand only too well the risks that are involved each and every day when they go to work.

The memorial is essential. It is essential to honour those who have died and paid the supreme sacrifice for protecting us all. But it is also important for those who live, for those who must go back to work the next day. I think of Bill Wilkins, but I also think of his brothers and sisters in the fire hall who are back at work today. They have lost a colleague and a friend but they are back doing what they need to do to protect the residents of Barrie. We need to remember always not just those who have

died but those who go on to fight fires, those who go on to protect people.

We need to commit ourselves as a province and we need to commit those who work in municipal government to constantly be vigilant to do the very best we can for those men and women. Of course they need the best equipment, but they also need understanding. They need the understanding of municipal officials of the dangers they encounter every day. They need understanding of the stresses of their job—not just the dangers of the job but the stresses of shift work, the stresses of being away from family, the stresses of danger and the stresses and the very real dangers of going into fires and going into places where there are carcinogens. We need to understand and make commitments to them, just as Manitoba has recently done, that this is a dangerous job and if you do it for long enough, you're likely to develop forms of cancer that other people will not, and we need to be able to compensate and look out for that.

We need to recognize their community involvement. We need to recognize that the firefighters were among the very first Canadians to simply go to New York. They didn't ask; they weren't asked; they simply went there. They knew their duty.

We need to compensate them for a very difficult job. They do so much more than fight fires. As has been said, they are the first ones on the scene of literally any accident. They have a commitment in this great city of being there within four minutes, and they make it nine times out of 10.

I am honoured to stand here and support this memorial. We support it not only for those who have died and undoubtedly for those who will, but for those who continue to do what—

The Acting Speaker: Further debate?

Mr Wayne Wettlaufer (Kitchener Centre): It's an honour to be able to stand here and support this bill. I want to thank my friend and colleague Bob Wood, who has brought forth Bill 113, An Act to honour firefighters who have died in the line of duty. It sounds like I can congratulate him, even though it hasn't already passed, because he has received support from all sides of the House.

We are grieving the loss this week of Bill Wilkins, a firefighter who died in the line of duty in Barrie. The Toronto Sun so aptly described it yesterday when they said, "Firefighters grieved ... as they stood outside the charred and blackened home where firefighter Bill Wilkins died while trying to stop the home from burning to the ground." The scene describes reality.

But it's not just firefighters who die in the line of duty that I think we need to pay some attention to, and I would hope that Mr Wood would be amenable to an amendment in committee. I had a very good friend, a childhood friend, who died a young man in his 30s. His name was John Divo. He died as a result of contracting cancer while fighting a chemical fire in the city of Kitchener. At that time it brought home to me, even though I knew from my exposure in the insurance business what a

dangerous job firefighting was, much more clearly what a dangerous job it was when someone could contract an illness a couple of years subsequent to fighting a fire. We miss his smile, his laugh, as the families of the firefighters all around this province do.

The time has come to ensure that the heroism and dedication of firefighters like Bill Wilkins and John Divo and other firefighters who have lost their lives be recognized, because they make our lives safer.

It's ironic that the bill has been brought forward for second reading today, because this is the day that we recognize the heroism of the firefighters in New York.

The time has long passed to establish this memorial in the Queen's Park precinct to honour these outstanding men and women who have been at the front lines of protecting our communities. Their bravery, their skill and their dedication under extreme conditions have saved countless lives with very little attention to their own.

The firefighters' memorial is a small yet very symbolic manner though which we can say thank you to those firefighters who have made the ultimate sacrifice.

1140

Mrs Sandra Pupatello (Windsor West): Our caucus, I think, is very prepared to support this bill, like we were all here to support the member for Brant's bill when we spoke about memorializing those firefighters who have died in active duty.

I say to the members of the firefighting service who are here today—the chiefs, the members of the professional firefighters association represented here in the House today—this is what I want: I'd like to see all firefighters die of old age. I think most people want to see firefighters die of old age. Unfortunately, it's not the kind of profession where that happens. As this government may well put a shovel in the ground to start building a memorial, I'd like to see the numbers of people who have to be memorialized less in every year. That is only going to happen when direct action is taken to help the real issues that firefighters face, and that people like Henry Watson, representing thousands of them, come forward to the government with every day. Namely, there are health and safety issues. There are families of stricken firefighters with brain cancer, all of those firefighters who were fighting the same fire in a certain area suddenly being afflicted with brain cancer, and here are these families going begging to the Ministry of Labour to have that designated as a work-related illness. Why would these families have to go begging for something that seems so obvious to the rest of us?

One of our colleagues in the House brought forward a bill that actually encourages more use of volunteer firefighters, so-called part-timers who are paid up to \$28 an hour—directly opposite to this team approach that your own colleague just spoke about in the House today.

We have real issues that firefighters face, be they those kinds of work issues or health issues, that with each shovel in the ground, as we build this memorial, this government has an obligation to resolve the real issues. Cynics out there may see this memorial as just more pap

or pabulum being served to try and pacify the firefighters. "Look what we've done for you: we've built you a memorial to all those who died in the line of duty." But what we see every day, in our own communities, are real issues that firefighters deal with, that their representatives have come to us on a regular basis on since I've been in this House—real issues that deserve attention. If this government is serious about memorializing firefighters with every shovel that goes into the ground, they'll deal with the real issues that firefighters face.

Mr John O'Toole (Durham): I first want to start by saying that my approach would be more respectful. I would like to recognize again those present here, the association president of the chiefs of police, Chief Milt Wilson, who's actually from Oshawa, very close to my riding, and Henry Watson and Fred LeBlanc and Robert Kirkpatrick as well as Greg Colton, president of the Toronto Fire Fighters Association.

We know there are lots of issues in every sector. I think today, this morning specifically, is about respecting and paying respect to the initiative here brought on by Bob Wood in his private member's bill, introduced October 18, 2001, and, I might say as well, with respect to the work done by Dave Levac from Brant on this. I'm very confident that all members will support this. That's what this is about. Of course there are a lot of other issues.

It's my privilege to represent the riding of Durham, and it's not just about my riding; it's about firefighters and respect for them this morning. It's my experience that firefighters are respected both for their community commitment as well as their professional commitment to their community.

Last year in the House, you may recall, I paid tribute to the Scugog fire department's auto extrication team that finished third overall at the international fire extrication competition. They were led, of course, by District Chief Dave Ballingall, and he was their coach as well. Chief Richard Miller from the Scugog group, as well as Deputy Chief Rob Gonnermann, were part of that team. I know the community was proud of them and supported them, and that's what this is about. It's a celebration of people who give not just to their community but, in many unusual circumstances, give of their lives.

I also want to look at my riding in terms of Clarington. It's a great community under the leadership of Chief Mike Creighton, as well as the members that I run into in regular course of business: Sheila Roman and Gord Weir and Bill Reid of the Clarington fire department, responsible for a project last year raising \$30,000 to assist local charities. Of course, the very successful program that they have is called the junior firefighters' program. It's a very successful program.

I like to think that part of the work that's outside of their fire duties, fire prevention and those difficult duties—they also contribute enormously to the Muscular Dystrophy campaign each year. I know the firefighters in my community of Clarington and Scugog are part of a team raising in excess of \$2 million.

I also want to say that we are investing additional training for police and firefighters and front-line emergency workers. This monument is a tribute to all of those who have given the supreme sacrifice, but also to those who have to get up every day and face the risks to their own lives and their families worrying. Unfortunately, the occupation of firefighting is extremely dangerous. While we must make every effort to protect front-line emergency workers, tragedies occur, and in all respects we should work together to find solutions to put an end to that.

My reason for supporting Bill 113 is because I'm confident that it has the support of firefighters, their families and, more specifically, the people in my riding. They want to say thank you and they want to make that a permanent monument of thanks.

In Clarington, Grant Bradley is the president of the Clarington Fire Fighters Association, local 3139. He's among the community firefighters who support this proposal. Just this morning I read in the paper that on the weekend there was a blaze at Kirby on Highway 115. Captain Robert Payne was quoted in that article as being on the site to make sure that there was no risk to life and property.

But it's about real people. I conclude here by quoting from the speech from the throne: "We must not forget firefighters who have lost their lives ensuring people's safety. This year, your government will work with the fire services community to create a firefighters' memorial on the grounds of Queen's Park." I am pleased to lend my support to the bill.

In conclusion, this is not only in response to September 11 or the untimely death of Bill Wilkins, but for those who continue to fight and put their lives at risk on our behalf.

I go back to the comments made by the member from Windsor. There are issues, and I respect that. I believe that Minister Runciman is prepared to continue his work in support of those emergency service workers—police, fire, ambulance and all of the emergency routine—so that we strengthen the training with the commitment to the college and the profession itself.

This monument is what we're talking about this morning, and I call on all members on all sides of the House to drop the rhetoric, support the bill and work together to pay respect to the firefighters who give on a daily basis to the citizens in their communities at great sacrifice to themselves personally and to the members of their families. I say thank you on behalf of the Ernie Eves government. The private member's bill by Bob Wood sums it all up. Please support it.

Mr Dominic Agostino (Hamilton East): I rise in support of this bill. I want to welcome the firefighters who are here, in particular Henry Watson, who happens to be one of my constituents. I'm pleased that he is here, along with the other chiefs and gentlemen.

Certainly this is a very important bill. Every profession has its risks, every profession has difficulties, but there are certain professions where that risk is much

greater. Every call you respond to, every emergency situation, every fire has the potential danger for great physical harm, or, as we have seen tragically in Ontario with Bill Wilkins, for loss of life.

Firefighting is a very special profession. It's a unique profession. I remember being in New York City at Ground Zero. From everything I saw, the most moving and most difficult part for me was seeing the temporary tribute that had been set up for fallen firefighters, seeing the notes from the kids of these firefighters who never came back home, seeing the teddy bears with pictures of their kids, seeing kids writing, "Dad, I'm never going to be able to play baseball or catch a football with you again." It just brought home in a stark, real sense what these courageous women and men face every day as part of their job.

I remember walking by a small fire station in New York City where they had a memorial outside. That fire station had 30 people in it; 15 of those died that day from that one fire station. That's the reality that our firefighters in this province face every single day. These are the people who are first on the scene of an accident, a chemical spill, a fire at an industrial plant, not knowing what chemicals or dangers they're facing. These are the folks who, as people are trying to escape a burning building, are going into the building, trying to save lives.

I think it's appropriate that we honour the sacrifice, that we honour the work they do. Firefighters across Ontario deserve recognition because of the work they do. It's always a very sad occasion, as we saw this week with Bill Wilkins, when one of those individuals—and it really is a brotherhood and a sisterhood. There's a bond among firefighters. When one dies on the job, as Mr Wilkins did, every single firefighter in Ontario feels that a part of them has died, that one of their family members has passed away.

1150

It's important for us to recognize that with this memorial and this tribute. There's nowhere more appropriate than right here outside of this Legislature to have a permanent memorial. We have the memorial to police officers. When you walk by, you can't help but notice and stop and look and think for a minute or two about the sacrifice those people are out there making every day and the risk they're taking. When they come home at the end of the day to their family, their kids, their brothers and sisters, their moms and dads, I think they really appreciate the fact that they were able to go home that night at the end of their shift. Unfortunately, not everyone does that. Tragically some of these people didn't get a chance to go home to their family at the end of their shift.

It's appropriate for this Legislature to unanimously support this. I want to thank Mr Wood and Mr Ouellette for the work they've done on it.

The Acting Speaker: Response.

Mr Wood: I'd like to thank all the members who participated in the debate, both for their participation and for their support. I'd like to assure members that I at least

am open to any ideas that may come forward at the committee hearing.

I would like to indicate to members that I share the ambition of the various members who spoke that this be the best memorial possible. That's easy to say, but it's really the hard part. Frank Lloyd Wright, the great architect, used to say, "The most difficult thing about architecture is to eliminating everything except the most essential." That really is what we have to do when we undertake a project of this nature. The input we get is going to be very key for us to be able to give direction and to achieve the kind of memorial that the fallen firefighters deserve and that the people of Ontario deserve.

I would like to ask all MPPs to assist in spreading the word that this fall there is going to be a legislative hearing and ideas are going to be solicited. I've had indications from a number of people already that they want to come forward with ideas, either by way of presentation or in written form. I hope we'll invite every Ontarian to come forward and give their ideas. If we do that, we can be reasonably assured of doing the best possible for our fallen firefighters and for our citizens as a whole.

I would like to suggest as well that it's important that this project not get lost in the great rush of business we always have before this Legislature. I would like to invite all of us to commit ourselves, hopefully publicly, to actually having this memorial done one year from today, so that on May 30, 2003, this memorial will be here in the precincts of this Legislature at Queen's Park.

The Acting Speaker: This completes the time allocated for debate on this matter.

TOMMY DOUGLAS ACT
(PATIENTS' BILL OF RIGHTS), 2002
LOI TOMMY DOUGLAS DE 2002
SUR LA DÉCLARATION
DES DROITS DES PATIENTS

The Acting Speaker (Mr Michael A. Brown): We will now turn to ballot item number 45. Ms Martel has moved second reading of Bill 27, An Act to promote patients' rights and to increase accountability in Ontario's health care system. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. We will take this division following dealing with ballot item number 46.

FIREFIGHTERS' MEMORIAL ACT, 2002
LOI DE 2002
SUR LE MONUMENT COMMÉMORATIF
EN HOMMAGE AUX POMPIERS

The Acting Speaker (Mr Michael A. Brown): Now ballot item number 46: Mr Wood has moved second reading of Bill 113, An Act to honour firefighters who

have died in the line of duty. Is it the pleasure of the House that the motion carry? Carried.

Mr Bob Wood (London West): On a point of order, Mr Speaker: I'd like to ask that this matter be referred to the Legislative Assembly committee.

The Acting Speaker: Agreed? Agreed.

TOMMY DOUGLAS ACT
(PATIENTS' BILL OF RIGHTS), 2002

LOI TOMMY DOUGLAS DE 2002
SUR LA DÉCLARATION
DES DROITS DES PATIENTS

The Acting Speaker (Mr Michael A. Brown): Call in the members. There will be a five-minute bell to deal with second reading of Bill 27.

The division bells rang from 1155 to 1200.

The Acting Speaker: Ms Martel has moved second reading of Bill 27.

All those in favour will stand and remain standing until your name is called.

Ayes

Agostino, Dominic	Elliott, Brenda	Molinari, Tina R.
Arnott, Ted	Flaherty, Jim	Munro, Julia
Baird, John R.	Galt, Doug	Mushinski, Marilyn
Barrett, Toby	Gerretsen, John	Newman, Dan
Bartolucci, Rick	Gilchrist, Steve	O'Toole, John
Beaubien, Marcel	Gill, Raminder	Parsons, Ernie
Bisson, Gilles	Hardeman, Ernie	Peters, Steve
Bountrogianni, Marie	Hastings, John	Phillips, Gerry
Boyer, Claudette	Hodgson, Chris	Prue, Michael
Bradley, James J.	Hudak, Tim	Pupatello, Sandra
Bryant, Michael	Johns, Helen	Ruprecht, Tony
Caplan, David	Kells, Morley	Sampson, Rob
Churley, Marilyn	Kennedy, Gerard	Sergio, Mario
Clark, Brad	Kormos, Peter	Smitherman, George
Clement, Tony	Levac, David	Spina, Joseph
Colle, Mike	Marchese, Rosario	Sterling, Norman W.
Conway, Sean G.	Marland, Margaret	Stewart, R. Gary
Crozier, Bruce	Martel, Shelley	Stockwell, Chris
Cunningham, Dianne	Martiniuk, Gerry	Tsubouchi, David H.
DeFaria, Carl	Maves, Bart	Wettlaufer, Wayne
Di Cocco, Caroline	Mazzilli, Frank	Wilson, Jim
Dombrowsky, Leona	McDonald, Al	Witmer, Elizabeth
Duncan, Dwight	McMeekin, Ted	Wood, Bob
Ecker, Janet	Miller, Norm	Young, David

The Acting Speaker: All those opposed?

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 72; the nays are 0.

The Acting Speaker: I declare the motion carried. Pursuant to standing order 96, this matter will be referred to the committee of the whole House.

Ms Shelley Martel (Nickel Belt): On a point of order, Mr Speaker: I'd like the bill referred to the standing committee on finance and economic affairs.

The Acting Speaker: Agreed?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Please be seated.

All those in favour of the referral will stand and be counted.

All those opposed will please stand.

A majority is not in favour of the referral. Therefore the bill is ordered to committee of the whole House.

This completes the business before the House during private members' public business. The House will re-sume sitting at 1:30 of the clock.

The House recessed from 1204 to 1330.

MEMBERS' STATEMENTS

CONSERVATION AUTHORITIES

Mr James J. Bradley (St Catharines): Part two of the Walkerton report, released last week, reveals the drastic mistake that Premier Ernie Eves made when he was Minister of Finance in slashing the overall budget for Ontario's 36 conservation authorities by a damaging 70%.

In January 1996, the Conservative government, in its infamous, massive omnibus bill, Bill 26, limited the mandate of these authorities and facilitated their dissolution and the sale of their lands.

Justice O'Connor has recommended that conservation authorities play a central role in the protection of groundwater supplies, but these organizations can do so only with a substantial investment of funding in their operations.

The damaging cuts by Ernie Eves have severely restricted authorities in their efforts to carry out their full mandate. I call upon the government to restore immediately the funds that were mindlessly chopped in 1996. At a time when the Eves government has spent over a quarter of a billion dollars on self-serving partisan advertising and is providing a tax gift of \$2.2 billion to their corporate friends, surely they can afford this investment in environmental protection.

The commission recommends an investment of up to \$48 million for groundwater studies that can be undertaken by utilizing the expertise of such bodies as the Niagara Peninsula Conservation Authority.

I agree with the commissioner when he says, "I support capacity building among conservation authorities, and the MOE should provide assistance in this area."

INTEL INTERNATIONAL SCIENCE
AND ENGINEERING FAIR

Mr John Hastings (Etobicoke North): I have a statement today dealing with the international recognition of students who are involved in the Intel International Science and Engineering Fair.

Today I would like to proffer outstanding recognition and congratulations to Ontario students who competed at the Intel International Science and Engineering Fair, con-

sidered the Olympics of science fairs, which was held recently in Louisville, Kentucky.

Thirteen Canadian students, aged 14 to 18, collected nearly US\$700,000 in prizes and scholarships. They competed against 1,200 students from 40 countries, winning nine grand awards and six first-place titles.

The science fair winners from Ontario, which includes a University of Louisville scholarship award recipient, are:

Ms Eva Vertes, 17, of Dundas. She won a university scholarship for her project which studied the inhibition of programmed cell death by purine derivative RPI-069. This study offers a potential treatment for Alzheimer's disease.

Spencer Hughes, 16, of Timmins advocated the concept of turning abandoned mines into power generating stations, even going so far as to use bioleaching to extract residual gold that was originally missed.

Three other Ontario students from Toronto won recognition for their accomplishments, including the eventual creation of nanorobots.

Crystal Pinto, 18, won a fourth-place award in microbiology. Another student won a third-place award in medicine and health with his project designed to deal with computers and biology.

Finally, I would like to salute these science fair winners because they are the future pathway of innovation and advancement for Ontario and Canada. By fostering and challenging these young minds, what they could do is limitless.

ITALIAN NATIONAL DAY

Ms Caroline Di Cocco (Sarnia-Lambton): June 2 has a special significance to Italians around the world. In the national referendum of June 2, 1946, the people of Italy voted to abolish the monarchy, establish a democratically elected assembly and create a republic.

This new constitution drafted by the elected assembly guaranteed the right of Italians to self-determination, freedom and dignity of existence. This step made Italy a staunch democracy, a leading industrial nation, a founding member of the European Union and a vital strategic partner in NATO. Tomorrow evening, the Italian consulate is hosting a reception to celebrate this history.

Canadians of Italian origin are one of the largest immigrant groups to settle in Canada. This has had a significant impact on the cultural, political and economic sectors in this country. In the early 1950s, Ottawa entered into a bilateral agreement with Rome to foster and process large-scale Italian immigration to Canada. There followed an aggressive Italian labour recruitment for the Canadian market. The year 1958 saw Italian immigration to Canada surpass the number of British immigrants to Canada. This historic celebration is significant to the heritage of Canadians of Italian origin.

DAVE BROADFOOT

Mrs Julia Munro (York North): I rise today to talk about a recognized Canadian tourism attraction. He has earned a multitude of awards, including the Lifetime Achievement 2000 and Canada's Comedy Hall of Fame. He is a Juno Award winner and a Gemini Award nominee. He has performed for the Queen, has been on the Ed Sullivan Show and has ongoing guest appearances with the comedy troupe he co-founded, the Royal Canadian Air Farce. He is that great icon of comedy, Dave Broadfoot.

Canada's ambassador of laughter is returning to the Red Barn Theatre, in my riding of York North, on June 6, 7 and 8 at 8 pm. After 50 years of writing and performing his own special brand of humour with his legion of characters, Mr Broadfoot still delivers a performance that leaves his audiences roaring with laughter. Dave's First Farewell Tour explores topics that audiences are most concerned with, from world events to the basic frustrations of daily life.

Fans are advised to get their tickets early for this show or any other show throughout the summer series. Enjoy the show and visit Canada's oldest professional summer theatre, the Red Barn, on the south shore of Lake Simcoe. Fans can contact the Red Barn at 905-722-3249 or 1-888-RED-BARN.

EMERGENCY SERVICES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Ontario hospital emergency rooms continue to experience serious pressures because of a lack of resources. It is regrettable that the Quinte Healthcare Corp has had to issue zero tolerance toward aggressive behaviour in the emergency ward. Yesterday's news release, the corporation states, "Aggressive behaviour and coarse language will not be tolerated.... Hospital security personnel and the police have been and will be brought in to deal with any aggressive individuals, and charges will be laid in situations that put our staff, patients and family members at risk."

Certainly aggressive behaviour of any kind is completely unacceptable. However, the need for this policy begs the question, why is it that people are increasingly moved to acts of aggression in emergency rooms? Perhaps it is because they've had to wait for hours on end in an ER because they cannot find a family doctor, or because a parent can no longer bear to sit in a waiting room while their sick child suffers in fever and pain, or maybe because a senior loved one has been lying in misery on a gurney in a hallway for days, with no privacy, before getting a bed.

Emergency rooms in Ontario have become battle zones where patients struggle with illness, and they, their family or friends are literally beginning to fight for the medical attention and service they deserve. Sadly, this is the legacy of the Tories' health care policy.

INJURED WORKERS

Mr Peter Kormos (Niagara Centre): Saturday, June 1: Injured Workers Day. Thousands of injured workers from across this province are going to be rallying here at Queen's Park, beginning at 11:00 am. Injured workers, women and men, from every conceivable workplace in this province have been misserved, to say the least, by this government. Their rallying cry is, "Justice for injured workers," and they're here not only fighting for the rights of injured workers; they're fighting for the rights of all workers. They're condemning a government and its policies that would contribute to yet more workplace deaths, homicides, slaughters, mutilations and poisonings.

The Tories' agenda of a longer workweek, the Tories' agenda of fighting and defeating unions at every step of the way, the Tories' agenda of maintaining the minimum wage at the stagnated level of \$6.85 an hour, the Tories' elimination of the requirement of on-site labour inspector workplace inspections; and the blank cheque that this government has written to the corporate interests, their close friends, with huge corporate tax cuts, all being paid for on the backs of workers, all workers, and particularly injured workers.

Trade unionists will be joining those injured workers, people of justice and generosity will be joining them, and of course New Democrats will be there on Saturday, June 1, at 11 am at Queen's Park, Injured Workers Day.

1340

TRAFALGAR MORAINES

Mr Mike Colle (Eglinton-Lawrence): I'd like to pay tribute today to the brave and courageous citizens of Oakville who belong to an organization called Oakville-green, who for four years have blocked the bulldozers from paving the Trafalgar moraine. These brave citizens, against all odds, have so far been successful in stopping the Trafalgar moraine from being paved over. But unfortunately last night at Oakville council, the majority of council voted in favour of developing the Trafalgar moraine. Now, there were five members of Oakville council who had the guts to stand up to the development industry and say no last night. Unfortunately, the majority of Oakville council last night caved in to the developers and paved the way for over 55,000 people to be housed on this precious, natural green corridor.

This corridor, as you know, is filled with forests, natural streams, rare species of birds like the red-shouldered hawk and other fabulous natural species.

This provincial government can no longer stand on the sidelines supporting developers and allow this natural watershed to be paved over. This provincial government can no longer just talk about smart growth, talk about stopping sprawl; it's got to do something to protect this moraine in Trafalgar. We need to protect it, just like we protected the Oak Ridges moraine. We can't wait three years before this government moves, like we had to wait

before they recognized the Oak Ridges moraine. We need the Trafalgar moraine protected now.

HEALTH CARE

Ms Marilyn Mushinski (Scarborough Centre): As parliamentarians, we are typically involved with the issues of the day that face us. Some might accuse us of lacking an historical perspective. That is why I am rising to speak today.

Comparing the actions of government today with those of the past lets us know whether or not we are making progress as a society. In terms of my riding of Scarborough Centre, I would suggest that such a comparison shows that great strides have been made in providing better health care to the residents of Scarborough Centre.

From 1985 to 1994, I served as a member of the board of governors of Scarborough General Hospital. During that time, numerous pleas were made to the provincial government for the local provision of services like renal dialysis. And no wonder—at that time, patients were required to travel to Oshawa or downtown Toronto several times a week, in good weather and in bad. That was then, when Ontario endured 10 lost years of Liberal and NDP rule.

Compare that sad state of affairs to today. Now my constituents enjoy the convenience of two sites in Scarborough Centre for their dialysis treatments. By comparing the actions of the current government with past governments, we learn a valuable lesson. The Eves government is clearly doing far more to address the health care needs of Ontario's citizens than did both the Liberals and the NDP.

MEMBER'S PRIVILEGE

The Speaker (Hon Gary Carr): Yesterday the member for Beaches-East York gave me notice of his intention to raise a point of privilege relating to his dealings with the National Advertising Standards Council. The member subsequently provided me with additional material, which I have now reviewed. I want to advise the member that I stand by my remarks yesterday in which I emphasized that members' peripheral, subsidiary duties as a people's representative, as opposed to their primary duties as a legislator in this chamber or a committee, cannot normally give successful rise to a valid point of privilege. The situation of which the member complains involves a civil federal regulatory body and the rules it applies in adjudicating public complaints about advertising. In no way does this agency's treatment of the member equate to a violation of his privileges, and specifically his freedom of speech, as the member contends. His freedom of speech is not absolute or unrestrained. It applies to his work as a legislator in the conduct of parliamentary business, but not beyond that to advocacy or representative roles unrelated to the business of the House.

I therefore reiterate my finding of yesterday that a prima facie case of privilege has not been made out by the member for Beaches-East York.

CONSIDERATION OF BILL 58

The Speaker (Hon Gary Carr): I beg to inform the House that pursuant to standing order 69(b), the House leader of the official opposition, the member for Windsor-St Clair, has notified the Clerk of his intention to file a reasoned amendment to the motion for second reading of Bill 58, An Act to amend certain statutes in relation to the energy sector. The order for second reading of Bill 58 may therefore not be called today.

VISITORS

Mr Dave Levac (Brant): On a point of order, Mr Speaker: We have very special guests in the gallery today from Brant-Haldimand-Norfolk Catholic District School Board. The teachers are Charmaine Hanley, Kerry Davidson, Lianne Chopp, Sherry Wensil, and the bus driver, Lori. They bring to us very special students from Brant to learn about our parliamentary procedures and our behaviour in this House. This special class that has been established is very appropriately here to watch the workings of this fine place and this institution. Their principal, Dom DiBartolomaio, is a very good friend of mine and actually put the class together and coordinated this very unique class. Thank you for being here.

JACK WILKINSON

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I'd ask all members to join me in congratulating Jack Wilkinson, who was today elected president of the International Federation of Agricultural Producers.

WORLD CUP SOCCER

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On a point of order, Mr Speaker: As I understand, the members' statement time is over, is it? We haven't done all of them. I didn't get my turn.

The Speaker (Hon Gary Carr): Just a quick second and I'll see what happened at the table. Maybe what I could do is ask for consent. I thought we'd been through it, but apparently we didn't. Unanimous consent for the member's statement from the member for Bramalea-Gore-Malton-Springdale? Agreed.

Mr Gill: Thank you, Mr Speaker. Many proud and loyal Bramptonians and Ontarians with roots in England, Italy, Germany, Brazil, Denmark, Spain, Ireland, Slovenia, Paraguay, Sweden, South Africa, Costa Rica, Poland, Croatia, Russia, Argentina, Nigeria, South Korea, Japan, Portugal, Uruguay, Turkey, Cameroon and France, as well as Canada, are waiting with anticipation for the beginning of the soccer World Cup.

As of 7:30 am Toronto time tomorrow this great series will start and run for 30 consecutive days, dominating our televisions. While Canada's own national team is not in the series, unfortunately, the passion for this beautiful game runs deep.

During the 64 games, passionate soccer fans will bring Ontario's multicultural neighbourhoods to life. Thousands of fans sporting their team colours, wearing flags and blowing horns will flock to neighbourhoods such as Little Italy and Little Brazil to cheer on their teams. We should not be surprised to see the national flags of many of these teams being flown across our province as fans proudly display their support. World Cup soccer brings out the best in our province.

During this time of celebration I would like to extend best wishes to the fans and their teams competing for this most coveted prize: soccer's World Cup.

Thanks to the members.

Mr Rosario Marchese (Trinity-Spadina): On a point of order, Mr Speaker: Following on the heels of that unanimous consent, I too ask for unanimous consent, given what he just said, that we the House resolve to find a way to make sure that people are able to watch World Cup soccer in those bars—

Mr Tony Martin (Sault Ste Marie): Licensed places.

Mr Marchese: —in those licensed places so as to permit all the fans like me who love soccer to be able to do so.

The Speaker: Just so the members are clear, you're asking for unanimous consent for what?

Mr Marchese: To permit the soccer fans of the World Cup to be able to see the games in licensed establishments and that they open until 5 o'clock in the morning to be able to do so.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

INTRODUCTION OF BILLS

POST-SECONDARY EDUCATION STUDENT OPPORTUNITY ACT, 2002

LOI DE 2002

OFFRANT DE NOUVELLES POSSIBILITÉS D'ÉDUCATION POSTSECONDAIRE AUX ÉTUDIANTS

Mrs Cunningham moved first reading of the following bill:

Bill 65, An Act to enact, amend or revise various Acts related to post-secondary education and opportunities /
Projet de loi 65, Loi édictant, modifiant ou révisant diverses lois liées à l'éducation postsecondaire et aux possibilités en la matière.

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

All those in favour 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 1352 to 1357.

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	Duncan, Dwight	Munro, Julia
Arnott, Ted	Ecker, Janet	Mushinski, Marilyn
Baird, John R.	Flaherty, Jim	O'Toole, John
Barrett, Toby	Galt, Doug	Ouellette, Jerry J.
Bartolucci, Rick	Gerretsen, John	Peters, Steve
Beaubien, Marcel	Gilchrist, Steve	Phillips, Gerry
Bountrogianni, Marie	Gill, Raminder	Prue, Michael
Boyer, Claudette	Hampton, Howard	Pupatello, Sandra
Bradley, James J.	Hardeman, Ernie	Sampson, Rob
Bryant, Michael	Hastings, John	Sergio, Mario
Caplan, David	Hudak, Tim	Smitherman, George
Christopherson, David	Jackson, Cameron	Spina, Joseph
Churley, Marilyn	Johns, Helen	Sterling, Norman W.
Clark, Brad	Kormos, Peter	Stewart, R. Gary
Clement, Tony	Levac, David	Stockwell, Chris
Colle, Mike	Marchese, Rosario	Tascona, Joseph N.
Conway, Sean G.	Marland, Margaret	Tsubouchi, David H.
Crozier, Bruce	Martel, Shelley	Wilson, Jim
Cunningham, Dianne	Maves, Bart	Witmer, Elizabeth
DeFaria, Carl	McDonald, Al	Wood, Bob
Di Cocco, Caroline	McLeod, Lyn	Young, David
Dombrowsky, Leona	Molinari, Tina R.	

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

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 65; the nays are 0.

The Speaker: I declare the motion carried.

HEALTH PROTECTION AND PROMOTION AMENDMENT ACT (FOOD HANDLERS), 2002

LOI DE 2002 MODIFIANT LA LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ (PRÉPOSÉS À LA MANUTENTION DES ALIMENTS)

Mrs Pupatello moved first reading of the following bill:

Bill 66, An Act to amend the Health Protection and Promotion Act to require that a certified food handler be present at all times during the operation of a food premise / *Projet de loi 66, Loi modifiant la Loi sur la protection et la promotion de la santé en vue d'exiger qu'un préposé agréé en manutention des aliments soit présent en tout temps pendant l'exploitation d'un dépôt d'aliments.*

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

The member for a short statement?

Mrs Sandra Pupatello (Windsor West): All of us will be aware that recently, over the last couple of months, there have been several outbreaks of E coli and various forms of food poisoning and we're not certain of their origins.

While we realize that public health units are required to provide food certification courses for people who work in the food industry—it doesn't mandate people from restaurants, for example, to take these courses. What this bill endeavours to do, and it is being requested by various public health units across Ontario, is to mandate people from that service sector to take these courses.

It is very modest in terms of what money requirements there may be because the courses are already being offered by the public health unit. It gives the public a great deal of satisfaction to know that they are going out and having food, prepared for the public, that is at its best.

COLLECTION AGENCIES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES AGENCES DE RECOUVREMENT

Mr Sergio moved first reading of the following bill:

Bill 71, An Act to amend the Collection Agencies Act / *Projet de loi 71, Loi modifiant la Loi sur les agences de recouvrement.*

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

The member for a short statement?

Mr Mario Sergio (York West): The bill amends the Collection Agencies Act by specifying that certain behaviours are prohibited practices and prohibited methods in the collection of debts.

The bill establishes a discipline committee and an appeals committee to deal with complaints concerning engaging in prohibited practices or applying prohibited methods in the collection of debts.

PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES ENQUÊTEURS PRIVÉS ET LES GARDIENS

Mr Sergio moved first reading of the following bill:

Bill 79, An Act to amend the Private Investigators and Security Guards Act / *Projet de loi 79, Loi modifiant la Loi sur les enquêteurs privés et les gardiens.*

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

The member for a short statement?

M. Mario Sergio (York-Ouest): J'aimerais parler en français et dire quelque chose pour expliquer ma loi. But I would like to say in English, for the benefit of my colleagues who do not understand French, that the bill amends the Private Investigators and Security Guards Act to require that licences under the act meet certain educational and other standards.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: You will rule on whether it's a point of order, but in St Catharines on Tuesday night at this dinner where they paid \$225 a head to the Ontario PC fund, the Premier of Ontario referred to all of those who cheered for the Ottawa Senators as losers. I would like to request unanimous consent for the member for Lanark-Carleton to respond to that particular insult.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

MOTIONS

COMMITTEE MEMBERSHIP

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I move the following amendments be made to the membership of certain committees: Mr Prue replace Ms Churley on the standing committee on the Legislative Assembly, and Ms Churley replace Mr Prue on the standing committee on general government.

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

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I seek unanimous consent to put forward a motion without notice regarding private members' public business.

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

Hon Mr Stockwell: I move that notwithstanding standing order 96(d), the following change be made to the ballot list for private members' public business: Mr Kwinter and Mr Gerretsen exchange places in order of precedence.

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

STATEMENTS BY THE MINISTRY AND RESPONSES

POST-SECONDARY EDUCATION

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): It is an honour today to introduce the Post-secondary Education Student Opportunity Act, 2002. As we are all aware, Ontario students are a very diverse and complex group. They are learners who come from all age groups and all backgrounds. They study full-time, they study part-time, and some study at a distance. They have a wide range of goals. That is what this act is

about: giving opportunities to a wide variety of Ontario learners to acquire the knowledge and skills they need to use their talents to the fullest.

Elements of this bill touch a great many different aspects of post-secondary education. It revives four bills that passed first reading in the last session of the Legislature.

First, the University of Ontario Institute of Technology Act, 2002, would establish the University of Ontario Institute of Technology—UOIT—on the campus of Durham College. It is 40 years since a new university was born in Ontario. It is fitting, therefore, that this new institution would take an innovative approach to meeting market needs by providing students in the eastern GTA with a wide range of career-oriented programs in high-demand occupations.

If approved, the UOIT would start offering a range of new, market-driven university programs, including applied science, advanced manufacturing, policing and community safety, applied health science, business information technology, applied arts, nuclear technology and safety, and scientific and technological teacher education.

Students would be able to earn a degree, diploma or other credential, depending on their program of choice. Our investment, \$600 million in start-up funds, will be matched many times over by private sector partners who recognize the value of employees who have competitive skills for today's marketplace. It's an approach that has proven successful in the field of training and apprenticeship, and we expect that it will prove just as successful in the degree-granting environment of this university.

The second bill in the Post-secondary Education Student Opportunity Act, 2002, is the Ontario Colleges of Applied Arts and Technology Act, 2002, which would set up a separate act for the establishment and governance of colleges and remove those powers from the Ministry of Training, Colleges and Universities Act.

This legislation is also about meeting the diverse needs of our students. Until now, our legislation has treated all our colleges as though they are exactly the same and fulfill the same needs in their communities. This is far from the reality. We want colleges to be better able to respond to the different circumstances of their communities, their student bodies, their local economies or their unique areas of specialization.

1410

The intent of this legislation is to help colleges do this by giving them more autonomy to make decisions at the local level and pursue entrepreneurial activities. They would, of course, still be accountable for public dollars. If passed, this legislation would modernize the accountability relationship between college boards of governors and students, the public they serve and the government, and place increased emphasis on the achievement of results.

We want colleges to improve on the already excellent job they do to give students and employers programs that will provide the skills needed in today's and tomorrow's

economy. We propose increasing the opportunities for local self-determination through the removal of outdated requirements and restrictions. Boards of governors would define the unique role that each college plays in its local, regional, national and/or international communities. College boards would also have increased responsibility for managing real estate transactions, approving programs of instruction and establishing some subsidiary corporations.

Schedule C of the bill I am introducing today would revise the Ontario College of Art Act to give the college the authority to grant bachelor's and master's degrees in fine arts and design. In 2001, OCAD surpassed the standard set by an independent expert review panel for degree-granting authority. It was that panel and process that served as the model for the Postsecondary Education Quality Assessment Board. This amendment would only serve to reflect the quality of programming that students have been receiving for years at OCAD. It is the oldest and largest institution of its kind in Canada, but it also is the only one among similar Canadian colleges that does not have the ability to grant degrees. Other provinces have raced ahead of us in this area.

It is time that OCAD graduates received credentials that truly indicate the quality of the education they have received. Up to now, students have sometimes found themselves limited in their choice of work after graduation because the credentials didn't appear on par with graduates from other institutions. In the future, we want them to have the degrees they deserve. We don't want them to have to choose between a high-quality fine arts education and a degree. We want them to have both right here in Ontario.

The proposed amendments would also set up an advisory academic council that would give the governing board advice on academic matters such as curriculum, graduation requirements and keeping academic programs relevant and up to date. Until now, the Ontario College of Art Act, unlike most university acts, did not spell out responsibility and accountability for these key academic matters.

A fourth bill we introduced in the last session dealt with amendments to the Ontario Educational Communications Authority Act. This is the act that governs the operations of TVOntario. One of our government's priorities is to ensure that lifelong learning programs help Ontarians stay competitive in the workforce by providing them with flexible opportunities to learn new skills and keep existing knowledge up to date while balancing the priorities of family and career. In January 2001, this government announced the creation of the Centre for Excellence in Lifelong Learning at TVOntario. The centre will align the content expertise in elementary and secondary distance education programs provided by the Independent Learning Centre and the new media expertise available at TVOntario. The proposed amendments to the Ontario Educational Communications Authority Act would recognize the new role of the Centre for Excellence in Lifelong Learning by enabling TVOntario

to fully operate and recognize distance education programs by correspondence or other means.

Finally, I would like to advise the Legislature that the Post-secondary Education Student Opportunity Act, 2002, also contains housekeeping items. If passed the bill would change the name of the Private Vocational Schools Act to the Private Career Colleges Act and change the name of Ryerson Polytechnic University to Ryerson University.

In conclusion, we as a government are committed to providing the finest possible educational opportunities to Ontarians right here in Ontario. Our government believes that education is the cornerstone of our province's growth. We want our citizens to be equipped to meet the challenges of a rapidly changing global economy, and we also want to be sure that our institutions have the ability to respond to the changing priorities of students and employers. We cannot ask them to do this without giving them the tools.

We here in the Legislature must show that we too can respond to Ontario's changing educational needs by passing the Post-secondary Education Student Opportunity Act, 2002.

I notice that there was unanimous consent on the vote on this bill; everyone voted in favour. Most of my colleagues in this House have been working with their colleges and universities and their private vocational schools for more than two years on most of this legislation. I would like to move both second and third reading of this bill this afternoon.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): On a point of order, Mr Speaker: I request unanimous consent for second and third reading of the bill.

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

Was the minister done with her statement? Thank you. Responses?

Mrs Marie Bountrogianni (Hamilton Mountain): After almost five months of having the Legislature closed, of not being able to debate government bills, we are asked to accept second and third reading of an omnibus bill for post-secondary education. We voted for it on first reading to allow for debate and to have more time to examine the new, additional bills in this bill. To be clear, we have not had debate on any of these bills. The colleges and universities have not been adequately consulted on the new sections of the bill.

There's a trend here, just the way they tried to sell Hydro One without legislative debate, and if it weren't for the courts it would have been sold. It's the same with long-term care: the government introduced changes without adequate consultation and has caused an even greater backlog. Your own government spokesperson said you're trying to solve one problem and it has exacerbated another problem. I'm sure somebody is going to have to change that. Do you not learn that without consultation, without study, this is what happens?

What kind of a democracy do we have here? What kind of government do we have? Certainly not an open one and certainly not a competent one.

The most significant part of this bill is the University of Ontario Institute of Technology Act. We have great concerns over this: \$60 million to a new institute when the existing ones are starving, when the double cohort is around the corner, when all the other provinces in the country have significant increases in applicants from Ontario. Nova Scotia alone has had a 40% increase in our applicants.

Last week the minister waved some press releases from the colleges and universities, saying they were supportive. What the college and university presidents are telling me is that they don't want to suffer the same fate as the hospitals. They don't want the reprisals of this government if they criticize their funding formulas.

I'd like to ask the government a question: how can you be hiring staff and faculty in Durham for this new institute when the bill isn't passed, when you haven't funded the double cohort for existing universities? Again, it leads us to believe that you're doing the same as with Hydro: say one thing to the public and then behind closed doors do another, and then arrogantly say, to quote your Premier, "When we decide, you'll be the first to know. Trust me." What do you take the public for?

The public's suspicion increases. Half of Queen's applicants to the technology education area have been turned down because of funding cuts even though there's a severe shortage of qualified technology teachers.

Interjection.

Mrs Bountrogianni: The government House leader says, "Blah-blah." I'd like you to listen to this; I think Queen's University would like you to listen to this: 174 unqualified tech teachers are teaching in Ontario at this point. This program, curiously, will be offered at this new institute. Are you prolonging the lack of qualified teaching to ensure that you have applicants for this new place? If so, be honest and tell Queen's that. Half the applicants, Minister, have been rejected by Queen's because of funding. Your own ministry spokesperson said that. Tell the boards of education that. Tell the applicants that.

While you're at it, explain to Trent University why UOIT jumped the queue when Trent has been asking for this program for years. There's a question of quality here. At least one employee at this place, when the bill hasn't even passed, has quit after five weeks because of the lack of quality.

1420

With respect to the college charter, the colleges are concerned about section 8(1)(a), which allows you, by regulation, to turn colleges into third-tier education. They're very concerned about this. Colleges have a 35% increase in enrolment, a 40% decrease in funding and the colleges in the north are especially suffering. The then Minister of Northern Development asked the college presidents to develop a proposal to solve some of the economic development problems in the north, and then

he rejected this proposal. You've written off the north. Maybe we need another by-election up there to get some money in colleges.

This is Hydro all over again. It's not about education. It's about misuse of the democratic process. It's about incompetence. It's about pushing laws through without public consultation or debate. Separate the bills and let's debate and vote on them separately.

You say you're different from the callous government of Mike Harris. Dalton McGuinty and the Liberals dare you to prove it. Stop the \$2.2-billion corporate tax cut and put this money into health care and education. Do the right thing.

Mr Rosario Marchese (Trinity-Spadina): I want to speak very briefly to the incompetence of the government and get to the bills in short order.

This government has been egregiously incompetent. Remember the last session. Recall all the bills that they would introduce day in and day out. They churned them out and they didn't have enough time for the Legislative Assembly to fit them into the debate. At the last moment, they had 23 bills they wanted to introduce in this place and they wanted New Democrats and Liberals to genuflect and simply say yes to all the bills at the very last moment. The Liberals did say, "Yes, we'll give you unanimous consent." New Democrats said, "No. We want debate on these bills."

Hon Janet Ecker (Minister of Finance): You turned down debate on these bills.

Mr Marchese: No, you never introduced them. You never introduced them for debate.

Interjections.

Mr Marchese: The Liberals are unhappy with my remarks, and so are the Tories. They were quite willing to give them unanimous consent to those bills, but today they argue, "Oh, no, we will not pass these bills without debate." At the time, we said we needed debate on each and every one of those bills, but they refused to introduce them in a timely manner. That's why I say to you it's incompetence.

Mrs Bountrogianni: Nice try, Rosario.

Mr Marchese: Maria, please. Nice try, to you, Maria Bountrogianni.

The point is, now that the government has allowed those bills to linger on the shelf for months and months, and weeks since we have been back here, they introduce them in an omnibus manner—

Interjection.

Mr Marchese: Dominic, be quiet. They introduced them in an omnibus manner so as to be able to pass them through all at once. The difficulty and the danger of it is, if I want to support three but I have difficulty with one, I've got a problem as an opposition member. If there are people out there saying, "We can support three but we don't support the one," what do they do and what do we do when you bundle them up in such a manner? We could, being opposition, vote against them all because you've bundled them all in one package, forcing the opposition to slow down your business in this place.

That's not what we should be doing. That's why we say to you, bring them in a timely manner so they can have the proper debate they deserve.

Mr Dominic Agostino (Hamilton East): Twenty-one times you voted it down.

Mr Marchese: Dominic, quiet down. Speaker, quieten him down.

The Ontario college of applied arts and technology raises loads of questions.

Interjections.

The Speaker: Order. Stop the clock. Member for Hamilton East, come to order, please. Continue, the member for Trinity-Spadina.

Mr Marchese: Thank you, Speaker, for that intervention.

The Ontario college of applied arts and technology raises questions. Mine is, does it help to create an affordable, accessible, high-quality system of colleges for all Ontarians? It does not. Here's what it does allow colleges to do. It allows them to raise money. It allows them to use their land to leverage other projects. Why? Because the government refuses to fund them adequately. So it says to them, "We will give you the flexibility to raise money in some other way."

Ms Marilyn Mushinski (Scarborough Centre): And that's a bad thing? Duh.

Mr Marchese: Oh, the former minister of culture has a great contribution to make with that comment.

You have the other bill, the University of Ontario Institute of Technology, which raises loads of questions.

Interjection.

Mr Marchese: There's Dominic again.

They've cut \$2 billion out of colleges and universities—\$2 billion—yet they find \$60 million for this university. And where do they find it? Where will they take it from? Who knows, except from the sector that's already been underfunded for years. Two billion dollars has been taken out of the sector, cumulatively. Are we going to find the money to be able to fund this new university adequately? We don't know. Why do we say we don't know? Because Ontario is last in terms of funding in North America. With an economy that's doing so great, we are last. How do you justify that? How do you justify the fact that with this double cohort, 20,000 people, according to People for Education, are not going to be able to enter a college or university? How do you justify 20,000 students not being able to make it? The funding is not there.

We need to debate these bills, and we will debate them in order to make sure the views of those who are affected will be heard in this place.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: In light of the Premier's undertaking to this House yesterday with respect to public hearings on Bill 58, the Hydro One privatization bill, I seek unanimous consent to put a motion to this House that would allow for public hearings of Bill 58, the Hydro One privatization bill, to occur throughout July and August across Ontario, beginning in Windsor, London,

Kitchener-Waterloo, Toronto, Ottawa, Sudbury, Thunder Bay, North Bay, St Catharines, Niagara Falls and Kingston, and that we have the opportunity to have these consultations throughout the summer—

Interjection.

Mr Duncan: Oh, yes. The minister says "Ottawa," so also add Ottawa to that list—in order to have the consultations the Premier undertook to this House yesterday.

The Speaker: The same point of order, the government House leader.

Hon Mr Stockwell: Obviously there are a lot of towns the House leader for the Liberal side left out, and I would hate to think we would exclude anyone during these consultation processes. That's why I believe those are best decided among House leaders rather than by happenstance and the back of the envelope, the way the Liberals like to do most things.

The Speaker: The same point of order.

Mr Duncan: I suggested today in the House leaders' meeting that in fact those hearings occur, and we were told no by the government House leader.

The Speaker: The member has asked for unanimous consent. Is there unanimous consent?

I'm afraid I heard some noes.

ORAL QUESTIONS

HYDRO ONE

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Premier, and it follows on a discussion we had yesterday about the consumers' interest, the public interest in the potential sale of the electricity highway to the private sector.

Looking at the financials of Hydro One since it was established in 1999 as a separate commercial company, I note that Hydro One in each of the past three years has reported net income of between \$374 million and \$378 million and that in each of those three years there are capital expenditures in the physical plant, transmission particularly, approaching a half-billion dollars. Interestingly, when I look at the electricity highway, the transmission business, it represents one third of the revenue but two thirds of the profit of the business we know as Hydro One.

Premier, thinking about the Ontario electricity consumer, why would we sell the electricity highway and the very good business and net income prospect it represents to the provincial government?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, nobody has said that we are, and second, any decision that is taken in that regard would have to take into account obviously the consumers and ratepayers in the province of Ontario.

1430

Mr Conway: Just a few days ago, your lawyers, Thomas Marshall, QC, Thomas Heintzman, QC, Sara

Blake and Harry Underwood, went to the Ontario Court and said in their factum—let me quote from page 2 of a factum tabled just a few days ago as part of the overall program: “The crown”—meaning the Ontario government—“seeks to sell to the public its shares in Hydro One by way of an initial public offering.” That’s your lawyers speaking on your behalf in an Ontario Court just a few days ago—well after the by-elections, I might add.

My point is simply this: at some juncture, Premier and former Finance Minister, somebody over there is going to have to explain to the Ontario electricity consumers why a business that produces net income of \$375 million a year, two thirds of which net income is coming from the transmission grid, the electricity highway, should be sold to the private sector.

Hon Mr Eves: First of all, the IPO with respect to Hydro One shares is not being proceeded with at this time. It may never be proceeded with, I might add.

Interjections.

Hon Mr Eves: You are going to have to wait until the final decision is made by the government. At that time, it will be fair for you to comment on whatever decision the government comes to with respect to Hydro One.

Mr Conway: Let me say what you know perhaps more than most people. Your parents, my parents, our grandparents spent a century building an enormously important strategic and valuable asset. It is called the electricity highway.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): They just forgot to pay for it.

Mr Conway: Oh, they have paid for it. I want to say to the Minister of Energy, according to your own financials, the electricity highway is part of the electricity business that is not only extremely strategic but apparently very profitable—net income for the last three years in excess of \$375 million.

Interjections.

The Speaker (Hon Gary Carr): Order. The member’s trying to place the question, please. Sorry for the interruption.

Mr Conway: Listen, I know perhaps better than most that there is a big problem, but it is over in generation. Fifty per cent of our costs in the electricity business in Ontario, 80% of our trouble and 90% of our debt is in the generation business, mostly in the much-troubled and deeply conflicted nuclear power division. I accept that, and I’ll accept some measure of responsibility for it. But the electricity highway, as your own financial statements for the last three years make plain, is enormously good business. I understand why the investment bankers and the private sector want to buy it. Why should the taxpayers and most especially the electricity customers ever want to sell the electricity highway, which is, by virtue of your own numbers since 1999, apparently very good and improving business?

Hon Mr Eves: The very honourable member who’s asking the question has stood in this House many times and criticized Ontario Hydro. He’s criticized them many times.

Interjection.

Hon Mr Eves: He didn’t talk about generation, with all due respect, I say to the member for Thunder Bay. She knows very well—she sat here and listened to the honourable member talk and criticize Ontario Hydro. They’ve done such a great job over the years. They have an asset that’s worth \$17 billion and they’ve run up a debt of \$38 billion. There’s a \$38-billion debt owed by the people of Ontario due to the performance of the way the old Ontario Hydro was run. There has to be some private sector discipline brought to all elements of Hydro as we go forward in the future. Surely you’re not suggesting that we run up another \$38-billion deficit to leave for our children and grandchildren in the future.

The Speaker: New question.

Mr Michael Bryant (St Paul’s): My question’s for the Minister of Energy. The original compensation package of CEO Eleanor Clitheroe was detailed in Hydro One’s March 28 preliminary prospectus. We know that. We know when you were personally first briefed on that pay package. What we don’t know is the date that any government official became aware of the original compensation package. Can you give us that date?

Hon Mr Stockwell: I can’t respond as to when any government official became aware of it. The prospectus was filed, as I’m sure it was filed in previous years. I can’t tell you when any government official was first notified of that, no. There’s no way I would know.

Mr Bryant: Who knew what and when is important to determine parliamentary accountability. I understand you’re a new minister, but you are responsible for the Ministry of Energy. If errors were made in November or December, or if in October of last year the government was aware of the compensation package and approved of this outrageous compensation package in January, February or March, we need to know when that is. That’s parliamentary accountability.

This is the question we need answered: was the government, was the ministry, asleep at the switch at the time in which the CEO executive compensation package was approved by the board, or did you approve that executive compensation package? We need to know that and we’re not getting answers on that. I asked you a question and I would appreciate if you could get us the answer on that.

Not only do we need answers to that, but there is enormous public skepticism about the pay packages of Ontario Hydro successor executive officers. So will you disclose to the public the executive pay packages of the executive officials of all the Hydro successor companies, including those executive officials very well-known to this government, that being vice-president Hutton and chairman Bill Farlinger? Will you give us those pay packages?

Hon Mr Stockwell: There’s quite a series of questions in there. The first question was with—

Mrs Marie Bountrogianni (Hamilton Mountain): Is it too complicated for you?

Hon Mr Stockwell: Sorry? Never mind? OK, that's good. Stop talking, then.

There are a number of questions involved in there. The first question was with respect to when we discovered it. The fact of the matter is that I believe these negotiations take place between the board and the CEO. There's no obligation, in fact, for a government official to know what those particulars are until they're filed, I believe, with the OSC or until the prospectus is filed, and that's in fact when the information came forward.

With respect to the subsidiary companies, I can only say that as of today, I sent a letter to the chair of Hydro One and requested the chair to get back to me by 5 o'clock tomorrow with the direction to negotiate down the pay packages for the five senior staff at Hydro One, a commitment that they will be negotiated down and that they would get back to me later in the day tomorrow to actually tell me they will do that and move toward finishing that so the taxpayers of the province of Ontario can be properly protected and properly represented, because we in this caucus agree that these are too generous. That's why I directed the chair of the board of directors of Hydro One to begin negotiations to reduce the pay packages for all five senior staff.

Mr Bryant: The government is being awfully defiant when it comes to giving us answers as to who knew what and when. The public sees Captain Clitheroe with her golden parachute and you seem to want to suggest that she's going to be the scapegoat in all this. In fact, you're the shareholder here. You represent the government. You can't tell me that the single shareholder of a company is uninterested in the compensation package of its CEO. That's absurd. Either you were asleep at the switch or you were the conductor of this gravy train. But either way, the ratepayer is the one who's going to pick up the cost.

Not only does Captain Clitheroe have a golden parachute, but apparently she's got a yacht to land on. Have you seen this thing? Have you seen this yacht at Hydro One—

The Speaker: Order. You can't use props. I'd ask the member not to use that, please.

Mr Bryant: A Hydro One yacht, OK? Can you imagine if the CBC had a yacht in a race? I think Minister Flaherty's head would explode with anger as a result.

You can't control Hydro One as a public company; how on earth are you going to control it as a private company? I say to you, Hydro executioner, you're the Minister of Energy. If you're looking for someone to blame for this outrageous spending, you should look in the mirror.

1440

Hon Mr Stockwell: I'm sure there isn't a cliché he left out in that question, actually. We have taken direction very clearly. We've taken a decision. The decision has been that I wrote to the chair of Hydro One and I directed—

Mr John Gerretsen (Kingston and the Islands): When? Yesterday?

Hon Mr Stockwell: Today. I directed the chair—
Interjections.

The Speaker: Order. Sorry, Minister.

Hon Mr Stockwell: I wrote to the chair today and directed him to report back to me on proceeding with the reduction of the pay packages for the five senior people in Hydro One.

The report will come back to me tomorrow as to whether or not they were going to begin these negotiations and reduce the pay packages for the senior staff of Hydro One. If that doesn't succeed, we have other options.

But the point I'm making is that we agree these are far too generous, they're far too significant, and we're taking actions to ensure that the taxpayer doesn't get handed this bill. That's what responsible governments do and that is what we're doing.

COMPETITIVE ELECTRICITY MARKET

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Yesterday, when your government announced your new electricity legislation, you said you were going to protect electricity consumers, retail electricity customers, from unscrupulous conduct on the part of retail electricity marketers.

Your own government members have admitted that these door-to-door electricity retailers have been misleading consumers, in some cases just outright lying to them, and we've even had reports of forging of signatures. Yet, incredibly, your so-called electricity consumer protection bill that you've put forward is not going to do anything for those almost one million consumers who were manipulated, lied to or bilked into signing contracts prior to this date.

Can you tell me, Premier, why you would protect electricity consumers into the future, but those people who were lied to or misled over the last year or so, your government doesn't care about them at all?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The government of course is taking steps to protect the consumer as we go forward. Retroactive legislation of any kind is usually regarded as fairly draconian at best.

The Ontario Energy Board is the independent body that regulates the price of energy in Ontario. They have levied some \$56,000 in fines through some offenders they have found. If there are other cases out there, I would encourage not only the honourable member but others to report them to the Ontario Energy Board so that proceedings can be started against those, and if there are invalid or improper contracts out there that individual people have signed, so that they can be turned over.

Mr Hampton: This is incredible. Your own ministry yesterday said that there are real problems out there. Your own members have come to the Legislature here and admitted that forgery has taken place, that outright

lying has taken place, that misrepresentation has taken place and that contracts were signed on that basis, and your government says, "We don't care. We're more interested in protecting the very people out there who have engaged in the manipulation."

Premier, your government set up this situation. Your government set up the situation whereby Eleanor Clitheroe gets to bilk the ratepayers of Ontario out of \$6 million. Your government set up the situation that allowed these door-to-door marketers to engage in forgery, to engage in lying, manipulation and just outright misleading behaviour.

Is that all you've got to say to the one million people who were bilked into signing contracts on that basis: "Sorry, our government is more interested in protecting our corporate friends than in helping you"?

Hon Mr Eves: That isn't what we have said at all and he knows it. First of all, the legislation the minister introduced yesterday has a consumers' charter of rights to protect consumers in the future. Also, he's using some pretty strong language in terms of "forgery" and "fraud" and "misrepresentation." If he has evidence of that, obviously he would do what any other individual would do, and that is (a) turn it over to the police and (b) charges would be laid and proper proceedings would be commenced against the offending individuals or corporate entities.

Obviously nobody wants to see the Criminal Code being breached, let alone any other misrepresentation with respect to consumers. The Ontario Energy Board is in place to catch those types of transactions and try to prevent them from occurring and punish those who do them.

Mr Hampton: Premier, I didn't set up this system. The people out there didn't set up this system. Your government set up this system. Your government put through the legislation and created the machinery whereby these door-to-door rip-off artists could go out there and manipulate people. Now you're saying to those people, "You're on your own." That's not good enough.

One of the companies that's one of the worst offenders is Direct Energy. I notice that Direct Energy has contributed over \$30,000 to Conservative candidates. I notice that many others have contributed thousands of dollars, either to the Conservative Party or to Conservative candidates. Do you want to tell the people out there why you're interested in accepting money from these rip-off artists but you're not interested in protecting consumers? I brought forward a private member's bill that would have allowed those people who have been ripped off to void those contracts. Your members voted it down. Now you're accepting money from the same companies that are out there ripping people off. Tell the people, Premier, why you're interested in protecting your corporate rip-off friends and why you're not at all interested in protecting the one million consumers who have been manipulated.

Hon Mr Eves: If I were the leader of the third party, I would be very careful about repeating outside the Legislature what he's saying inside the Legislature.

Mr Hampton: I'd be happy to say it outside the Legislature.

Hon Mr Eves: Well, the honourable member is alleging that a particular company is fraudulent, is committing forgery, is committing fraud, is misrepresenting things. I'm not here to defend that company. But I am telling the honourable member, if he goes outside the doors of this Legislature and repeats those comments in those terms, I hope that he has the facts to substantiate them at the end of the day, because he's going to be in some serious legal trouble if he doesn't.

EDUCATION FUNDING

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Education. The minister will have seen this report from People for Education. It denotes that in fact in Ontario five years ago 80% of our schools had school librarians. Now, under your government, only 59% of our schools have school librarians. The study also shows that after five years under your government, there has been a 22% reduction in the number of physical education teachers. At the same time, student obesity is reaching alarming proportions. Study after study says that if you want children to be healthy, have good physical education programs. Study after study says that if you want to improve literacy, if you want students to do well, have good school libraries.

Parents want these things and some of the school boards are prepared to defy your government's law to make sure that the students continue to have those things. The question for you is, will you come up with the emergency funding for school boards for the coming year so kids can continue to access libraries and have physical education programs?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I would certainly agree with the leader of the third party. I think libraries and librarians and certainly physical education are all important parts of the school curriculum. I would just remind the member opposite that through classroom funding that is provided to school boards in Ontario they have the opportunity to make the decisions as to where they wish to make their allocations.

We have increased funding this year by \$350 million. We have given \$65 million for textbook funding. We have given increased flexibility to school boards, which is what they asked us for, in order that they could allocate the money where they believed it was needed most.

1450

Mr Rosario Marchese (Trinity-Spadina): The evidence is irrefutable. This report—you should look here, Minister—shows evidence of the many cuts that have been sustained under your government since you came in. We are talking about a system that's broken that you are not fixing.

We're talking about music programs that have proven to help children's overall learning capacity, but we've lost nearly a quarter of our music teachers since 1997—

nearly a quarter. Despite an increase in immigration to Ontario, the number of schools with ESL programs has dropped 31% in five years. There are an estimated 39,700 children on waiting lists for special ed, up from last year, which was 36,000. It's going up every year.

You've found millions and millions of dollars for private schools—you're going to find anywhere from \$300 million to \$700 million—yet we need money for librarians, music teachers, ESL, physical education, busing and education assistants.

Minister, we need your help now. All I'm asking is, will you listen?

Hon Mrs Witmer: We have listened. Indeed, since our government took office we've done a couple of things. We have heard the concerns of the school boards in the province of Ontario, who indicated there was a need to take a look at the funding formula, and in the throne speech we announced that we would be reviewing the funding formula, with a report to be prepared in November. So we have heard; we responded immediately.

We also made available \$350 million in new grants this year, new money for school boards. This is well ahead of enrolment growth and well ahead of economic growth at 1% in Ontario. I can tell the member opposite that we will continue to be responsive to the school boards in this province, because we both share the same goal; that is, to make sure students have the best education possible.

HYDRO ONE

Mr Michael Bryant (St Paul's): My question is for the energy minister. What about this yacht?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Completely unacceptable.

Mr Bryant: Minister, you say it's unacceptable. The buck stops there, I thought. If we have a parliamentary system, then the minister ultimately has to be responsible. The shareholder for Hydro One is the government. It's the government. The government represents a shareholder. If TVO was sponsoring a yacht, I think people would find that a little bit off its mandate.

What does having a yacht have to do with electricity transmission, I say for the second time. In the midst of this golden parachute we now have a golden spinnaker. Hydro spending is out of control. You're the minister responsible, and you are defiant. How coincidental. Do you know what the name of the boat is? Defiant.

Again I say to you, Minister, what about the yacht?

The Speaker (Hon Gary Carr): That's the last warning about the picture to the member. Minister?

Hon Mr Stockwell: It's completely unacceptable. I can only tell you that we—

Interjections.

The Speaker: Try again?

Hon Mr Stockwell: We on this side of the House find it completely unacceptable. I knew nothing of the yacht until I saw it on Global.

Interjection.

Hon Mr Stockwell: Was that an audible burp?

I knew nothing of the yacht until two days ago, when Global TV ran the story of the yacht.

I will tell you—and the undertaking to this House is simple—this yacht will go. We will get rid of it. It will not be part of Hydro One. It's part of the letter I've sent to the chair of the board of directors to negotiate down the compensation package of the five senior people. If there are any other examples such as this yacht at Hydro One, they will also be disposed of. We do not find it acceptable, we have never found it acceptable and we will deal with this issue. And if we can't deal with this issue—

Interjections.

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

ONTARIO BUDGET

Mr Al McDonald (Nipissing): My question is for the Minister of Finance. I want to ask about the province's fiscal situation. I have to tell you that there's a great deal of concern about this and how the budget will deal with it. People don't know what is coming or how it might affect their budgets. There have also been news reports that there could be a deficit. Could you give us some idea of where this budget is headed?

Hon Janet Ecker (Minister of Finance): I'd like to thank the member for Nipissing for this question. He's wasting no time in speaking out for his constituents.

I think it's certainly important to emphasize that Ontario is facing a difficult and challenging financial situation. There are some tough and difficult decisions ahead for us, but I think it's also important to recognize that the goals we have set out and that we still subscribe to in this government, the goals we promised the taxpayers in 1995 and again in 1999—to protect and be accountable to taxpayers, to make sure our tax policies and government policies were competitive so that we could encourage jobs and growth in this province, and from that growth continue to make new investments in health care and education—continue to be the goals we have.

Because of the economic slowdown, there's no question that government revenues are not what was anticipated. At the same time, of course, we have increased costs for health care and education. Because of the prudent fiscal management of this government, we've been able to increase health care funding by some \$6 billion and investments in education by over \$1 billion, because we believe those are important priorities for Ontario families.

Mr McDonald: As you know, Minister, we are well into the spring session. People will be looking at this budget to help determine where our government is headed. Could you tell me when you'll be introducing this budget?

Hon Mrs Ecker: It is our intention to have a spring budget to be accountable to taxpayers. We're taking the time to be prudent, given the challenges we face. As has

been publicly known, there have been scenarios that talk about a \$3-billion to \$5-billion challenge for the province to face. The reason for that is, as I've mentioned, because of the drop in revenues. For example, corporate profits have taken one of the biggest drops since 1991, and you simply can't have tax revenue from profits that aren't there.

At the same time, as I said, while there has been that drop, there are funding pressures in health and education. We will not lose sight of the expectations of families, the needs of families in health care and education, and at the same time pay attention to the goals of accountability to taxpayers that have guided this government for many years and will continue to guide us into the future.

1500

SPECIAL EDUCATION

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. Minister, I want to ask you on behalf of parents in this province whether or not you, as a representative of the government, and of all of them, for education, accept that your government has degraded the quality of education in this province.

The evidence that was brought forward today came from parents on behalf of students. It talked about 39,700 students, for example, who are waiting for assessments to be able to receive some form of special education. That's a growth of 5,000 kids in just two years on the waiting lists. They're there because of actions or the lack of action on the part of your government. There are now hundreds more principals missing in action; 176 elementary schools that are closed; there is a lack of gym teachers, of psychologists. Only 25% of schools are visited by a psychologist, so there's no chance the rest are going to get help.

Minister, for the credibility of this government and for your belief with parents, is it a charade or will you tell us today that you agree that there is evidence that things have gone wrong for students in this province under the watch of your government?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Despite the statements that are made by the member opposite, the situation in this province for students has continued to improve in the last seven years. In fact, we have made a very strong commitment to special education students. If you take a look at the throne speech this year, it committed to make special education funding a priority: "Ontario's young people with special needs must also have the support they require in our school system. Your government will continue to make support for special education a priority." We have consistently increased special education funding ever since student-focused funding was introduced. In fact, there has been a 17% increase since 1998-99.

I think the significant difference we're also seeing is the fact that all children in this province today, unlike what we saw prior to the introduction of the funding formula, now have equal access to special education

services. We have kept our promise to protect the funding for vulnerable children and we will continue to do so.

Mr Kennedy: What you're asking the children in need out there to do is rely on your words, and frankly, the position you're taking is unethical. It's unethical for this reason: Mary Anne White has had to pay \$650 to get her cerebral palsy child assessed, because there's a waiting list documented by parents who have held surveys for five years marking the degradation of the system. Minister, you're the newly minted Minister of Education. If you don't accept that this is happening in this province under your government's responsibility, what hope do parents and what hope does Mary Anne White's child have for improvement?

Also, there are other kids out there: there's Sara Dowding at Essex school here in Toronto, in grade 2, whose mother tells you how dirty the school has become and how there's no lunchroom supervision. Minister, you met yesterday with the duly elected representatives, the trustees and chair of the school board. They're going to have to cut all kinds of services that go right to the core of what they're going to be taught—

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

Hon Mrs Witmer: I would again just reiterate the fact that our government has recently made new funding announcements to the tune of \$440 million. We have heard the concerns of parents. We are moving forward. We are addressing the needs of the students who are at high risk. We are addressing the students who have special needs. We are addressing the needs of all students. In fact, with the student funding formula we are providing all students in this province, no matter where they live, with equal access to the same programs, something that didn't happen before the formula was introduced. We will continue to work with the Toronto board and I am pleased to say they have been very conciliatory in their approach.

EDUCATION FUNDING

Mr R. Gary Stewart (Peterborough): My question is also for the Minister of Education. Since the province assumed funding responsibility for education, our government has invested record levels of new money into education while increasing fiscal accountability of Ontario's hard-earned tax dollars. I understand that last night the Toronto District School Board had its budget meeting. There were quite a few comments that I read this morning in today's paper about its budget situation. Realizing that our government has invested so heavily in all Ontario boards of education to deliver money directly to the classroom, could you please tell the House today how much financial support the Toronto District School Board has received from our government?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm pleased to respond to the member for Peterborough's question. The Toronto school board, like other school boards in the province of Ontario, has

received transitional funding under the student funding formula. They have received approximately \$910 million since 1998. In fact, that's one of the largest amounts of transition funding that was provided to any board. Most recently in our announcement of an additional \$350 million for school boards, I'm pleased to say that the Toronto school board received \$49.4 million, which will enable them to have available to them almost \$2 billion. That is an increase of about 2.6% at a time when their enrolment is only increasing 0.6%.

Mr Stewart: Not only am I interested in the Toronto District School Board but all school boards in Ontario, including Peterborough school board.

Mr Doug Galt (Northumberland): How about Kawartha Pine Ridge?

Mr Stewart: Yes, Kawartha Pine Ridge. I'm of the old school; I call it Peterborough.

Minister, with pleasure I have heard those statements. I believe your ministry is most willing to work with boards to find solutions to the boards' budget problems. As has been mentioned, I believe you met yesterday with the chair and the director of the Toronto District School Board. We all know that a quality public school system means improved student achievement, but we all must live within our budgets. I am curious to know if the Toronto District School Board is indeed willing to work with the minister co-operatively and if your meeting with the chair and the director reached any conclusions that focused on our students and classrooms.

Hon Mrs Witmer: Yes, certainly we did have a meeting yesterday with the chair of the Toronto school board and also the director of education. I was really quite pleased to see the conciliatory approach that has been taken by the Toronto school board. They have taken a very responsible approach. I think everyone recognizes that budgets are difficult. It's usually very difficult each year to balance the budget.

I think we also know there is a statutory obligation on the part of boards to balance their budgets each year. Yesterday, when we met with the chair and the director, we agreed that our staff would work with their staff in order to help them achieve their goals, just as we are working with all boards of education in the province of Ontario. We've made the same offer to the Ottawa board. The ministry staff are always prepared to work with boards. Of course, we have set up the task force which will review the funding formula, which again responds to concerns.

1510

HYDRO ONE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. In view of the incredibly bloated salaries and excesses at Hydro One, I want to ask you again, when did your government first become aware of the incredibly excessive, bloated executive salaries and payouts at Hydro One?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): When the government first become aware—I can't answer that question. I don't know. I can't speak for the entire government. You'll have to ask whoever you think is appropriate to ask as to when they became aware. All I can tell you is when I become aware.

We got sworn in on April 15. Within seven or 10 days after being sworn in with respect to briefings at the Ministry of Energy, I would have become aware of the compensation package.

I will also add that in the prospectus that was put out, the compensation packages were put in there as well. So it wasn't that this wasn't public information; it was public information right around the province for anyone who wanted to access this information.

Now, I've heard from the Liberal Party and I've heard from the NDP that you in fact got the prospectus. So if you got the prospectus, then you would have known before I did.

Mr Hampton: Well, Minister, on November 28, I wrote to the Minister of Energy and I said, "I now write to seek your assistance in ensuring that the full story is told, this time about executive salaries at Hydro One. While Hydro One did file an information report" with the federal regulator, SEDAR, it omitted all of the information about "employment contracts, salaries and benefits of Hydro One executives." This was last year. "As Minister of Energy, will you see that this information is forwarded to" the regulatory authorities "forthwith so that it, too, can be reported to the public?"

I asked your government six months ago to check into what was happening at Hydro One, and now you're trying to say no one alerted you, no one asked you. Your government was asked six months ago about the excesses, the greed, the bloated salaries at Hydro One. What did you do over the last six months?

Hon Mr Stockwell: That's not what I said at all. Basically what I said was, you asked me when I found out. Then you asked me—

Interjection.

Hon Mr Stockwell: I'm paraphrasing your question. Then you asked me when any member of the government or anyone in the government found out. I said I could not respond to that. But you asked for—

Interjection.

Hon Mr Stockwell: I appreciate it. You can get a question in question period.

I then went forward and I said to you that I found out within a week or 10 days after taking office. Now, Mr Hampton, you talk about the last six months. You've been saying a lot of things in the last six months. You've been saying we're going to have blackouts. You've been saying rates are going to double. You've been saying all kinds of things. Now you're asking me to start wheedling through what you're saying that makes sense and what doesn't make sense. If you'd just stick to things that make sense, I'd start looking into them. You say so many things that don't make any sense, I'd spend my time

chasing my tail trying to figure out what you're talking about for the last six months when it's come to any Hydro issue.

MINISTRY OF HEALTH CONTRACT

Mrs Sandra Pupatello (Windsor West): My question is for the Premier. Yesterday you chose not to answer the question I asked regarding the Minister of Health hiring Gord Haugh as a press secretary and paying him \$300,000 for that contract. But you did answer the question of whether that was a reasonable payment outside to reporters, and in fact you agreed with Ontario Liberals that a \$300,000 contract in fact really is outrageous. Well, Premier, I want to tell you today that not only did we pay \$300,000 for that year's contract, I have the receipts here for two months' work of the year before, totalling \$55,000 for those two months' work. They were acquired by the FOI process.

Premier, you agreed yesterday to reporters that in fact the Ontario Liberals are correct: this is outrageous. Would you tell the House today, now that you in fact agree with us on this matter, when you asked the Minister of Health to repay the coffers of Ontario taxpayers. When did you tell him to repay it, him personally, or that the Progressive Conservative Party would be repaying this potentially \$355,000?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I believe the Minister of Health has particulars with respect to this matter.

Hon Tony Clement (Minister of Health and Long-Term Care): The contract to which the honourable member refers is no longer in existence. The contract is over as of tomorrow. The contract was signed, was acted upon and is now over.

Mrs Pupatello: Premier, I don't want you to be afraid to answer the question. You said to reporters yesterday that you agree that this kind of payment is outrageous: \$300,000 for a job that is listed as being valued at \$62,000 to \$80,000. This contract was \$300,000. I ask the Premier, who comes in here claiming to be different from his predecessor, claiming to care about Ontarians—we have elderly and frail people in Ontario who through this same ministry are barely getting one bath a week through home care or in long-term-care facilities. How can you not stand in the House today and tell us that this money will be repaid to the Ministry of Health? Because you and I both agree that \$300,000 is outrageous for paying for a press secretary for the Minister of Health.

Mr Premier, you owe the people of Ontario to do something about this and, most of all, I expect to hear an answer from the Premier today.

Hon Mr Clement: As the honourable member knows, there was a contract signed. The contract was for services rendered. The services were rendered, the contract expired, the contract was not renewed and the contract is over. If the honourable member wishes to speak about it, please refer to it in the past tense because it is no longer an active contract with the Ministry of Health.

TOURISM

Mr Doug Galt (Northumberland): My question is directed to the Minister of Tourism and Recreation. Yesterday, Statistics Canada released its report called The International Travel Account on Canada's international trade deficit. The report highlights the difference between how much foreign visitors spend here in Canada and how much Canadian travellers are spending abroad. In today's Globe and Mail, they report that the deficit is at its lowest level since Expo '86, when Canada actually had a travel surplus. Minister, what does this mean for Ontario?

Hon Cameron Jackson (Minister of Tourism and Recreation): I'd like to thank the member for Northumberland. This is actually very good news. When we were elected back in 1995, the travel deficit in this country was about \$4 billion. That means \$4 billion of Canadian money was being spent abroad and was therefore a deficit. Under the leadership of our government, we have been leading all other provinces in Canada with tourism recovery and in fact that has now been reduced to a \$30-million deficit.

We're encouraged by that because this is an incredibly powerful part of our economy. It's the sixth-largest export industry, with \$16.7 billion of revenue to this province and \$7.6 billion of foreign exchange coming into Ontario's pockets. By having more revenue, we have more jobs in tourism, we have more opportunities. With more tax revenue being paid for by foreigners, that allows us to spend more on health and education services in our province.

Mr Galt: Thank you, Minister, for that very encouraging response. Also, add all that information to all the exports that are going out of our province and it's certainly good news for jobs and the economy here.

I know that many in my community have benefited from welcoming more American and foreign travellers to the province, particularly to resorts like Golden Beach, all the American yachts that come into harbours like Port Hope and Cobourg and Brighton and Quinte West; not only that, but all the yachts that go up the Trent River and stop in at Campbellford and Hastings. What has the province been doing to encourage the people of Ontario to discover the attractions in their own backyard and, at the same time, attract foreign travellers here?

Interjections.

Hon Mr Jackson: The member for Windsor-St Clair keeps heckling and devaluing tourism, yet I will be in his riding in two weeks working out an arrangement with people in Michigan and Detroit to encourage and promote tourism in southwestern Ontario. In spite of the persistent decline under the David Peterson Liberals and the Bob Rae NDP—you did not understand the importance of tourism to this province—and in spite of the lack of support from the members opposite, we have increased funding by \$40 million for marketing. We're getting real, tangible results. I know the members from the Windsor area do not support their own tourism infrastructure in

their own backyard, but this government is committed to that support.

We've noticed a 13% increase in the number of Americans from Pennsylvania, 4% from New York and we are strategically investing in the Boston, Philadelphia and Washington markets because more Americans are coming to Ontario and more Ontarians are discovering more about their own province, and that's good for our economy.

1520

LONG-TERM CARE

SOINS DE LONGUE DURÉE

M^{me} Claudette Boyer (Ottawa-Vanier): Ma question s'adresse au ministre de la Santé. Based on your regulations and your current level of funding, staff of long-term-care facilities allow their residents four minutes to get up and out of bed, washed, dressed and into the dining room. I defy any one of us sitting here in this Legislature to perform these tasks in that time, and we are healthy, independent and able-bodied.

I hold here, Mr Minister, 200 petition cards that members of all sides of the House have also received, and that I will deliver to you shortly.

Elles sont signées par des résidents et des résidentes des maisons de soins de longue durée de mon comté et par leurs familles. Elles demandent une augmentation des fonds d'opération pour permettre l'embauche d'un personnel suffisant pour offrir un niveau de service de base.

Minister, when will your government decide to increase funding to long-term-care facilities so that residents receive at least the minimum level of care services that the average Canadian expects on a daily basis?

Hon Tony Clement (Minister of Health and Long-Term Care): Indeed, as the honourable member should know, last year we increased funding on a per diem basis for exactly the kinds of issues the honourable member raised. That was certainly our intention and we followed through. In fact, it was not just a one-time-only funding increase; it was also an increase for this year.

The honourable member mentioned some particular situations. If she has any evidence of maltreatment or mistreatment of any individual in the province of Ontario, please contact us immediately so we can rectify the situation. We do have standards in place that we enforce. If the honourable member has a particular problem with how a particular citizen of Ontario was treated, please contact us at the earliest available opportunity.

Mrs Boyer: —bring you evidence to support my statement. Minister, it's not only the long-term-care facilities that are in need of funding, but also the entire program of community care centres across the province.

Tous les jours je reçois de nombreux appels des personnes en détresse qui voient les heures de service coupées au minimum et ne reçoivent pas les soins de base dont elles ont besoin. C'est déplorable.

CCACs across this province have seen their budgets frozen while costs rise steadily. They try to cope with assisting an ever-aging population and patients being discharged from hospitals sooner and sicker than ever.

En tant qu'Ontarienne, j'ai honte de constater les effets néfastes des règlements de ce gouvernement sur les citoyens et les citoyennes qui sont parmi les plus vulnérables de notre société : les personnes âgées et les malades qui ont contribué toute leur vie au développement de notre province.

Again, Minister, when will your government decide to increase funding to long-term-care facilities, and also to home care services, so that those in need receive at least the minimum level of services that the average Canadian expects?

L'hon M. Clement: Ce gouvernement a augmenté les standards. Nous avons augmenté nos investissements. We have increased standards, we have increased our investments to these facilities, and for home care the increase has been to the magnitude of 72%. If the honourable member has any particular instances of maltreatment by the system, she should let us know about it.

I would state for the record once again, for the honourable member who does represent an Ottawa riding, that the federal government has contributed precisely zero dollars and zero cents for any of these programs. These are 100% provincial tax dollars. That is our commitment to the citizens of Ontario and that will continue.

WORKPLACE SAFETY AND INSURANCE BOARD

Mr Dominic Agostino (Hamilton East): I have a question for the Minister of Labour. I have a letter dated February 2002 which you sent to the then Minister of Labour, Mr Stockwell, regarding the Workplace Safety and Insurance Board. I quote:

"As an MPP, I am personally concerned about the ongoing precedent that is being set, not only in this case, but in many others that I have heard of and that is that without a paid advocate, an individual has no power in dealing with the board. I worry that we are seeing a systematic denial of cases unless they're pursued by expensive advocates...."

You go on to say, "I would also suggest a sincere review at the WSIB of whether or not systemic discrimination is being exercised against individuals pursuing reviews on their own."

You are now the Minister of Labour. Do you stand by those comments, and what action have you taken to fix that problem?

Hon Brad Clark (Minister of Labour): I've already had meetings with the WSIB and the chairman to discuss the concerns that I raised in that letter as an MPP, as well as other issues that have been brought to my attention by other constituents from not only my riding but from across the province.

The WSIB is a program that is actually working extremely well.

Interjections.

The Speaker (Hon Gary Carr): Order.

Hon Mr Clark: The members clearly seem to believe that when there are situations where members have concerns or constituents have concerns, the MPP shouldn't have to raise that with the minister.

Mr David Caplan (Don Valley East): "Systemic discrimination." That's what you said.

Hon Mr Clark: In the statistics currently within the WSIB—and perhaps the member would find this fascinating because in 2000 these were the actual statistics—the injured workers themselves had a 63% satisfaction rate with the WSIB. The employers had a satisfaction rate of 56%. So clearly the satisfaction is up there, but that does not mean that there aren't concerns being raised by individual constituents across this province that we shouldn't look into. That's my job.

Mr Agostino: They weren't my words; they were the minister's words. He used the words "systemic discrimination" by WSIB. That's a very serious charge against an agency that you're responsible for and that your predecessor was responsible for. That is serious; I agree with you. Minister, you were right in those charges. I'm glad you acknowledge that.

I want to go further. In the letter you also said the individual "was charged \$2,880.10 by the injured worker advisory program, an amount that obviously comes out of his new settlement from WSIB. I feel this amount should be reimbursed ... given that he was denied from pursuing that review on his own."

Again, Minister, there are thousands of people like this individual who had to go out—because you've cut the assistance programs, because they don't have the representation—spent thousands of dollars to have someone represent him at WSIB appeals. In your letter, you believe this individual should be reimbursed.

Will you guarantee to the House today that you'll ensure this individual gets his money back and also every other individual, the thousands in Ontario who had to rely on outside help in order to fight their cases, will get their money back? Do you stand by what you said here and will you now ensure that this individual and the thousands of others who paid their own money will get their money back from WSIB? You're the minister; you're in charge; you can make it happen. Will you do it?

Hon Mr Clark: The difference between me and the member for Hamilton East is I work on issues, I deal with them and I'm not one of these individuals who run around trying to grab headlines and shrilling at the top of my lungs demanding responses. I work for my constituents as the MPP and I work for the people of the province of Ontario.

Interjections.

The Speaker: Order. Ten seconds left. Come to order, please.

Hon Mr Clark: What always fascinates me about the member for Hamilton East is that he can never accept yes

to any question that he raises in the House. I already raised with the WSIB the concerns when they first came in. I'm reviewing the WSIB. I've been here a month.

Ironically for this particular member, if a minister of the crown were to intervene for any individual constituent to deal with a specific matter, he'd be standing in his place crying. I wrote as the MPP for the riding of Stoney Creek. Now I'm the Minister of Labour and I'm dealing with the review of the matter.

PETITIONS

HYDRO ONE

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

"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;

"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 have signed my signature in complete agreement with the sentiments of the petitioners.

The Speaker (Hon Gary Carr): Could we stop the clock. On a point of order, the government House leader on the order of business next week.

BUSINESS OF THE HOUSE

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Pursuant to standing order 55, I have the statement of business of the House for next week.

Monday afternoon's debate will be on Bill 135, hunting and fishing heritage. I'm reading these bills because Mr Conway gave me a tip that that's better to do. On Monday evening we will begin debate on Bill 124, building codes.

Tuesday afternoon will be the Liberal opposition day. Tuesday evening we'll begin debate on Bill 58, reliable energy and consumer protection.

Wednesday afternoon's business will be again Bill 58, reliable energy and consumer protection. Wednesday evening's business will be Bill 124.

Thursday afternoon's business will be Bill 58. Thursday morning during private members' business we will discuss ballot item 47, standing in the name of Mr Arnott, and ballot item 48, standing in the name of Mr

Brown. On Thursday evening the business will be Bill 124.

The Speaker (Hon Gary Carr): We're now back in the rotation for petitions.

1530

YOUNG OFFENDER FACILITY

Mr Peter Kormos (Niagara Centre): I have a petition that reads:

"Whereas the government of Ontario has pushed Kennedy House Youth Services (Uxbridge), an 80-bed young offender facility, out of the provincial public service and into the hands of a private sector employer;

"Whereas the new employer has shown complete contempt for the 130 unionized corrections services staff and has kept them all locked out for almost a year"—since June 2001—"while demanding outrageous concessions;

"Whereas, as a result of the lockout, provincial revenues are being wasted as the provincial government forces the taxpayers of Ontario to pay the Kennedy House operator full funding for the past year, as if this virtually empty facility were operating at capacity;

"Whereas the safety of the surrounding region continues to be compromised by the provincial government and by Kennedy House Youth Services as dangerous young offenders in need of supervision and secure custody are instead given passes or open custody;

"Whereas the few young offender inmates who remained in the facility since June 2001 were provided with little or no programming, thus raising serious concerns about their rehabilitation;

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

"We demand that the Minister of Community, Family and Children's Services act immediately to resolve this crisis by directing Kennedy House Youth Services to negotiate in good faith with its employees."

I concur with that position and I have affixed my signature.

HYDRO ONE

Mr Alvin Curling (Scarborough-Rouge River): I have a petition here which is also shared very strongly by my colleague David Caplan from Don Valley East. It says here:

"To the Ontario Legislature:

"Stop the sale of Hydro One

"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'm in full agreement with this and I will affix my signature to this.

AFFORDABLE HOUSING

Mr David Caplan (Don Valley East): I have another thousand residents of Don Valley East who have signed petitions in regard to above-guideline rent increases. It's entitled "Fair Rent Increases Now" and it's to the Legislative Assembly of Ontario.

"Whereas the number of tenants receiving above-guideline rent increases is growing exponentially; and

"Whereas many of these increases are for increases in utility costs, many of which have gone down since; and

"Whereas tenants should not have to pay for improvements forever, even when the costs have been realized by these rent increases; and

"Whereas the Tenant Protection Act does not give a tenant relief due to the costs being realized or a drop in utility costs; and

"Whereas tenants should not be receiving rent increases where there are work orders issued for their buildings;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to immediately pass MPP David Caplan's Bill 134 entitled the Fair Rent Increases Act at the earliest possible opportunity so that tenants can get relief from above-guideline rent increases once the bills have been paid."

I agree wholeheartedly with this petition and I have affixed my signature to it.

HYDRO ONE

Mr Mario Sergio (York West): I have another petition with respect to the possible sale of Hydro One:

"To the Legislature of Ontario;

"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 do concur with the content of the petition and I will affix my signature to it.

COMMUNITY CARE ACCESS CENTRES

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to increase community care access funding:

“To the provincial Legislature of Ontario;

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

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

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

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

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately institute real patient-based budgeting for health care services, including home care, so as to ensure that working families in Ontario can access the care services they need.”

This is signed by a large number of my constituents in the community of Atikokan in northwestern Ontario. I affix my signature in full agreement with their concerns.

EDUCATION FUNDING

Mr David Caplan (Don Valley East): This is a petition about public education, especially timely in light of the Toronto District School Board’s refusal to pass the government’s cutting measures in public education.

“To the Legislative Assembly of Ontario;

“Whereas we believe that all education resources should be directed to our public schools, not private schools;

“Whereas Mike Harris,” the Conservative government and Ernie Eves, “has been attacking public education for

six” long “years, chopping \$1.8 billion from the classrooms and now wants to pay parents to leave public education for private schools;

“Whereas we believe that this voucher plan for private schools is wrong, unfair and steals money from public education;

“Whereas we believe that these funds being invested in private schools would be better spent on rebuilding public education through such measures as bringing class sizes down to 20 students per class in the early years;

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

“Do not turn your backs on Ontario’s working families. Fight Mike Harris’s” and Ernie Eves’s “voucher system for private schools; fight for smaller class sizes;” last but not least, “fight for public education.”

I have affixed my signature to this petition, because I agree with it.

HYDRO ONE

Mr John Gerretsen (Kingston and the Islands): I have a petition that’s addressed to the Ontario Legislature, and it deals with stopping the sale of Hydro One.

“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 agree with the petition and I have signed it accordingly.

1540

PODIATRIC SERVICES

Mr Mario Sergio (York West): I have another petition addressed to the Legislative Assembly of Ontario and it’s with respect to “Foot Care is not a Luxury.”

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

“Whereas Ontarians depend on podiatrists for relief from painful foot conditions;

“Whereas new Harris government policy will virtually eliminate access to publicly funded podiatry across vast regions of Ontario;

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

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

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Ernie Eves government move immediately to cancel the delisting of podiatric services.”

I do concur and I will affix my signature to it.

HYDRO ONE

Mr Alvin Curling (Scarborough-Rouge River): These petitions keep coming. My friend David Caplan also gets thousands of them.

“Stop the sale of Hydro One.

“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”—my golly;

“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,”—as I tell the page here—“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.”

Mr David Caplan (Don Valley East): Are you going to sign that?

Mr Curling: I will sign that, David, just to make sure that I’m—

USE OF EMERGING TECHNOLOGIES IN SCHOOLS

Mr David Caplan (Don Valley East): I have a petition. It’s entitled Rules Needed Now. I know my good friend and colleague the Attorney General will definitely support this petition. It’s to the Legislative Assembly of Ontario.

“Whereas the number of cell phones, pagers and other wireless devices has grown exponentially; and

“Whereas the number of children in our schools using these technologies has also grown; and

“Whereas these devices can be both distracting from an educational perspective and can facilitate criminal activities in our schools; and

“Whereas the Education Act is silent on the use of this technology; and

“Whereas boards of education are not required to develop policies in this area;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to immediately pass MPP David Caplan’s bill entitled the Appropriate Use of Technology in Schools Act at the earliest possible opportunity so that boards of education will have policies in place for our students and for their safety.”

I agree wholeheartedly with this petition and I have affixed my signature to it.

EDUCATION FUNDING

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

“Whereas we believe that all education resources should be directed to our public schools, not private schools;

“Whereas Mike Harris has been attacking public education for six years, chopping \$1.8 billion from the classroom and now wants to pay parents to leave public education for private schools;

“Whereas we believe that a voucher plan for private schools is wrong, unfair and steals money from public education;

“Whereas we believe that these funds being invested in private schools would be better spent on rebuilding public education through such measures as bringing class sizes down to 20 students per class in the early years;

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

“Do not turn your back on Ontario’s working families. Fight Mike Harris’s voucher system for private schools; fight for smaller class sizes; fight for public education.”

I affix my signature, in full agreement with the concerns of the petitioners and in the belief that even with a change of Premier the agenda is the same.

WEARING OF HOCKEY JERSEY

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker, and it’s a very important

point of order: We all realize that our beloved Maple Leafs lost on Tuesday, when they bowed to the Carolina Hurricanes. I'm here to tell you that during the series, a friendly rivalry developed between Kingston, Ontario, the birthplace of hockey in the world, and Kinston, North Carolina, which is the same as Kingston but without the "g", which they dropped right after the Revolutionary War. In any event, over the last couple of weeks there have been articles written by Art Milne of the Kingston Whig-Standard and Lee Raynor, the managing editor of The Free Press in Kinston, North Carolina, about the sport of hockey and the goings-on.

As a result of what happened last Tuesday, two citizens from Kinston, North Carolina, will be enjoying an all-expenses-paid trip to Kingston, Ontario. As a result of the loss, Art Milne will have to stand on the rampart of Fort Henry, which was built to protect us from the Americans, wearing a Carolina Hurricanes sweater.

I too made a bet with Representative Philip Baddour, Jr, the majority leader of the North Carolina House of Representatives. So that I may be true to the bet I made with him, being so sure our Maple Leafs would come through and give us that first Cup in 35 years—even though the series was 3-2 in favour of the Carolina Hurricanes at the time, I agreed that if the Carolina Hurricanes won, I would wear a Carolina Hurricanes shirt in the Ontario Legislature.

That's what I'm doing here today. I know that all good Leafs fans everywhere know that it's only another three months until hockey season starts again. We can always say, "Wait until next year." It's only been 35 years since we won the last cup, and we will win next year.

The Deputy Speaker (Mr David Christopherson): As interesting and timely as that may be, it's definitely not a point of order. I will tell the member, though, that if he wants to wear the sweater, he will have to seek unanimous consent.

Interjections.

The Deputy Speaker: Are you asking for unanimous consent?

Mr Gerretsen: I am.

The Deputy Speaker: Is there unanimous consent? The House is in a very generous mood today. Unanimous consent is granted.

ORDERS OF THE DAY

PROHIBITING PROFITING FROM RECOUNTING CRIMES ACT, 2002

LOI DE 2002 INTERDISANT LES GAINS TIRÉS DU RÉCIT D'ACTES CRIMINELS

Mr Young moved third reading of the following bill:

Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime / Projet de loi 69, Loi

visant à protéger les victimes en interdisant les gains tirés du récit d'actes criminels.

The Deputy Speaker (Mr David Christopherson): I'd like to remind members that pursuant to the order of the House dated May 27 this year, 60 minutes has been allotted to the third-reading stage of Bill 69. The time will be split equally among the members and, at the end of the 60 minutes, I will be required to put the question.

Attorney General, you have the floor.

1550

Hon David Young (Attorney General, minister responsible for native affairs): We are present in the Legislative Assembly today to wrap up debate on this very important bill. Bill 69 is important in a number of different ways, but it must be viewed, in my respectful opinion, as another component, another piece of an overall plan that this government has come forward with and implemented over the last number of years.

As I had an opportunity to say just the other day in this Legislative Assembly, we now have in this province over 40 programs in numerous ministries operating every day to assist individuals who find themselves as victims of crime. We spend in excess of \$145 million each and every year to support these programs and to support victims of crime.

What we have here is indeed a paradigm shift in the sense that we've come from a point where, frankly, victims had little or no voice at almost any stage of court proceedings, to the point we are at now, where victims are important during police investigations and during court cases. Indeed, as this bill demonstrates, the Ernie Eves government believes they are important thereafter.

We cannot expect, just because a charge is laid or just because a court case ends, that the victims are all of a sudden whole, that they are as they were before the crime was committed. Quite the contrary, the suffering continues—the suffering that arises out of traumatic experience, many times as a result of unimaginable, heinous crimes. What we must ensure is that we do everything we can to support those individuals.

There are some things we cannot do, no matter how powerful the courts are and no matter how powerful this Legislative Assembly might be. One thing we cannot do is reverse the wrong that was done. Often you can in civil cases; sometimes money will remedy a commercial wrong. But you cannot when you're talking about a crime of the sort we are talking about here. Nothing can give back to those victims what they lost. So what we must do as a government is make a difference. We must ensure wherever possible that victims will not be re-victimized, and we must ensure that criminals do not profit as a result of their illegal activities.

The bill that is in front of this Legislative Assembly this day is designed to do just that. It is a bill that indeed resembles laws that have been introduced in a number of different jurisdictions in the United States of America, and those laws have operated quite well. It is a bill that would help prevent criminals from making money, whether it is a dollar, a penny, a nickel or a dime. It is de-

signed to prevent criminals from making money recounting their crimes in any type of medium; I'm talking about media interviews, books and movies.

On the approval of a court, any money generated by a criminal who has written or recounted his or her crime would be forfeited, if this bill passes. A fund would be established, and the forfeited money would then be made available to victims of crime. I said before there was only so much that we as legislators can do. This is something we can do.

As I said, there are other jurisdictions in which this type of law has operated, but none in Canada—not one. It was attempted at the federal level, but for various reasons it never became law. But the Ernie Eves government of Ontario recognizes just how important it is to have an act like this in place that will ensure that no criminal benefits financially from their criminal activity.

We consider that even a few instances of this sort of profiting are a few instances too many. It is unacceptable for the criminal to benefit in that way, it is certainly unacceptable to the victims and indeed it is unacceptable for us as a society to allow that to occur even once. This bill, once again, is designed to take the profit out of crime and should be viewed together with numerous other bills we have brought forward, including our organized crime bill, which I'm proud to say passed late last year and was proclaimed in the spring this year. It is a bill that I hope will make a difference and remove the lifeblood of organized criminal activity in this province, and that indeed is money.

The bill that is in front of this Legislative Assembly says that anyone who enters into a contractual arrangement with an individual who has committed these types of serious crimes would be expected to provide information to the authorities about the contract or the agreement they have entered into. A publisher or any party to a contract—this is a contract with a criminal, an individual convicted of a serious violent crime or a serious property offence to which this bill applies. Any of those individuals, publishers or corporate entities would be required to report their contract. If they fail to do so they face a fine of up to \$50,000. Contracts to which this bill applies, whether entered into before or after criminal conviction, could include the use of a document that may be related to a crime, an interview with a convict or an appearance of the convicted person to recount his or her crimes.

I have to pause here to give credit where credit is due. As we go back in history—and I think about one of my predecessors in this position, Minister Flaherty when he was Attorney General. He brought forward this legislation in essentially this form and did a marvellous job advocating on behalf of victims in many respects.

I should also reference the fact that if this bill is passed it would build upon the current legislation—indeed, visionary legislation, in my respectful opinion—introduced by one of my colleagues and indeed one of my friends, the Honourable Cam Jackson. Mr Jackson said in this Legislative Assembly some considerable time

ago that it was necessary to make inroads to protect victims in similar situations. He spearheaded a campaign that resulted in legislation that did in some respects curtail the sort of activity that I have addressed today: the activity of a criminal who comes forward and attempts to profit financially from their crime. He agrees with me, with the government and with Premier Eves that this bill is an improvement. It is a logical next step. It is where we must go as a society. It is where we must go as a government. So I give credit to Mr Jackson for coming forward with this initiative when he did, for helping us further develop it and for supporting it at this stage, because indeed this is a vast improvement, as he has indicated and as I am pleased to indicate to you today.

I also want to pause to talk a little bit about the debate that has preceded the discussion we are having today in this Legislative Assembly, because I know the member for Niagara Centre—or somewhere like that, Mr Kormos—has gone out of his way to stand in this Legislative Assembly and to indicate there has been insufficient time allocated for the discussion of this bill and what it represents. I know he has difficulty with it. He has difficulty with everything this government, frankly, has tabled since 1995: 199 tax cuts and so on and so forth. Indeed, he had difficulty when the NDP government was in place with many of the things they put forward. One can draw their own conclusions as to whether or not that relates to his character or other factors.

I would say to you that anyone who cares to consider his submissions that were made not too long ago in this Legislative Assembly, submissions that suggest we have not talked about this enough, should pause and consider the number of speeches that have been made about this bill and its predecessor, which is essentially the same bill, in this Legislative Assembly. I did. I stopped, looked and counted. By my calculation, we have had more speeches about this bill in this chamber than there are members in this chamber. In fact, if we talk about the third party—and by my calculation they have nine seats—they have made 26 speeches to date. My friend opposite went on at some length about the fact that it's not fair because there is a member of his party who wasn't afforded an opportunity to speak to this bill. You said just that. I heard you and frankly I was concerned. What I did was I went and checked. What I found is there is inequity in the process, but it is the process within the third party that is inequitable, not the process of this Legislative Assembly. As I look, there are some who decided they needed to speak on numerous occasions in spite of the fact there are others in opposition parties who, for various reasons, were never afforded an opportunity to speak to this very important bill.

1600

I'll just give you some indication of how the numbers break down. The member from Niagara, who raised these concerns, has spoken no less than six times—six times. It was interesting reading through the debate, because indeed he spoke about various subject matters, with your

leave undoubtedly—not just you, Mr Speaker; I mean Speakers collectively have been very liberal, for want of a better term, in allocating time to this gentleman. So he has spoken six times; Ms Martel, 10 times; Mr Martin, five times; Mr Bisson, four speeches. He delivered four speeches on this very important bill.

The Liberals, by the way, have spoken 33 times about this bill. Our party indeed has stood in this very important chamber and has addressed this issue 22 times.

I will pause to tell you my theory of governance. I believe that every individual in this Legislative Assembly, every one of us who has the privilege to come forward and represent the interests of their constituents does so with the best of intentions. There may be, from time to time, exceptions, I will pause to say that, but they're few and far between. Most of us come forward in an effort to do the right thing, to make a difference, to leave the province in a better state than we found it.

What happens when you become the government, as I have learned from my readings and to some degree from my experience, is that there is this great push to study, to consider, to reconsider, to debate, to debate some more, to debate 22 times or 33 times, or, in total, 9.5 hours of debate. Eighty thousand words of debate have been dedicated to this bill today—80,000 words of debate, 127 pages of Hansard. And anybody who's ever seen Hansard knows we're talking about a very small font.

What we find is that there is this great push, usually from the opposition, to debate and to debate and to debate further, and then to discuss, and then to send to a committee and then to have the committee travel and come back and report and debate some more. Indeed, sooner or later one has to be ready to make a decision. Sooner or later one has to be ready to change the province, to change the way things were when we first arrived in this very important building. And that time is now, particularly with respect to an issue as important as this one.

What we are talking about is whether or not at the end of the day criminals, individuals who have had their due process, individuals who have been in front of the court, have had their day in court, have had their counsel, have had considered whether or not the charter has been offended at some point in the proceeding, are convicted beyond a reasonable doubt. We are here today to discuss whether or not those individuals who have committed some of the most serious crimes in the Criminal Code, indeed some of the most serious crimes imaginable, should be able to profit from their activities. I say no, I say never, if we can prevent it as a Legislative Assembly.

I would say to you that I think this bill represents a good balance, an acceptable balance for us as a society, so that if an individual criminal or a group of criminals, for that matter, are desirous of writing about their activity—and if there are people out there and companies out there who believe this should be written about in a magazine or as the subject matter of a play or a movie or a television show, well, indeed, there are instances where that may actually occur. But what will not occur, if this

bill passes, and what is unconscionable and must not be allowed in any instance, is for those individuals who committed those serious crimes to profit as a result of the pain and the agony and the suffering of their victims.

As I said before, this bill's focus is indeed on protecting victims. This bill's focus is on ensuring that criminals do not profit by recounting their crimes. Bill 69, which is the bill that we are debating here today, is a very important part of our cohesive strategy to stop criminals from making money as a result of their illegal activities and, as I indicated earlier, must be looked at in totality, must be looked at as part of what I believe is a comprehensive plan, a plan that was contemplated in the Blueprint, which is a document that we as a party put together, a written document that we put to the people of this province in the 1999 election and were prepared to be elected or not be elected based upon whether the majority of individuals in our particular ridings said yea or nay. We said in there very clearly that we must speak out for victims.

We promised in the Blueprint to support victims, and I say to you we have kept that promise and we have kept it in a number of different ways. If this bill passes, this province will be a better place. If this bill passes, those of us who decided to put our names on ballots in various parts of this province and who were privileged enough to succeed and be present in this Legislative Assembly will have made a difference.

It is one more step to help us achieve our overall goal of supporting victims. There should never be any doubt: the job isn't done and, frankly, the job will never be done. It is one more step to help ensure that criminals do not revictimize the individuals and the communities they have already harmed, individuals and communities that have an ongoing trauma that doesn't end at the conclusion of the crime and doesn't end at the conclusion of the court case. And it's one more step to help prevent criminals from benefiting financially from their activities and from the pain they have caused to individuals and to families and to communities.

It's for that reason I'm here today, Mr Speaker, to speak in favour of this bill, which of course comes as no surprise to you; I suspect it comes as no surprise to any other member of the Legislative Assembly. We in the Ernie Eves government believe very strongly that this bill should be passed. It should be passed because it will assist us—and I say "us" in a collective sense as legislators, not just from one party—in accomplishing what it is that I believe we set out to do, what it is that the vast majority of us in this Legislative Assembly intended, and that is to leave the province in better shape than we found it.

In my discussions with individuals and with victims' groups and with the police—as recently as this morning, I met with the Police Association of Ontario. I indicated in passing that I would be speaking to this bill later in the day, and I heard from three representatives of that excellent organization that they were hopeful this bill would pass and they were hopeful that I would have an

opportunity in my comments today in this chamber to reference their support. The police are supportive of this initiative.

Indeed, with that, I will take my seat and ask all members of this Legislative Assembly to put their partisan political agenda aside and support this very important bill and support victims across this province and make this province a better place to live in, to work in and to raise a family in.

Mr Bart Maves (Niagara Falls): On a point of order, Speaker: I would just like the Legislature to welcome from my riding Ian and Faye Greaves and their son Peter. Peter is a grade 4 student at Diamond Jubilee. He's doing a project on the provincial government and he's here to get a first-hand look. So welcome to the Greaves.

The Deputy Speaker: That's not a point of order, but your guests are certainly welcome to be here and I would extend that on behalf of all members.

The floor is now open for further debate.

1610

Mr Michael Bryant (St Paul's): Dalton McGuinty and the Ontario Liberals support this bill. We supported this bill when it was first introduced and we still support it now. I want to say right now, though, that the principle behind the bill has to be supported, and if I thought that the bill was going to be effective, I would stand up and congratulate the Attorney General for bringing forth a bill that will make a difference. He said he wanted to make a difference.

Let's be clear: I hope this bill makes a difference. But all of our experiences, since we've had these existing rights—because this right for a victim to recoup profits from someone who has perpetrated a crime has existed in the common law and through our courts certainly for decades and via legislation since 1995. If, since 1995, when a very similar law was passed and proclaimed in Ontario, it in fact was used a number of times and it needed some improvement and it needed to be expanded, or maybe needed to close some loopholes that were being taken advantage of by criminals, then I would say, "This is a great bill." In fact, since 1995—I don't know if you know this; I say this to the government—there are no reported cases in which the Jackson bill on prohibiting profits by recounting crime has ever been used.

The 1995 bill was a dead letter and I think Mr Jackson passed it because he wanted to make a difference and he wanted to effect change and he wanted to create deterrence. It was also at a time where politically around North America the issue was very alive. The original laws along these lines were called Son of Sam laws. I don't want to get into the history of that, but the purpose, again, was to stop criminals from being able to profit from telling stories about their crime, whereby the victim gets revictimized.

The law gets passed in Ontario, and you would think, given—I'm sorry, I didn't write down the number of hours spent debating this bill—the number of times it's been introduced and reintroduced and debated but never passed, that maybe the 1995 bill would have some effect,

and it just hasn't. You have to ask yourself, is the government perhaps bringing this bill forward, introducing and passing this bill because they want to look like they're doing something for victims of crime when in fact there's nothing else for them to do for victims of crime?

I don't want to be cynical, but this bill was originally introduced in December 2000. It was one of a handful of bills, and I mean literally a handful—I believe it was four bills that then-Attorney General Flaherty introduced all in one week or a ten-day period. It turns out that he became the Finance Minister within about six weeks. I don't know if he knew at the time. But it did seem unusual that he would introduce a whole whack of bills. One of them was this bill. Of course, it died on the order paper. It was seen, at the time, as a paper tiger. When it was reintroduced by Attorney General Young, it hadn't really changed. It remains, in my view, a paper tiger.

Yes, I will support it, because the principles I support. Again, if I thought it would make a difference I would say, "Hip hip hooray," but in fact if we want to help out victims of crime, don't be fooled. This bill is not going to advance the cause. While it's always a great thing for a government to let its views be known and let its principles be put on the record, and there is some value in that, to spend legislative time to work on this paper tiger over and over again suggests to me that this is the government trying to look like they're doing something for victims of crime when they are not.

I should also say, I don't think, with all due respect to the Attorney General, that citing the number of hours spent in debate really advances the case in terms of the priority accorded to this particular issue. If in fact this was a priority bill and if in fact getting this passed and making a difference was a priority for government, then why, when this bill was introduced in December 2000, are we still debating it here in late May 2002? This is a priority bill. This would have been passed very quickly. Too quickly? I hope not, but we would have had second reading, we would have had third reading. Along the way it would have gone to committee, I would have hoped, or if in fact there were no amendments and there was agreement by all three parties, we would have proceeded ahead and it would have passed.

Maybe it would have passed in the spring of 2001. That would have said, "Oh, yes, this is an important bill; this is a priority bill. We'll pass it in the spring of 2001." But they didn't. OK, there were lots of things on the go, I guess—although, remember, this was a time of major drift for this government, the spring of 2001.

Then we move into the fall. "Well, maybe they'll do it in the fall"—or the winter, I guess, because there was a long time there. We didn't get back until then. "Maybe it will pass then, at the end of 2001." And it didn't pass then. It still didn't pass. It didn't move forward.

Now it's before the House and, granted, we're here debating it at the end of May. If this was a priority, then I don't think it speaks well for the government's commitment to this priority, the helping of victims, that they

would introduce a bill, recycle it, reuse it, reannounce it, and then we find it's back here yet again. It suggests to me that this was a bit of a smokescreen. And it is a bit of a smokescreen, because there are very important issues affecting victims of crime which I personally am very supportive of, that I hope the Attorney General supports too, and we need to move him along. I want to talk about a few of them right now.

First, let's talk about the victims' justice fund. A \$50-million victims' justice fund was announced by the Ministry of the Attorney General on June 27, 2000. The fund is financed by victim fine surcharges and was supposed to be spent on services for crime victims. That's good news, because victims of crime need those services. That money is needed for a variety of services in a variety of places across Ontario because, among other things, we don't have a victims' service standard, if you like, for all parts of the province. That's the subject of another matter which I'm going to get to in a moment. Also, these services are currently underfunded. So this announcement was good news.

How much of that \$50-million victims' justice fund announced in June 2000 has been spent to date? How much would you think was spent? Maybe 80% of it, 90% of it? I would hope so. You make the announcement in the spring of 2000. Surely you wouldn't want to make the announcement and look like you're just making an announcement and not spending. You would never do that, because that would be extraordinarily cynical.

Mr Peter Kormos (Niagara Centre): And people would call you the popular name of a Jim Carrey movie.

Mr Bryant: Right. Unfortunately, in the nearly two years—and we're getting on to the anniversary date—that have passed since the announcement of a \$50-million victims' justice fund, more than 90% of that fund is still being held back, and without any explanation. There has never been an explanation to the stakeholders, there's never been an explanation to the Legislature, as to why 90% of a \$50-million commitment to victims is being held back.

I sure hope it's not being held back because it's not going to be spent, because that would be breaking the promise to victims of crime. I sure hope that money is not going to be diverted over to balance the budget, that it's not going to be part of another reannouncement for the victims' justice fund and we won't see that for some time. That would let down victims and that would break the government's promise to victims of crime.

Next, Bill 89: I introduced a private member's bill, Bill 89, Respect for Victims of Crime Act. The purpose was to provide teeth to victims' rights, because right now there are no teeth. The government's Victims' Bill of Rights has been held by the Ontario Superior Court of Justice to be just a statement of policy, that it is unenforceable. I think the words are "beguilingly clothed" as a statement of policy. The judge said "beguile," meaning that the government was perhaps trying to fool people—it certainly fooled the victims who were before that court—into thinking that in fact they have some en-

forceable victims' rights, but they don't. Any suggestion that the Victims' Bill of Rights is somehow an enforceable bill would be incorrect. That would not be true.

Furthermore, we need to have a victims' service standard in Ontario so that a victim in Toronto is getting the same level of service as a victim in Nipissing, Sudbury or Sault Ste Marie. Across the province we should all have the same standard, which only makes sense, I think.

1620

Second, I think we need to have enforceable victims' rights. That's what Bill 89, my private member's bill, does. I encourage the government—and let me say that loud and clear—to come in with their own bill along the same lines. That would be a good thing and I would support that bill, believe me. But that's something we could be doing right now. We could be debating that, we could be passing that. That would do something for victims of crime, not this paper tiger.

Identity theft: I've introduced a private member's bill, Bill 26. It would help victims of identity theft basically get their legal identity back. Identity theft, as you may know, is the fastest-growing crime in North America. The Ontario privacy commissioner and Canada's privacy commissioner have both said that it is the fastest-growing crime. The OPP has estimated that there are as many as 1,000 victims a month of identity theft in Canada, which, if you extrapolate population-wise, means there are thousands of victims of identity theft in Ontario every year. This is a problem.

Well, this is a tough-talking government on crime. I have no doubt that this government would be all over this. Right? Wrong. This Bill 26 that I have introduced would help out victims of crime. The government, on the other hand, has done nothing to help out victims of identity theft.

I'm talking about helping victims get their identity back. I know of one person who called my office looking for assistance in getting help from the administration of justice, from our justice system which she pays for through tax dollars, to get help getting her identity back. If she was a victim of a break-and-enter in her house, the police would investigate and the police would no doubt, among other things, try to get whatever was stolen back. Incredibly, identity theft is one of those crimes where unfortunately this government is behind the times and not ahead of the crime. Organized crime has got the jump on this government and victims cannot turn to police or any other source of assistance to get their identity back. There's no way. We need a mechanism.

Right now really the only official way you can do it is you have to wait for a conviction and then presumably only through the sentencing order or otherwise would you end up getting your identity back officially so you can hand the court case around to your employer, other employers or other people who think that your stolen identity is in fact not stolen. But that doesn't exist; that's the purpose of Bill 26. Again, I hope the government does something on it and moves forward on it.

That bill actually wouldn't cost much at all, I would say not a cent. We could make Bill 26 the law of Ontario and it would just be the administrative costs of the prosecutors—I'm totally open to amendments—or the Deputy Attorney General or whoever providing a certificate indicating this person has been a victim of identity theft and that this person in fact is, you might say, the real McCoy.

Lastly, if we were serious about victims of crime, not only would we be helping victims after the fact—which is really the whole purpose of the victims' rights movement, of course. The purpose of it was that our criminal justice system was, in effect, revictimizing the victim. Somebody had become a victim of crime and then they entered the criminal justice system and they found themselves revictimized, either because of the way they were treated—by which I mean by commission; they were improperly treated by our criminal justice system—or by omission—the criminal justice system ignored them.

Thus, we got victim impact statements. That was a big step in the victims' rights movement whereby people would have a say. They wanted to have a say in the sentencing. Part of my Bill 89, the respect for victims of crime bill, makes it mandatory that victims be given the opportunity and that we provide the resources to ensure that they get the opportunity, and perhaps the assistance from the crown, to provide a victim impact statement.

It's one thing to say that everybody's got a right, but it's another thing to actually give them a real opportunity, with teeth, that's enforceable. That's the purpose of the respect for victims of crime bill introduced by Ontario Liberals. That would help victims.

Not only do we need to be helping victims after the fact, but obviously we want to be preventing crime. I know that victims of crime not only want to advance the victims' rights movement and agenda, but they also want to prevent the number of victims of crime that there is in Ontario and across the country.

Along those lines, I say that if there is an unmistakable difference between the approach of the government to crime on the one hand and the approach of Dalton McGuinty and the Ontario Liberals on the other hand, it is over this issue of crime prevention. Dalton McGuinty and the Ontario Liberals seek to stop crime in its tracks and the way to do that is to prevent crime before it happens. The general approach of the government under Mike Harris and I presume under Ernie Eves—of course under Ernie Eves; he was the right-hand man of Mike Harris—has always been to throw up these phony deterrents. The squeegee bill has got to be the most obvious example. We need to be investing as much as we can to ensure that we crack down on organized crime, yes, but also to prevent crimes. I think that the ounce of prevention and preventing crimes is what Ontarians actually want.

It is interesting; Professor Anthony Doob at the University of Toronto department of criminology said at the Ontario Liberal caucus Niagara conference—I realize

it was the Liberal caucus conference. However, he is a professor of more than some note. He's a criminologist and he was providing a scholarly opinion. It wasn't a partisan opinion, it was a scholarly opinion. He has said it on more than one occasion, but I heard him say it there loud and clear, that if a government was seeking to try and ensure that there was more crime in a province, they would undertake the particular approach that has been undertaken by this government: no prevention, phony crackdowns and pushing today's squeegee kid into the criminal underground so that today's squeegee kid is tomorrow's crackhead, and this is a real problem.

What happens to these squeegee kids that they hope to sweep off the street? Where do you think they go? Do you think they, boom, suddenly clean up and they're working at The Gap the next day? It doesn't work that way. More than 60% of these people are in fact suffering from—"suffering," that's not the word. Sixty per cent of these people find themselves in situations where there is addiction or there is a major problem at home or they are being abused or, as I said, they may be addicted to narcotics or alcohol. In these situations, these people need to be put on the path of a more productive life. If what you do is try and throw them in the slammer, you're not putting them on the path of a more productive life; you are driving them from one area of crime to another.

So where do they go? To the drug trade, to the sex trade. Where do they go? They go to property crimes. Where do they go? They may find themselves involved in organized crime, and I'm not talking about the Sopranos. They are at one end of a very long organized crime chain where they're committing crimes. It's inexcusable—of course it's inexcusable—but in fact we've taken the squeegee kid and we've turned him—anyway, the point being the government is engaging in activities which are not helping to prevent crime.

Surely what the people of Ontario want is to prevent crime, as well as helping victims of crime. Of course we've got to crack down on crime; we've also got to crack down on its causes.

Dalton McGuinty and the Ontario Liberals want to crack down on crime and its causes. We support this bill because it supports principles that will, at least in theory, protect victims. But again, I repeat, my great concern is that this bill is going to have little to no effect in terms of furthering the cause of victims of crime, that in fact this is yet another paper tiger being introduced by this government, a smokescreen such that when it comes to victims of crime in Ontario, the Harris-Eves government is all talk, no action.

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

1630

Mr Kormos: I felt incredibly badly listening to the Attorney General, wherein the Attorney General explained that because of my interest in speaking to this bill, some of my colleagues, because of his time allocation motion, have been denied their opportunity to speak to the bill. So I want to apologize to my colleagues, but I

want to indicate quite clearly that responsibility for my colleagues not being able to fully address this legislation lies with this government, which persists in using time allocation motions designed to avoid debate—not just shut it down, but to avoid it. You see, this government has a very different view of governing. This government doesn't believe in first, second and third reading. This government has no respect for the time-honoured and proven tradition of submitting legislation to the test of debate.

I was sitting here listening closely to the Attorney General, doing my best to try to understand his logic. I noted that he didn't speak once about the fact that this Bill 69 repeals Bill 210. Look what this government is doing when it talks about the rights of victims. By repealing Bill 210, what bill is it repealing? It is repealing a piece of legislation called the Victims' Right to Proceeds of Crime Act. This government is repealing that bill, repealing the law that the New Democrats passed in 1994 as a result of backbencher opposition member Cam Jackson presenting it as a private member's bill. This government is not enhancing victims' rights; once again, it's detracting from them.

Under Bill 210, the Victims' Right to Proceeds of Crime Act, the New Democratic Party government in 1994 established that a victim had a clear right to proceeds obtained by a criminal as a result of his or her publication or recollection of the crimes they were involved in. It had the effect not only of depriving the criminal of the money but making sure that it went to the victim, and this government is repealing that legislation.

The Attorney General didn't tell you that, did he? The Attorney General didn't tell you that similar legislation was being considered in the federal Parliament until it was struck down by the Senate—an unelected body, I acknowledge. The Senate said that it couldn't countenance legislation that was so clearly in violation of, among other things, the freedom-of-expression rights expressed in the Charter of Rights and Freedoms.

We'd better be very careful about what we're doing here. Some of you may have read books by the author Roger Caron. The first book he wrote won a Governor General's award and, if I remember correctly, was a recounting of, among other things, his life in Guelph Reformatory as a teenager. *Go Boy!* was the title of the book. Caron, who, sadly, obviously remains a career criminal, hasn't been able to stay on the outside very long before he finds himself back in. He's suffering from some serious illnesses, but is an acknowledged and very important Canadian writer. He also wrote *Bingo!*—you'll remember that one, about the riots in Kingston—and at least one other book, which have received acclaim as important literary work. But as well, clearly, from the point of view of Caron, he recounts, recollects elements of any number of crimes—and he's committed more than a handful.

The government has an exemption in the application of its Bill 69, and that is that you can recount your crimes for money and be able to keep the money. This

government is letting criminals keep the money if, for instance, they lecture to other criminals. Isn't that pretty nuts? It's right there in the first part of the bill. Bill 69 lets a criminal be paid for recollections of his or her crime as long as they recall them for the purpose of other criminals—inmates in an institution. I simply think that's not very bright.

One of the problems this government has is with respect to its lack of credibility. Nobody believes you when you talk about being on the side of victims. I ask you, has this government, since 1995, demonstrated anything that would permit us to conclude that it's on the side of abused women, victims of domestic violence? I think not. This government's record is beyond dismal and in itself is criminal. It has abandoned funding for second-stage housing, so critical in the rescue and survival of victims of domestic violence. Its slashing and hacking at social assistance we know has forced women back into violent households, only to be subjected to yet more of that routinized violence and victimization.

This government's Victims' Bill of Rights? What a crock. Judge Day—there are members of this assembly who could recite him word for word—had nothing but words of disgust for what this government championed as its Victims' Bill of Rights when Ms Even and Ms Vanscoy litigated, sued the government to try to have their rights as victims enforced. The government's own lawyer went to court and on behalf of the government and in defence of the government argued that the bill had, in and of itself, no protection for victims that could be anywhere near what would be considered as rights. Yet this government has the gall to champion that Victims' Bill of Rights—and still does—as somehow reflective of a sincere commitment to victims. I think not.

This Bill 69 repeals good law that gives victims rights to the proceeds of a contract entered into by the perpetrator of the crime against them. That's the law that's going to be hauled off the books. That's the law that's going to be scuttled. What does Bill 69 do? I'm sure I could go on for five hours, if I were permitted to. Five hours would probably be a minimum to thoroughly analyze the negative impact, but I have little more than five minutes. I merely have twice five minutes. I have but 11 minutes and 36 seconds left.

When the tradition, when the history of second and third reading has been to permit thorough debate around an issue, this government thinks that somehow it can just disregard third reading, because after all the government has a majority, and if push comes to shove, and it always does, they'll impose a time allocation motion.

One of the problems here is that the members of this government—the popes—probably tend not to take a look around them. I was just looking the other day. You see that Latinism up there, the one that says "*Audi alteram partem*"? It's there for a reason. Do you see it up there? It tells the members of this assembly, "Hear the other side." But no, this government has no interest in listening to the other side. They have no interest in protecting the great traditions of Parliament and the democratic relevance of those traditions.

Here today we find ourselves again, sadly—again, far be it from me to suggest motive—with the Liberals in accord with the Conservatives. It's so sad to see the official opposition time after time voting with this government, encouraging and promoting the government's own agenda. How many times have we seen Liberal members stand up and want to pass government bills with unanimous consent, without any debate?

They intend to vote for it. They're not saying, "Just put it to a vote." They say, "Support it." Good grief, it's sad. It was sad. I've watched the Liberal Party at Queen's Park metamorphose from strong opposition to being deep in the back pocket of the Eves Tories. Why, Liberals are so deep in Eves's back pocket that they're spitting out lint. It's an old one, isn't it?

1640

Time after time, and today again, we've got the Liberals supporting this government's repeal of the rights bill that that New Democrats introduced based on a Tory backbencher private member's bill. The Liberals are supporting the repeal of the Victims' Right to Proceeds of Crime Act. Why would the Liberals want to abolish victims' rights to the proceeds of the crime that they were a victim of? Why would they want to abolish that legislation? I can't for the life of me understand why Liberals would want to stand here and proclaim their concern for victims, that somehow they can do it better than the government, yet they're with the government, they're ad idem. They're singing from the same hymn book. They're of one voice with the Conservatives.

There they are, Liberals, Tories, arm in arm, shoulder to shoulder, marching forward. Different political parties, same agenda. What is going on? I don't want to transgress into federal politics. I don't want to deviate away from the focus of this debate, which is on Bill 69, and start talking about what's happening on Parliament Hill. Have you read the papers lately? Yikes. Talk about—you read the papers lately? Mr Eggleton is old news already. Now you've got the guy calling the RCMP to give his brother, with his—what was it?—hotel business, give him some sort of contract—a cabinet minister. These aren't—what do they call them?—anomalies. These aren't anomalies; this is a pattern.

I know some crown attorneys who would call it similar fact evidence, who would indicate that there's a pattern. This government's demonstrated a pattern too. Tories here at Queen's Park have some clear patterns. They don't like debate. They use time allocation motions to discourage debate, and they're so disorganized, these guys couldn't organize a drunk-up in a brewery. The Tories simply don't have an agenda. They're just plugging in little holes and little pieces here and little pieces there, and then they're embarrassed.

Look what they did earlier today with that omnibus bill, the omnibus bill promoting legislation that in December the Liberals wanted to see passed, sans debate. "Sans" is French for "without." Without debate. But today it was a different story.

I listened to the Liberal justice critic, for whom I have great regard, and I count on him for his counsel. I

listened to his comments about Bill 69 a couple of days ago, and he was criticizing Bill 69. I thought, good for you, justice critic for the Liberal Party, your wisdom and your skill as an advocate, as an MPP is—

Ms Marilyn Churley (Toronto-Danforth): Don't go too far, now.

Mr Kormos: Wait a minute—as a lawyer, is helping guide your Liberal caucus away from their collaboration with the Conservatives. Right? Co-conspirators, if you will.

Ms Shelley Martel (Nickel Belt): Accomplice.

Mr Kormos: Ms Martel says "accomplice." Well, we're talking about crime, huh?

I told you this the other day; I'll tell it to you again. If I thought for a minute that this Conservative Bill 69, the one that's called An Act to protect victims by prohibiting profiting from recounting of crime, would prevent Mike Harris from writing his memoirs, I'd encourage my caucus to support it; I would. If I thought for a minute that this would prohibit Ernie Eves, after he's finished his career here at Queen's Park, from being paid to appear on talk shows, we'd support it.

Mr Bryant: Stop trivializing victims.

Mr Kormos: Well, I tell you, this doesn't prohibit criminals from recounting their crime. It doesn't even come close. As a matter of fact, this bill at the end of the day encourages television networks and movie production networks to simply become more creative to divert any payment they've made to a criminal outside of Ontario—do you understand what I'm saying?—so that the victim can never see the money. Under the existing law, if a criminal is paid, let's say, \$50,000 pursuant to a contract, it's directed immediately to the victim or held in trust solely for the victim. The bill the government is proposing now, the one the Liberals support, is a confiscatory piece of legislation. It's Stalinist because it steals the money from the victim. It goes into the government's pockets.

You've heard the world's three great lies, right? "Your cheque is in the mail," "Your money cheerfully refunded," and, "Hi, I'm from the government and I'm here to help you." I have no interest in government using some sort of meat chart to decide whether one of my constituents, as a victim, conceivably, of a horrendous crime, will get this much or that much—by applying a meat chart—and then pocketing the rest.

What Bill 69 does: it not only permits but compels the government to pocket proceeds at the expense of victims. I don't think this bill is about protecting victims. I think this bill is a money grab by the government. It does the exact contrary of Bill 210, the 1994 legislation, which was a rights bill for victims. It ensured the victim's right to having the proceeds obtained by any criminal. This government is repealing that bill. Anybody who is supporting Bill 69 is repealing Bill 210. Somehow the Attorney General doesn't think this should be debated. Somehow the Attorney General goes, "We've talked too much about this bill. Give us our way."

The other thing—come on, let's face it—it's part of a spin-doctoring propaganda campaign, the law and order: "Oh, man, yes, law and order. This government is real tough on criminals like squeegee kids with the purple hair and the earrings. Oh, yes, we're going to"—as Mr Marchese would say—"whack the squeegee kids." But they haven't done anything for victims, have they? "We'll get tough with squeegee kids." That's it. "We'll fix those squeegee kids." When it comes to victims, you can ask Ms Even, you can ask Ms Vanscoy, about what this government has done not for, but to, victims.

Ergo I move adjournment of the House.

The Deputy Speaker: Mr Kormos has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1649 to 1719.

The Deputy Speaker: All those in favour of the motion will please rise and remain standing until all are counted by the Clerk.

Those opposed will please rise and remain standing until all are counted by the Clerk.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 14; the nays are 30.

The Deputy Speaker: I declare the motion lost.

Pursuant to the order of the House dated May 27, 2002, I am now required to put the question.

Mr Young has moved third reading of Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime. Is it the pleasure of the House that the motion carry?

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

All those opposed, please indicate by saying "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1721 to 1726.

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

Ayes

Agostino, Dominic	Eves, Ernie	Phillips, Gerry
Arnott, Ted	Flaherty, Jim	Sergio, Mario
Baird, John R.	Gilchrist, Steve	Smitherman, George
Barrett, Toby	Gill, Raminder	Snobelen, John
Bountrogianni, Marie	Hastings, John	Spina, Joseph
Bryant, Michael	Hudak, Tim	Stewart, R. Gary
Caplan, David	Johns, Helen	Stockwell, Chris
Clark, Brad	Marland, Margaret	Tsubouchi, David H.
Clement, Tony	Maves, Bart	Turnbull, David
Cordiano, Joseph	McLeod, Lyn	Wettlaufer, Wayne
DeFaria, Carl	Munro, Julia	Wilson, Jim
Duncan, Dwight	Mushinski, Marilyn	Wood, Bob
Ecker, Janet	Newman, Dan	Young, David
Elliott, Brenda	O'Toole, John	

The Deputy Speaker: Those opposed will now rise one at a time and be recognized by the Clerk.

Nays

Churley, Marilyn	Marchese, Rosario	Prue, Michael
Kormos, Peter	Martel, Shelley	

Clerk of the House: The ayes are 41; the nays are 5.

The Deputy Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

STUDENT PROTECTION ACT, 2002

LOI DE 2002

SUR LA PROTECTION DES ÉLÈVES

Resuming the debate adjourned on December 11, 2001, on the motion for third reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.

The Deputy Speaker (Mr David Christopherson): I just want to remind members again that by order of the House dated May 29 of this year, there should be 60 minutes allotted to complete the third reading stage of Bill 101. The time shall be split equally among all recognized parties and at the end of the 60 minutes, I shall be required to put the question.

Mr Bartolucci is not here, so we are going to the third party. Therefore, the third party now has the floor.

Mr Rosario Marchese (Trinity-Spadina): I want to speak to this bill. I've only got 20 minutes, plenty of time to be able to—

Interjections.

Mr Marchese: Never enough time, but plenty of time to put our points on the record.

Interjections.

Mr Marchese: Dominic Agostino, you do that. Marie Bountrogianni, you look me up on television, all right? OK, now hurry along and go away.

The Deputy Speaker: Order. Would members who are going to leave the chamber, please do so now, but do it quickly and quietly; otherwise, please take your seats and allow the member to have the floor.

The member may continue. Sorry for the interruption.

Mr Marchese: A couple of things.

Interjections.

Mr Marchese: No. If I shared it with you, then I would be giving it away.

Interjections.

Ms Shelley Martel (Nickel Belt): That would be too much male bonding.

Mr Marchese: Can't do that.

A couple of things on the issue of the incompetence of this government—

Interjections.

Mr Marchese: —because we could never beat them and whack them enough on the issue of incompetence. The Tories have had plenty of time to fix this Student

Protection Act—plenty of time, months and months of time—

Mr Steve Gilchrist (Scarborough East): You want to block it. You want to hold it up even further now. Move the question.

Mr Marchese: I'm not holding it up.

The Deputy Speaker: Order.

Mr Marchese: My duty is to speak to the electorate, to the citizens and taxpayers out there, and give them my best advice on what you are doing so incompetently. That's my job. Your job is to be your usual incompetent selves and bring forward bills like this that you cannot fix.

In spite of all the time you've had to fix this bill, you bring it back with the same egregious oversights and wilful negligence with respect to dealing with the inadequacies of this bill—

Interjection.

Mr Marchese: I can't hear you, Steve. If I can't hear, I can't even pause to respect you in some way. But I'm going to do my best, as you speak, to try to grasp it and fit it into my remarks.

Interjection.

The Deputy Speaker: Order, please.

Mr Marchese: On the issue of who this bill covers—remember, this bill is designed to go after sexual predators in our schools, right? We support that.

Interjections.

The Deputy Speaker: Stop the clock. I'm sorry, take your seat, please.

The member from Scarborough East is really trying my patience. It's ongoing. I know the member can sometimes be provocative, and I allow a little more because of that. You could argue that he asked for it, but I would appreciate it if you'd go back to what you were doing earlier and allow the member to make his points.

Start the clock. Please continue.

Mr Marchese: I don't deliberately provoke, but it does happen that what I say does provoke them. This is true, but I don't do it deliberately.

The Student Protection Act is designed to go after sexual predators in our high schools and elementary schools. It's got better definitions than we've ever had in terms of comprehensive definitions of sexual abuse and sexual molestation. We support that. We have a reporting mechanism built into this bill where people are obliged to report. It imposes a duty on school boards to remove from the classroom a teacher who has been charged with or convicted of a sexual offence involving minors. It's good stuff. With respect to reporting requirements, to which I was alluding, all employers of certified teachers working with students 18 years of age and/or younger would be required to report sexual abuse. We talked about all those things yesterday; no problem with that. Who wouldn't support that?

But what we said yesterday—and this is why I speak about the incompetence of this government, which has known for the last year, and before the drafting of this bill, that it has a problem and did nothing to correct it. I'll

point out the problem to the wise men and women watching this program, because I know you want to learn from this political program. This government says that all certified teachers in the public school system, the Catholic school system and the private school system will be subject to this law, and should there be any sexual abuse, they would all be punished.

The Deputy Speaker: Sorry, member, I'm going to have to ask you to take your seat. Stop the clock. I need to consult with the table. There's an issue.

You're up to speed, House leader for the third party, on the issue?

It's been brought to my attention that given the length of time since we last dealt with this bill, in checking the records on November 26 and November 27, the honourable member from Trinity-Spadina indeed has already spoken on third reading. I think we can all appreciate that, given the number of months that have gone by—it wasn't until the record was checked—so we certainly don't think there's anything untoward. However, the member cannot continue to speak any further on third reading, because he has already exercised his right.

Therefore, my question: I have the government House leader here and the deputy whip of the official opposition. It would seem to me, in fairness, that if the third party wishes to stand someone else up right now, it's their time spot. If not, then the time will still be theirs, but we will go into rotation over to, I believe, the government next, in which case the third party would come up in rotation.

I seek guidance from the House leader of the third party as to your preference.

Mr Marchese: Rotation.

The Deputy Speaker: Then we'll go into rotation. If a government member is now ready to speak, then we'll continue.

Interjection.

The Deputy Speaker: Sorry. You want to speak before he takes the floor? Take the floor please, member from Waterloo-Wellington, and I'll recognize the House leader of the third party.

Mr Peter Kormos (Niagara Centre): If I may, simply to apologize: it was inadvertent on the part of the member and, again, flowed from the incredible gap of time. So our apologies.

The Deputy Speaker: I think that apology is easily acceptable by all members, and it's understandable. It was an honourable attempt to put forward his views.

However, we have cleared this up and the clock shall start. I recognize the member from Waterloo-Wellington to speak on behalf of the government.

Ms Marilyn Mushinski (Scarborough Centre): On a point of order, Mr Speaker: Will this continue until six o'clock?

The Deputy Speaker: Yes.

With that, is the member prepared to take the floor?

Mr Ted Arnott (Waterloo-Wellington): I appreciate this opportunity to speak tonight. I didn't think I was going to have that opportunity, but it is my pleasure to

rise in the House today in support of third reading of Bill 101, Student Protection Act, 2002.

Ontario's students, parents and teachers have been asking for this strong piece of legislation and have been waiting for it to proceed. Finally, after exhaustive consultations and careful debate, we can move forward and give our province's education system the protection and clarity that it deserves.

The purpose of the proposed legislation is to help provide a safe environment for all students in Ontario. In that regard, I would like to describe some of the main features of this bill and then update the House on some of the government's other initiatives to promote student safety.

One of the highlights of Bill 101 is that it sets out a clear definition of sexual abuse. That definition is intentionally broad and recognizes not only physical sexual abuse but also sexual harassment and inappropriate behaviour by teachers.

Bill 101 also proposes a broad definition of sexual abuse, which would include sexual intercourse or other forms of physical sexual relations between a teacher and a student, any touching of a sexual nature of a student by a teacher, and behaviour or remarks of a sexual nature by a teacher directed toward a student. In short, we are leaving no grey areas. We are recognizing that sexual abuse can take any number of harmful forms and we are saying that none of them is acceptable.

1740

My legislative colleagues will be interested to know that the definition of sexual abuse in the bill parallels the definition that is set out in the Regulated Health Professions Act, which governs doctors and nurses and imposes similarly strong requirements for reporting sexual abuse.

In addition to the comprehensive definition of sexual abuse, Bill 101 has a number of other important highlights. I would like to call the honourable members' attention to some of these this afternoon. The proposed legislation would result in the automatic removal from the classroom of teachers in publicly funded schools who have been charged with sexual assault or any other offence when these individuals may, in the opinion of their employer, pose a risk of harm or injury to students.

Bill 101 also contains a proposed requirement for employers and the Ontario College of Teachers to share information about certain disciplinary action against certified teachers. These measures are designed to prevent a teacher from moving undetected to another school or another school board if he or she has been disciplined or charged with a sexual offence against a student. The bill also provides for fines of up to \$25,000 for employers of certified teachers upon conviction for failing to obey the reporting rules.

We view this legislation as an important step in our efforts to ensure the safety and security of Ontario's school children. Over the past few years, our government has been striving to build a provincial education system that supports student achievement and academic excellence. In order to do that, we have set high standards

while clarifying the responsibilities and strengthening the accountability of our education partners.

This government has been working hard to ensure that Ontario's schools offer an environment where teachers can teach and students can learn without fearing for their safety. As many members will know, we have taken a range of strong actions to ensure safety in our schools. Our government has enhanced protection for young people in several other important areas. Last December, for example, the Ministry of Education released a provincial model for a local police-school board protocol. The model protocol is designed to ensure that school boards and local police work together to develop policies and procedures for responding to incidents at school. The protocol also sets out how and when parents will be contacted about an incident that involves their child. In 1999, the government also strengthened the Child and Family Services Act with new measures that give front-line child protection workers better tools to do their job.

The changes made it clear that the main purpose of the Child and Family Services Act, or CFSA, is to promote the best interests, protection and well-being of children. As part of the changes, we expanded the reasons that can be used to find a child who needs protection. The word "neglect" is now specifically included in the CFSA, and the threshold for risk of harm and emotional harm to children has been lowered. These changes were designed to encourage earlier action to protect children at risk. Moreover, the CFSA now makes it crystal clear that professionals and the public have a duty to report when a child is or may be in need of protection.

As part of this broad government initiative, school boards were directed to give their staff opportunities to acquire the skills and knowledge they need to recognize the signs of physical, sexual or mental abuse and to offer them guidance as to how to take appropriate action. Last fall, the Ministry of Education also released a revised policy program memorandum to school boards to help increase awareness of the new child abuse reporting requirements in the Child and Family Services Act.

Our government's efforts to promote the safety of our young people include making students more aware of what constitutes inappropriate behaviour. In this regard, Ontario's new elementary school curriculum contains a personal safety and injury component that introduces topics such as sexual harassment, child abuse and violent relationships. The curriculum is designed to ensure that these topics are introduced to children in a manner that is appropriate to their age and cognitive development.

Each of these initiatives I've outlined today addresses one or more of the valuable recommendations we received from Justice Sydney Robins in his report, *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*. Honourable members may also recall that the Ministry of Education last January implemented another key recommendation of the Robins report, and that was the introduction of mandatory criminal background checks for teachers and school employees. Criminal background checks for all

school board employees will begin this year as part of Ontario's ongoing effort to protect students.

One final initiative I would like to mention here today involves the Ministry of the Attorney General's efforts to expand its specially designed child-friendly courts program. The program is designed to make the courtroom less intimidating to young victims and witnesses in the hope that fewer of them will be afraid to come forward.

Since the Robins report was released in early 2000, I would point out that the previous minister was very active in consulting education partners about ways to improve safety for school children. I understand that in the spring of 2000, while she served as Minister of Education, our current Minister of Finance met with the Council of Directors of Education, trustees' associations and principals' associations and the Ontario College of Teachers. I also understand that the government received very useful feedback on the Robins report from the Elementary Teachers' Federation of Ontario, as well as the Ontario Teachers' Federation.

I would like to take this opportunity to once again thank all the educational partners who devoted their time and resources to giving us their thoughtful advice on this important subject. The Ontario College of Teachers, in particular, is to be commended for its advice in this regard and for its prompt action in response to Justice Robins's recommendations. The college was asked to conduct a review of its policies and procedures in light of Justice Robins's report and to provide advice to the ministry on how to implement the report's recommendations.

Our commitment to the safety of our students and young people is and must continue to be absolute. Bill 101 is an important step in our efforts to keep sexual predators out of our schools. But let me make one thing very clear: all of us in this House today know that Ontario's teachers are caring, law-abiding people, dedicated professionals who are committed to enriching the lives of their students and to protecting them from harm. These teachers deserve the trust and respect of their students, parents and peers. Nevertheless, the disturbing reality, as Mr Justice Robins's report has so ably confirmed, is that sexual abuse does occur in our schools. In the past, there unfortunately have been instances where a teacher has abused his or her position of trust and victimized the young people in their care. Our responsibility as legislators is therefore clear, and that is to take every possible step toward safeguarding the safety of students throughout the province. That is surely an honourable goal, the kind of goal we all aspire to in this House, and achieving that goal is what Bill 101 is all about.

In conclusion, I would therefore like to invite all members of this House to join me in giving their support to Bill 101. I have some additional comments I would like to provide to the House in terms of this bill. I am very pleased that present in the House today is the former Minister of Education, the Honourable Janet Ecker, now the Minister of Finance, who was the minister at the time this bill was first introduced. She has been present for

much of the debate as this bill was discussed in the time allocation motion that took place yesterday afternoon, as well as this afternoon while we are trying to conclude this debate.

As members know, we have about an hour left in terms of the time that's set aside for this debate at third reading and I am very hopeful that the bill will pass so that we can bring it into law as soon as possible. I know that in my constituency, quite a number of my constituents are interested in this issue. They've read some of the newspaper articles that have appeared in recent years. We know that it is most important that this bill pass into law.

1750

I know the member opposite, the member for Trinity-Spadina, who is the critic for the third party, had previously spoken to this bill some time ago. I'm not sure exactly when the bill was debated—when we initiated third reading debate, before Christmas, I gather—so I think it is appropriate that we get to the point where we can vote on this bill at third reading and we can pass it into law. I think it's something that all of us as members of the Legislature would agree with.

Since I have a few more minutes, I'm going to continue speaking about this bill. I appreciate my colleagues who have given me so much information now that I'm not sure where to begin. It is appropriate to remind members again about the aspects of this bill that we all want to put forward this afternoon in terms of our support.

As we know, part I of the bill is an amendment to the Education Act.

"Section 1 of the bill would repeal and replace paragraph 12.1 of subsection 170(1) of the Education Act, to require a board that has become aware that a teacher employed by it has been charged with or convicted of certain Criminal Code (Canada) offences to ensure that the teacher performs no duties involving contact with pupils."

Again, I would expect from the context of the debate we've had so far that almost all members would support that section of the bill. I'm certain, in fact, that that's the case.

Part II of the bill is "Amendments to the Ontario College of Teachers Act, 1996."

"Section 2 of the bill would add a definition of 'sexual abuse' to the Ontario College of Teachers Act, 1996.

"Section 3 of the bill would provide that 'professional misconduct' as defined under the act includes sexual abuse of a student by a member of the Ontario College of Teachers.

"Section 4 of the bill would add part IX.1 to the act, which would include the following provisions:

"Section 43.1 would provide for the application of part IX.1.

"Subsection 43.2(1) would require an employer of a member of the Ontario College of Teachers to report to the college where the employer terminates the member's employment or restricts the member's duties for reasons of professional misconduct." As well, an employer of a

member must “report to the college if the employer intended to terminate the member’s employment or restrict the member’s duties for reasons of professional misconduct but did not do so because the member resigned.”

“Where an employer report is made under section 43.2, the registrar of the college must report back to the employer respecting any action taken by the registrar in response to the employer’s report.”

I’m very pleased the member for Scarborough-Agincourt is here this afternoon, taking such close note of my comments.

Ms Mushinski: He was a former school trustee.

Mr Arnott: He was a former school trustee, and he was a fine one; I know that for a fact.

Ms Mushinski: He was a very good one. He was elected in 1985—and he was president of a hospital board in Scarborough.

Mr Arnott: He was elected in 1985, when the Liberals were elected to form the government. He is a long-serving member of this House and someone I have a great deal of respect for and a high regard for. I’m very pleased that he’s listening intently to the comments, such that he could become even more informed about the bill, although I know he’s had an opportunity to read it and it’s just a refresher, I guess, that I’m providing.

“Section 43.3 would require employers to report to the college when the employer becomes aware that a member employee has been charged with or convicted of certain offences under the Criminal Code (Canada), or has engaged in conduct that, in the opinion of the employer, should be reviewed by a committee of the college.

“Section 43.4 would require the college to keep employers of members informed of certain decisions and orders made under the act.”

So again, all of those provisions within the bill ensure that there is more accountability and make sure that there is going to be reporting and there isn’t going to be a situation where someone can perhaps fall through the cracks or evade responsibility for the actions that they may have taken.

“Section 5 of the bill would repeal subsections 47(2), (3) and (4) of the act.

“Section 6 of the bill would provide that it is an offence for an employer to contravene the proposed sections 43.2 and 43.3 of the act.”

Part III of the bill is also a very important section. It provides for an amendment to the Teaching Profession Act.

“Section 7 of the bill would amend section 12 of the Teaching Profession Act to provide that a member of the Ontario Teachers’ Federation who makes an adverse report about another member of the federation respecting suspected sexual abuse of a student by that member need not advise the other member of the report.”

Part IV of the bill, “Commencement and Short Title,” provides for the title of the bill.

I know there are a number of members in the House, especially opposition members, who were concerned about other aspects of this bill, in terms of the debate I heard yesterday, and I know that many members of the House were wondering how this bill would affect children and what would be the effect of the act on certified teachers.

The act includes a comprehensive definition of sexual abuse, designed to protect students from sexual harassment as well as sexual assault. It would require school boards and other employers, such as independent schools and tutoring agencies, to report to the Ontario College of Teachers if a certified teacher has been charged with or convicted of an offence involving sexual conduct and minors or any other criminal offence that the employer feels may put students at risk.

Mr Speaker, given that it is very close to 6 of the clock, I move adjournment of the House.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please indicate by saying “aye.”

Those opposed, please say “nay.”

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1757 to 1827.

The Deputy Speaker: Mr Arnott has moved adjournment of the House.

Those in favour will rise until all are recognized by the Clerk.

All those opposed will please rise and remain standing until counted by the Clerk.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 1; the nays are 25.

The Deputy Speaker: I declare the motion lost.

It being well past 6 of the clock, this House now stands adjourned until Monday, June 3, at 1:30 in the afternoon.

The House adjourned at 1828.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Niagara Centre / -Centre Niagara Falls Nickel Belt Nipissing Northumberland Oak Ridges Oakville	Kormos, Peter (ND) Maves, Bart (PC) Martel, Shelley (ND) McDonald, Al (PC) Galt, Doug (PC) Klees, Frank (PC) Carr, Hon / L'hon Gary (PC) Speaker / Président	St Catharines St Paul's Stoney Creek	Bradley, James J. (L) Bryant, Michael (L) Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Stormont-Dundas- Charlottenburgh Sudbury Thornhill	Bartolucci, Rick (L) Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement McLeod, Lyn (L) Gravelle, Michael (L)
Ottawa Centre / -Centre Ottawa-Orléans	Patten, Richard (L) Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan Thunder Bay- Superior North / -Nord Timiskaming-Cochrane Timmins-James Bay / Timmins-Baie James	Ramsay, David (L) Bisson, Gilles (ND) Smitherman, George (L)
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Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Vaughan-King-Aurora Waterloo-Wellington Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Ottawa-Vanier Oxford Parkdale-High Park Parry Sound-Muskoka Perth-Middlesex Peterborough Pickering-Ajax-Uxbridge	Boyer, Claudette (Ind) Hardeman, Ernie (PC) Kennedy, Gerard (L) Miller, Norm (PC) Johnson, Bert (PC) Stewart, R. Gary (PC) Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Prince Edward-Hastings Renfrew-Nipissing- Pembroke Sarnia-Lambton Sault Ste Marie Scarborough Centre / -Centre Scarborough East / -Est	Parsons, Ernie (L) Conway, Sean G. (L) Di Cocco, Caroline (L) Martin, Tony (ND) Mushinski, Marilyn (PC) Gilchrist, Steve (PC)	Windsor West / -Ouest Windsor-St Clair York Centre / -Centre York North / -Nord York South-Weston / York-Sud-Weston York West / -Ouest	Pupatello, Sandra (L) Duncan, Dwight (L) Kwinter, Monte (L) Munro, Julia (PC) Cordiano, Joseph (L) Sergio, Mario (L)

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

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

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Gilles Bisson, Ted Chudleigh, Alvin Curling,
Gerard Kennedy, Frank Mazzilli, Norm Miller,
John R. O'Toole, Steve Peters
Clerk / Greffière: Susan Sourial

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Finances et affaires économiques**

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Vice-Chair / Vice-Président: Doug Galt
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Doug Galt, Monte Kwinter, John O'Toole,
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Vice-Chair / Vice-Président: Michael Gravelle
James J. Bradley, Leona Dombrowsky, Michael Gravelle,
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Wayne Wettlaufer, Bob Wood
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Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Toby Barrett
Vice-Chair / Vice-Président: Vacant
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Peter Kormos, Al McDonald, Lyn McLeod
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**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

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Gilles Bisson, Claudette Boyer, Garfield Dunlop,
Raminder Gill, Pat Hoy, Morley Kells,
Rosario Marchese, Ted McMeekin, Bill Murdoch,
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Sources de carburants de remplacement**

Chair / Président: Doug Galt
Vice-Chair / Vice-Présidente: Marie Bountrogianni
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug
Galt, Steve Gilchrist, John Hastings,
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons
Clerk / Greffière: Tonia Grannum

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