



**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)**

Wednesday 27 November 2002

Mercredi 27 novembre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 27 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 27 novembre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

SAVE THE MASKINONGE

Mr James J. Bradley (St Catharines): In the summer of this year, I met with representatives of the Save the Maskinonge committee, along with York North Liberal candidate John Taylor, to discuss contamination of the abandoned Thane Aluminum Smelter site on Warden Avenue in Georgina Township.

On Monday of this week, I visited the site and again, along with the Save the Maskinonge committee and Mr Taylor, toured the property and observed personally the visual mess and evidence of contamination on the smelter site and on wetlands adjacent to the smelter property. It is unacceptable that after ministry studies concluded that toxic materials at the site should be removed and that contamination of adjacent wetlands should be mitigated, the Minister of the Environment informed me in a letter dated September 6, 2002, in reply to my letter to him concerning this subject, that "there is not sufficient evidence of off-site adverse effects that would justify the expenditure of provincial funds to clean up this site."

Once again, I call upon the Minister of the Environment to comply with the request of the Save the Maskinonge committee, and the request which is contained in their petitions, read by me in this House, to conduct a thorough environmental assessment of the Thane property and adjacent lands and to ensure that a complete cleanup of the contaminated lands takes place at the very earliest opportunity. The adjacent wetlands, the Maskinonge River and Lake Simcoe are all in danger of contamination if this government fails to take timely and complete action.

ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

Mr Garfield Dunlop (Simcoe North): Today I'd like to take this opportunity to welcome members of the Ontario Professional Fire Fighters Association to Queen's Park. They've been spending a lot of time with us here today, ensuring that their voices are heard on issues that are most important to them. I believe that the president of the association, Fred LeBlanc, and the first

vice-president, Ron Gorrie, are in the chamber with us right now, along with many of the other folks.

Interjections.

The Speaker (Hon Gary Carr): Order.

Mr Dunlop: That's too bad, isn't it? Sad, isn't it?

The OPFFA represents about 8,500 professional firefighters through 74 local organizations. Our government recognizes, values and supports the work these individuals accomplish every day in the name of public safety.

Firefighters are first on the scene during emergencies, at times putting their own lives at risk to save the lives of others. They go quietly about their business, not looking to be recognized for heroic acts. Pictures of the September 11 tragedy that are forever etched in our memories include such acts by firefighters.

Following the events of September 11, the government launched a number of initiatives to support firefighters, including an investment of \$3 million to create a centre of excellence at the Ontario Fire College.

The centre will provide specialized training and educational resources for firefighters in responding to chemical, biological, nuclear and radiological emergencies. They will offer interagency training for fire, ambulance, police and other front-line personnel who must work together to provide a coordinated, effective response to disasters.

Again, I welcome the Ontario Professional Fire Fighters Association to the Legislature and hope their day is very productive.

TOM NOBLES

Mr Ernie Parsons (Prince Edward-Hastings): Our community lost a great person two weeks ago with the passing of Tom Nobles. Tom was an individual who loved everything he did. He loved his family with a passion that words can't describe. He loved his church. He loved being reeve of Sidney township. He brought an energy to it that was unmatched. He loved being a councillor in the city of Quinte West and he loved working for muscular dystrophy. Jerry Lewis may think they're his kids, but they're Tom's kids. Particularly, Tom loved being a professional firefighter.

Firefighters don't become heroes for what they do at the scene of a fire. Firefighters become heroes the day they join the fire department, for they know that every time they go to work, they may be asked and called upon to make a sacrifice.

Tom was off work for some years with an illness that could not be diagnosed. We now know what it is that killed Tom. Tom went into a fire some years ago in a chemical plant and breathed some chemicals that ultimately caused his death. Tom died in the line of duty just as much as if he had died at that fire. I don't believe it ever occurred to Tom to not go into the fire that day. He was prepared to make any sacrifice he had to make.

I would like to express our sincerest condolences to his wife Barbara and to his children. Tom made a very real and positive contribution to our community and we will miss him.

VOLUNTEER FIREFIGHTERS LEGISLATION

Mr Ted Arnott (Waterloo-Wellington): As was pointed out, today Ontario Professional Fire Fighters Association representatives are at Queen's Park lobbying MPPs. While I respect all firefighters and appreciate their dedication and bravery, I continue to speak out in favour of my Bill 30.

Bill 30 is intended to stop tactics of harassment and intimidation used by firefighters' union leadership to threaten their members who also serve as volunteers in their home communities. The damage is done as these double-hatters succumb to the threats and quit their volunteer posts.

Tim Lee, who is here in the gallery today, a firefighter who works in Whitby and volunteers in Kawartha Lakes, was recently convicted by his union for the so-called offence of volunteering. Mr Lee's courage is also an inspiration. He isn't quitting, and every member of this House should agree that Tim Lee and hundreds of others like him should have the right to volunteer on their own free time. Bill 30 would preserve that right.

The fire marshal has stated that this type of legislation is needed to avoid putting public safety at risk. The Association of Municipalities supports swift passage of my bill and has said so repeatedly. The Ontario Association of Fire Chiefs last week called a general meeting to discuss Bill 30 and urged the government "to schedule third reading and passage of Bill 30, as amended, in as timely a fashion possible."

I have been encouraged by the Minister of Public Safety and Security and the Premier and the interest they have shown, but without action, public safety is left at risk. We can't turn a blind eye to this issue of public safety. That is why we need to call this bill for third reading and passage into law right now.

OMERS PENSION FUND

Mr Dwight Duncan (Windsor-St Clair): I want to speak about an issue that's important to firefighters in this province. That's the issue of the autonomy of the OMERS pension.

Earlier this fall my leader, Dalton McGuinty, wrote a letter to the government, which was passed on to the government House leader, indicating our support for the autonomy of OMERS. What we said was this: we believe the legislation must provide for a dispute resolution mechanism similar to the teachers' plan, a single-base plan with additional supplemental plans for all members and employers, the exclusion of OMERS from the Municipal Act and the ability to override the Pension Benefits Act to allow monies to be taken from pension funds to pay for the start-up and ongoing costs during the transition period.

We believe this should be a stand-alone, clean bill to allow its speedy passage through the Legislature prior to adjourning for the winter, so that it can be dealt with presumably in advance of an election. It's our belief that allowing the autonomy for OMERS and the ability to operate within these guidelines will provide the compromise that is needed between all the groups involved. We on this side of the House believe in compromise. We're not wedded to just beating people up and harming them.

So if this government really cares about firefighters and it really wants to do the right thing, do what they've been telling each and every one of you to do: support the autonomy of OMERS. That's what you ought to be doing for our professional firefighters from across the province of Ontario.

1340

VOLUNTEER FIREFIGHTERS LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): I too, on behalf of the New Democratic Party, want to thank the Ontario Professional Fire Fighters Association for being here today as part of their yearly lobby of all members of this Legislature.

I want to say to the member from Wellington, as he speaks about Bill 30 and the need to pass that bill, he knows full well that the association that is here today do not support passing that bill. To stand up in this House today when the firefighters are here, who have very serious concerns about that bill, and urge his government to pass it—I think it is just incredible that he would do that today.

I would also say to him that if the members of his government, including the Premier, are so confident about that bill, why don't they call it for third reading?—not that I'm recommending they do. But yesterday, when I asked the Premier about my adoption bill, the Premier, after he said my bill was non-partisan and a moral issue, linked it with your bill and said that we, as the House, should deal with all those bills at the same time. He knows full well how our party, the New Democratic Party in its entirety, feels about Bill 30. To stand and say that we should start negotiating such bills to get to Bill 77, which right now, by not being passed, is causing unnecessary deaths in this province, is a travesty.

FOOD DRIVE

Mr John O'Toole (Durham): I'd also like to welcome the professional firefighters.

On behalf of the members on this side of the House, I'm pleased to announce that the province-wide door-to-door food drive was held this past Tuesday, November 26, and was a tremendous success. Rental property managers and owners joined forces with residents across Ontario to collect over 75,000 pounds of food. All food collected will remain in the respective communities.

The Fair Rental Policy Organization, the Greater Toronto Apartment Association, Bonnie Hoy and Associates, and residents across the province organized over 430 apartment buildings to make this holiday season a good one for all Ontarians. That's over 150,000 suites across Ontario. This event is no doubt the largest multi-unit food drive not only in Ontario but indeed across Canada.

I commend the associations and the residents of Ontario for the difference they have made in ordinary people's lives, especially at this time of year when generosity should greet everyone and everyone should be generous to those who are less fortunate.

ONTARIO PROFESSIONAL FIRE
FIGHTERS ASSOCIATION

Mr Dave Levac (Brant): I rise in the House today to speak on behalf of Dalton McGuinty and the Ontario Liberals to recognize Ontario Professional Fire Fighters Association Day here at Queen's Park. We want to recognize the OPFFA and all its members for their dedication to fire services in Ontario. The OPFFA represents more than 10,000 full-time firefighters and provides expertise and support to professional firefighters so they can continue to keep our communities safe and secure. The Ontario Liberals value the contribution all firefighters make to keep Ontarians safe and secure in their communities—all firefighters.

Dalton McGuinty announced in our plan, Growing Strong Communities, that we will be providing a thermal imager to each fire service in Ontario and have pledged right-to-know legislation and OMERS autonomy and to discuss with municipalities further ways to support our fire services regarding staff and equipment.

I commend the OPFFA for continuing to come back to the table to discuss solutions and offer alternatives to the ill-advised Bill 30. They have shown their true dedication to fire services by doing so, and I thank them for doing that.

On November 28, 2001, I introduced private member's Bill 141, which would require that any reduction or reorganization of fire services be approved by the fire marshal's office and that the fire marshal report to the ministry to ensure that our communities are safe and secure.

We thank them for the work they do in this province. We want to thank you and your families for your dedication.

LIBERAL COMMUNITY STRATEGY

Ms Marilyn Mushinski (Scarborough Centre): I rose the other day to speak of a poll that demonstrates that the people of Ontario simply don't trust Dalton McGuinty and the Liberal Party.

Interjections.

The Speaker (Hon Gary Carr): We'll give the member full time. Come to order, please. We'll give you your time to begin again.

Ms Mushinski: A good example of why this is the case is the so-called Liberal community strategy released by Dalton on Monday. Dalton says that he will protect victims' rights. Well, where has he been? How could he miss that this Legislature, during this session, has already passed Bill 60, the first bill to protect victims' rights? If he doesn't know this, how can he possibly ever expect people to trust him to be the Premier? Dalton also wants to hire 1,000 more police officers. Again, where was he when we put 1,000 new cops in place in 2000 and, more to the point, why did he vote against 1,000 new cops in 1998 and in the 2000 budget? More flip-flops.

In fact, a close look at the Liberal community strategy shows that the government has already taken action on most of the various elements. Safe drinking water? Well, we've already enacted the toughest drinking water standards anywhere. Nutrient management? The Legislature already passed Bill 81, and get this: Dalton voted against the bill. This Liberal plan has more flip-flops than a pancake breakfast. It represents one more example of why the people of this province simply don't trust Dalton and his Liberals.

VISITOR

Mr R. Gary Stewart (Peterborough): On a point of order, Mr Speaker: I'd like to welcome Charlotte Van Leeuwen, who is in the members' gallery, the mother of Lauren, who is a page. I hope she won't be too disillusioned here today.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the clerk received the 11th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON
REGULATIONS AND PRIVATE BILLS

Mr Garfield Dunlop (Simcoe North): I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bills as amended:

Bill Pr9, An Act respecting The Elliott.

Bill Pr12, An Act respecting the Municipality of Chatham-Kent.

You committee begs to report the following bill without amendment:

Bill Pr11, An Act respecting the Town of Erin.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

Mr Dave Levac (Brant): On a point of order: I know that today is a special day, so I want to take a moment to introduce, in the west gallery, the president of the Brantford Firefighters' Association, Mr Ed Glover, and with him, Gene Nesiol, the secretary and recording secretary. I'd like to welcome them and thank them for being here.

Mr George Smitherman (Toronto Centre-Rosedale): I seek unanimous consent to put forward a motion that the House move to committee of the whole following question period in order to separate the offending sections of Bill 198 and that the official opposition will not put forward any amendments or seek debate.

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

INTRODUCTION OF BILLS

TORONTO ATMOSPHERIC FUND ACT, 2002

Mr Gilchrist moved first reading of the following bill:
Bill Pr15, An Act respecting the Toronto Atmospheric Fund.

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

Pursuant to standing order 84, this bill is referred to the standing committee on regulations and private bills.

1350

RENT FREEZE AND RENT CONTROL ACT, 2002 LOI DE 2002 SUR LE GEL ET LE CONTRÔLE DES LOYERS

Mr Prue moved first reading of the following bill:

Bill 215, An Act to amend the Tenant Protection Act, 1997 / Projet de loi 215, Loi modifiant la Loi de 1997 sur la protection des locataires.

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

The member for a short statement?

Mr Michael Prue (Beaches-East York): This bill is introduced because rents continue to rise all over Ontario. For example, in Toronto they have risen in the last few years by \$226 per month; in Ottawa by \$201; in Hamilton by \$129; in Oshawa by \$128; and in Kitchener by \$120. It is beyond the ability of many tenants to pay.

We have a choice here, and that choice is, do we allow people to make millions of dollars off this or do we ask the taxpayers to pay? We believe there is a need for a rent freeze until rent controls are restored.

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, on a point of order: We have questions today for a number of ministers who have not yet arrived, including the Minister of Finance and the Minister of Training, Colleges and Universities. We all know what time question period—

Interjection.

Mr Duncan: Yes.

Mr John Gerretsen (Kingston and the Islands): There are only six junior ministers there.

Mr Duncan: We're looking for ministers.

The Speaker: They are coming. The minister is now here.

ORAL QUESTIONS

PENSION PLANS

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of Finance. I want to draw your attention to the people sitting up in the public gallery behind me. There are several people who have come here today. They are very concerned and angry about your proposed changes to Ontario pension laws.

Several of those here today are from Peterborough. They are former employees of Johnson & Johnson Medical Products. Some 200 of those employees were laid off in 1998 and they are still waiting for their fair share of the pension surplus. They were awaiting the Monsanto decision, which came down last Friday, as you know. That decision said that employees are entitled to share in their pension surplus. Their employer is fighting them, and in a letter to the employees earlier this year said that they will hold out until you pass your legislation, which obviously is going to give them a decidedly unfair advantage.

These people, Madam Minister, want to know whether or not you are going to do the right thing, stand up for fairness and ensure that you withdraw the pension portion of Bill 198.

Hon Janet Ecker (Minister of Finance): Equitable treatment between employers and employees, making sure that employees have the pension they are entitled to, is extremely important. That's why, as you heard in my commitment on Monday and the Premier's commitment on Tuesday, this is not being proclaimed until consultations have occurred. If things need to be fixed, they

will be fixed, because we need to ensure that pensioners understand and know that their pension rights are protected.

Mr McGuinty: Madam Minister, the people who are here today and the people whom you have angered around the province do not trust you.

Interruption.

The Speaker (Hon Gary Carr): Order. Stop the clock, please. I would ask all the members in the gallery kindly to respect our rules. The members of the gallery are not allowed to speak out. I know you've come a long way to watch the questions and answers. I would appreciate your co-operation so that we can run smoothly.

The leader of the official opposition.

Mr McGuinty: Madam Minister, here's a comment made by a member of your own caucus: "We made a mistake and let's admit it.... People think we're letting companies steal the surplus from their pensions and we can't ... explain convincingly that we're not."

That member is right, and you are wrong. These people sitting behind me are right, as are their counterparts throughout the province of Ontario. They don't trust you. They don't trust you to somehow take this over and under cover of darkness maybe do what you did when you gave that sweetheart deal to professional sports teams in the province of Ontario.

What we're asking you to do is the only honourable and fair thing: to withdraw the pension portion of your bill, set it aside and kill it.

Hon Mrs Ecker: The opposition has raised concerns that people felt that they weren't consulted and that a process and time were not taken. So the Premier's commitment is very clear: we need to do further consultation; we need to ensure that pensioners are satisfied that their rights are protected. If changes need to be made, those changes will be made.

Mr McGuinty: What are you talking about? First you pass the bill, and then you consult? Is that the new rule around the Ontario Legislature? We're supposed to do it the other way around.

You never properly consulted. You never listened to these people. Had you bothered to stop and listen, you would have received the kind of information, the kind of anger and upset that these people are obviously expressing, not only here today but right around the province.

The only acceptable thing to do in these circumstances, the right thing to do, the fair thing to do, is for you to stop standing up for employers and to start standing up for fairness and to reject this portion of the bill that you're trying to sneak through and somehow have us believe that we're going to trust you. Reject this portion.

Hon Mrs Ecker: I think it's important to stress for the pensioners here in the gallery and for those who may be listening that there is nothing—there is nothing—that is proposed or under consideration that affects the earned benefits of pension plan members or—

Interjections.

The Speaker: Come to order. If the member for Toronto Centre-Rosedale does that again, he's out. We're not going to put up with that.

Sorry, Minister of Finance.

Hon Mrs Ecker: I think it deserves repeating that there is nothing on the table that is affecting the earned benefits of pension plan members, of retirees, of employees at all. The Premier's commitment is very, very clear: there needs to be further consultation. We need to ensure that those rights are protected. If changes need to be made, they will be.

The Speaker: New question?

Interjection.

The Speaker: We'll stand the question down and go on to the next one. The member for Timmins-James Bay.

Mr Gilles Bisson (Timmins-James Bay): My question is to the Minister of Finance. Minister, the issue is very simple: people don't trust you. It comes down to simply that. They've looked at what you've done over the litany of seven years when it comes to attacking every worker across this province. Whether it's the Employment Standards Act, the Workers' Compensation Board or working over professional firefighters under Bill 30, everybody knows what side you're going to fall on. You're going to fall on the side of the employer. So I say to you very simply, are you going to do the right thing at least for once in the last seven years and withdraw this legislation once and for all so people know they're not going to get shystered when it comes to their pensions?

1400

Hon Mrs Ecker: First of all, there is already legislation on the books that very clearly protects the rights of pensioners in terms of their earned benefits, as it should. No one wishes to tamper with that. Pensioners depend very much on the pensions they've worked for throughout their lives, and we do not wish to tamper with that.

On the particular issue of employers versus employees on distribution of surpluses in certain circumstances, the Premier has been very clear: consultation needs to occur, and if changes need to be made, we will make those changes.

Mr Bisson: It's clear. There was a decision about a week ago on the Monsanto case that upheld what has been happening in this province since 1991; that is, employers don't have the unilateral right, on their own, to either take a pension holiday or take withdrawals from the pensions. What you're proposing to do is turn the clock back to the Conrad Black days, and that's not acceptable. Minister, people don't trust you. The question is really simple: will you do the right thing and withdraw this from the legislation?

Hon Mrs Ecker: I agree that employers do not have unilateral rights in these circumstances; they should not. The government would not wish to put anything in place that would do that. The Premier's commitment, as I've said, is very clear. He respects the rights of pensioners. He's been very clear that consultation will occur to

ensure that pensioners' rights are protected. And if changes need to be made, we are quite prepared to make those, as we should. We think it's the responsible thing to do, and we have the Premier's commitment that that indeed will be the case.

Mr Bisson: That doesn't cut it. We don't have a problem now. That's the part you don't understand. The rules that have existed since 1991 have expressly forbade employers from being able to unilaterally withdraw surpluses from pension funds. In addition to that, the Monsanto ruling is saying, in fact, that the 1991 and 1988 changes that were made do exactly that. If there isn't a problem now, and you don't have a situation where employers are raiding pension surpluses or taking pension contribution holidays unilaterally, why do you need to make these changes? It's a very simple question.

I come back to you again on the premise of the first question: if there isn't a problem now and pensions are solvent and not in danger of growing broke and we don't have a problem with employers taking out surpluses, then why are you bringing in these changes through this legislation? It could be just for one thing; that is, withdrawing pension surpluses. I ask you again, on behalf of the people in the gallery, on behalf of the people I've met in Chatham-Kent on Monday and on behalf of all pensioners and future pensioners, will you do the right thing and withdraw this legislation?

Hon Mrs Ecker: The honourable member says there are no problems now. Well, there are some significant issues that need to be dealt with.

Mr David Christopherson (Hamilton West): The courts did that.

Hon Mrs Ecker: No, the courts did not deal with some of those issues. For example, they did not deal—

Interjection.

Hon Mrs Ecker: Are you interested in hearing the answer or not? They did not deal with cases where pension plans may not be in surplus situations today. They did not deal with cases where an employer is not providing the surplus they should be putting out for employees in a timely fashion. That has been something pensioners have complained about to us.

There are a number of issues. We have pension plans in this province where the employer and the employees have come to agreements about surplus sharing, and because of court rulings they're not allowed to put that forward. So there are some significant issues that need to be dealt with. Consultation will ensure it is done correctly. If changes need to be made, we're prepared to make them.

The Speaker: We will now go back to the stand-down question, if the minister is here.

ONTARIO STUDENT ASSISTANCE PROGRAM

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of Training, Colleges and Universities. While your government has been busy

enabling tuition fees in Ontario to skyrocket, we learned this morning that you were actually spending less on student assistance today than you did in 1997. In fact, every single year for the past five years you have spent less and less on those students who cannot, by virtue of their financial circumstances, get into Ontario colleges and universities. Can you explain to parents and students who need financial assistance why you have abandoned them?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): I'm very happy to answer the first question I've had in this whole sitting from the leader and from, of course, my colleague—I think she's asked me one—probably because of the answer I'm going to give, quite frankly.

I think what I'd like to share with the leader of the official opposition is that there are a lot of reasons for this number to be lower, but the first one is that over the last five years many fewer students actually have applied for OSAP. The reason they haven't is because there are so many more programs we offer to students. I will tell you that in 2001-02, 152,575 students in fact applied, and in 1997, 263,550 students applied. We have so many—

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

Mr McGuinty: Madam Minister, I'm not sure how you can say that with a straight face. The reason there are fewer students in Ontario today applying for student assistance is because you changed the rules on them. You've narrowed the grounds for eligibility. We have the toughest eligibility rules in all of Canada because of changes that you brought in on your watch.

Listen to one of these: "... parental income is now taken into account ... for all single students who have been out of high school for five years, regardless of whether they are dependents" and living at home with their parents. That means if somebody left high school at 18, they've been out there working for five years, maybe they're 23—you're now telling them that as far as you're concerned, they're dependent upon their parents. I think that's unreasonable. That's the reason why you're having fewer people who are eligible even to apply in Ontario.

I ask you again: in a knowledge-based economy, how can you possibly justify giving out less student assistance?

Hon Mrs Cunningham: This opposition leader can quote the press. I'm going to quote the federal Millennium Scholarship Foundation. A study released on September 16, 2002, noted that over the past decade the government—

Interjections.

Hon Mrs Cunningham: You know, Mr Speaker, I can't—I shouted last—

The Speaker: Member for Windsor-St Clair, come to order, please. This is his last warning as well.

Interjection.

The Speaker: This is your last warning. If you want to go out, we can do it right now. This is his last warning.

If I get up again for the member for Windsor-St Clair, he's out for the day. Minister, continue, please.

Hon Mrs Cunningham: A study released on September 16, 2002, by the federal Millennium Scholarship Foundation, with which we work closely, noted that over the past decade the government of Ontario has greatly increased annual expenditures on student financial assistance.

We have in fact introduced many other options for students. We have a set-aside at our universities. There's \$126 million every year for students who may in fact have approached OSAP and have OSAP or have not got OSAP; there is another alternative. The Aiming for the Top scholarships: \$26 million to students this year; it will grow to \$35 million. The Ontario student opportunity trust fund: \$600 million in endowments. The list goes on.

I will say right now—

The Speaker: The minister's time is up.

Mr McGuinty: Madam Minister, it doesn't matter how you slice it or dice it; the reason that Ontario students are not getting student assistance is because you've tightened up the eligibility criteria.

Here's something else you have done that exists nowhere else in Canada. A "family of four with a net income of \$40,000 is expected to contribute toward their child's post-secondary education." That would never have happened under the old rules: a family of four, \$40,000. Take into account rent or mortgage and car payments and groceries and taxes and the like and you're saying that in those circumstances those families are not entitled to any student assistance whatsoever.

You tell us now about your Ontario student opportunity trust fund, some special supplementary assistance you've created. In the last two years, you had \$120 million allocated for this fund, but you only spent \$46.5 million. That's less than 40% of the extra money you have apparently put in place to help students. Madam Minister, why not stand up and admit that the reason you're spending less money on student assistance in the province of Ontario is that you have deliberately narrowed the eligibility criteria?

1410

Hon Mrs Cunningham: With regard to OSAP, it's true that in Ontario less students are applying. It's also true that across the country for the Canada student loans, less students are applying. The reason less students are applying is that governments are working together across the country. The students have opportunities for OSAP; they have opportunities for the millennium fund. They therefore have opportunities for loan forgiveness. They have numbers of opportunities. But the key point is that less are applying because people have jobs. Parents are better off than ever before. They are borrowing less money and they are paying down their student loans.

Last year alone, \$1.1 billion in loan assistance was delivered to students through OSAP alone. I will say that we are working with the students—

The Speaker: I'm afraid the minister's time is up.

TORONTO YOUTH ASSESSMENT CENTRE

Mr Peter Kormos (Niagara Centre): A question to the Minister of Public Safety: Minister, you've created a crisis in both our adult and youth correctional and detention facilities. Just last week, Judge Weagant imposed an absolute discharge on a 17-year-old young offender who pled guilty to multiple counts of theft and mischief because of the 10 hellish days—"hellish" is the language of the judge—that young person spent in your Toronto Youth Assessment Centre under conditions the judge described as "Dickensian," among other things. The judge talked about the youth sleeping on a mattress on the floor with no pillow in a range that was festering with vermin crawling across the floor and across those beds. The judge spoke of frequent beatings administered upon this youth and presumably upon others because of your overcrowding and because of your understaffing and underresourcing of the Toronto Youth Assessment Centre and other, similar provincial facilities.

What are you going to do about it, Minister?

Hon Robert W. Runciman (Minister of Public Safety and Security): I am unable to talk about the specific case, but I can tell you that the ministry has launched an investigation into the allegations. The child advocate, whose responsibility it is to ensure that treatment is appropriate within our institutions, was in the facility this month, and as far as I am aware as of today, she had no concerns with respect to the operations of the facility.

Mr Kormos: Minister, you'd better have some concerns, because the judges in this community and across this province sure as heck do, and they are releasing young offenders out on to the street as some modest restitution for the conditions in your facilities.

This isn't new to you. Back in October, reporter Victor Malarek wrote about the beatings that were being administered by gangs of young offenders in the back of police vans as young offenders were being transported from facilities like the Toronto Youth Assessment Centre to provincial courts. You appear to have done nothing about that either.

You were invited to go to Mimico. I was one of the people in this Legislature who, at the request of the staff there, asked you to go to that facility and examine it. You say the advocate took a look. Why haven't you taken a look? Is the judge wrong, or are you irresponsible?

Hon Mr Runciman: As is frequently the case, the member opposite is wrong. The Toronto Police provide court transportation for offenders. We've spoken with the police with respect to the problem in transportation and the violence that apparently has occurred within some of the vehicles transporting young offenders to the courts. They are in the process of putting video cameras into the back of these court vehicles.

I think all of us appreciate that many of the youth who show up at this centre have behaviour problems. They're

not happy to be there. They're often quite violent and that's why we have a staff psychiatrist on duty.

It's a busy remand centre. Our long-term plan is to close down this facility, to renovate Vanier Centre for Women to serve as a 300-bed youth jail for Toronto and the GTA. As indicated in my initial response with respect to this specific matter, the ministry has launched an investigation into the allegations.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): My question is for the Minister of Finance. Madam Minister, for something like the tenth occasion in less than a week I'm asking you a question about a bill that you don't seem to understand. People from Stratford and Barrie and Peterborough and places all over southern Ontario have come here today to demand of you that you stop suggesting that this Legislature should pass a piece of legislation that is admittedly flawed. So I'd like you to stand, Madam Minister, and take your eyes up just to the front row of the galleries and talk to the people there and explain to them why it is that in this Legislature you should ask members of this place to pass a piece of legislation that you have come awfully close to admitting is deeply flawed.

Hon Janet Ecker (Minister of Finance): I don't think theatrics help this situation at all. I think it's important that pensioners understand, that they know their pensions are safe, that they know the viability of their pensions is going to be protected. The Premier has made a very clear commitment. We do wish to continue to consult on this. We do wish to ensure that the problems employee groups have told us about are fixed as well, because there are issues that they, in the consultations over the last year and a half, have raised. They had problems they wanted fixed as well.

So I think there are some legitimate issues. Obviously people have not been satisfied with either the information they have or the positions that have been taken, are not satisfied that their pensions are protected adequately. We will consult to find the right resolution for that, and if changes need to be made, we will make them.

Mr Smitherman: It's interesting that you'd characterize my passion as theatrics. The real theatrics we're seeing are from you because you're a bad actor. You're a bad actor trying to play a role as a senior minister who doesn't even understand the implications of her own legislation.

So don't tell me one more time when I put the facts before you, when I have clearly demonstrated the points in the bill that will strip the rights of these employees to gain access to the surpluses in their pension funds—don't talk to me about theatrics, Madam Minister. Stand in your place this one time and tell me why it's appropriate to ask this Legislature to pass a piece of badly flawed legislation. Stand in your place.

Hon Mrs Ecker: The honourable member likes to say that he understands the legislation. If he does, then why

is it that he objects to something that talks about respecting surplus sharing agreements between employers and employees? I'm sure that he would agree that the chosen way to deal with questions around surplus sharing is with an agreement between the employer and the employees. That is the preferred option. That is what we think should be part of what happens in all circumstances.

Again, we recognize that pensioners are concerned. We recognize there are issues that need to be dealt with, and we are taking steps to do that.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Speaker: I'm seeking unanimous consent to ask the seniors in this gallery if they're feeling better after that answer.

The Speaker (Hon Gary Carr): We're not going to do unanimous consents with theatrics like that. If you wonder why we don't get down to your question, it's doing things like that that take the time away from question period. When you don't get down to your question, you'll know why.

INNOVATION INITIATIVES

Mr Ted Arnott (Waterloo-Wellington): It's hard to follow the comedy act of the member for Timmins-James Bay and the member for Toronto Centre-Rosedale, but I will do my very best.

Mr George Smitherman (Toronto Centre-Rosedale): You think it's a comedy act? You think it's funny?

The Speaker (Hon Gary Carr): Order. Take your seat. The member for Toronto Centre-Rosedale is named. I'm going to have to ask Mr Smitherman to leave the chamber.

Mr Smitherman left the chamber.

The Speaker: The member for Waterloo-Wellington has the floor for the question.

Mr Arnott: My question is for the Associate Minister of Enterprise, Opportunity and Innovation. Minister, our government recognized long ago that innovation is the driving force in our new economy. We were all pleased and appreciative, therefore, when the minister announced \$22.8 million for research and development programs recently at the University of Guelph. This funding will not only provide critical innovation infrastructure but also help to put Guelph and our area on the map as important players within Ontario's innovation strategy.

1420

Will the minister inform the House about some of the other initiatives our government is undertaking to promote innovation in the province of Ontario?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I thank the member for Waterloo-Wellington for this important question. The Ontario Innovation Trust announcement at the University of Guelph last week was just part of our government's drive to create a culture of innovation.

Our government has invested in a very wide range of initiatives: \$750 million in the Ontario research and development challenge fund, \$1 billion in the Ontario

Innovation Trust and \$32 million in the Ontario research performance fund.

Just last June, we announced a \$51-million biotech strategy, and our goal is to make Ontario one of the three main biotech centres in North America.

The Premier's research excellence awards have a total commitment of \$85 million.

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

Mr Arnott: Our province has certainly led the way in terms of taking initiatives to support science, technology and innovation. I know an important component of our government's innovation strategy lies in our centres of excellence. As the members of the House know, we recently announced the creation of two new centres of excellence for electricity and alternative fuels. With our focus on these hubs of innovation, will the minister elaborate on the role of centres of excellence as part of our overall innovation strategy?

Hon Mr Turnbull: The centres of excellence program helps us to strengthen the R&D links between industry and academia and it helps to accelerate the process between the lab bench and the marketplace.

We have four existing centres: Communications and Information Technology Ontario, the Centre for Research in Earth and Space Technology, Materials and Manufacturing Ontario, and Photonics Research Ontario. In 2002, we made a budget commitment of \$161 million over the next five years to support these centres. In addition to this, we're adding two new centres: the Centre of Excellence for Alternative Fuels and the Centre of Excellence for Electricity. This is all part of our government's priority of promoting innovation in this province.

Our government has invested a record amount of \$3.2 billion since we became the government.

CRIMINAL INJURIES COMPENSATION BOARD

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Attorney General. Attorney General, you will be familiar with the case of Jonathan Wamback. In June 1999 he was savagely beaten by a gang at the age of 15 years. He was on life support for 16 days, in a coma for three months and suffered permanent brain damage.

After three years of fighting with your Criminal Injuries Compensation Board, his parents have withdrawn their application in disgust. They have been asking for \$8,000 to pay for medical expenses related to their son's brutal assault. They were looking for help with ambulance fees, physiotherapy and pharmaceutical supplies, all the kinds of things you hope you never have to buy for one of your kids.

This is what Jonathan's dad said about your Criminal Injuries Compensation Board: "Victims of crime are innocent people thrust into a nightmare without end. They need immediate assistance, not bureaucracy and

revictimization. This province continually makes people beg on their knees for help that never, ever comes."

Minister, why have you failed the Wamback family?

Hon David Young (Attorney General, minister responsible for native affairs): I thank the member opposite for raising this important issue. Certainly no government has done more than our government when it comes to supporting victims across this province, but as the honourable member knows—or I believe he knows, because he is a lawyer—when matters are in front of the court—and this matter is still in front of the court—there are some things that can be done and some things that can't be done.

I understand that Mr Wamback has some concerns. Quite frankly, I'm very concerned myself by his experience. I say to the Leader of the Opposition that we are prepared to look into the matter. We are prepared to do whatever we can to improve the system, understanding, of course, that there are certain principles we cannot modify in this system, and one of those is that until a matter has made its way through the courts, there are certain things that politicians cannot do.

Mr McGuinty: That's not good enough, Mr Attorney General. This is the party that holds itself out as the defender and champion of victims of crime. This is one of the most notorious and infamous cases in all Canada. Jonathan's dad collected a million signatures and went to the federal government to bring about changes in federal young offenders legislation.

What I am asking you today, Mr Attorney General, on behalf of the Wamback family, is why you have not done anything to step up to the plate to help this family. This father wasn't even entitled to interim compensation. He gave up his job and they sold their cottage and depleted their RRSPs because your Criminal Injuries Compensation Board would not step up to the plate and help this family, even on an interim basis.

I ask you again, on behalf of this family, why have you been missing in action when it comes to supporting this family?

Hon Mr Young: Let's talk about missing—

Interjections.

Hon Mr Young: I think this is important enough that the members of the opposition should sit and listen to the answer, as I listened to the question. Let's talk about missing in action. The Ernie Eves government has been fighting the Young Offenders Act, has been fighting its successor legislation, which is more costly, which is more cumbersome, which is more complicated, and we have been calling on the opposition Liberals to phone their federal cousins and stop—

Interjections.

The Speaker (Hon Gary Carr): Order. Come to order, please.

Interjections.

The Speaker: Order. Enough is enough. The Attorney General has the floor.

Hon Mr Young: Here's what I know: we have called on the provincial Liberals over and over again to talk to

the federal Liberals. We've called upon them to have the guts to say something, to fight—

Interjections.

The Speaker: Order. If I get up again, people are going out. We'll name a couple at a time; we can do it in groups. I'll get them all out. We're not going to continue to shout across.

We've lost track of time. I believe the Attorney General has about 10 seconds to wrap up.

Hon Mr Young: Not only have they not opposed the federal legislation dealing with young offenders, what they have done recently, and Dalton McGuinty led the charge, is he said he's going to hire 50 more crown attorneys in the next four years—50 more crown attorneys. We hire 36 a year. That means you're going to hire 12 a year; you're going to slash the number of crown attorneys in our courts. You're not going to allow criminals to be prosecuted; you're not going to let victims have their day in court.

1430

GREEN ENERGY AND CONSERVATION

Mrs Julia Munro (York North): My question is for the Minister of Energy. We've heard from people across the province that the government's recent announcement to lower electricity rates and provide rebates for consumers is exactly the kind of relief they were looking for. Obviously, this has been the focus of a great deal of media attention. But people may be less familiar with some of the other important aspects of the government's action plan.

Minister, could you please tell us what the government is going to do to promote green energy and conservation?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The government is firmly committed—

Mr Dalton McGuinty (Leader of the Opposition): On a point of order, Mr Speaker: I distinctly heard our most eminent Attorney General call my colleague a moron. I ask that he stand up and withdraw that, now.

Interjections.

Hon David Young (Attorney General, minister responsible for native affairs): On a point of order, Mr Speaker: I apologize for the use of that word. I know the deputy leader of the Liberal Party will want to apologize for using the—

Interjections.

The Speaker (Hon Gary Carr): Order. It's not going to do anybody any good to be yelling insults across.

Interjections: Withdraw.

Interjections.

The Speaker: Order. He did withdraw it.

Interjections.

The Speaker: Order. OK, you know what you can do? The government House leader is named. Mr Stockwell is out. The member for Windsor West is out too. You can carry this on outside, both of you. Mr Stockwell,

leave right now, and Mrs Pupatello. You can carry it on outside.

Mr Stockwell and Mrs Pupatello were escorted from the chamber.

The Speaker: If you want to yell across when I'm standing up, continue. You can do it all afternoon for all I care. You're an embarrassment, all of you; a disgraceful performance in here.

While we're at it, do we want to throw anybody else out right now? Because you can all leave, as far as I'm concerned. There are kids sitting up there; an absolutely disgraceful performance by all of you. You should be ashamed of yourselves.

Who has the floor? The Minister of Energy.

Hon Mr Baird: Our government is committed to the promotion of green energy and conservation. This Friday I'll be in Huron county with my colleague Helen Johns, the Minister of Agriculture, where we'll open the first commercial wind farm in Ontario. This wind farm will generate enough electricity in the province to meet the annual needs of about 3,000 homes with green electricity. That's good news for Ontario and good news for the environment.

We all believe we should have a commitment to promoting green energy. That's why the government has accepted the challenge and a set of targets to show provincial leadership by targeting to buy 20% of its electricity from green sources. I think that's good news. We've also introduced some really substantial tax incentives to try to promote both energy conservation and clean, green and renewable energy in Ontario.

Mrs Munro: The government is clearly providing incentives that will encourage new green energy supply in the province, but individuals also have a role to play. Can you tell us what people can do to conserve energy and what the government is doing to help them?

Hon Mr Baird: It will be in Bruce county, not in Huron county, though the wind comes from Huron county on the way to Bruce county, I say to my colleague from Huron-Bruce. She is a strong supporter of the Bruce nuclear facility and Bruce Power, I should add as well.

One of the principles this government stands by is that the more electricity used, the more you should pay. In fact, if we look at the summer months of July, August and September, we saw electricity demand across Ontario go up by about 7%. That just shows there were huge demands on the system with the warm weather we had. We believe the government can lead by example and we've set a target of reducing the amount of electricity we use as a government by 10%, and already some specific initiatives are underway to help us meet that goal.

We also have in place a number of incentives to encourage the people of the province to purchase energy-efficient appliances. Consumers who buy an eligible appliance between November 25, 2002, and November 26, 2003, will have their retail sales tax rebated once the Legislature passes the bill we introduced this week.

HOSPITAL CONSTRUCTION

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Health. Tonight you're holding a meeting to promote your scheme of for-profit hospital construction in Brampton. What's clear about this scheme is that a for-profit company is going to build and own the hospital, but the public is going to pay for it, and the public is going to pay dearly because the for-profit owner will of course demand a huge profit as part of any construction loan or leaseback scheme. Frankly, once the for-profit owner has a foot in the hospital door, it's not going to be very hard to move to the next step of letting that same for-profit owner also run direct hospital health services.

Minister, I think you're heading in the wrong direction, and the experience in Britain shows that. Will you cancel your scheme of for-profit construction and ownership of our hospitals?

Hon Tony Clement (Minister of Health and Long-Term Care): Let me say to this House that nothing could be further from the truth. If the honourable member is asking what prevents the extension of contracted-out or P3 services to clinical services, the answer is quite simple: the Public Hospitals Act of Ontario and the Canada Health Act, which is a federally inspired bill. So the fact of the matter is, that is not possible. It is not contemplated; it is not part of the solution. We are simply ensuring that the hospital can concentrate on what it does best, which is to deliver excellent and universally accessible, high-quality health care services, and the private sector can contribute what it does best, namely, building and maintaining expensive buildings at, quite frankly, a measurable saving to the taxpayer. If that is not the case, then we simply won't award the contract.

Ms Martel: There is no place for for-profit hospital construction in Ontario, and a look at what happened in Britain would show that. The first 18 P3 hospital projects in Britain cost £53 million for consulting fees alone—C\$110 million. The first P3 hospital that was built in Cumberland had serious structural defects. Two of the ceilings collapsed because of cheap plastic joints and piping and other plumbing faults. The sewage system did not have enough capacity and the operating rooms were flooded with raw sewage. A roof design flaw and no air conditioning meant that on sunny days the temperature inside the wards was over 33 degrees Celsius.

For-profit hospital construction did not work in Britain and it's not going to work in Ontario either. Will you cancel your scheme of for-profit hospital construction and ownership in Ontario?

Hon Mr Clement: The answer is no, I will not do that. If the honourable member says this is unprecedented, I invite her to walk outside of her office and go down University Avenue, because right in front of you, at Toronto General Hospital, UHN, is a privately financed building going on right now; a brand new hospital wing for downtown Torontonians. This has been something that has been applied in the past in Ontario. It is not

contrary to the Canada Health Act; it is not contrary to the Public Hospitals Act.

The honourable member seems to be aware of certain accusations in Britain. I commend her to look at the national auditor in Britain, who suggests that, through the PFI—private finance initiative—of that neo-Conservative, Tony Blair, they have actually saved 17% of the cost to taxpayers, to go into actual clinical services and health care services. I would be a happy man as Minister of Health if all of my construction projects saved 17% rather than adding to the bill for the taxpayers. That would be a good day for Ontarians.

HYDRO RATES

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of Energy. Lynn is a single mom who lives in Cochrane. She is the mother of two children who are two and five years of age. She's on Ontario Works. This fall, Lynn's bills were double the usual so she scraped together as much as she could to make as great a payment as she could. In November, her bill was \$179. She also got a letter saying that she had to pay by the 26th of this month or her power would be cut off. She told her utility that she thought she would be able to get the necessary money by the 29th. Her hydro was cut off yesterday. It was minus 16 degrees in Cochrane last night.

Three weeks ago, your Premier made a very specific promise that nobody's power would be cut off for failure to pay. Why is it, Minister, three weeks after the Premier made that very specific promise, people like Lynn are still having their hydro cut off?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): We feel very strongly that, given the uncertainty we've had with respect to electricity prices and the effect that has had on working families around Ontario, it was important we come forward with relief to provide support to people to recoup some of the funds they spent on electricity since May 1, and also to deal with the go-forward basis, to provide some stability in the early running of the market.

The Premier directed me some weeks ago to direct Hydro One—which I did both in writing and directly on the telephone to Hydro One—that we, as a distribution company that's owned by the taxpayers of Ontario, wouldn't cut people off. If the member opposite wants to provide me with specific details of that, I'll look into it personally and right away. If I might have the address and the account number, that might be helpful as well, I say to the member opposite.

This is a concern. You and I both know from living in Ottawa about the problems you can have when electricity is not available, particularly in the cold winter months. We take that responsibility incredibly seriously, and later today I'll be moving second reading of a piece of legislation to provide some stability to people in the province of Ontario.

1440

Mr McGuinty: It was minus 16 degrees in Cochrane. I'll repeat: her children are two and five years of age, respectively. This is a single mom. She's on Ontario Works. She relied on your Premier to keep his word that her power would not be cut off. Her power was cut off. I'll ask you the same question that I asked the Premier before: am I going to bring these cases here on an individual basis now? At what point in time are the people of Ontario going to be able to rely on you and your promises?

It's one thing for your bungling to hit them in the wallet, but now you're jeopardizing their health and safety. I ask you again: with respect to this particular case, this particular woman and these particular children, what are you going to do to ensure that this woman's power gets back on and that nobody finds themselves in these circumstances ever again?

Hon Mr Baird: That situation is unacceptable. We—you and I and the members of the third party—have the power to change this today. We can pass the legislation we introduced this week that would make it illegal for that to happen between now and the end of March.

You and I have the power to solve this problem right here, right now, today. If the member opposite wants—don't shake your head. I'll call your bet. If you want to pass our legislation right here, right now, our government will allow speedy passage and we'll ensure this never happens again.

GRAPE AND WINE INDUSTRY

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Consumer and Business Services. As an Ontarian, I'm very proud of our world-class, award-winning grape and wine industry. To help this important industry grow, this government announced the Ontario wine strategy last year.

As you know, that strategy set some very ambitious goals for our wine industry, such as strengthening the VQA brand, creating thousands of new jobs and increasing both domestic and international sales of our wines. An important part of reaching these goals is increasing sales through the LCBO. Minister, could you please update the House on what the LCBO has done to increase sales of Ontario wines?

Hon Tim Hudak (Minister of Consumer and Business Services): I appreciate the member from Peterborough's question on this very important industry in Ontario. Coming from the Niagara region and being proud to represent much of that area, it's certainly of interest to me and to the people I represent.

Since Minister Norm Sterling announced the Ontario wine strategy, great strides have been made to help promote Ontario wine, and particularly VQA wine, which is 100% Ontario product. I'll give you some examples comparing this quarter to the same quarter last year. VQA wine sales are up over 15% year over year. This is partly due to the craft winery program as well as

the Taste the Quality campaign, the largest promotion in the history of the LCBO for Ontario wines.

The craft winery program, which I'm particularly proud of, helps the up-and-comers like EastDell, Strewn and Lakeview, to name but three, and saw sales jump 23% in this period over the previous period.

Mr Stewart: I'm pleased to hear there has been a dramatic increase in the sales of Ontario wines, again through the LCBO.

I believe it's important for us to build on these successes in the future, to ensure this industry continues to grow and create jobs in our local communities. But there is still some work to do before we reach our ambitious goals of seeing one of every two bottles of wine sold in this province made in this province, and the creation of thousands of new jobs in this industry. I believe that if we make the right decisions now and continue to aggressively market Ontario wines, sales can continue to grow for many years in the future.

Minister, what is being done to build on that momentum of strong sales of Ontario wines?

Hon Mr Hudak: The member is right. We have to keep moving forward. As I mentioned, the October promotion, the largest in the history of the province for Ontario wine, saw VQA product increase 20% from the previous year. Those promoted wines were up over 30% in their sales. Obviously, as we increase sales, we're increasing shelf space for Ontario wine, VQA product, at the LCBO. In fact, we'll have seen an increase in shelf space by almost 25% by the end of the year.

Similarly, to help support this culturally, they've hired a new Ontario wine category manager as well as VQA advocates as champions within the store system to help promote the great Ontario wine products made in Niagara, Lake Erie North Shore and Pelee Island, and we look forward down the road to Prince Edward county as well.

EDUCATION FUNDING

Mr Dalton McGuinty (Leader of the Opposition): I have a question to the Minister of Education. You sent your hand-picked supervisor into the city of Ottawa to assume responsibility for the Ottawa public board of education. You did that because you claimed the trustees didn't know what they were doing and they couldn't see their way through to doing what you call the right thing, which was to balance the budget. Now, after several weeks, and all kinds of money being spent on this very expensive charade—over half a million dollars—your hand-picked supervisor tells us that he can't balance the budget.

Will you now finally admit, Madam Minister—and of course we just saw this movie earlier in the week with the situation here in Toronto—that the issue here is not one of trustees who are not acting in a fiscally irresponsible way; the issue is really that we don't have enough money in public education because you took too much out?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm very surprised at the question that

has just been asked by the member of the opposition. I'm surprised that he didn't mention the number of new investments in textbooks and teachers. I am surprised that he didn't mention that the supervisor has addressed an issue regarding the accommodation of students in the Ottawa area that has long been neglected by the trustees.

In fact, I think we have to congratulate the supervisor for developing a three-year plan for putting the Ottawa-Carlton District School Board back on the road to sustainable financial health and at the same time reinvesting in teachers, reinvesting in textbooks and identifying that the needs of all of the students, when it comes to accommodation, whether you live downtown or in the suburbs, can be accommodated. He has actually addressed decisions that these trustees, a small majority, have refused to tackle in the past four years.

Mr McGuinty: Everybody sees through this. You've taken \$2 billion out of public education. Our public schools are on their knees. You have compromised our children's education. The reason that the supervisor couldn't balance the budget in Ottawa and couldn't balance the budget in Toronto is because there's not enough money to get the job done.

Your Premier said that these cuts wouldn't compromise what went on in the classroom in Ottawa. One of the first things you did was to remove 50 special education teachers. You also said that the budget would indeed be balanced; that, in fact, has not proven to be the case. Everybody knows that there is a shortage of money in public education. Why don't you start by doing two things here and now: (1) admit that there's a desperate shortage of money in public education; and (2) tell us you're no longer going to put half a billion public tax dollars in private schools?

Hon Mrs Witmer: The Leader of the Opposition needs to understand, and I would think he would know this already, that the trouble of the Ottawa board didn't start overnight. They were given transition funding by the province. In fact, they got over \$128 million. Instead of using the money, as other boards did, to go about restructuring, they simply avoided making the decisions that were going to be necessary. Unfortunately, the transition funding has now run out and the board finds itself in a deficit. I can tell you, these problems didn't start overnight. For example, last year they didn't spend their money as they should. They simply refused to make the decisions, when they had the transition funding, that were necessary to provide for the needs of the students.

FOREIGN-TRAINED PROFESSIONALS

Mr John O'Toole (Durham): My question is to the Minister of Training, Colleges and Universities. I was delighted, last week, in your announcement of the three new initiatives to help foreign-trained professionals. I know my constituents in Durham commented, and they were pleased.

You know that most newcomers to Canada choose to live in Ontario and it's no mystery why: we offer a strong

and diverse economy, as well as strong social programs and of course a very high standard of living. This issue is really all about fairness and it's also about our economy. As you understand, we have a shortage of certain skills in our economy, and a large part of the solution can be found in those newcomers who choose to locate in Ontario but want to practise in their trained field.

Minister, can you tell this House, and the members who may be listening, your three new initiatives and how they will fit the foreign-trained professionals and allow them to work in Ontario?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): We have a focus within our ministry of helping our foreign-trained professionals, and we've been making significant gains in the last couple of years.

Last week we announced a partnership with the Ontario Society of Professional Engineers that will create a new program called Pathways. This is employment experience for people who are already qualified to be engineers in their own country, but must pass the test and be qualified here with the regulatory body. This is an opportunity for me to thank about 150 companies that have given these people an opportunity to work for about a year and to learn Ontario standards and experience.

There's also a partnership with the Canadian Manufacturers and Exporters, and we'll be continuing to work with them as well. These are just two of many programs.

1450

Mr O'Toole: Thank you for that answer, Madam Minister. I'm very impressed with this whole integration of foreign-trained professionals to allow them to work in their field of training. I know I've worked with constituents—I could mention Lilian Lockyear and others. I'm delighted you're moving forward to provide for foreign-trained engineers and others to work and be licensed in Ontario.

I know you've worked to create other new bridge training programs. For the members who don't know, these are programs to allow newcomers to learn what they need to meet Ontario standards without duplicating what they already know.

Working in partnership with regulatory bodies in Ontario has produced several new programs in high-demand fields like nursing, pharmacy, carpentry, medical radiology, medical labs—and the list goes on. It was our government that took action to create these opportunities. I congratulate you.

Perhaps you could continue to share what work lies ahead to provide opportunities—

The Speaker (Hon Gary Carr): Minister?

Hon Mrs Cunningham: The programs we have in Ontario are fairly new in the country. We refer to them as bridge training programs. We're working across the country with other provinces. We've actually been told that we have some very excellent models.

One I would like to talk about is the CARE program, which I shared with this House last year. It's quite

emotional when you have nurses who come to you who are not working in their chosen field. The CARE program we started last year—300 internationally trained nurses will have completed the CARE pilot program. The goal is to double the previous pass rate of 33%. To date, 288 internationally educated nurses have been recruited to participate, of whom 51 have secured employment as registered nurses or registered practical nurses. Of the 128 participants who have written the licensing exam, 70% have passed. This exceeds our goal, and this—

The Speaker: The minister's time is up.

EDUCATION FUNDING

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. Minister, I want to tell you that your school budget sham is over in Ottawa. You congratulate the supervisor on his three-year plan, but what this really means, in case you don't know, is that you're allowing the supervisor to carry over a \$14-million deficit, just like you're allowing the Toronto supervisor to carry over a \$16-million deficit, something that trustees were not allowed to do. You also said the books could be balanced without cutting, but you know that in Toronto and Ottawa they have cut millions.

I am saying to you, don't try to fix the trustees. They're not the problem. Fix your flawed funding formula. And while you're at it, why don't you try to reinstate the Ottawa trustees now that your board takeover has clearly failed?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I would just say to the member that I believe the supervisor is to be commended, because one of the things the supervisor has actually done is he has developed a three-year plan to put the Ottawa-Carleton District School Board back on the path to financial health. The other thing the supervisor has done is he is going to be speaking further to the whole issue of accommodation. In the city of Ottawa, we have many schools in the downtown area that are underutilized. We have hundreds and hundreds of students in the suburban areas of Ottawa. As a result of the work that's going to be undertaken, this will mean that these new students will have new schools, and they're going to actually have accommodation which has been long needed. A good example is Stittsville. These people who have been neglected by the trustees are now going to get the schools they need.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): On a point of order, Mr Speaker, and this is a very serious point of order: The leader of the official opposition raised a very serious case with respect to a woman in Cochrane, where it was below minus 15, who was cut off her hydro. We do have legislation before the House to deal specifically with that problem—Lynn in Cochrane. I'd like to ask for unanimous consent to move it, second and third reading and to pass without debate Bill 210, An Act to amend various acts in respect to pricing, conservation, supply of

electricity and in respect of other matters related to electricity, so we can solve this problem for Lynn today.

The Speaker (Hon Gary Carr): If people can be quiet, I can hear whether there is a yes or no. Is there unanimous consent? I'm afraid I heard some noes.

PETITIONS

ALUMINIUM SMELTER

Mr James J. Bradley (St Catharines): This petition is to clean up the abandoned aluminium smelter in Georgina. It's addressed to the Legislative Assembly of Ontario:

"Whereas the abandoned aluminium smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding the Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads to the Maskinonge River feeding into Lake Simcoe;

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

"The Ministry of the Environment should immediately conduct a full environmental assessment and cleanup of the site."

I affix my signature, as I am in complete agreement with the sentiments expressed in it.

EDUCATION FUNDING

Mr Michael Prue (Beaches-East York): I have a petition here to the Ontario Legislature that reads as follows:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

It is signed by some 25 people from the Toronto area. I am in complete agreement and affix my signature thereto.

COMMUNITY HEALTH CARE CENTRE

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I have a petition to address to the Legislative Assembly of Ontario. It reads as follows:

“Whereas Sarnia-Point Edward and area is experiencing a crisis in a shortage of health care professionals, specifically doctors; and

“Whereas community health care centres are a proven primary health care system that can attract professionals and deliver primary health care in a cost-effective and efficient manner;

“Be it resolved that the Legislative Assembly of Ontario approve a community health care centre for Sarnia-Point Edward and area as soon as possible.”

As I strongly support this type of delivery for primary health care services, I will endorse the petition.

HYDRO RATES

Mr Gregory S. Sorbara (Vaughan-King-Aurora): It's not often that I get to introduce petitions, but I have an extremely important petition here signed by hundreds of residents from the riding of Vaughan-King-Aurora. I won't read all of the preambles, or the resolution, but it deals with the incredible mismanagement of Ontario's hydroelectric system under the Harris-Eves government, and I will affix my signature and I support the contents of the petition.

EDUCATION FUNDING

Mr Michael Prue (Beaches-East York): I have a similar petition. It reads as follows:

“Whereas the government has cut over \$2 billion from public education over the past seven years;

“Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

“Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

“Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

“Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

“We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards.”

It is signed by 33 teachers in the Mississauga area. I am in agreement and will affix my signature thereto.

1500

EMERGENCY RESPONSE TEAMS

Mr Toby Barrett (Haldimand-Norfolk-Brant): I wish to read in a petition under the title “Honour Emergency Workers Who Lose Their Lives in the Line of Duty.

“Whereas the Ontario Legislature has debated a private member's bill titled the Flags at Half-Mast Act, 2002, requiring flags at all provincial government buildings be flown at half-mast for a period of mourning to honour police officers, correctional service officers, fire-fighters and ambulance workers in Ontario who lose their lives in the line of duty; and

“Whereas our emergency response personnel deserve our thanks and respect for their efforts to ensure the safety and security of all Ontarians; and

“Whereas MPP Toby Barrett has spoken and voted in favour of this legislation;

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

“That the government of Ontario support Halton MPP Chudleigh's Flags at Half-Mast Act, 2002, and require all Ontario government buildings to lower their flags for a period of mourning to pay respect to dedicated men and women who lose their lives in the line of duty.”

I affix my signature to this petition.

LONG-TERM CARE

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario.

“Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem...; and

“Whereas this fee increase will cost seniors and our most vulnerable ... \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions...; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase ... funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort...;

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

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

This is signed by my constituents and constituents of Prescott and Russell, and I sign the petition also.

EDUCATION FUNDING

Mr Michael Prue (Beaches-East York): The third and final instalment on this comes from teachers who live and work outside of the greater Toronto area, and it reads as follows:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

There are some 80 signatures from outside of the GTA, and I am pleased to affix my signature thereto.

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a petition calling for a moratorium on high school closures. It's signed by students and parents from Windham Centre, Teeterville, La Salette, Delhi, Norwich, and other communities.

"Whereas one high school has closed and several others are threatened by the Grand Erie District School Board; and

"Whereas the Education Equality Task Force led by Dr Mordechai Rozanski is reviewing the current funding formula for education in Ontario; and

"Whereas the Grand Erie District School Board is expected to issue additional high school closures; and

"Whereas parent groups and community volunteers feel the Grand Erie District School Board has not set aside adequate time to review and explore all other viable options to keep area high schools open;

"We, the undersigned, request the Grand Erie District School Board and the Ministry of Education declare a moratorium on secondary school closures until such time

recommendations from the Education Equality Task Force will have been implemented."

I support this petition and affix my signature.

WILDLIFE MANAGEMENT

Mr Richard Patten (Ottawa Centre): I have a petition to the Legislative Assembly of Ontario.

"The unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife; and

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured" young "wildlife in Ontario; and

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators by the ministry will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and jeopardizing public safety; and

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals" killed;

"We, the undersigned, are deeply concerned that the release restrictions imposed by this ministry will eliminate the provision of responsible wildlife services in our community; and

"We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place in Ontario."

I have hundreds and hundreds of petitions and I am signing my name too.

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have another set of petitions. These are also concerned with high school closures, signed by people from Delhi, Courtland, Wilsonville, Otterville, Port Dover—

The Deputy Speaker (Mr Bert Johnson): If you would like to read it, we'll hear it now, or else we'll go on.

Mr Barrett: "Whereas the education funding formula applied uniformly across the province of Ontario has forced many consolidated boards of education to move to close schools, especially in rural areas; and

"Whereas the formula is now being reviewed by Dr Mordechai Rozanski, with a report to the provincial government anticipated by November 2002;

“Now the undersigned petition Dr Rozanski, the boards of education and the province of Ontario as follows:

“(1) Include in any future funding formula recognition of the importance of rural schools to their communities;

“(2) Give communities the opportunity to directly support (by taxation, if necessary) their schools to ensure their continued existence; and

“(3) Mandate an immediate moratorium on the consideration of the school closures until the new funding formula is in place.”

I agree with this additional petition and affix my signature.

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): “Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

“Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

“Whereas the current school bus law is difficult to enforce, since not only is the licence plate number required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the measures contained in private member’s Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002....

“We ask for the support of all members of the Legislature.”

This petition is signed by a number of residents from Mattawa, Sturgeon Falls and North Bay, and I too have signed this petition.

1510

HOSPITAL FUNDING

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a series of petitions signed by people from Townsend, Courtland, La Salette, Port Dover, Tillsonburg, Vittoria and Turkey Point, all members of what’s referred to as the Family Fund, concerned with their local hospital:

“We, the undersigned, endorse the following petition:

“Our community has raised its share of funds, over \$7 million, toward the redevelopment and expansion project at Norfolk General Hospital. We call on the Ontario government to declare its support for quality health care in Norfolk county by authorizing the Norfolk General Hospital to proceed to tender at this time and then to

construction on this project with 50% capital funding from the Ministry of Health and Long-Term Care.”

Residents are also encouraged to fax letters of support directly to Minister Tony Clement.

I sign my signature to this.

CHILDREN’S HEALTH SERVICES

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I have petitions here that came from the citizens of Vankleek Hill:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government is shutting down the heart surgery unit at the Children’s Hospital of Eastern Ontario; and

“Whereas the closure of this program will restrict the accessibility to life-saving surgery for children in eastern Ontario; and

“Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

“Whereas centralization of children’s heart surgery in Toronto would force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

“Whereas there is a waiting list for cardiac surgery in Toronto but not at CHEO; and

“Whereas the people of eastern Ontario demand accessible, quality health care for their children;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government’s decision to close this life-saving program and to ensure that top-quality, accessible health care remains available to every child in eastern Ontario.”

I gladly affix my signature.

ORDERS OF THE DAY

FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

LOI DE 2002 SUR LES SERVICES FUNÉRAIRES ET LES SERVICES D’ENTERREMENT ET DE CRÉMATION

Resuming the debate adjourned on November 26, 2002 on the motion for second reading of Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d’autres lois.

The Deputy Speaker (Mr Bert Johnson): Mr Hudak has moved second reading and now we’re going to debate. I’m looking to my right, to the government benches.

Ms Marilyn Mushinski (Scarborough Centre): I'm pleased to join in this debate to speak in support of this very important bill, the Funeral, Burial and Cremation Services Act, 2002.

The government of Ontario recognizes the vulnerability of people coping with the loss of a loved one, especially when they have to make funeral arrangements. Unfortunately, I had to go to England this summer to help my sister, who lost her husband, and I know firsthand the challenges, issues and personal stress that are involved in having to make funeral arrangements. I think it's extremely important to address this particular issue, and certainly that's what this particular act does. It serves to better protect consumers, and in order to do that, the government has brought forward this proposed legislation that would, we believe, strengthen consumer protection for people who are seeking bereavement services. It's an issue that I know has been under discussion for quite some time.

The Funeral, Burial and Cremation Services Act, 2002, will provide enormous advantages to consumers across the province when they purchase bereavement services. It would make more information available so that they could make more informed choices and it would also help to protect consumers from any unscrupulous suppliers that might try to take advantage of them at a time when they are most vulnerable.

There are a number of consumer protection provisions contained within the legislation, including the prohibition of falsifying information, false advertising, and furnishing false information. Under the proposed legislation, all service providers would be required to maintain standardized price lists of the supplies and services they sell and would be prohibited from selling at a higher price than indicated. These rules are intended to be strict where consumer protection is concerned, yet flexible enough to allow the orderly development of new business models in the sector.

Our consultation with sector stakeholders was very extensive. The proposed legislation has been developed through a long-term and diligent consultation process. I was personally involved in that, not only as a member of the Scarborough Centre constituency but also as a member of the Red Tape Commission, and I know that it involved many stakeholder and consumer groups to ensure that this particular piece of legislation is both responsive and indeed responsible.

I'd like to take a few minutes to explain how the consultation process was developed and what we believe it has achieved.

Ontario's bereavement services sector consists of some 5,500 participants and businesses, and that's pretty substantial. Among the services, of course, are funeral homes, cemeteries, marker and casket retailers, and transfer services. Within that sector are diverse participants, including funeral establishments, which are often private businesses working for profit, and cemeteries which may be run by religious non-profit organizations or even municipalities.

For some time, government, consumer groups, and sector stakeholders have recognized that current legislation that covers the bereavement sector needed to be updated. The marketplace has evolved, and the needs of the participants, consumers and, indeed, the community at large have changed, although Ontario's standards for the operation of funeral, transfer services and cemeteries continue to be among the highest in North America.

Four years ago, the government began consideration that a full review of changes in legislation was needed for consumers and practitioners in the bereavement sector. In 1998, the then Minister of Consumer and Business Services—my colleague the Honourable David Tsubouchi—became involved with the issues around bereavement legislation. Convinced of the need for detailed consultation on the important issues that affect consumer groups and sector stakeholders in very personal, as well as financial, ways, the minister asked the Red Tape Commission, and I've already alluded to that, to meet with stakeholders and to ensure that Ontario's standards and regulatory framework were current and relevant to the marketplace. This request was based on the Red Tape Commission's proven track record of consulting with businesses and consumers to improve regulations and, of course, to cut red tape.

The Red Tape Commission struck a working group of MPPs, consumers and service providers which met on a number of occasions from the autumn of 1998 through to the spring of 1999. The group looked at and worked on issues critical to the sector and to its consumers. Membership was voluntary and was designed to represent service providers and consumers from across the province. Interested parties who were not part of the working group were kept informed of the group's activities. Their efforts and those of Minister Tsubouchi set the stage for the development of the proposed legislation before this House today, and all are owed a debt of gratitude for their perseverance and determination in helping to set the stage for this most important proposed legislation before us today.

1520

In February 2002, the Red Tape Commission shared its work with Minister Bob Runciman, who had assumed the consumer portfolio. Minister Runciman determined that the importance of increased consumer protection, and providing a level playing field—and that's important because that's what the Red Tape Commission is all about—and future flexibility for service providers, warranted moving toward the development of proposed bereavement sector legislation. Minister Runciman knew that there were many challenges to be faced in arriving at proposed legislation and sought out a mediation strategy to resolve a lot of stakeholder issues that are related to this very complex subject.

The resulting mediation methodology he pursued has been recognized, we believe, across the Ontario public service for its very innovative leadership.

First, Minister Runciman sought out an experienced mediator who would help the diverse sector participants

arrive at a consensus, because I think it can be agreed that there was considerable dissent within this sector initially and it was really necessary to make substantial changes to the current legislation.

The man the minister asked to guide the consensus was the Honourable George Adams, QC. I don't know how many people outside legal circles are fully aware of the extraordinary expertise and experience of this facilitator, mediator, arbitrator, lawyer, teacher and former Superior Court judge. His experience relative to facilitation and mediation is formidable and most impressive. The Honourable George Adams, QC, was a member of the advisory committee which designed and managed the project that gave rise to Ontario's mandatory mediation system and has written extensively on mediation, arbitration and other alternative dispute resolution procedures. His assistance was extremely important in bringing together the diverse groups that make up the bereavement sector.

From one consumer's point of view, the purchase of bereavement services involves a conscious decision to prepare for an eventuality that none of us escape. Another consumer may make similar purchases at a time of shock or profound personal sorrow when a loved one passes.

The majority of service providers in this sector are responsible professionals who provide empathy as well as understanding of each consumer's personal situation. They are, as I've already said, also a diverse group of professionals who may work for profit or not, and may operate internationally or in one small Ontario town to supply funeral, transfer and cemetery services as well as markers and caskets to Ontario's consumers.

Their interests are equally diverse, and while most share the government's view that current legislation should be updated to provide greater advantages to consumers and service providers, there was little consensus as to the direction the legislation should take.

In February 2001, the Honourable George Adams, QC, met individually with industry and consumer representatives. The significant pre-consultation period provided both a look into the concerns of individual groups and a basis for establishing the agenda of the meetings.

The Honourable Adams's conclusion that an intensive two-day session to discuss central areas of interest should be scheduled was reported to the new minister, Norm Sterling, who strongly encouraged the parties to participate.

On the first day of the meeting, information was exchanged and goals were set. On the second day, a detailed review of common challenges was completed. Issues related to consumer protection and changes within the industry were also discussed and carefully considered.

Following the successful meetings, in May 2002, Minister Sterling invited interested parties to participate in the Bereavement Sector Advisory Committee to advise the government on matters of interest to the sector and to consumers. I won't go into the lengthy list of that

committee, but believe me, it represented a wide cross-section of the sector.

In the course of the meetings, the diverse group of stakeholders committed to support legislation founded on four basic tenets and committed to working together with the Honourable George Adams, QC, to advise the government. The committee's advice, achieved through consensus, has informed many areas, but especially provisions to strengthen consumer protection, measures to foster a level playing field for industry participants, options to create a single regulatory regime, and clear rules setting out the conditions under which combinations would be permitted.

The last two points are of greatest interest within the sector, and public awareness of them is also important to making informed decisions in the marketplace.

By proposing to create a single regulatory regime by combining the Cemeteries Act (Revised) with the Funeral Directors and Establishments Act, 1990, into one piece of modern legislation, the government is working toward providing a legislative framework that's easier for consumers and businesses alike to understand and follow.

Under a single piece of legislation, consumers would be protected in a system where inspections, investigations and penalties would be more consistent and effective. Legitimate sector participants and consumers alike, we believe, need clear, consistent standards that minimize loopholes for unscrupulous businesses to exploit and that competitors can follow quite equally.

The few bad apples who might try to take advantage of bereaved customers would be dealt with on a basis similar to that proposed in other consumer protection legislation already introduced in this session of the Legislature.

Compliance is best achieved through a range of activities, from educating service providers about their responsibilities and advising consumers of their rights, to continuing to provide civil remedies and rules to guide the resolution of contract disputes, to establishing administrative remedies as alternatives to prosecution.

Under the proposed Funeral, Burial and Cremation Services Act, 2002, maximum fines for misdeeds, such as falsifying information or false advertising, would parallel those proposed in other government consumer protection initiatives, increasing to \$50,000 for an individual and \$250,000 for a corporation. Courts would be able to order restitution paid to consumers in appropriate cases.

As the various sectors are licensed, the proposed legislation would give the regulator the authority to establish and maintain discipline committees to deal with infractions of the code of ethics. Consumers who deal with services that become insolvent would be protected by a compensation fund similar to the one that currently exists under the Funeral Directors and Establishments Act, but is also geared to the needs of the specific group of providers.

1530

The other major service issue pursued by the Bereavement Sector Advisory Committee is known as the

combination of services. Under current Ontario law, cemeteries must operate as separate corporate entities from funeral homes and all crematoria must be located on cemetery grounds. Funeral homes, on the other hand, may not be located on cemetery grounds. At the time the legislation was passed, this type of regulation was appropriate. Cemeteries were, for the most part, community operations frequently staffed entirely by volunteers. Funeral homes, on the other hand, were led and operated by professionally trained service providers. There was little overlap between the supplies and services offered by the two groups.

Today, bereavement services include a wide variety of options, including non-traditional and very simple funeral arrangements. Consumers want the ability to choose the services that they consider appropriate and to choose from one supplier or from specialists. Providers wish to offer the services that consumers want.

The proposed legislation would provide for the licensing of all service providers. The proposed licensing system would be developed with input from the stakeholder groups to maintain and increase the current high standards of Ontario practitioners in each service area.

Time doesn't allow me to continue for much longer, but what I can say is that I believe this particular legislation has come about as a result of a very strong, co-operative effort between the various stakeholders within the sector. The government received 15 major submissions from consumer groups and service providers, and if the proposed legislation passes, the government is committed to further consultation with the Bereavement Sector Advisory Committee on potential regulations that are fair, effective, clear, flexible, and would minimize the burden of red tape on consumers and businesses—all with the goal of ensuring that an appropriate range of bereavement services is available for consumers within a reasonable legislative framework that meets the needs of both consumers and service providers in Ontario.

The consultation process has been truly extensive and productive in the development of the proposed legislation that we have before us today, and I want to thank everyone involved with the development of this piece of legislation.

The Deputy Speaker: We are now open for comments and questions, up to four, and we'll start to my immediate left, the member of Elgin-Middlesex-London.

Mr Steve Peters (Elgin-Middlesex-London): This is very important piece of legislation that we are dealing with here, but I do take some exception to some of the comments that the honourable member made.

She talks about consumer protection and she talks about a few bad apples, and it troubles me that she's impugning this industry. This is an industry that last year performed over 80,000 burials. Out of those 80,000 burials, there were 26 complaints. And out of those 26 complaints, maybe about 13 of them were actually from consumers. So we're dealing with an industry that

already recognizes that they're dealing with individuals at a difficult time. We're dealing with an industry that recognizes the importance of customer service, and it troubles me that she impugns—that there are bad apples out there that are in some way are hurting this industry.

You know, she talks about the services and supplies, and one of the areas that I have some real trouble with is the creation of monopolies within the whole bereavement sector. By allowing cemeteries to get into the funeral home business, they are creating a concept of one-stop shopping. They're creating a true monopoly, where the public is going to go into that cemetery, they're going to pay for their funeral service there, they're going to have to buy their grave, they're going to have to pay for the opening and closing charges in that cemetery, they're going to have to pay for the cost of the monument in that cemetery. I think we need to have consumer choice, and this isn't allowing for consumer choice.

This opening up of the large cemeteries is going to seriously threaten the viability of a number of private funeral homes that have spent countless dollars improving their facilities and are going to see that thrown out the window because this government is prepared to allow monopolies within the funeral services industry.

Mr Tony Martin (Sault Ste Marie): I'm pleased to speak following the speech by the member for Scarborough Centre. I thought she put forward a fairly detailed and effective argument for the bill that's before us. The only thing I would challenge her on is the contention that they consulted widely. They may have consulted widely, as they usually do, but mostly with the business side of the industry.

We've had a number of groups come before us, as a caucus, concerned about this bill, that there hasn't been enough consultation and there haven't been enough guarantees given that their interests are going to be recognized and looked after. These are the faith groups who, in many instances, run small rural cemeteries that are already struggling in many ways and who fear an imposition of new fees and taxes that may cause them financial hardship that they won't be able to respond to and deal with. They may, in fact, have to turn over their operations to some business interest that may then bring a corporate culture and approach to the way funerals are dealt with in those parts of the province, and stand the chance of losing many long-standing and important traditions in this very important area of public life: how we celebrate and work with families around the death of loved ones.

I also would contend that her suggestion that there will be further consultation as the regulations are put in place—it hasn't been the track record of the government to consult on regulations, but simply to make the regulation and show them to us after they're done. I hope the member would be willing to stand and give us further assurances on that front.

Mr Bob Wood (London West): I think the member set out very well the history and purpose of this legislation. I think she quite rightly pointed out there's been a

long consultative process that has led to this legislation. All the stakeholders and the general public have had ample opportunity for input, and as a result of that there seems to be considerable consensus around this legislation.

This legislation is in fact 21st-century regulation. The regulation of this industry was badly outdated, and there was consensus around that from virtually everyone who made submissions on the legislation. There certainly are differences of view as to how to get to what was generally desired as a result, but I think we have a good example of consultation, application of good regulatory policy and a very good result. I think the member made that quite clear in her speech.

I think as well of the question not just of process but of substance: what is good 21st-century regulation? I think she dealt with that very well in her speech as well. What we are doing is offering informed consumer choice, achieved through appropriate competition. In achieving informed consumer choice, we are also giving a lot of consumer protections, which are necessary. There are unique features in an industry of this nature that indicate there have to be certain areas of regulation that might not be present in a different form of endeavour.

I thought the member covered the subject very well. I think she touched on the key points and made it quite clear why this is indeed a good piece of legislation.

1540

Mr Mario Sergio (York West): I'd like to add some comments on the presentation by the member for Scarborough Centre. Indeed, she went into some detail explaining not only the history but the content of the present bill as it has been introduced.

I think the introduction of this bill is a good beginning. It is, I would say, a modest step in addressing some of the concerns surrounding the bereavement business, if you want to call it that, and they need to be addressed. I think the public in general needs to have alleviated some of those concerns that have been spoken of not only in the bill, but in the various agencies and the community.

It will never be 100% acceptable to both sides, but if we really want to see a more complete bill, I think this is the time that the minister should say, "You know what? Let's have some public hearings and let's have some input from those individuals, groups, agencies, either people who may have an interest in the legislation the way it has been drafted and are wanting to make it better or who are part of the industry and have some concern with the legislation." I think we owe it to those people who have a concern. As I said, yes, it does improve the situation, but there is still a lot of concern out there. This is an area that I think we have to address, and only once we expose the legislation to the general public, those who have a concern, can we say that indeed this will go a long way in offering protection to the general public.

The Deputy Speaker: The member for Scarborough Centre has two minutes to respond.

Ms Mushinski: I'd certainly like to thank the members for Elgin-Middlesex-London, Sault Ste Marie,

York West and London West for their contribution to this debate.

I would in response say to the member for Elgin-Middlesex-London that the whole issue around developing a code of ethics to address what I refer to as "bad apples" was actually raised by the Bereavement Sector Advisory Committee itself. It was members who expressed serious concern about ensuring that consumers are protected from high-pressure sales tactics, misrepresentation and unconscionable consumer representations. It was for that reason that the development of a code of ethics to help protect individuals, as I said earlier, who perhaps are at one of the most vulnerable times of their lives, having lost a loved one—they would actually be facilitated by the proposed legislation. We believe higher maximum penalties for offences under the legislation would act as a deterrent, and that is actually in direct response to that serious issue that was itself raised by the Bereavement Sector Advisory Committee.

To the member for Sault Ste Marie, I would reiterate that the government received 15 major submissions from consumer groups and, as I have already said, if the proposed legislation passes, this government will consult further.

The Deputy Speaker: Further debate?

Mr Peters: As has oft been said, there are only two sure things in life, and that's death and taxes. For the most part, this Legislature deals with the tax end of things. It's not too often that we're dealing with death or the bereavement industry.

It's an important piece of legislation that we are dealing with in front of us today. Having been associated in numerous ways with the bereavement industry, from having served on a couple of cemetery boards to having family members who are in the business—and yes, I've already written to the Integrity Commissioner and I'm free to comment and to vote on this bill. There are a number of really positive things in this bill. There are some areas, though, that we do have some grave concern about. I want to go through the bill and point out some of the areas where I think we as government—and I heard the Minister of Transportation say this past Monday that he had no problem with this bill going to committee. I think it's imperative that this piece of legislation go to committee. I think, as much as we've heard that there's consensus out there, that there is a lot of concern that is being expressed by some individuals within the bereavement industry. I think we need to give them that opportunity to express their concerns.

You talk about section 47(3), which talks about speculating on cemetery plots. I can understand the rationale in here for talking about this, but on the flip side of it, when you talk about a refund, this could have a real burden on a number of cemeteries—a non-profit cemetery or a municipally run cemetery. In days of old, many plots were sold for \$10, \$25, but the value today could be \$400 or \$500 or substantially higher. The refund, though: if somebody bought a plot years ago and then came forward to a cemetery and said, "We're not going to use

this plot. We would like a refund,” this legislation says that they are going to have to pay market value. That could be an extreme burden. I know the St Thomas Cemetery Co, as an example, just struggles to make ends meet. If there was a flood of individuals who came forward and said, “We would like to resell our plots,” this could cause a serious financial burden on cemeteries.

Section 49 talks about declaration of abandonment. I think this is a good piece of the bill, because after 20 years a cemetery can apply to the registrar to have the rights abandoned. There are hundreds and hundreds of plots in cemeteries across this province where the cemeteries could look for new sources of revenue. So section 49 of this bill I think can have a positive impact and help out cemeteries.

I think we need to look at some concern as well, though, under section 53(12), which talks about the perpetual care fund. One of the important things with cemeteries has been the establishment of the perpetual care fund, but they’re leaving it open here that a capital portion could be accessed and could be permitted under regulation. I think we are going to have to watch this very closely, because these care funds are meant to look after a cemetery in perpetuity. If we start allowing cemeteries the opportunity to get in and remove the capital from these funds, down the road that could have a detrimental effect on the cemeteries.

This is another area in the legislation, sections 102 and 103, that I think needs to be strengthened. It talks about prohibition of interfering with the cemetery and liability. One of the most despicable crimes that we see around this province, and it happens all the time, is vandalism of cemeteries. Every cemetery in this province has experienced it. Do you know, for committing most of those crimes, unfortunately it’s just a slap on the wrist or some community service that an individual has to undertake? I think it’s incumbent on the government and every one of us in this Legislature that we strengthen sections 102 and 103, that we send a message to these idiots who are vandalizing cemeteries that this is not acceptable, that we ensure that it’s right in the legislation so that the message is sent out to those individuals, and that we put strong fines in place for those idiots who vandalize cemeteries. I would ask that we work toward strengthening this legislation.

The other aspect of the legislation that I think we need to be concerned about is section 112. This in the area of dealing with abandoned cemeteries, and this is a real problem in this province. We have a lot of cemeteries in this province that are run by small rural boards, boards made up of volunteers who may only conduct one or two interments a year. They often find that they don’t have adequate perpetual care funds. The graves have been sold for a much lower price, and many cemeteries find that they can’t look after them. The burden then lies with municipalities, which then become responsible for the care and maintenance of these cemeteries.

We need to ensure, if cemeteries are being down-loaded, that there is an obligation on us to try to do what

we can in the provincial Legislature to help some of these cemeteries out to meet their costs, and not do what has been suggested previously, which is that cemeteries that are finding themselves in difficult times are going to have to go out and undertake fundraising. Beer and bingos to help save cemeteries is not the answer. Downloading the responsibility for the care and maintenance of cemeteries shouldn’t lie fully as a responsibility of the municipalities. There should be a role that we as government play in this.

1550

The other area that needs to be addressed in this legislation is the whole question of fees. Cemeteries, it appears in this legislation, are going to be fee-ed to death. There’s going to be fee after fee imposed. Again, it’s not so much for the large cemeteries that this is going to be a real issue, but for the small, rural cemeteries. The small, rural cemeteries are already struggling right now. When they send their money to the care and maintenance fund, they have a whole pile of overhead costs and fees that they have to pay to the province.

I think we need to look at what we’re doing with this legislation to ensure that we’re not going to put so many fees in place that a small, rural board is just going to walk from a cemetery, which will then put it into the lap of the municipality, which is then going to put it on to the local tax base. We need to ensure when the fees are established that we take into account the ability of a small, rural cemetery to pay for those fees.

I’d like to go to some of the areas where I think there are some serious flaws in this legislation. In this province, we have 550 funeral homes. As I pointed out earlier, last year there were 80,000 deaths in this province—80,000 individuals who were looked after by the bereavement industry—and we had 26 complaints. Approximately 13 of those complaints were funeral-home-to-funeral-home complaints; but 13 complaints out of 80,000. Again, that’s why I took exception to some of the comments that were made about bad apples out there. It’s obvious this has been a very well-run industry. The individuals who are in this industry treat people with respect and dignity.

I take my hat off to a funeral director, because they are dealing with individuals at a most vulnerable time and they are dealing with individuals who are dealing with the loss of a loved one. I do commend those individuals in this industry. It takes a special person to be a funeral director. The way they comfort families and ensure that families get through these difficult times is to be commended. But we need to ensure, though, as these changes are being made that we’re not radically altering the face of this industry.

I’m concerned in particular with one aspect of this legislation where we are radically going to alter the face of this industry and we have the potential to drive individuals out of business. Right now in the province there’s a prohibition in place that a cemetery cannot run a funeral home. I think that has worked very well. It has given individuals the choice to go to the funeral director

they want, it has given them the opportunity to pick the cemetery they want and it has given them the opportunity to pick the monument and casket they want. That's choice. But I'm afraid we're creating monopolies with this legislation. When we allow a funeral home, which can sell caskets and monuments, to be set up in a cemetery, we are creating a monopoly.

I know my brother, Joe Peters, who is a funeral director, gets paid a salary. Joe is paid to work with and for a family. If this legislation is going to go through, I think we need to talk about this whole area of commissions, because we know an individual who is being paid a salary will approach things much differently than an individual who is being paid a commission. An individual who is being paid a commission is going to push for a high-end casket; he's going to push for a high-end monument.

I have a problem with that. I think we need to ensure that in this legislation, if it is going through—and the government will probably use its majority and probably invoke closure on it, as they have done with 80% of the bills we've dealt with in this session.

There's a real serious problem. I think you need to recognize that you are dealing with people at a very vulnerable time. To have a commission salesman standing there and saying to a lady, "You know, Ma'am, your husband would want nothing but the best. He'd want that bronze casket. He'd want that cement vault that's bronze-coated. He'd want the great big monument." People are vulnerable, and when somebody is working on a commission, they're going to try and push to get the best sale they can. So I think the whole question of commissions seriously needs to be looked at.

We need to think about what's happening within this industry. We're already seeing a consolidation. We're seeing large companies being formed that are getting into this business because it's a business, quite honestly, that is recession-proof. We may see ups and downs in the auto industry and difficulties faced by the farmers but, as I said in the beginning, there are two sure things in life: death and taxes. In dealing with death, death is recession-proof.

We need to ensure that we do not do anything that is going to interfere in this industry. I am very concerned that by allowing cemeteries to get into the full-scale funeral business, we are going to hurt individuals who have made substantial investments. Buying a funeral home is not a cheap undertaking. Ensuring that your funeral home is up to date and modern is going to cost you a great deal of money. We need to ensure that we help those individuals who have made those investments to protect those investments.

The other aspect we need to think about is that many of these cemeteries that are going to be in the business, that are sitting there right now, putting their hands together and thinking, "Wow, we're going to be offering everybody one-stop shopping," are tax-exempt. Many of these cemeteries are run by non-profit corporations. Many of these cemeteries are faith groups. And in this

legislation, you're going to allow them to remain exempt for a further five years. You talk about wanting to have fair competition. Well, I don't think it's very fair at all that an individual who has made a substantial investment, has paid property taxes and business taxes for many years—and it could be Williams Funeral Home in St Thomas, which has been in business since 1893—and all of a sudden, they're going to be up against somebody who is a non-profit and hasn't paid taxes. So I think we need to think about that.

I come back to the point of the consultation that was undertaken. I would assume that when the government undertakes extensive consultation and goes out and listens to the various stakeholders out there, the views of the stakeholders are going to be included in the legislation. I think the government has failed a number of stakeholders out there by not ensuring that the views and concerns they have are incorporated in this legislation.

In particular, I look at the funeral homes of this province. The funeral homes and the operators of these facilities have some very serious concerns. It's difficult to ensure that you don't put too many puns into your speech when dealing with this, because I can tell you honestly—and there is no pun intended—that there are some grave concerns out there with this legislation that's in front of us, and those concerns need to be addressed.

1600

I come back to the point where it's incumbent that we take this bill out for public consultation. It's a consultation that not only needs to take place in Toronto but should take place outside Toronto, because in many cases around this province you have non-profit cemeteries. As well, I think we need to think about municipalities that are running cemeteries already. Right now, municipalities could be sitting back thinking, "This could be a very lucrative business for us to get into. If we're running a cemetery, this could be an opportunity for us to help increase revenue to look after the care and maintenance of the cemetery. Why don't we get into the funeral business?" If a municipality chose to do that—a municipality is tax-exempt; it's like a contra account; it's just in and out. They're not going to pay property or business taxes to themselves. Municipalities could potentially be getting into the business of operating funeral homes in direct competition with individuals who have made substantial investments over the years.

There are a number of flaws in this legislation that need to be addressed. In reading the bill, another area that I didn't see addressed and that I think should be addressed in legislation is the whole question of indigent burials. Every cemetery in this province has ensured that if an individual passes away they're going to receive a dignified burial. In conjunction with the province—it should be increased; I think they're only allocating about \$2,600 to an indigent burial—a cemetery has always provided a grave space. We've ensured that an individual receives the same rights and benefits that any other individual has. Cemeteries have provided those grave spaces since time immemorial.

But there are challenges that cemeteries are facing now, and I think it's incumbent on the government to not allow this to be dealt with in individual cemetery bylaws; it should be incorporated in this legislation. One of the challenges that cemeteries are facing right now is that they have always provided a grave space free of charge for an indigent burial; they've never asked for a cent. But some cemeteries are now facing a challenge where individuals, for whatever reason, because of their financial situation have been buried with indigent burial fees. Some family members are coming to the cemetery now and asking to construct a monument. Cemeteries are saying that their bylaws state they can't allow them to put up a monument unless they own the plot. They don't technically own the plot. The plot has been provided for a family. I would like to see included somewhere in this legislation clarification given to cemeteries, so that when they provide this most important service of indigent burials, cemeteries know clearly what rules they're playing by.

As I said in the beginning, there are many positive things in this bill; there are a lot of good things. But I think there are some areas that we do have some grave concerns about, and I would ask that this government undertake good, open, public consultations to ensure that this is a piece of legislation that truly does meet the needs of everybody involved in the bereavement sector.

The Deputy Speaker: Comments and questions?

Ms Shelley Martel (Nickel Belt): As I sat here and listened, this debate made me feel old. I look around at who is in the chamber today and recognize that I am the only member who was here the last time this Legislature dealt with cemeteries and funeral services. I think that was in 1988.

As I listen to the member for Elgin-Middlesex-London, I'm hearing some of those arguments again. But what's interesting is that they sound like some of the arguments I was making, and the proponents of the bill at the time were the Liberals. I've got to go back and check Hansard on this, because I certainly remember some debate and concerns that I raised about not permitting funeral homes to sell monuments, for example, to deal with the whole issue of monopoly. We're going to go back and have a look at Hansard and see where some of these things fell. That's how long ago it is since we last dealt with this.

Some of the arguments are very much the same. That's not to be critical of the member; I'm not trying to do that. I hope he doesn't take that the wrong way. All I'm saying is that some of the arguments are very much the same in terms of worrying about big corporate owners and how they can take over some of the small family-operated cemeteries or monument services.

It is true we should have some more public hearings on this bill. I look at one of the Alerts that went out from AMO to all its members on November 21. The Alert that went out made it very clear that in fact the municipal members of the Bereavement Sector Advisory Committee feel there were not unanimous recommendations

and that there was not the full support the minister might have us believe for the provision. They made it very clear that AMO itself would be requesting changes to the bill, but they also make it very clear that they have asked the minister for public hearings and hope that will take place.

The municipalities aren't the only ones who have concerns with the final product. The faith communities do as well, and that's why we need the public hearings.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I appreciate the comments of the member for Elgin-Middlesex-London, though I think he needs a little bit of enlightenment in terms of what's really happening, to help him along. One of the issues he was addressing was selling a plot, in terms of what the legislation deals with.

The legislation responds to consumers' concerns about the value they are getting for the cemetery plot. Right now the law says a cemetery must pay you the same price for the plot in current dollars as you paid 5, 10 or 20 years ago when you purchased the plot. We are proposing to allow consumers to sell their plot back to cemeteries at fair market value. This will not hurt cemeteries, because they can resell the plot at the current value of the plot, or they can choose to hold on to it and sell it down the road. As to what the member is suggesting, or needs further explanation of, I think I have provided that to him in terms of the selling of a plot, with respect to a cemetery plot.

The member also suggested this legislation is bad for small and rural cemeteries. We will be setting a minimum threshold for cemeteries that perform a small number of ceremonies each year. This will be done in regulation after we've had a chance to consult with the industry to determine the right threshold. Cemeteries that fall under the threshold will of course be subject to the exemptions. So my comments relate to the selling of a cemetery plot. They also relate to the member's concerns with respect to small and rural cemeteries. I am confident the legislation and the regulation will address that.

Mr Michael A. Brown (Algoma-Manitoulin): The first thing I would like to say is that I appreciate the very strong intervention by my colleague from Elgin-Middlesex-London. He brings some real thoughtfulness to this debate, which comes from his municipal experience with the good folks in the St Thomas area and in Elgin county, and the very real problems small rural cemeteries in smaller communities are going to face as they try to deal with this bill.

I come from an experience that is in some ways very similar in terms of representing small-town and rural Ontario. As Mr Peters would know, mine would be even more rural than his in many ways. We have many small cemeteries that will have a great deal of difficulty meeting the regulations we see before us. As I was listening to one member speak to this, they were talking about cemeteries with only maybe two dozen interments in a year. I was trying to think of a cemetery that would have that many in my part of the world. They really don't exist.

With this bill, the essence of which is to combine cemetery and funeral home operations, on the cemetery

side of this bill they're going to find it very difficult to meet the regulations at a cost-effective price. I don't believe, in many cases, that it can be done. I believe that many small volunteer cemeteries that are maintained are having difficulty even today, as the people who look after them are finding fewer and fewer people to pass the torch to, and these small community cemeteries are going to find, under this particular bill, more difficult—not less—problems with maintaining their cemeteries.

1610

Mr Martin: I also want to commend the member for Elgin-Middlesex-London for a fine speech. I thought he laid out the concern that we have over here very clearly, among a number of concerns, around the question of creating big monopolies now in Ontario that will deliver almost everything under the heading of “bereavement services” and not contribute at all to the furthering of a very healthy small business sector that will always be needed in communities, unfortunately, competing with each other and providing opportunity for local economic development and jobs and contributing to local community economic development. That's our concern here, given the track record of the government side in moving forward very aggressively the agenda of rather large corporations and businesses to the detriment of almost everybody else, including small businesses.

I know the work that I did on trying to regulate franchising in the province gave me certainly an eye-opener for big business coming in and taking over many small, local opportunities for people to sell goods, do their business, support the local economy and how the big corporation then comes in and detracts from that by sourcing everything from outside and giving less and less control to local, small, family-owned operations and therefore taking away from that community some of the contribution that the bereavement services industry can bring. So we have concerns about that, and we'll be putting them on the record as we intervene and as the member did earlier here this afternoon.

The Deputy Speaker: The member for Elgin-Middlesex-London has two minutes to respond.

Mr Peters: I want to thank the members from Nickel Belt, Barrie-Simcoe-Bradford, Algoma-Manitoulin and Sault Ste Marie for their comments. I want to just touch on some of the comments of the member for Barrie-Simcoe-Bradford.

I'm going to use the St Thomas Cemetery Co as an example. The St Thomas Cemetery Co has about 26 acres of land. There have been 22,000 interments in that cemetery since 1850, but there are thousands and thousands of vacant graves. There's never going to be a shortage in that cemetery for a vacant grave, or a need for a grave.

Let's use for an example 10 people who 10 years ago paid \$100 for a plot, and now that plot today is worth \$500. Those 10 people come forward to the cemetery; it's now \$5,000. The cemetery company is going to have to find \$4,000 to refund those individuals. Four thousand dollars in the grand scheme of things to individuals in

this room may not be a lot of money, but I can tell you, having served on that St Thomas Cemetery board for probably close to 13 years, that \$4,000 could be an extreme hardship for that cemetery.

That's why I think there needs to be a serious look taken at section 47 of the resale of rights and in particular this area of refund, because this could put a serious, serious financial burden on a lot of cemeteries. I could think of some rural cemeteries that were selling cemetery plots at \$25 apiece. Those plots now could be worth \$250 or \$500. Again, this could have some serious financial repercussions on rural cemeteries, so I think we need to ensure that this bill goes to public hearings, as has been pointed out. I think we need to listen to the bereavement sector. We need to listen to others out there to ensure that this truly is a 21st-century piece of legislation.

The Deputy Speaker: Further debate?

Mr Gerry Martiniuk (Cambridge): I'm pleased to be here today to speak in support of the proposed Funeral, Burial and Cremation Services Act, 2002, being Bill 209.

If I may, first, there has been some discussion up to now about solicitation, and the use of telephone solicitation in particular, in regard to funeral and burial services. I'd point out to the members that in section 29 of the proposed bill, subsection (1) states that “No licensee or other person shall contact, by telephone or in person, a person for the purpose of soliciting the making of, or negotiating, a contract for the sale or provision of a licensed supply or service.” That's basically an absolute prohibition.

The act goes on in subsection 29(2) to deal with vulnerable persons, which we all should be concerned with. It states that “No licensee or other person shall contact, by any means, a person in a hospital, nursing home, home for the aged, hospice or such other institution as may be prescribed for the purpose of soliciting the making of, or negotiating, a contract for the sale or provision of a licensed supply or service.” I believe that section does provide the protection to the public that is necessary under these most difficult of circumstances.

This proposed legislation deals with some of the most important purchases that consumers will ever make. Such purchases are often difficult for most persons because of their personal grief at the time a loved one dies. In spite of their personal grief, people want to do what is best to ensure a sense of closure for family and friends. Psychologists tell us that if we believe we have made the appropriate decisions about funeral arrangements when a loved one dies, it can begin the healing process.

Many people read the words “most expensive” into their concept of what represents an appropriate funeral. Aside from very simple funerals, bereavement care is in fact expensive. An average funeral costs more than \$5,000 in Ontario.

Under the government's proposed legislation, consumers would have more information about the range of services and their prices. For example, funeral homes, transfer services and cemeteries in Ontario already offer

lists of the services they provide and their costs, but the new proposed legislation would allow for regulations requiring standardized lists from all operators so that the person who is deciding which services are appropriate could better compare what is available in the marketplace. The proposed legislation would also provide for regulations allowing consumers to receive a brochure available at service suppliers across Ontario giving them a toll-free number they could call for information about bereavement services.

Given the emotional state of most people at the time they must plan a funeral and their desire to do their best for family and friends, comparing prices may appear to them crass or even unnecessary, but their decisions can greatly affect their family's financial as well as emotional well-being. The cost of a casket can range from \$300 to \$30,000, although most fall at the lower end of this range. Traditional funerals involve quite a number of services that most people forget about when they are making plans unless they are specifically spelled out. For example, typical funeral home services or a traditional service may include securing and recording vital statistics for death certificates and permits; a basic professional service charge; transfer of remains to the funeral home; the use of the funeral home's facilities, which might include a facility for a service, visitation, a reception area and a parking lot; embalming and cosmetic services; a casket, cremation urn or other container; pastoral and music services; funeral vehicles; arrangement for flowers and newspaper notices; and all before consumers have even considered a cemetery plot or marker.

Other decisions include whether they should opt for cremation and whether a burial plot or columbarium would be more appropriate. There is a lot to think about, and the consumer will have very little time to give close consideration before choices will have to be made.

1620

As with all participants in the sector, a funeral home must be highly professional and well-organized to be able to deal with new clients on a moment's notice. They must meet needs that may vary considerably from one consumer to the next and deal with sensitivity to grief in an atmosphere of dignity.

Under the current regulatory regime, to be licensed in Ontario funeral establishments and transfer services must file a pre-licensing information sheet with the Board of Funeral Services, along with architectural drawings and a five-year business plan. The information sheet must be filed again every five years after licensing. In addition, the applicant must complete a number of other tasks. These include providing contracts, price lists and advertising; disclosing trust accounts held by the establishment; submitting proof of compliance with local zoning bylaws; sending copies of articles of incorporation; and undergoing a Board of Funeral Services inspection and a public health inspection.

Qualifications of funeral directors are considered to be the nation's highest in Ontario. The Board of Funeral Services may require someone wishing to enter the

licensing program to take the entire funeral services program in one of two board-approved facilities, to serve an internship in Ontario and to successfully complete a written assessment of funeral service topics, depending on the applicability of the person's background.

The high calibre of Ontario funeral professionals is demonstrated by the relatively small number of investigations carried out as a result of complaints from the public or other professionals each year. On average, 20 to 30 investigations result from complaints made annually and most are resolved by an inspector working together with the parties involved. The most serious complaints are dealt with by the Board of Funeral Services discipline committee. Complaints against funeral directors are published in an industry publication, along with suggestions on how similar problems can be prevented in the future.

Licenseses under the Board of Funeral Services are also required to pay into a compensation fund established to provide protection for consumers who prepay funeral expenses. More than \$1.7 million is currently held in reserve through this consumer protection initiative to provide compensation in cases where, for whatever reason, the consumer is unable to receive the services or products they have purchased. A long-term commitment to providing quality services among funeral services in the province has influenced Ontario's direction in terms of improving consumer protection for all participants in the province's bereavement services sector.

Two of the major thrusts that would carry throughout the sector under the Funeral, Burial and Cremation Services Act, 2002, are codes of ethics for practitioners and the establishment of a compensation fund for all operators. Both have been successfully applied to funeral services for some time without adverse effects on service providers. Consistency and excellence in the provision of consumer protection measures that are fair for consumers and businesses and flexible enough to support the development of new business models in a modern marketplace are the principles on which Ontario's proposed Funeral, Burial and Cremation Services Act, 2002, was based.

In today's marketplace, consumers' demand for the availability of simple and alternative funeral services, as well as their demand for a wider range of services to be made available without involving a number of suppliers, compel the government to act. The proposed legislation would allow for combinations of items and services to be made available by service providers. This is a trend across Canada and the United States. Most other jurisdictions in both countries already allow for the combination of funeral and cemetery services.

Apart from the benefits of harmonized legislation, the government of Ontario is determined to raise the bar for consumer protection by providing very high standards across the bereavement services sector, including marker and casket retailers, who have never before been regulated.

Regular consultations with consumers and sector participants led to the government's belief that a full review of changes in legislation was needed for con-

sumers and practitioners in the bereavement sector. Key stakeholders from all segments of the bereavement services sector who have a full grasp of the range of consumer and service provider challenges provided invaluable information and advice to the Ontario government as it proceeded to work toward new legislation for the bereavement sector.

In 1998, the then Minister of Consumer and Business Services, the Honourable David Tsubouchi, became convinced of the need for a detailed consultation on the important issues that affect consumer groups and stakeholders in this sector. The minister asked the Red Tape Commission to meet with stakeholders and to suggest ways to ensure that Ontario's standards and regulatory framework were current and relevant to the marketplace. The Red Tape Commission developed a voluntary working group consisting of two members of the RTC, along with consumers and service providers, which met periodically from autumn 1998 through the spring of 1999 to look at the issues critical to the sector and to consumers. In February 2001, the Red Tape Commission issued a confidential report to Minister Bob Runicman, who had then assumed the consumer portfolio.

The interests of stakeholders, who included profit as well as not-for-profit, charitable, religious and municipal organizations, and who ranged from large corporations to one-person facilities, are diverse. While most shared the government's view that the legislation should be updated to provide greater advantages to consumers and service providers, there was little consensus as to the direction that the legislation should take.

1630

The Honourable George Adams, QC, was requested by the minister to meet with stakeholders to seek consensus among them. In February 2001, he met individually with industry and consumer representatives. A significant pre-consultative period provided background on the concerns of individual groups and a basis for establishing an agenda of the meetings. The Honourable George Adams' conclusion that an extensive two-day session to discuss central areas of interest should be scheduled was reported to the new minister, the Honourable Norm Sterling, who strongly supported the plan.

Following two days of meetings in March 2001, the Adams report was forwarded to Minister Sterling, who released it to participants in the mediation and facilitation session on May 31, 2001. Minister Sterling explained in a letter to the participants that he planned to convene a Bereavement Sector Advisory Committee and invited them to take part to advise the government on matters of interest to the sector and to consumers.

The role of the committee was to provide a forum for exchange of views, developing concrete options dealing with four areas: methods to strengthen consumer protection, measures to foster a level playing field for industry participants, options to create a single regulatory regime and clear rules setting out the conditions under which the combined ownership of funeral and cemetery operations would be permitted.

The committee's advice, achieved through consensus, was offered in these four areas in a report to the minister on November 23, 2001:

(1) Methods to strengthen consumer protection: 18 consumer protection measures were proposed ranging from the development of codes of ethics to full disclosure of the ownership of a service provider.

(2) Measures to foster a level playing field for industry participants required practitioner and facility licensing for all components of the sector with the qualifications linked directly to the services provided, and would ensure a level playing field for service providers who wished to expand on their service offerings.

(3) Options to create a single regulatory regime: participants agreed with the government that combining the two current bereavement sector statutes would create a legislative framework that would make it easier for consumers and businesses alike to understand and follow.

(4) Clear rules for setting out the conditions under which combinations would be permitted: recommendations included the introduction of education, ethics and standards programs throughout all parts of the sector to ensure consumers would be able to compare services effectively.

Where does the notion of what should be included in education ethics and standard programs come from? Much of it comes from the experience of Ontario's board of funeral services. In the case of funeral directors, a full academic program must be pursued, including a 12-month internship sponsored by a licensed funeral director and board exams.

Even to apply to become a funeral director in Ontario, a funeral director must meet quite specific admission requirements, including a grade 12 diploma or equivalent, a tax-based period of observation or training at a funeral home, pre-admission testing, a recent health certificate and a valid driver's licence.

If the proposed legislation is passed, the government believes that at the end of the day, consumers will know that despite their personal grief, they have done what is best to provide a sense of closure for friends and family and started their own healing process after suffering a loss with the help of a responsible and responsive Ontario bereavement sector.

The Deputy Speaker: Comments and questions?

Mr Peters: The honourable member from Cambridge used a term over and over in his speech; he talked about levelling the playing field. My concern with this legislation is that it is not levelling the playing field. The potential of this legislation to hurt funeral homes, like Cardinal Funeral Homes or Newediuk Funeral Homes here in Toronto, is there. The potential is there to hurt some of these individuals who have invested thousands of dollars in their establishments. The playing field, I'm afraid, is going to be tilted by allowing cemeteries to create monopolies for one-stop services. To me that isn't a level playing field.

The honourable member talked about consultations with the stakeholder groups. But when stakeholder

groups call you up, whether it be the Central Ontario Funeral Directors Association or the Association of Municipalities of Ontario, it's obvious that there hasn't been a thorough consultation taken in the development of this legislation. I would hope, if a piece of legislation is going to be brought before us here, that there will be that good, open consultation and that the government is going to ensure that it is the best piece of legislation possible. The best legislation is not only going to meet the needs of the consumers, but it's going to ensure that those individuals who have invested in the bereavement industry are afforded some protection. I'm afraid there are individuals who are going to be hurt as a result of this legislation, and that we are going to see large operations created in cemeteries around this province. If we want to have a level playing field, why not pull that provision out of this bill? Let's keep it the way it is right now. We've got a private sector group that is prepared to look after the needs and we've got cemeteries that are prepared to look after the needs. Why mix the two?

Ms Martel: In the last rotation I talked about some of the concerns that AMO had, which really reiterated why we need some public hearings. In this round I would give some perspective from one of the faith communities that was involved in some of these consultations that still continues to believe that there are concerns that have not been dealt with, particularly concerns they have that need to be dealt with before this bill is passed.

We received some information on November 22 from Harry Huskins, who represents the Anglican Church of Canada, that said the following: "On Wednesday morning, November 20," the same day the bill was introduced, "a faith communities delegation met with the minister and the senior policy advisers before" the bill was introduced.

"We told" him "that we supported the intention" of the legislation, "but have concerns about the board of a new authority making decisions that would have inadvertent consequences for religious communities." Here are some of the concerns: "the imposition of new charges, fees or levies for our small congregations, mosques, synagogues and parishes;" second, "the imposition of new administrative burdens or personnel qualification requirements on the volunteers who are now doing the paperwork in these small places;" and third, concerns about "any provision which would lead to new property taxation."

They also raised concerns about costs, saying very clearly that whether those costs are the result of new taxation or the result of a need for a self-financing authority to raise revenues, many of the small operations they deal with that barely make their budget from year to year now would feel forced to use the abandonment provision and transfer their cemeteries to local municipalities. What is the sense of that, if we force these faith communities to abandon cemeteries because they can't afford some of the costs that will come from the new authority? I just say to the government, look, you've got concerns from municipalities, you've got serious concerns raised by faith communities; why doesn't someone

from the government stand up and say, "We're going to have some public hearings to deal with these concerns"?"

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I'd like to commend my colleague from Cambridge for his contribution to this debate. His presentation was incredibly well researched, as it normally is with that member. The member mentioned the whole issue of door-to-door sales. That's something with which I would have a tremendous concern, that you would have folks marketing in this way. I'm pleased, as I know that members on both sides of the House, including the official opposition, will want to note that section 29(1) of the bill says, "No licensee or other person shall contact, by telephone or in person, a person for the purpose of soliciting the making of, or negotiating, a contract for the sale or provision of a licensed supply or service." For this type of really vulnerable group, for this type of sensitive issue, I certainly am supportive of that and I want to commend the member for raising that point.

1640

I'd also like to mention that the bill does contain some pretty specific provisions with respect to a practice that is quite negatively known as ambulance chasing—and the member opposite raised this. To contact someone at a particularly vulnerable stage, whether they're in a hospital, at a nursing home or in receipt of palliative care, I think would be unconscionable. I am pleased that section 29(2) of the bill provides some really strong consumer protection. I know that is important.

I'd like to commend the member for Cambridge for his thoughtful remarks on this issue. I look forward to more debate on it. I'd like to congratulate Tim Hudak, the minister, for finally tackling what is a difficult issue. There are a lot of sensitive issues involved here and he has had the courage to do that. I'd also like to congratulate Jon Clancy for his work on this important piece of legislation.

Mr Brown: I was hoping that when a minister of the crown stood up, he would have done what the Minister of Transportation did a couple of days ago in this debate when he committed to full public hearings on this bill. That is something the opposition has hoped for. We were hoping we could deal with this in a non-partisan way so that we could understand what the various sectors of this so-called industry are saying.

I would like to remind members, as the member from Cambridge pointed out, that funeral directors in this province dealt with about 83,000 services last year. Of those, there were only consumer complaints in 13. So I think the funeral directors of this province could be fairly said to be well regulated and practising with a high degree of ethics.

In my constituency we have small rural funeral directors, we have family funeral directors. We have the Gilmartins in Wawa and Chapleau, the Beggs family in Thessalon, the Menards of Blind River and Elliot Lake, Jamie Bourcier and his family in Espanola, Gloria Dickson and her family in Little Current, and the Culgins

in Gore Bay. They provide a first-class, understanding, empathetic service to those families.

I want the ministers to understand that this is about combinations. This is about big business entering in an even larger way into this industry. That is what you're permitting.

While the minister just talked about the section prohibiting solicitation, what we want to know is, are they prohibiting commission sales? Having commission sales in this industry is impossible in the protection of the public interest. It should not happen, because if there are commission sales, they will find ways to solicit, Minister.

The Deputy Speaker: The member for Cambridge has two minutes to respond.

Mr Martiniuk: I'd like to thank the members for Elgin-Middlesex-London, Nickel Belt, Nepean-Carleton—the Minister of Energy—and Algoma-Manitoulin for their comments in regard to this bill.

I dealt at some length in my address with the prolonged history. This act follows a very rare commodity in this day: a consensus recommendation by the industry and consumers after what I would consider prolonged and intensive consultation of all stakeholders. I'm very pleased that a bill of this kind on a very difficult topic could result in a consensus.

The Deputy Speaker: Further debate?

Mr Sergio: I'd like to continue with the debate on Bill 209, with respect to the so-called strengthening of the provisions of funeral homes and the services that are being provided by funeral homes. Bill 209 in itself says that this is "An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes." There are a number of things that the bill envisages to do. How well the bill is going to do them is another story. Let me say at the outset that I don't want to be seen as ranting and raving against the bill because I'm in total opposition to it. I want to very objectively go through some or most of the content of the bill in the time I have and point out some of the concerns I have with the content of the bill.

In the way it has been presented, it envisages doing two very particular things. One is to strengthen consumer protection, and of course we are all in favour of consumer protection in the bereavement services business or the funeral services business. The other one is something else, but still it is connected to the business itself, and we call it standards, ethics. Of course, who wouldn't be supportive of providing better standards in that service, especially in this particular sector? I don't have to tell you it's not only at that time that it is very sensitive. The entire funeral services—provisions and standards and protection—is a sensitive business itself. So if the bill envisages doing exactly those things, then I think it would be in the best interest of the general public, the consumers, to make sure that the bill does exactly that.

How can we be assured of that? We have heard the minister and some other members saying this is the best in 100 years. We would like to make sure of that. If that is the case, then the minister, I'm sure, has absolutely no

problem making sure we have some time allocated for public hearings so that we can go to the public, to those agencies, individuals and businesses that deal with the bereavement industry, to those that have an interest, and to the public in general. Because in that situation, it is not that we are dealing solely with a human body, a person who just passed away; we are dealing with a number of other concerns, but especially the family and those who are close to that family. We are concerned with both the person who just died and the ones who are still living who have to deal with the details and whatever that entails.

There are some issues I want to address. Quite a bit is left out of the legislation that I believe the public still has concern about. If we, as legislators, don't want it to be seen that this piece of legislation is being driven by the corporations out there, by those that are in the business in a big way, and it is a big business, then we owe it to the public to assure them that this legislation is not out there because it's been driven by those corporations with big interests and that this piece of legislation creates a very level playing field.

I believe there are areas in this legislation that do not create that level playing field. If we don't want to be seen as interfering with that idea, then again, we have another reason why we should go to the public and make sure those individuals, those agencies, those that have an interest will have their say. I'm sure that the government—the Premier, the minister, the members from the government—are interested in making sure that everyone has a good understanding of what the bill entails.

1650

With respect to creating more solid, greater protection so that we don't create a monopoly, I think this is extremely important, and I think based on that solely, because there is some apprehension out there that the way it is now the bill eventually will create exactly that: a monopoly. But it's not then that we have to deal with this monopoly; it is now. We have to deal with it now. I see the need, and I ask the minister that this bill go to committee for public hearings. No one, the government or the opposition here, can be seen not to offer the protection this particular type of business offers to the public.

Yes, I think it is great that we license those operators. I think it's good the public knows that they are dealing with people who have some regulations, ethics and standards. As the legislation here says, those who sell caskets should be licensed, of course; the headstone people should be licensed. But at the same time as we demand more protection for the consumer, we should see that we offer protection on both ends. At the time that one of the services is required, there isn't sufficient time to really delve into every detail. But at the same time we have to be very much aware that by passing the legislation the way it is, we are not going to damage the small business industry which provides a tremendous service to the entire province as a service industry: creating jobs, maintaining the existing positions and

offering a service that is competent to the general public, and, at the same time, affordable.

Are we nibbling at this particular type of business now? It may very well be that by approving the legislation the way it's been presented, we are going to readdress those services to a particular location, and eventually control that market. Why do I say that? Included in the legislation as it is now, if the legislation of course will pass, cemeteries will be allowed to get a licence as funeral homes. What does that mean? The funeral home as we now know it may be or will be bypassed and they will be going directly to a cemetery. Of course, they will have so-called visitation centres as well; of course, they may be selling the headstones; of course, they will be selling caskets—all of them.

Is this increasing protection for the general public, for consumers? Does this mean that we will see a decrease in the general cost of the funeral service itself, or the cost of those items? I have a hunch that the opposite will happen. Why do I have this hunch? Because I am not satisfied, with the content of the legislation as it has been presented, that we are being objective on both sides and we are offering the general public and the consumer that particular choice.

Why do I say that? I mentioned to the minister, I believe, when he introduced the legislation a few days ago, that back in March 2000 I introduced a very similar bill, but my bill, I have to say, was dealing mainly with some changes to the Funeral Directors and Establishments Act. Why? By the way, this went to first and second reading. When I mentioned that to the minister, he said, "You know what? I am addressing those concerns that you had expressed in your bill, Bill 54, back in March and April 2000."

Let me say this. Today I had a very nice conversation with a person who evidently is very knowledgeable and who has an interest in this general business. Whether he was representing himself totally, or some cemeteries, some organization or agency, a lobby group, I have no idea, but he came to see me and said, "Let's see what your concern is with respect to Bill 209." The main concern was with respect to holding funeral services from an unlicensed place or a so-called funeral centre.

I demanded from the minister a clarification of this particular point, because at the time of bereavement, people—the public, the consumer—should not be burdened with the problem of finding out if this is a funeral home, a funeral centre or what have you. I think we have to be clear. The legislation does not address that. I can't find it here in the legislation. If it is somewhere else, then I'll be more than happy to say that my major concern has been addressed. I'm still waiting to hear from the minister's office. They wanted to meet with me to discuss the major concern I have with this particular bill, and I have to say that I'm still waiting. I'll be very happy to meet with the minister's staff, and if they can appease me and everybody else with respect to that, I think we are going a long way to making sure that indeed the bill is much better than what it seems to be.

Why is that such an important point? When I introduced Bill 54, it stemmed from the fact that a human body was prepared in a licensed funeral home; then it was transferred. The bill here speaks of transfer operators in not very much detail. The body was transported to one of these funeral centres. This funeral centre at the same time was selling caskets. So indeed, prior to having a human body there, this was a store, if you will. It was a funeral centre selling caskets. But it originally had called itself a funeral home. Well, it was not a funeral home. It was a funeral centre, unlicensed, operating, without the facilities of a funeral home, as a funeral home. This was brought to my attention, and that's when the bill was introduced.

As I said, I cannot get a clear answer. Bill 209, the way it has been presented by the minister, will do just that: it will allow a human body to be prepared in a funeral home, then transported somewhere else for visitation, and that's where the funeral services will be taking place a day or two later. This is what I'm trying to avoid. This is what I'm trying to pinpoint to the minister, and this is the concern of a lot of people. If we allow this to happen, if this legislation will allow that, we will see residential neighbourhoods suffering horrendous traffic that at the moment is prohibited. Furthermore, we will see what we may call franchised funeral centres. Why shouldn't they? Unless I am told otherwise, this is what will be happening.

1700

I should tell you, Mr Speaker, and perhaps you know—I shouldn't say, "I should tell you"; pardon me—that any commercial location allows for a store, a funeral centre, a funeral parlour to sell caskets, since it is a commercial venue. Isn't it nice that a particular location that may be abutting a residential community all of a sudden says, "I don't prepare the body here. I have no facilities to prepare the body here. This is strictly a visitation centre"? This is the problem, and I cannot get a straight answer from the minister or the government. This is not what they want, this is not what I want and it's not in this piece of legislation. It is a major concern. As I said at the outset: providing better support—absolutely; providing more protection—absolutely.

Another area where I have some concern—I've had some calls, and there is genuine concern—is the 30-day cooling-off period. If you don't like a particular headstone—I think we're too late for a casket at that stage. With respect to making a decision if you want an expensive casket or not, if you want it in wood, if you want it in steel, I think that is a very quick decision, and of course it is between the salespeople at the funeral centre and the family members to decide on that. That is something that will be decided very quickly.

Where we have a problem is with respect to other services. If you make a contract for a headstone, you have to decide what the amount will be, and you may come back 10, 15 or 20 days later and say, "Do you know what? I've changed my mind." But maybe the headstone is ready. What are we going to do in that

respect? We may have a small operator who has been in business for a long time and never had a problem, but all of a sudden he is faced with stiff competition from a large cemetery where they are offering headstone services, funeral services and the sale of caskets. I have some concern with that as well.

I think the legislation needs to be cleaned up; it needs to be tightened. It needs to provide assurance, not only to consumers, as I said, but also to those who provide services to consumers. I think they are entitled to some clarification. They are entitled to some protection as well. We owe it to them.

I'm saying to the minister, please take a look at my bill, Bill 54, see the content and make sure this particular concern is addressed, because I don't see it being addressed in the bill as it is here. Only then, once we have sent this bill for a good public hearing, can we come back and say, "Everything has indeed been addressed. Let's send it forward," and the bill should pass.

The Deputy Speaker: Comments and questions?

Ms Martel: I want to thank the member for York West for the comments he made.

It's a good thing we have lots of letters today, because I can read yet one more from people who are watching this legislation and who frankly are telling the government that there are ongoing concerns that reinforce the need for some public hearings on this bill. I gather as I listen to my Liberal colleagues that the Minister of Transportation mentioned this briefly in passing, in a two-minute response two days ago, and we haven't heard from the government since. So I'm hoping that at some point during the debate today the government is going to indicate that in fact there will be some public hearings.

I talked to you about the municipal Alert and the conversations that we've had with some of the faith communities, but it's interesting that a letter also went on September 20, 2002, to Tim Hudak, the minister responsible for this legislation, from a Miss Melanie Currie, who is a policy analyst for the Canadian Federation of Independent Business. Lo and behold, the CFIB is also now telling the government, or maybe they're still telling the government, that they have ongoing concerns about this legislation, which I think would warrant some public hearings.

As she said in this September 20 letter to the minister, they "appreciated the opportunity to participate over the last 19 months in the Bereavement Sector Advisory Committee," and they did so on behalf of members who are the independents in that sector. She also says that they have "advocated consistently in support of a framework that will enhance fair competition in the industry, including the choice of independent service providers and open, honest communications from all players." She notes that they reviewed the draft legislation on August 30 and, "Our reading of the legislation is that there are areas where it does not respect the agreement of principles" put forth by the committee to Mr Hudak's predecessor on November 23. "As a consequence, we worry [about] the future viability of independent operations in

the bereavement sector...." So yet another reason why we do need some public hearings.

Hon Mr Baird: I listened with great interest to my colleague from York West and his comments on this bill, as I did when he made the response for the official opposition the day it was introduced.

As I recall, his bill—it was in June 2000, I believe—dealt with the whole issue of visitation centres with respect to the broader area of funeral services. I think the bill that we are debating today very much supports the general intent of that area which he brought forward. It provides for rites in cemeteries, provided an establishment meets some very specific licensing requirements, which I think is good news. The bill brought forward by the hard-working member for Erie-Lincoln, my colleague, puts an end to the current competition that independent-based funeral homes face from these tax-free visitation centres currently established on cemetery land.

I think there are some business people who have made investments—and when I say "investments," these are, by and large, a lot of family operations in various parts of the province, and they should be on a level playing field. I think this bill tries to get us there, some of it immediately and some of it in about five years, as I understand it. But the legislation we are debating today also requires visitation centres to be licensed as a form of funeral establishment, if you will.

Bill 54 also proposed a third category of location, where rites in cemeteries would be held four or fewer times per year. The broad definition of "funeral establishment" used in the government's bill presented by Mr Hudak allows for the creation of classes of such establishments in regulation and leaves room for addressing locations occasionally used for funerals. That's good news for consumers in the province.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I have to congratulate the member for York West for the work that he has done on this bill. He has done the research properly and he knows what he's talking about.

But at the present time, I thought we had a pretty good system in place, because those people who want to become funeral home operators or funeral directors have to take the courses. There are courses available at Humber College here in Toronto, and for francophones there is Collège Boréal in Sudbury. It's a two-year course, and after they have completed the course they have to make sure they are employed by a funeral home operator that is in operation already.

We have been talking about this for many, many years in Canada, I would say, but at the present time, in trying to defeat a system that is really working well, I really wonder what the reason is behind this. I'm anxious to see this bill go to committee. If it does go to committee, we would be able to question the government on the purpose of tabling this bill.

1710

I have to tell you, there's a section that concerns me. The bill preserves certain provisions of the Cemeteries

Act. In my own riding at the present time, in the village of Plantagenet, there is a closed cemetery, a cemetery that used to function and be well managed. All of a sudden, it was not in operation. We called the ministry people because a bulldozer was on it. They moved the stones, and the bones also, but there was no action. I just wonder if the new bill will give us the staff, the resources necessary to follow those infractions that have been occurring.

Mr Martin: I want to also commend the member for York West for his comments here this afternoon. I think we're starting to get an interesting flavour presented as the various sides get up and speak on this bill. It's not as clear-cut and simple as one would think at first blush, particularly when we listened to the introduction of the bill by the government, who obviously want it through here quickly so they can get another piece of business done—

Mr Brown: Eighty-six pages.

Mr Martin: Yes, 86 pages. Get it through here, get it done and move on.

It does, in fact, intrude into an area of public business in communities across this province that has some very real ramifications and concern. We need to look at it very carefully. That's why we, as a caucus, are very clear in our call for public hearings. We want to hear from the various groups that we have letters on behalf of in our offices these days raising concerns from some interesting sectors: the Association of Municipalities of Ontario, lots of faith groups who have concern about this and others. I'll go through just a short list. We have, as I said, the faith groups; independent funeral establishments in urban areas that have some concerns; funeral establishments in rural areas; funeral establishments in medium-sized areas—they're all different, they all have a different area of influence and raise concerns; just funeral establishments in general; the cemeteries, who have some concerns about this and I believe want to come to the table to share some of what they think would be improvements to the act; of course, consumers; casket and market retailers; and municipalities. I think it would behoove the government, as we've said here time and time again, to take the time that's necessary to do this right so that we don't have to do it again.

The Deputy Speaker: The member for York West has two minutes to respond.

Mr Sergio: I'd like to thank the members from Glengarry-Prescott-Russell, Nickel Belt, Nepean-Carleton and Sault Ste Marie as well.

The comments that I made in addressing my particular bill—which the minister, the member from Nepean-Carleton, mentioned—are on unlicensed funeral homes or funeral centres, if you will. I'm glad he did read my bill, Bill 54, which addresses that particular point. It is with respect to conducting funeral services from an unlicensed place, but only in the absence of a funeral home, a funeral centre or a funeral parlour. It is mandatory to be incorporated to service those isolated areas—I don't want to say that as a slight—such as, let's

say, northern Ontario, where there are sparse populations, where we don't have a funeral home every two miles. I think, and it says so here, that it's being left to the discretion of the Lieutenant Governor in Council, who may make an exemption to service those particular areas, but not in the city of Toronto or any other place within the boundaries of Ontario. That is strictly to give an opportunity to those underserved areas to indeed provide and conduct service from an unlicensed place, and then only by the order of the Lieutenant Governor in Council. So I think it is important, again, that the minister goes back and takes a look at Bill 54 and incorporates those comments.

The Deputy Speaker: Further debate.

Mr Martin: I look forward to the few minutes I have here this afternoon to put some thoughts on the record on behalf of our caucus re this very important piece of public business.

I'll say right off the bat that it's a piece of legislation that has in it portions that are supportable, that are improvements, that are an evolution of this activity across the province. On the other hand, there are some things that are still creating concern and are problematic for ourselves and a number of groups across the province.

We as a caucus are very clear, and have been from the beginning, in our call for public hearings. I say that because I think it's important that people understand that we've not been having a lot of these public hearings over the last few months and years under this government. Public hearings seem to be anathema to anything that this government decides it wants and needs to do on behalf of the people of the province. Oftentimes, and we've seen it time and time again here, by not going to public hearings, we find ourselves in difficulty. The government jumps through hoops and does backflips to try and change legislation or regulation. It brings bills back here that, had they taken the time to do the public hearings in the first place, had they been willing to listen to the opposition as they made their cogent and intelligent arguments, had they been willing to go out to the people who usually are impacted most directly by the decisions of this government, and had they been willing to listen to amendments and suggestions for change that would have improved the bill, they would not have made the mistakes and created the difficulty and the further work that so often has been required.

I'm saying to them in this instance, please take the time; respect and recognize the very long, thought-out, proven and contributive process of this place to bring bills forward. Listen to the very reasoned, intelligent and researched arguments of the opposition. Be willing then, because of that, to take legislation out for substantial public hearing, not just as we did here a week or so ago. I was brought in from Sault Ste Marie to sit in committee and consider hearings around a budget bill that was substantial in nature and had many parts in it that would affect very directly each and every one of us in Ontario. At that time we had 30 minutes of input, according to the time allocation motion that was brought forward here, for

all three parties to make representation on our behalf, on behalf of those who spoke to us on that very elaborate and extensive piece of public business, and then at 4 o'clock we were right into clause-by-clause consideration. Even that consideration was cut down, shut down, and the clauses then were simply rammed through with a raising of arms and simple votes. Then the bill came back here for third reading, where again there was absolutely no opportunity whatsoever for further debate, simply an up-and-down vote and it was all over.

We're hoping in this instance that the government will have considered the letters and phone calls they've gotten. We have letters on record here from groups as varied as the Ontario Provincial Synod, the Anglican Church of Canada; we've had overtures to us from at least half a dozen major faith groups in the province; and we've had letters that my colleague from Nickel Belt read into the record here this afternoon, just a small sampling of them, from organizations and communities across the province and from the Canadian Federation of Independent Business, which has some concern with this act and this piece of business.

1720

I would think those are a wide enough cross-section, a variety of interests and concerns, and the government should be willing to pay attention and listen to us when we call on them to have public hearings. Some of the faith groups that attended meetings we had in order to understand more fully their concerns were the Roman Catholic Church, the Anglican Church, the Lutheran Church, the Jewish community, the Hindu and Islamic faith communities and the Baptist faith community, among others—and of course the United Church and the Presbyterian Church—which are very important communities across this province, particularly in areas of faith and the support of faith and faith expression by families and individuals across the province, particularly at times when ritual is central and of tremendous essence and where things like the passing away of individuals and family members is concerned. They have some very real concerns about this bill that I'm going to put on the record this afternoon, in the hope that the government will understand that they need to take the time that's necessary to really get their heads around what they're doing here, and if they can't, then to take this bill out for public consultation, to actually travel across the province with the bill, because they will have some time.

We don't need to ram this thing through before December 12, when it's targeted that we will rise for the holiday season. They have lots of time. It was the tradition in this place for many, many years that in the intersession we would take these very important pieces of public business that would call on us to change the way we do things, to change the way we oversee operations in this province, where we try very diligently to be proactive and progressive in the ordering of public business, and go out and listen to folks who can't make it to Queen's Park for all the reasons that's not possible. This piece of legislation affects not only some of the

bigger corporate interests in the bereavement industry, but medium- and small-sized communities and industries that exist and the faith groups that operate there. As well, it affects some very small and rural interests outside Toronto in eastern and western Ontario and, of course, in the far-flung north of the province, where communities are very vital and viable and want to have some control over the management of bereavement services in their communities and want to be sure they're able to provide a first-class experience and support for their constituents, and to do that in a way that's not going to cost them an arm and a leg and that speaks of respect and dignity in the middle of all this.

It's a really important piece of business, and the meetings we had with people about this were really important as well. We took the time to hear and to listen. The groups themselves took the time to write letters and make presentations to the government on this bill. I think the government, in honouring them, in honouring the effort that has been made to shed some light on some of the issues here, should be willing to sit down by way of public hearings and listen to what is being said.

As I said at the outset, there are some things in here that make some sense. It is an evolution; it is a progression, a moving forward. But there are also some fundamental pieces of this legislation that cause some great concern to some very well meaning and honourable folks out there in the business community, in the faith community and in communities themselves who have some concern and want to be heard.

Moving on from there, what is it that we're about here? What is it that we're trying to do? What does this bill purport to change as it moves its way through the process here? Funeral services and cemeteries are currently regulated under separate acts: the Funeral Directors and Establishments Act and the Cemeteries Act respectively, two pieces of the business. The two acts have been in place for years. They currently prevent cemeteries from operating a funeral home. They keep those two levels of service apart, regulated by different arms of government and in different ways.

As well, funeral service operators are prohibited from locating funeral services on cemetery sites. It keeps them separate for very reasoned, thought-out and debated reasons. This isn't the first time we've had this kind of legislation before us. In fact my colleague from Nickel Belt, who has spoken here on a number of occasions this afternoon, tells me that back in 1988 when she was here, the then Liberal government was dealing with a bill of a similar nature. In 1990 when that bill, that piece of legislation, finally passed, it was decided to keep those two pieces of this business separate—I'll go into it in a few minutes—for very legitimate and important reasons. I'm not sure those legitimate and important reasons aren't so today, so we need to be looking at that. We need to be hearing from more people about this.

The government tells us that they have consensus, that they've consulted. We heard the member from Scarborough Centre tell us this afternoon about the very

extensive and intensive consultation that went on before this bill was brought forward. I have to tell you that, as we've found over and over again with this government over the last eight years, they consult with the people they see as important, the people they think have important things to say about the ordering of public business in this province, the people who bring them to the dance: the big corporate interests and the larger industrial sectors of this province, who seem to have their ear more readily than others.

I would suggest that the consultation, however intensive and extensive, wasn't as all-encompassing as I think is needed and as we would like to see. So you'll see that the bill is leaning or shifting or tilting somewhat in a direction that presents to the faith communities, to the Canadian Federation of Independent Business, to the Association of Municipalities of Ontario and to other groups across the province that have some very vested interests. Some community interests, some moral and ethical interests in this act don't quite see it in the same light as the government, and they want to be able to share those thoughts.

We're looking at two very distinct pieces of a very important practice and business in this province, and I say "business" in the broader sense of that. This bill tries to strike a balance, but we suggest it's a precarious balance, among the various constituents involved in the issue. When you start messing around with something that has been under a fairly stable regulation for quite a long time, there are bound to be some very sticky and difficult issues that we need to consider.

As we've said, there need to be considerable committee hearings and public consultations to find out if the legislation we have before us in fact accomplishes what they agreed to in the consultations, as the drafting happened. They can't just ram this one through and hope it works. As I said, that which is agreed to in the consultation, that which they ignored in the consultation, that which they didn't hear in the consultation, needs to be brought to bear here, not to speak of the fact that the government tells us once again not to worry, to be happy, that a lot of what's going to happen in this area is going to be in the regulations, is going to become more obvious and clear as they develop the regulations.

They suggest they're going to consult widely and broadly there. If the consultation they have done in preparing this bill is any indication as to the kind of consultation they're going to enter into after the bill is passed and they're considering the regulation, and if their track record here in terms of consultations—I was telling you a few minutes ago of the half-hour we had with regard to the budget bill—then we're very nervous, to say the least. We're anxious about that and we want to make sure the government understands that we need these public consultations.

1730

The government has avoided some of the bumps in the road that we think are there—they obviously haven't identified them by way of their presentations here on this

bill this afternoon—that I think we need to look at, by in fact saying that they're going to shift that over and deal with those bumps when they develop the regulation. There are so many details left to the regulations that most groups involved in the process are in fact reserving judgment; they're waiting. Where we've heard from a number of groups, and a number of their concerns have been put on the record here this afternoon, there are even further groups out there who haven't yet brought forward their concerns at all. They're waiting, in fact, to see what is put out there by way of the regulations. We're saying to them that they ought to be careful because, once the bill is passed, it's much simpler and easier to move the regulation through because you don't need to bring it back here. The government can just go ahead by order in council and make the changes and decisions they want.

Given this government's propensity for pandering to big business, it wouldn't surprise us if the regulations were heavily tilted in favour of the corporate chops. As a matter of fact, my colleague Mr Kormos for Niagara Centre, responding and speaking in a CP story about this bill just a few days ago, November 21, had this to say: "Permitting funeral home operators to be involved with the private commercial cemetery operators is an entry point for large corporate operations. In our view"—that's the New Democratic caucus view—"that may pose a significant threat to the future of the family-operated funeral homes" in the province. Any of us who represent communities, and we all do, know of the very important role that family-operated funeral homes have in communities where death and bereavement is concerned. The involvement of those establishments in the overall fabric of the community is not to be underestimated. If allowing the big corporate interest in this sense, as Mr Kormos has said, a foot in the door to begin to take over more and more of those family-run funeral homes is where we're going, then I have to tell you I'm very worried, particularly when I consider the work I've done in trying to regulate the franchise industry in this province over the last couple of years.

The resistance that I got from organizations representing the franchiser, mostly the big American corporate sector that has come into Ontario, up until I got my bill passed, and the very little regulation that is now in place—they saw Ontario as the Wild West of franchising. I suggest to you that we may be opening a Pandora's box here, where bereavement services are concerned, for yet further large, mostly American, corporations to come in and take over our funeral businesses as well. I don't think that's helpful.

I'm in direct, exact agreement with the Canadian Federation of Independent Business. It's interesting, because the Canadian Federation of Independent Business is not a group that always supports New Democrats in this place and across the province. We have some very opposite views on a number of issues, one of them being the importance of and contribution that the labour movement makes to the quality of life and the level of safety and good workplaces that we enjoy in this prov-

ince, the contributions that unions make there. But in the instance of my effort to regulate the franchising industry in this province, they were onside with me, saying that we need to protect the small mom-and-pop local businesses across this province because of the, in one sense, very negative impact of the bigger corporate sector coming in and taking over everything and the effect that has on local economies. When you begin to source almost everything from outside the community, even bring it from outside the country, you take away opportunity for local small business folks to operate, to contribute, to participate, to take advantage of the skill and the gift and the training they've invested in themselves. You lose that, and I don't think we're well served in that.

The same thing with the funeral industry: if we begin to put everything into one box here, and by doing that we create an opening for the large corporate sector to move in and take over if they want to—they don't need any help. I say as well to the government and to you, Speaker: these big corporate interests don't need our help; they're very well able to do all this on their own. What we need to do is look at this legislation that's before us today. We should be asking, in trying to move this industry into the 21st century and having it evolve to do some of the good things that are in this bill by way of setting standards and allowing consumer choice and making that easier for them, how we can do that while at the same time protecting the interests of the small business sector in our province. How can we do that while protecting the interests of the faith groups who have for so long, by virtue of their blood, sweat and tears, their volunteer hours, the little bit of resource they have had to invest in parts of this industry? How to we protect their interests and their investment and their future involvement in this business?

That's what we should be asking. That's where we should be focusing our attention more than trying to create opportunity by way of amalgamations and bringing together disparate activity out there that has worked relatively well over a long period of time, so that these big corporate interests can come in and begin to control more and more of this activity and push more and more of these folks out to the fringes so they no longer have any real say.

We are suggesting, for example, that the overseeing board, which will make decisions regarding this industry, has on it much more than simply representation from those large vested interests but some voice from the faith community, some voice from the independent, small, family-owned funeral services etc.

Having said that, what's in this bill? Well, this bill replaces two previous pieces of legislation—I've said this before, but I think it needs to be said again, so that people understand—the Funeral Directors and Establishments Act and the Cemeteries Act after a period of transition while the two sectors are combined. The bill integrates the already regulated sectors—funerals, transfer services and cemeteries—with casket and marker retailers, which

are newly regulated under this act. We have no difficulty with bringing those sectors in, establishing standards and making sure they're all above-board and living and operating in a way that has utmost integrity involved; we have no difficulty with that. After a transition period, it establishes a single regulatory body for the whole sector, replacing the Board of Funeral Services and the oversight of the cemeteries branch of the Ministry of Consumer and Business Services.

The single act and regulatory system changes an age-old prohibition on cemeteries running funeral homes and funeral homes owning cemeteries. That in itself creates all kinds of questions and concerns in people's minds, and rightfully so. It sets out new consumer protection provisions including a prohibition against false advertising, strict disclosure requirements, strict pricing regulations that force retailers to adhere to price lists for services, contract and cancellation rights and a 30-day cooling-off period to cancel a contract. You know, that's in the instance of people making plans ahead of time for what will happen to them once they pass away. There would be a 30-day cooling-off period where a person could sit back and say, "Did I make the right decision? Was that the right thing to do?" They could come back and say, "Listen, I want to make some changes," or, "I don't want to do that." Or if something untoward has gone on in the meantime and it's been discovered, in fact, that can be—we have no difficulty with that. That's a piece of this bill we can support.

1740

But as the member for St Catharines is so often wont to say in this House, everything this government brings forward that has good things in it that we could all support also has in it what he calls—what is it? Anyway, I call it a Trojan horse, where what looks on the outside rather harmless and maybe even helpful, once you open it up and let—"hostages" is what the member for St Catharines refers to that are in these bills. There are hostages in this bill that we really need to take a look at to make sure everybody understands what they are and how they work so that we can make them less threatening and less difficult to deal with.

It sets out trust requirements as well for money paid in advance, a care and maintenance fund for cemeteries and a new compensation fund for consumers who do not receive services paid for in advance. I think that's an important piece of business, but we have to make sure the government understands just how important it really is and how they need to be there to make sure these trust funds and monies that are paid in advance are in fact going to be adequate to the need; and that if they're not, it doesn't come back then on the consumer in their senior years when they have even less money than they have when they first made their investment in this part of their life; and then that it doesn't fall back on the shoulders of the family to carry. The government needs to be very serious about this and needs to understand that this is a very important part of this bill, not simply in the regulation that they bring in all of a sudden say, "We've

changed our mind. This is something that maybe we don't need to be quite so clear on and concise about."

I'll tell you why I'm concerned: when we were government, we recognized that on a regular basis there were a number of workers in this province who lost their jobs because businesses went bankrupt or closed down. They were left, having worked a week, two weeks or sometimes longer, holding the bag with no pay for that work they'd already done and no way, because they couldn't afford lawyers and the legal process that would be required, to in fact make that happen for them. We as a government decided that we would institute the wage protection act in this place. Not only did we introduce the wage protection act, which would give workers an avenue, in partnership with government, to go after some of these bad bosses or bad companies that went bankrupt or simply left town to recover some of the wages owed; we also put in place a fund that would be there as a last resort so that these workers got at least some recognition of the fact that they did that work and they were owed money because of it. It's not dissimilar to the requirement that's being put in this act where money paid in advance, a care and maintenance fund for cemeteries and a new compensation fund for consumers who do not receive the services paid for in advance are in fact there.

This government, not long after it came into power in 1995, did away with that wage protection act and did away with the fund. I would want to warn people out there who think that this is a good act simply because this piece is in it, the consumers who may be looking at this or listening tonight who think that, "This is good. We can support that," yes you can, but the track record of this government is not to be as supportive of this once it gets down there and we begin to look at regulation and how it might play itself out. We have some very real and genuine concerns here that we need to be considering and looking at.

It also allows reductions in property taxes for cemeteries in instances where there are deficiencies in a non-commercial cemetery's care and maintenance fund. Cemetery owners must apply to the registrar to determine the owner's entitlement to a reduction or cancellation of taxes.

That brings us to the concern that has been raised by many of the faith groups around smaller cemeteries, oftentimes in back of churches, that find themselves not able, because of the economy that's cyclical out there in rural and northern Ontario, to maintain and take care of their non-commercial cemeteries. This allows for a reduction in property tax. Mind you, it goes back to the municipality itself having to carry the load.

What the faith community is concerned about, and I'll speak about it here in a couple of minutes, is that the new taxes and fees the government is considering because of this bill, without considering what's being looked after in this piece of the bill, will just put those groups under anyway. What they're saying to us is if the new fees and taxes that are being considered because of this new reorganization of this public business are too onerous, it

will put a whole whack of well-meaning volunteer, not-for-profit, small church groups and faith groups out there across the province in real jeopardy of not being able to continue to support their cemeteries.

Having said that, it's our feeling that the impetus for making these changes came primarily from the cemeteries and crematoria in the province. The faith groups and the family-run funeral services organizations would have been just as happy to have had things stay the way they were.

Cemeteries are feeling the squeeze as cremation becomes much more popular, resulting in declining revenues. Ontario is one of the last jurisdictions where the separated system of cemeteries and funeral systems remains. Most other places in North America have gone to an integrated—

Mr John O'Toole (Durham): That's right. That's why we're changing it.

Mr Martin: Yes, I'm saying that. All I'm saying, John, is there are parts of this bill that we think are good, but we want to get out there and hear from the public because it will have implications—

Mr O'Toole: You want to delay it. That's what you want to do.

Mr Martin: No, not delaying. You call it delaying; we call it political process, we call it democracy, we call it listening to the folks out there who are going to be affected most directly. They probably talk to you. You're a good dogan, the same as I am. You've probably heard from the church groups. They're telling you they have some concerns and they want some opportunity to come—

Mr O'Toole: Tax cuts.

Mr Martin: Yes. They're afraid that the fees and the new taxes—you guys talk about tax cuts. In this instance, you're going to apply fees and taxes that weren't there before. It's a bit of a conundrum for everybody in Ontario to understand and recognize that in many instances where you guys pride yourselves on being tax cutters, in fact you're introducing new fees and taxes almost every other day in this place. You're going to do the same thing under this bill and that's where the faith groups have some real concern, that the taxes and fees you will introduce will be unsustainable for them. They're already having a hard time keeping their small cemeteries maintained and in good shape. You add fees and taxes on top of that and you're going to put them under. That's what they're saying to me, so we need to talk to them.

There are many groups with different positions on the legislation. Faith groups are in favour of parts of the legislation, as it provides them an opportunity to generate some revenue from funeral services. This will compensate for the decline in revenue from cemeteries, particularly in those areas where cemeteries are full or the demand is declining. They also need revenues for cemeteries that are abandoned to keep them up to date.

However, they're concerned that the new regulatory board will be stacked with for-profit funeral service

representatives and that their traditions and practices may be ignored in favour of market considerations. Their concerns are warranted, if you look out there and see what's happened over the last eight years. Many faith traditions and practices have been challenged and in some instances throughout in the interests of equity, which I think is problematic.

1750

Small churches are concerned that they will not be able to afford the new fees that they will be charged under the bill. They are also concerned about property taxes that they will have to pay under this new legislation. So we have some concerns there.

Independent funeral establishments have some concerns in that they are afraid this will simply be the crack that opens the door to their businesses being taken over. They are worried that they will be crowded out by big corporate funeral services establishments who will provide one-stop services.

We have rural funeral establishments. They are happy with the legislation, as it will allow them to get into cremation in cemeteries, thus providing them with more business and potential profit, as well as serving consumers better. But we understand how that might snag or enter into conflict in some way with the faith groups, who have some very legitimate concerns.

We also have concerns from consumers who say they need to be informed of their rights in this area, and should be informed. There should be a consumer education program that accompanies these rule changes. It helps no one to give them new rights under this legislation but then not tell anyone about them. Of course, if you're in business, you are more wont to share what's helpful to you as opposed to what's not, and to share with consumers what will be in your best interests as opposed to what's in their best interests. So where some changes are being made that will be helpful to consumers, as we've agreed here, we need to make sure there are provisions in place to make sure that communication happens and education happens and people understand. We need to talk about that as we move into public hearings and consultations about this bill.

Casket and marker retailers: it's pretty hard to argue that they shouldn't be regulated, but there's no clarity about the criteria in regulating these organizations and what they will be. The bill leaves that to the regulations, and we have concern about that.

Municipalities want the provisions forcing them to assume ownership and responsibility for abandoned cemeteries removed. This is a particularly big problem in the north and in remote rural areas, and comes with all

sorts of long-term costs that they can't afford, particularly with downloading pressures already in place. So they want this removed. They want to talk about that. They want the government to understand what this means for them. Municipalities would also have preferred that the old regime remain in place.

So we have two groups now, the faith groups and the municipalities, who are saying to the government, "If this is what you're going to do, it would actually be better if you didn't do it at all. Just leave it the way it is, because there's too much in here that causes us concern and poses a threat."

In wrapping up, I want to speak very briefly to this so-called consensus that has been built around this bill and that has been presented by the members of the government this afternoon as a good thing.

"This legislation," in our view, "is based on discussion and consultation conducted by Justice Adams, which produced a document outlining the current course of action. While the government calls it a consensus, it most certainly was not.

"Many of the groups were unhappy with the results, but there are so many competing interests in the sector that it would be very difficult to produce a balance. The monument and casket retailers are unhappy, small independent funeral directors are unhappy, municipalities are unhappy, and some of the faith groups are unhappy." These are very important groups, and a goodly number of them.

"The government is definitely telling a story when they describe the current situation as a consensus. It is rather a situation in which they needed to move forward and have chosen to charge ahead despite the criticism."

So we are here today. I would guess that within a couple of days, the member for Nickel Belt and myself will be standing here talking about a time allocation motion where this piece of business is concerned, and public consultation or public hearings will be a very small part of that: maybe a day, maybe an hour; who knows? We're saying it needs to be much more substantial if you are actually going to hear from the people, understand their concerns, and do the right thing in this instance.

The Deputy Speaker: Comments and questions?

The member for Sault Ste Marie has two minutes to respond. No?

It being almost 6 o'clock, this House stands adjourned until 6:45.

The House adjourned at 1755.

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