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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 11 December 2002**

**Mercredi 11 décembre 2002**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 11 December 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mercredi 11 décembre 2002

*The House met at 1845.*

ORDERS OF THE DAY

VISITORS

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: Just before we start, because we never know what's going to happen here in the evening, I'd like to welcome the cub troop that we have in the gallery today. They're very important people. They are the future leaders; there's absolutely no question. I'd like to commend those adults who are ensuring they are taught properly to be great leaders. Welcome to the Legislature, welcome to the debate you're about to see, and keep up the good work, leaders, cub members and scouts. Keep up the effort. Nice going.

**The Acting Speaker (Mr Michael A. Brown):** As you know, that is not a point of order, but welcome.

The government House leader.

*Interjection.*

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** That was way out of order, but they're from Leaside.

Order M129.

ONTARIO SOCIETY  
FOR THE PREVENTION  
OF CRUELTY TO ANIMALS  
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI  
SUR LA SOCIÉTÉ DE PROTECTION  
DES ANIMAUX DE L'ONTARIO

Resuming the debate adjourned on December 10, 2002, on the motion for third reading of Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 129, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

**Ms Marilyn Churley (Toronto-Danforth):** I'll start where I left off at about six or seven minutes to 12 last night, when I began my remarks. Things have changed somewhat since then. I was talking about the need to bring in legislation to protect puppies, to protect animals, because we all know there's a problem out there. I also said that I didn't think the private member's bill that's

being debated here tonight goes the distance to make that happen. I am not convinced this bill is worthy of support.

I also was talking last night about the need to protect people in this province. I was talking about the protection of puppies and the protection of people. Let me continue on that theme tonight. Here we are, debating a private member's bill tonight. We are debating the third government private member's bill tonight. This is the Ernie Eves Ontario now, the Ernie Eves who took over and said he was going to be a kinder, gentler Premier, that he was going to listen more to the opposition, the Ernie Eves who stood on his feet and said that Bill 77 should not be treated in a partisan way because it involves human beings.

That's the kind of Ontario we're in tonight. I'm standing here talking about cruelty to puppies. I applaud the fact that the bill is being called. I applaud, or I did applaud when the government said they were willing to call important bills from all parties.

I know that Bill 77 is controversial. I understand that. So was Bill 30. We debated it, we voted on it, it's done, it's off the table. We have not seen—

*Interjections.*

**Ms Churley:** Stop showing such disrespect for me. Let me tell you what I'm talking about here. This is what I'm talking about tonight. I'm talking about a report from the chief of genetics at North York General Hospital, Dr Philip Wyatt, who said this: "There are more than—

**Hon Brad Clark (Minister of Labour):** On a point of order, Mr Speaker: My understanding is we're debating M129. She's off topic.

**The Acting Speaker (Mr Michael A. Brown):** I'm sure the member will relate her comments to the bill we're discussing, but I would like to urge members to show a little bit of decorum and a little bit of restraint and understand we're here to do the work of the people.

1850

**Ms Churley:** I would say, don't tease the bears here tonight.

"There are more than 2,500 inheritable diseases. We now can emphasize that every individual must understand his or her medical background so that he or she may decrease his or her chances of suffering from a potentially fatal inherited condition such as breast or prostate cancer."

Did you know, talking about cruelty to animals and cruelty to people, that adult adoptees cannot access their own medical history until after they show symptoms of a

fatal disease? How would you feel if one of your children had that at their feet?

“Current laws make it impossible for adoptees to take informed, preventive action. Without accurate patient information, doctors can misdiagnose illnesses and prolong suffering. Adoptees are dying because of this injustice, or unknowingly passing on conditions to their own children.”

These doctors are calling for this Legislature to pass my private member’s bill, which may I remind you, as we stand here talking about cruelty to puppies and animals—

*Interjection.*

**Ms Churley:** They’re saying to me—everybody out there, a Tory just said to me, “Your bill is dead.” That’s what they’re saying, and they’re getting great pleasure out of this, let me tell you.

As we stand here tonight and debate a third government private member’s bill—I notice that a few of my Tory friends are not laughing and teasing me. They look pretty serious about this, because they know I’m talking about a very serious issue here. I’m talking about a bill that received all-party support in this House, a bill that went to committee, a bill that’s been languishing for over a year, the third bill I’ve brought forward to this House. I had the Premier say we could bring this bill forward along with other private members’ bills from the Liberals and the Tories.

The first thing that happened is that the government House leader came and said, “We want to make a deal with you.” Part of that deal would be Bill 30, along with four other bills from them, four from the Liberals and one from us, maybe two, but we only wanted one.

This is so vitally important to tens of thousands of people in Ontario. This bill is not about me. I found my son. I found him. This bill is about others who are suffering the results of having antiquated laws because this Legislature will not do the right thing. A few members over there are willing to get up and discuss cruelty to animals, or firefighters or small business legislation this afternoon, and I’m trying to bring forward a bill for a vote that has had incredible research. This is the third attempt I’ve made, and it had all-party support.

I’m telling you this bill is not about me. People say to me, “We admire your passion on this subject.” This passion is not about me. This passion is about the thousands of people out there I’ve been working with over the years to try to help. They are desperate for the same compassion and fairness that Mrs Munro is trying to bring forward in a vote tonight in this House for animals.

Let me be very clear. I applaud the member for bringing forward something that deals with cruelty to animals. I have no problem with that. We should be debating it and we should be trying to resolve that issue. But for heaven’s sake, the so-called deal that never was, that fell apart: we had nothing to do with it, but Bill 30’s done. It’s off the table. So the House leader comes to us today and says, “Let’s talk some more.” I want to say to the

House leader that I appreciate that. I appreciate the fact you did that today. I know yesterday was a very difficult day for me. I had a talk with you and I had a talk with the Premier and with others. I appreciate the fact that the House leader came forward today and said, “Well, we’ve got a lot of government bills”—I believe they have up to 50—“the Liberals have some and you guys only want one, but let’s talk some more.” We said, “OK, let’s talk some more. Let’s see if we can find a way to deal with this and get Bill 77 called.” We were being extremely co-operative because this bill is about real people, thousands of people who need this bill passed. In some cases, it’s a matter of life and death. It really is.

I talked last night about a woman and her children who inherited a kidney disease that she didn’t know ran in her biological family. By the time she found out—because she couldn’t access her medical records—she had her three children. They all have that disease now too and they’re all going to require kidney implants. Another woman is infertile, sterile, because she wasn’t diagnosed early enough to have the preventative action taken to prevent that. These are just two examples. There are thousands of people in the same situation.

When you hear that there are 2,500 inheritable diseases—I can tell you from my own experience; when I had my child, I was a teenager. That’s the case with the women I’m here trying to protect today and help, and the adult adoptees. We didn’t know very much about our family history as teenagers. Many of us went away and had our babies in shame and secrecy; didn’t even tell our parents. We didn’t even know about what they knew at the time.

So these children grow up in adoptive families and they know nothing about their genetic background—nothing—and these terrible things are happening. Women are having miscarriages and they don’t know why. People are suffering emotionally. Talk about cruelty—the cruelty of not passing this bill when we have an opportunity.

You know what the worst of it is? The majority of people in this Legislature support it. Seventy-five per cent of Canadians support it. A survey was just done; I have it here, a survey done by the University of Guelph. It’s very accurate. Some of the government bills that are being called may not have majority support, just like Bill 30. It was a very controversial bill, a very difficult bill for us and for many others. It tore people apart in rural versus urban settings. But it was called, we debated, we voted on it. That’s all I’m asking.

But do you know why the bill isn’t being called? The bill is not being called because the majority of legislators here support it and because the bill would pass; because a few members sitting on that side of the House have some vehement opposition to it. I, frankly, don’t understand what it’s all about. If you read my bill—

*Interjection.*

**Ms Churley:** Oh, Brenda Elliott, the minister responsible, would like me to get back to puppy mills. Puppies are important, but so are people, the area you’re respon-

sible for. Minister, you have reviewed these documents and you know the suffering that's going on out there.

**The Acting Speaker:** I'd just like to remind the member that she needs to make her comments through the Speaker.

**Ms Churley:** I'm almost done here, Mr Speaker. What I'm going to do is tell the government this: there is still an opportunity to come back to the table and negotiate a deal here. But in the meantime, we are not playing ball here tonight.

I want everybody out there to know people are off at parties tonight, having their Christmas parties. So what I'm going to do now is move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a half-hour bell.

*The division bells rang from 1900 to 1930.*

**The Acting Speaker:** Ms Churley has moved adjournment of the House.

All those in favour will please stand and be counted.

All those opposed will please stand.

**Deputy Clerk (Ms Deborah Deller):** The ayes are 12; the nays are 42.

**The Acting Speaker:** I declare the motion lost.

The member for Toronto-Danforth has the floor.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** On a point of order, Mr Speaker: I'd like to congratulate the whip's office and Lyne Demers for all their hard work in getting 42 members out.

*Interjections.*

**The Acting Speaker:** I guess it's going to be that kind of night.

The member for Toronto-Danforth.

**Ms Churley:** I say to people who might be watching and listening that you've just witnessed the power of the majority, the power of the dictatorship as we stand here tonight dealing with the third government—

*Interjections.*

**Ms Churley:** Oh my God, now they're taunting me because they don't understand the importance of why we're doing this tonight. We're debating the third government private member's bill and the government refuses to bring forward one New Democratic bill. They should be ashamed of themselves. They're actually enjoying themselves.

I'm now going to call for an adjournment of the debate.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

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

*The division bells rang from 1933 to 2003.*

**The Acting Speaker:** Ms Churley has moved adjournment of the debate.

All those in favour will please stand.

All those opposed will please stand.

**Deputy Clerk:** The ayes are 10; the nays are 37.

**The Acting Speaker:** I declare the motion lost.

Further debate?

*Interjections.*

**Mr James J. Bradley (St Catharines):** Now he's driven Garry out of the House.

**Hon Mr Baird:** Don't say a bad word about my friend Garry Guzzo.

I'm very pleased to have the opportunity to speak to the bill presented by my colleague the member for York North. She is a tireless worker for her constituents. She fights hard on every issue that she feels strongly about. She's an honourable member. She has worked tremendously hard to get this bill before the House and I want to congratulate her.

*Applause.*

**Hon Mr Baird:** It is well that my colleagues should congratulate her for her leadership in this regard.

**Interjection:** She's the top dog.

**Hon Mr Baird:** She's definitely the top dog.

I can tell you that my constituents in Nepean-Carleton, whether they be in Stittsville, Barrhaven, Greely or Metcalfe, are tremendously concerned about the safety and well-being of animals, particularly dogs and cats, with respect to those people who breed and sell animals. They should be treated humanely. Whenever there is a tragic incident involving abuse of animals, the public outcry is incredible because people in Ontario, particularly in my community of Nepean-Carleton, feel tremendously about these issues. They think the government can do more, as the member for North York feels. She brought forward this bill as a reasonable and meaningful bill to try to better protect those who don't have a voice. I want to congratulate her for this.

There have to be some basic protections and safeguards for these animals. I operate in Nepean-Carleton, which has a substantially large rural population. About 40% of the population of Nepean-Carleton—the Carleton part of the riding—live in rural parts. That area was very well represented by Norm Sterling for many years. I'm so glad that the member for Lanark-Carleton is back in the House today to participate.

**Hon David Young (Attorney General, minister responsible for native affairs):** And still in the House.

**Hon Mr Baird:** And still in the House. They were tremendously well served by Norm Sterling in the Ontario Legislature.

There has been some issue with respect to the agricultural industry. I was pleased that the member opposite tried to separate her bill from the general agricultural bills, because generally speaking I don't think you'll find a group of people who better protect their animals—

**Mr Bradley:** There's the orders.

**Hon Mr Baird:** "Don't put the question," is what it says, Jim.

You won't a group of people who are better stewards of animals than most farm operators. There will be the small number of bad actors who have a dairy or hog operation, but the overwhelming majority of farm operators right across Ontario are good actors. The member's bill certainly recognizes that the plight of domestic animals, of domestic pets, is of tremendous concern and she's brought forward this legislation.

There are a small number of puppy mill operators who operate in disregard of the safety and security of these animals, and that causes all of us concern. I know it causes people concern in Espanola and on Manitoulin Island.

*Interjection.*

**Hon Mr Baird:** Some would say, I say to the member for Erie-Lincoln, let sleeping dogs lie. But the member for York North, Julia Munro, said no. She wanted to step in and put legislation forward. She brought it to the Legislature for second reading. I was quite impressed to see the support of all members of the Legislature from all three political parties.

*Interjection.*

**Hon Mr Baird:** I hear one member complaining in the corner. She's been carping regularly throughout the evening. This is a private member's bill. This is a bill that the member for York North brought forward because it was something that was important to her. That's something that's tremendously important, that all members of this House, be they sitting on the treasury bench, in government or in opposition, have the ability to bring issues that are important to them and to their constituents. I am someone who strongly supports the report of the committee that was chaired by Margaret Marland, the member for Mississauga South, capably served on by members of both sides of the House, which says there should be a bigger role for all members of this Legislature, regardless of whether they're on the treasury bench. And that bigger role shouldn't be contingent upon whether you agree or disagree with them. It should be contingent upon the ability of members like Ted Arnott, the member for Waterloo-Wellington, who had the courage of his convictions to tackle a difficult issue, to bring a bill to the floor of the Legislature, to have the courage to face some pretty stiff opposition in all corners of this province, to stand up for what he believes in, to have a debate on the floor of the Legislature. It was a healthy thing to have an open vote on that issue earlier today.

**2010**

I want to congratulate the House leader of our party for helping make that happen. Chris Stockwell has been pushing for a greater democratization of this place than we've seen in recent times. I don't think that ever in the history of the province of Ontario have we stayed after hours to work on issues that are important to members who don't sit on the treasury bench and who don't sit on the executive council. It's because Chris Stockwell, not only when he sought the leadership of this party but after the leadership and after the election, when the votes were

counted, continued his plea to make backbenchers' issues on all sides of the House a major priority. I want to congratulate him. There is no prouder role I've had in public life than to serve as Chris Stockwell's deputy. It's been a real honour and a privilege for me to get to know the member for Etobicoke Centre and his capable executive assistant, Peter Hardie. I woke up to watch Breakfast Television on Monday, and there was a Peter Hardie from Etobicoke, aged 39, who was charged with abusing an animal, which is very pertinent to the member for York North's bill, and I want to assure all members of this place that's not the Peter Hardie who works for Chris Stockwell. I know that Peter Hardie feels as strongly as all members do of the need to step in and provide protection for our four-legged friends. So I want to congratulate Peter Hardie.

There have been a number of cases in various parts of the province. The member for York North will know the case north of the city of Toronto a number of years ago. I can recall speaking to the Solicitor General at the time, Bob Runciman, who spoke about the number of calls and complaints that they got in his office with respect to this tragedy and believing that there was an important role for government. Now, I'm not one who believes that there should be an expansive role for government in all areas, but I do believe there is an important social responsibility that we have, whether it's to protect those who are developmentally disabled, whether it's to protect those who are perhaps down in their luck and who need assistance, whether it's to protect those who need health care, regardless of their position in life, and I think that the rights we afford to dogs and cats should be something we're concerned about. We should stand up and make a statement that for those in pursuit of profit in a market economy who would put profit ahead of basic decency—there should be some recognition of that in law, in the statutes of Ontario. I am pleased that the legislation brought forward by the hard-working member for York North reflects that.

I do believe that there is an important role for all members of this Legislature in presenting legislation. Again—

**Interjection:** Regardless of party.

**Hon Mr Baird:** Regardless of party, regardless of whether they're in the executive council or not. We saw earlier today the member for Waterloo-Wellington, someone who has been known right across the province of Ontario as a freedom fighter, stand up and fight for what he believes in.

*Interjection.*

**Hon Mr Baird:** "He's a courageous man," the member for Stoney Creek says, and I want to underline that. The ultimate verdict on that is, whether people agreed with him or disagreed with him, they can respect him. Whether they agreed with him or disagreed with him on Bill 30, they can acknowledge that when a private member brings forward a meaningful bill that's important to them and their constituents, there should be debate, there should be a vote. A decision is part of the political

dialogue in this province, and we had that earlier today. But too often this place becomes very political.

I see the member for Sudbury here tonight. The member for Sudbury has brought forward a good number of meaningful private member's bills that I think we should have had the opportunity to debate in this place. But that requires that there be an amount of give and take. Too often in the Legislative Assembly of Ontario in recent times we haven't seen that. It's become an all-or-nothing struggle to say, "Unless I get everything that I want, there's not going to be democracy." As someone who as fought for the rights of individual members of this Legislature, it can't be contingent upon whether you happen to agree with them. That's what the calling of Bill 30 was about earlier today.

I would have liked to have sat in this place and debated Bill 77. I went to the member who brought Bill 77 in and begged her, "Don't put the union bosses ahead of the adopted people in the province of Ontario who want their rights and freedoms respected. Don't put the interests of a narrow constituency controlling your political party ahead of the interests of the important people who are affected by this legislation." I went to her last week and I said, "Don't do it." I went to her this week and I said, "Don't do it." But the union bosses won out. They didn't want a democratic vote in this Legislature on Bill 30.

The bells of democracy rang hard earlier today, where we had a vote and people could stand up and be counted. A majority did not agree with the member for Waterloo-Wellington. I did, but a majority didn't. That's democracy. I respect that. Part of democracy is not just having a debate, but it's to have an opportunity to have a vote on it. Too often, members on all sides of this Legislature bring forward partisan issues motivated by political partisanship for debate and a vote in this House. But that didn't happen for the member for Waterloo-Wellington; it didn't happen with the member for Toronto-Danforth. They brought forward bills that in one case the riding cared about and in the other case the individual member cared about, and I respect them both. I respect the member for Waterloo-Wellington and I respect the member for Toronto-Danforth.

Earlier, I checked my e-mail from my constituents. I had a constituent send me an e-mail who said, "Why did your party stop a vote on this?" I said the Premier of Ontario made an earnest effort to say, "I think there should be a free vote on both members' bills, on the government side and on the opposition side." The government House leader once again went to bat for democracy to say there should be a free vote on both those issues. But they approached a brick wall, saying, "It's not the constituents of our individual ridings who count; it's not the right that all members have to eventually get their bills called for third reading. The union bosses are going to control what happens in this Legislative Assembly." And I said, "Well, Bill 30 probably won't even pass. What's wrong with a democratic vote?"

Premier Eves last week said that we should have more, meaningful private members' bills come up for debate

and to have decisions. What's wrong with that? Isn't that democracy, Mr Speaker? But that's not what happened in this place. So I'm not going to sit back and allow any one in the province of Ontario, whether it's the member for Toronto-Danforth or anyone, to say there wasn't a legitimate, meaningful offer to have a vote on her bill, because there could have been a vote on this bill. We could have debated the bill, and we could have rendered as a decision. I think it's pretty obvious that the bill would have passed. But the brick wall went up and they said no. And when people complain as to why Bill 77 wasn't passed for debate, the finger will be pointed at one person and one person only, the member for Toronto-Danforth, who had an opportunity to have this bill called, but her House leader—and she, because she supports her House leader—said they wouldn't allow it to come for vote. I think that's regrettable. I really do.

It's not just the member for Toronto-Danforth. The member for Sudbury brought forward two or three good private member's bills for debate in this chamber and hoped to get a vote. He's also a loser in this, and all the people in Ontario are losers. There should have been a vote. We should have had a meaningful debate and decision on the bills from the member for Sudbury. Representing his constituents well, he brought forward bills and they got caught up in the brinkmanship of politics. That's something I know the government House leader didn't want to see happen. That's something I know that no member of the government or the official opposition wanted to see happen. That's got to be put on the record, because I'm not going to allow any constituent in Nepean-Carlton or around Ontario to question why that happened.

**2020**

With respect to the House leader for the third party, I respect him. He has strong opinions. He cares. It may surprise him that I do respect him, but you can't put the brick wall up, have somehow a legislative battle where you draw the line in the sand and nothing moves forward, and then think there is no consequence to it. I think that's regrettable, I say to the House leader for the third party, because I do have a tremendous amount of respect for him. I'm disappointed that that happened not only in the spring but also happened now.

I supported Bill 77 on second reading, as Minister of Community and Social Services. It sailed through without a single moment of debate. I said, "Let's send it to committee hearings. Let's find out. In principle, we'll support the bill. Let's send it out to committee hearings. Let's have more debate. Let's allow the public to have an opportunity to come forward and discuss the bill." It was something we and the House leader of the day, Janet Ecker, offered up. It sailed through.

There was a legislative compromise. A whole bunch of good legislation went through that day. We repealed the Homes for Retarded Persons Act, which was an omnibus bill, removing offensive and outdated language and terminology affecting the developmentally disabled of the province. That was one of the good pieces of legislation that went through in this House.

I want to credit the House leader of the third party. He was very helpful in that, and I would be dishonest if I didn't put that on the record. That type of legislative co-operation is far too often not present in this place, and I regret that.

I look to my House leader. Is that still the case?

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Yes.

**Hon Mr Baird:** We are continuing the debate on the bill brought forward by the member for York North. I want to indicate that the constituents in Nepean-Carleton, whether they be in Bells Corners or Craig Henry—or in Hamilton and other parts of the province, in Stoney Creek, Napanee, greater Kingston, Oakville, Mississauga and Etobicoke—care about this issue.

Whether there is a young girl in Napanee who wants to ensure that puppies and cats are cared for, that they will be protected by this bill from those who, in the pursuit of profit—there will be protection. Whether it's a young girl growing up in Mississauga, she too will know that there will be legislative protections in the statutes of Ontario.

This is important for our humane societies around the province and for the Society for the Prevention of Cruelty to Animals. It is important that they have the tools to step in to protect innocent lives, to protect the puppies and kittens of this province. We don't want to see any creature in Ontario abused or neglected, particularly in the pursuit of profit.

I want to congratulate, if I could, in my last two minutes, the member for York North for her tireless dedication and effort. The unscrupulous puppy mill operators of this province have a real enemy in the member for York North.

This legislation is perhaps not the most consequential piece of legislation ever debated in this Legislature, but it nonetheless is important for those of us who care passionately about protecting those who are vulnerable, whether it be in the amendments we brought forward to children's aid societies, whether it be in the good number of protections to provide supports to those who are developmentally disabled or, in a small way, to provide support to our law enforcement officers, to the Society for the Prevention of Cruelty to Animals, to our humane societies. Too often, people turn their backs.

Earlier, in my first term in Parliament, the former member for St Andrew-St Patrick, Isabel Bassett, brought forward legislation to provide supports and strengths to this area. That was tremendously important and meaningful. We should, on this day, congratulate her for those efforts.

I hope the member for Sudbury is going to speak next. Is that the case? I think a lot of members are sticking around for the vote and to hear the member for Sudbury speak.

We look forward to more debate and, most importantly, at the end of this process—we approved this bill at second reading unanimously. The third party had no comments on the bill other than to talk about other issues

and to move adjournment motions. I hope at some point we will be able to have a vote, which is an important part of democracy, on third reading of the bill.

**Mr Bradley:** On this auspicious evening, I appreciate the opportunity to speak on a bill of some significance in that it is at least a part of a bill that was introduced by my colleague Mike Colle, the member for Eglinton-Lawrence and a passionate defender of the rights of animals in this province. In fact, he's had press conferences, introduced legislation and campaigned vigorously across the province for meaningful legislation which would protect animals in this province.

Bill 129, of course, was introduced by the member after the bill that was introduced by Mike Colle in November 2001. Unfortunately, this bill is very limited in that it applies only to dogs and cats raised by breeders. My colleague Mr Colle has referred to this as the breeders' bill as opposed to a bill that really would protect all animals in all circumstances. His bill contained fines for violators and allowed for tele-warrants. This bill, I guess, does. This bill, I understand, is rejected by the Ontario Society for the Prevention of Cruelty to Animals, and they are the ultimate people, I think, in making a judgment on whether legislation is truly meaningful or only a token step toward what the member for Eglinton-Lawrence was trying to achieve.

The member herself, I know, is a dog breeder and has some familiarity with this issue.

*Interjection.*

**Mr Bradley:** The member for Don Valley East refers to a conflict of interest. I can't make that judgment. I'm not the Integrity Commissioner, so I can't make that particular judgment, but that is a contention that my colleague has enunciated in his contribution to this debate.

Let's look at what's missing from this bill and perhaps get a hint as to why the Ontario Society for the Prevention of Cruelty to Animals has rejected the bill as not suitable for passage in this House. First, it is restricted only to dogs and cats that are bred for sale. Second, it excludes all other animals, such as horses and birds, bred for commercial sale and animals in distress, like Holly, the dog—we remember that particular incident of Holly—who was dragged behind a car last year. There were mutilations of cats, dogs and other animals. Animal fighting is still going to be allowed under this proposed legislation, and this in the year 2002. There is no new power for inspectors. They can be obstructed, essentially, without penalty. There is no licensing for breeders, and anyone can breed animals in the backyard or in basements without an inspection and licensing. So you can see that the limitations of this bill are very substantial.

I want to share with members of the House what the Ontario Society for the Prevention of Cruelty to Animals thinks of Bill 129, the bill put forward by Ms Munro. I'll quote from the Ontario Society for the Prevention of Cruelty to Animals press release on March 13, 2000. They said, "Contrary to what the Harris government and many of our MPPs have been saying, the Tories are not showing the leadership needed to pass reforms for animal



protection,' says Vicky Earle, CEO of the Society. 'They have ignored these amendments that have been sitting on their desk since June, 2001, and instead have rallied behind Julia Munro's private member's bill which is so problematic that the Ontario SPCA cannot support it.'"

Then, there's an SPCA press release on March 13 that adds more to it. It says, "Mr Colle's concern over the crisis of puppy mills in this province compelled him to introduce private member's Bill 100, the Puppy Mill Ban and Animal Cruelty Prevention Act, last fall—a bill that unfortunately was defeated by the Progressive Conservative government."

**2030**

Again in the press release of March 13: "The society said it could not support the private member's bill introduced by Progressive Conservative MPP Julia Munro (York North), yet the Tory government has continued to point to her bill as its display of effective action.... The Ontario SPCA did not work with Ms Munro in the drafting of her bill and has explained categorically its concerns with her bill. Meanwhile, the government has failed to introduce the numerous amendments"—

*Interjection.*

**Mr Bradley:** This is significant, I say to the member for Stoney Creek, who is attempting to interject. I'd ask him to listen to this portion of it, because it's very important that you listen to something instead of simply trying to intervene for the purpose of blocking something said.

It says the following: "Meanwhile, the government has failed to introduce the numerous amendments the Ministry of the Solicitor General did work with the Ontario SPCA on, along with other ministries, over nearly a two-year period."

In the spring of 2002—here's a significant fact for all members of the House and those at home who are watching this debate attentively—the Ontario Tories were set to introduce, and I would have applauded this, as would my friend Mike Colle, a comprehensive animal protection bill. The details were contained in a draft document approved by the cabinet committee on justice and intergovernmental policy. The proposed legislation would have included the amendments that the OSPCA was asking for. Mr Eves and Mr Runciman, after concentrated lobbying by the puppy mill industry, suddenly withdrew the proposed legislation.

That's of great concern to me, because it looked like the government had come to the edge of making a good decision, a decision I would have led the applause for, as would my colleague Mike Colle, who has championed this cause for such a long period of time. But there was great pressure put on the government by a lobby group. This government says, "We don't listen to special interests."

**Hon Mr Clark:** No.

**Mr Bradley:** Well, they do, quite obviously. They listened to the puppy mill industry and backed off, took three, four, five steps back on legislation that could have been introduced, legislation for which the government

could have taken some considerable credit because it would have responded to the concerns expressed by Mike Colle, the member for Eglinton-Lawrence, who obviously would have received a lot of the credit. But the government could have shared in that credit. Instead, there was a major retreat, a major change when the puppy mill industry got wind of what was happening and decided to put pressure on the Harris-Eves government.

The September 17, 2002, leaked cabinet document shows that Mr Eves and Mr Runciman have abandoned comprehensive legislation in favour of a soft, PR approach by deciding to put forth Ms Munro's Bill 129. Bill 129 was rejected by the OSPCA and supported only by the puppy mill industry and their supporters. I can understand why the puppy mill industry would support it: because it protected them. It protected them finally. There was somebody, obviously, within the government who cared enough about this issue, who was heartened by what was happening inside the government, to move this issue along, who said, "It's time this got leaked to the public," about what the government was really doing. I suspect that there were people on the government benches—because not all of them are right-wing zealots; there are one or two or three or four—

**Mr David Caplan (Don Valley East):** Name names.

**Mr Bradley:** Well, as I look in the House tonight, I see at least three, perhaps four, who I wouldn't classify as right-wing zealots, who may be, if not red Tories, at the very least very light blue Conservatives who I think might have supported that initiative originally and themselves would have been deeply disappointed when somebody put the kibosh on this in the cabinet procedure—likely the Premier and the Solicitor General, as he was called at that time, before he got Tom Ridge's title of public safety, or whatever he's called now.

Now that I'm mentioning him, I should say this to you, Mr Speaker, because you would be concerned about this as a member from the north and in light of the auditor's report: \$60 million was withdrawn from the budget of the Minister of Public Safety and Security, my good friend Bob Runciman. I have been fighting since that time to have that money restored to his budget. I would suspect one of the reasons he absented himself from the vote today on Bill 30 was because he wanted to show some protest to the rest of the government for robbing his ministry of \$60 million.

**Hon Mr Clark:** You're making that up.

**Mr Bradley:** No, the first is fact; the second is conjecture, and I think it's fairly safe conjecture.

Now let's look at Mike Colle's original Bill 100, the Puppy Mill Ban and Animal Cruelty Prevention Act. It was introduced way back in October 2001. It allowed for inspections by officers of selected puppy mill operators and other breeders of animals for commercial sale. It allowed for licensing of animal breeders. It called for prohibition of pet stores from selling animals from unlicensed breeders or kennels. It allowed for lifetime bans on animal breeders and kennels that operated illegally. That's a get-tough approach. That's a law-and-order ap-

proach. This government likes to talk about law and order. It called for heavy fines or jail terms for convicted puppy mill operators and other illegal breeding operations. What a fine bill that was. What a fine bill, had it passed the House. Again, I would have given due credit and applause to the government, as I like to be generous in my praise when I believe the government has done the right thing. Fortunately, I don't have to be that generous, because they do not do that very often.

Let's look at a second bill. He said, "Look, if they're not going to support the first bill, let me try another bill, Bill 105, the Animal Cruelty Prevention Act." It was introduced in May 2002, this year. It was modelled after the OSPCA-proposed amendments. So he said, "Let's get some of those amendments in there. They've worked hard on this. They've made some good suggestions. Let's see, not what the puppy mill breeders are all about, not what the lobby of the vested interests is, but the lobby of those who have the interests of animals themselves in their hearts, the OSPCA."

It makes it an offence to cause an animal to be in a state of distress—sounds reasonable to me. It makes it an offence to train an animal to fight another animal. We know from exposés that have taken place that even today, in the year 2002, in a province which professes to be a progressive province, that there are still illegal animal fights going on, but this would make it an offence to train an animal to fight another animal. What a good, progressive step that would be. My guess is that the member for Waterloo-Wellington would have been applauding that wildly, because he's the kind of person who would care about animals.

It introduces standards of care for animals' health and welfare, including adequate food and water, adequate medical attention, adequate shelter, safe transportation and protection from harmful confinement. We've seen only too often on news stories the sad tales of animals being abused and mistreated, in some cases deliberately through striking out at the animals, in others through neglect. Mike Colle's bill, Bill 105, would address that. That's the bill we should be dealing with this evening.

It would allow judges to impose a lifetime ban on puppy mill owners and operators from animal ownership. It makes all kinds of sense. Isn't there a lifetime ban on poor people for doing something? What was it you on the other side introduced to put the boots to poor people? If they broke the law once, for life they're no longer eligible for something. I can't recall exactly what it is, but that's what you've done. It's not for corporations that don't pay their taxes, because the auditor said half the corporations in this province hadn't even filed tax returns. This is the province which is good for snitch lines and is tough on everybody, except of course those corporations which refuse to pay their taxes.

By the way, can you imagine, on this side and the other side, how those corporations that have filed their tax returns, are legitimately paying their taxes, are doing their public duty and are fulfilling the laws of this province must be angered when they find out that half of their competitors and fellow corporations have not even filed

tax returns in this province. They must be as annoyed as the general public is.

**2040**

But I digress. I want to move back to a bill that I want to compare with this bill, and that is Mike Colle's Bill 105. His bill would make it an offence not to comply—no, let me get to an earlier part. It allows the OSPCA investigators to act on instances of cruelty in a more timely fashion. Mike Colle's bill makes it an offence not to comply with an OSPCA order or obstruct the OSPCA investigators. The Mike Colle bill increases penalties for those found guilty of an offence to a maximum of \$100,000 and/or two years in jail for individuals and a maximum of \$250,000—that's a quarter of a million dollars—in fines for corporations. I'll tell you, that's a meaningful penalty. That's enough to make somebody withdraw. That's enough for somebody to say, "I'm going to comply with this tough new law in the province." It allows judges to issue tele-warrants to inspectors for expeditious investigations and rescues, essential when the life and health of the animal is at stake. His bill is enthusiastically supported by the OSPCA, and over 230,000 Ontarians, including a large number in the city of St Catharines, which Mike Colle visited, signed petitions supporting these amendments. I want to say as well that while this bill is perhaps a tiny step in the right direction, it's not entirely the kind of legislation that we need.

I'll tell you what bill would be very good, and at this point in time, I seek unanimous consent of the House for second and third readings of Bill 128, the Highway Memorials for Fallen Police Officers Act. I think that would be timely at this point in time. I seek unanimous consent for second and third reading.

**Hon Mr Stockwell:** Of what?

**Mr Bradley:** Of Bill 128, the Highway Memorials for Fallen Police Officers Act.

**The Acting Speaker:** Mr Bradley has asked for unanimous consent to give second and third readings to Bill 128. Agreed? Agreed.

#### HIGHWAY MEMORIALS FOR FALLEN POLICE OFFICERS ACT, 2002

#### LOI DE 2002 SUR LES CONSTRUCTIONS SITUÉES SUR LA VOIE PUBLIQUE ET NOMMÉES À LA MÉMOIRE DES AGENTS DE POLICE DÉCÉDÉS

Mr Bartolucci moved second reading of the following bill:

Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty / Projet de loi 128, Loi permettant de nommer des ponts et d'autres constructions situées sur la route principale à la mémoire des agents de police décédés dans l'exercice de leurs fonctions.

**The Acting Speaker (Mr Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

HIGHWAY MEMORIALS FOR FALLEN  
POLICE OFFICERS ACT, 2002

LOI DE 2002 SUR LES CONSTRUCTIONS  
SITUÉES SUR LA VOIE PUBLIQUE  
ET NOMMÉES À LA MÉMOIRE  
DES AGENTS DE POLICE DÉCÉDÉS

Mr Bartolucci moved third reading of the following bill:

Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty / Projet de loi 128, Loi permettant de nommer des ponts et d'autres constructions situées sur la route principale à la mémoire des agents de police décédés dans l'exercice de leurs fonctions.

**The Acting Speaker (Mr Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

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

ONTARIO SOCIETY  
FOR THE PREVENTION  
OF CRUELTY TO ANIMALS  
AMENDMENT ACT, 2002  
(continued)

LOI DE 2002 MODIFIANT LA LOI  
SUR LA SOCIÉTÉ DE PROTECTION  
DES ANIMAUX DE L'ONTARIO  
(suite)

**The Acting Speaker:** The member for St Catharines.

**Mr Bradley:** I see I have 37 seconds left in my speech this evening. I hope all of us understand at the very least that there is a genuine problem out there with animals, who are very vulnerable. I think that all members of the House, regardless of what political party you're with, share that particular concern. I hope that all of us share that particular concern, and I move—what?

**Interjection:** Adjournment of the House.

**Mr Bradley:** Adjournment of the House.

**Hon Mr Stockwell:** No.

**Mr Bradley:** No?

*Interjections.*

**Mr Bradley:** I don't move adjournment of the House. I withdraw my adjournment motion. I thought it was 9:30.

**The Acting Speaker:** It is an unusual evening. Further debate?

**Hon Mr Clark:** It is indeed a pleasure for me to participate in this debate. The member has brought forth a bill which, I have to tell you, really does mean something very special to me.

As I grew up, dogs were a big part of my life as a child. My father was actually a police officer. He was a

canine officer in Hamilton. This was in the old days in the Hamilton police department—a lot of people don't know this. This was back in the 1960s. My father came home with a dog. In those days, they actually brought the dogs home. This dog—

**Mr Ted Chudleigh (Halton):** They still do.

**Hon Mr Clark:** Do they still bring them home? This was a beautiful German shepherd. This dog was about 120 pounds. I used to call it a bear. This thing was huge. His name was Scout. He was the most obedient dog, and he was my buddy. This was an attack dog. This was a dog that was there to protect the police officers, to do their job, to do searches, to find people, and this dog was trained remarkably well by a trainer who's name was Walter. I can remember how passionately Walter used to talk about breeding dogs and the proper and humane treatment of dogs. He was a tremendous breeder. The man had such passion for his dogs. In terms of training them, there was no better. It's amazing what a dog can do when it is well-trained, well-bred, nurtured and looked after.

Our colleague Julia Munro, a tremendous member, brought forward this bill to protect animals: dogs and cats. I can remember when she came and talked to me about this for the first time. It kind of struck me at that moment that—every so often in this House we kind of get caught up in the debate. We get caught up the partisan politics from time to time. Then, things come forth that actually have real meaning in people's lives. Many times we are debating things and we have no personal experience on the matter that is before us. We may be debating anything from long-term care to mental illness, and many of us may not have experienced that. I was responsible for bringing in Brian's Law, but I had no personal experience. I had no family members who had mental illness. I was shocked at the time to learn that one in four people in Ontario have a serious mental illness. I didn't have any life experience with it. On this particular matter, I have some life experience. What Julia, my colleague, brought forth made sense: to put into law requirements that the breeder—I go back to my friend Walter, who I'm sure is long gone now. He was in his 60s when I was a young man of 10. Do the math: I'm sure he's gone on to the great breeder school in the sky. He had standards, because he had that passion to look after his animals and treat them well.

I can remember how upset my father would be when you'd hear about abuse of dogs or cats. I can remember once in my own community when someone had tossed cats out of a car window into Mount Albion Falls in a plastic bag, that kind of abuse.

**2050**

My colleague brings forth a bill that puts standards in place for keeping cats or dogs for breeding or sale. The standards are pretty clear. For you and I, Mr Speaker, for people who are humanitarians—I have a dog at home, her name is Peanut. I look after my dog. She's a cockapoo, a lapdog. I look after her. But to ensure that people in the province of Ontario, to ensure that breeders do the right thing—

*Interjection.*

**Hon Mr Clark:** As the member for St Catharines said, to ensure that the breeders do the right thing, the first thing in the bill is to provide the animal with adequate food and water. It seems simple to you and me. Some of us in this place have more than adequate food; some of us eat more than enough food. It's important that the breeder provide adequate food and water.

To make sure that when the animal gets sick it has medical attention: for the average people sitting at home listening to us talk about this, it almost seems surreal that this Legislature would have to talk about it, because you would think that human beings would never ever abuse an animal, and that when an animal is ill, you would look after it.

A month ago, my dog almost died. She had pancreatitis, diarrhea and was dehydrated. I sat up for three days feeding her droplets of water trying to keep her alive, and she came through it. It was very stressful, but that's providing appropriate medical attention to a dog or cat. This bill says, "Provide the animal with adequate medical attention when the animal is sick or injured or in pain or suffering." The member put it into the law to ensure that it is done.

Most of us humanitarians who see an animal in distress simply do it. My daughter, when she was four years old, brought home a bird that flew into a window, because the animal was in distress. That was a good humanitarian effort, and I praised her for that. But there are people out there in Ontario who don't care. They put the bottom dollar first; they simply don't care—no passion, no concern. That's shameful that it happens in a province like Ontario.

To provide the animal with adequate protection from the elements: how often I've seen in the newsreels where they go in to one of these puppy mills and see that the animals have not been protected from the elements. The dogs or cats, newly born, are freezing to death or, in the summertime, are in a garage that is heated up beyond what the animal can sustain, and as a result of exposure, is dying. How can we in this province allow this to happen? My friend Julia Munro says we can't.

To transport the animal in such a way to ensure its physical safety: another simple one.

Then she puts in here, and I think this was really specific: "Not confine the animal to an enclosure, with inadequate space, with unsanitary conditions, with inadequate ventilation, without providing the animal with an opportunity for exercise, together with one or more other animals that may pose a danger to the animal, or that is in a state of disrepair or that is dangerous to the animal's health or well-being."

She pretty well covered off every potential parameter. I think it's important that this be done. Then she took it one step further and said that it's an offence if anyone who doesn't comply with these standards. Society, I would argue, believes it is offensive. It is an offence to do these types of things to innocent animals that gener-

ally just give unconditional love to their owners. That's what they do.

The last thing I point out here is she also included a penalty: \$60,000 or imprisonment. She put a penalty right into the bill. So you look at this, and what she has done is brought forth the bill out of her concern for dogs and cats, that they be protected. That's what this place is all about.

When I came here three years ago, I vividly remember my first day in this House. I can remember talking to my colleague from Hamilton West and my colleague from Hamilton East, and I was just shaking my head. I couldn't believe the—to be diplomatic—repartee across the floor. I guess I was a little naive when I first came here. I kind of thought we'd all work together and bring in good laws.

I can remember when we brought in Brian's Law. I worked to hard to prove it could be done. It wasn't easy. I can remember Frances Lankin—I can't remember her riding now—

**Mr David Christopherson (Hamilton West):** Beaches-East York.

**Hon Mr Clark:** —Beaches-East York—and Lyn McLeod, from Thunder Bay-Atikokan, if I'm not mistaken. They were the health critics at the time. I was parliamentary assistant for health, and I was asked to modify the Mental Health Act. I can also remember at the time my colleagues on this side saying it was basically a suicide mission, that the Mental Health Act had never been opened. "There's a reason for that," they said, "Good luck."

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** If they told you that, they didn't know what they were talking about.

**Hon Mr Clark:** I thought, "How hard can it be?" So I kind of took the opinion of Sean Conway and thought to myself, "It can't be that hard."

**Mr Conway:** It was done in 1978; I remember it very well.

**Hon Mr Clark:** The member says it was done in 1978. I can remember looking back at Hansard, trying to get a handle on the groups that were involved, and I would say to my honourable friend that they were disparate groups.

**Mr Conway:** Elie Martel and Evelyn Gigantes were totally opposed to it, and they were from the same caucus.

**Hon Mr Clark:** Yes, they were on all sides of the spectrum. From one end you had psychiatric survivors, who had major concerns about community treatment orders, and at the other end of the spectrum we had the schizophrenics' society, who were expressing the need to help keep people on their medicine. So you had this huge, disparate group, and I was charged with the responsibility of somehow getting everyone together to come up with a better Mental Health Act.

I took the responsibility to go and talk to Frances Lankin and Lyn McLeod, and we started going out and actually doing hearings and meeting with the stake-

holders. And what ended up happening out of it all was we slowly came together and started to recognize that every single person simply wanted to improve the act, and so how would we do it, how would we put the safeguards in place? When we took that position, we were able to come out with a bill that went out on first reading, and I can recall amending the bill a few times, actually right in the committee hearings. I was getting my exercise running in and out as we were negotiating these amendments.

My point is that I had faith the process would work. I also have faith that private members' business can work. I have faith that private members' business is meaningful. The members come forth with concerns in their community, concerns from their constituents. Many of them do thorough research on them and bring them forward. Some may not believe it works, but I have faith that it will work. And the fact that we're here tonight debating a private member's bill—most people would say, "Gee, logically one would assume that is proof that private members' business works." When I first came here, I was told, "Private members' business never gets passed. Don't even worry about trying to come up with something significant, because it just never gets passed." And yet here we are again today debating private members' business. As a matter of fact, we spent last night debating private members' business. The House leader—a remarkable job, an absolutely remarkable man—just continually amazes me. And I'll send him the bill later for my statements in the House.

2100

**Mr Conway:** Aren't we lucky.

**Hon Mr Clark:** We're so lucky you weren't here last week, I tell you. We're still counting our stars that you weren't here last week.

We've got these opportunities to bring these things forward. But what really bothers me—I asked my House leader about it, because I couldn't understand this. Some people say I'm not the sharpest pencil in the package.

*Interjection.*

**Hon Mr Clark:** I won't name names. The member for St Catharines disagrees. He knows I'm a fairly sharp pencil—not the sharpest, but a fairly sharp pencil.

I couldn't understand how a private member's bill could be stopped from moving forward when everyone seemed to agree in principle to get it out there. Then lo and behold he said, "It's called horse-trading." That's funny, because we're talking about an animal bill here. I thought there was a connection, and I scratched my head—I'm not the sharpest pencil in the pack.

*Interjection.*

**Hon Mr Clark:** You've got to look in the mirror. There's one difference between stupidity and genius. Genius has limitations. The member over there has no limitations.

One would have to ask why this thing would be stopped, and it was in fact horse-trading. For some reason, someone, I won't name names, got their knickers in a twist about Bill 30.

**Hon Mr Stockwell:** Kormos.

**Hon Mr Clark:** Kormos. I wasn't going to name names, but you did.

The reality is, as a result of knickers getting in a twist, because it was unions—I happen to get along with union leaders; as a matter of fact, the union leaders have been meeting with me, and they respect me because I'm honest and I tell them exactly how it is. I think union leaders would be a little bit upset if they knew that as a result of some of their concerns on one particular bill, another bill never came to the House.

**Hon Mr Stockwell:** Say it isn't so.

**Hon Mr Clark:** I have to tell the House leader that I think they would be upset. Some of these union leaders would find it offensive that they took a position on a bill—how could it impact another bill, a meritorious bill that should have had the right to be debated and have a vote? How could it be that their position on volunteer firefighters could somehow impact another bill? But lo and behold, apparently the House leader for the New Democrat Party found a way. I'm learning; I now understand what horse-trading is.

**Hon Mr Stockwell:** You're like a sharp pencil now.

**Hon Mr Clark:** A sharpened pencil—I'm getting better, and the House leader is helping me. Some day I might know as much as him.

**Hon Mr Stockwell:** No, it isn't possible.

**Hon Mr Clark:** It's probably not possible.

**Hon Mr Stockwell:** It's not going to happen.

**Hon Mr Clark:** It is a goal, though. Isn't that right, member for St Catharines? You should have an attainable goal.

**Mr Bradley:** When you entered the House you were as sharp as he was.

**Hon Mr Clark:** I feel complimented.

I learned something new, and it saddened me that we find ourselves in this position. It saddened me.

**Mr Gilles Bisson (Timmins-James Bay):** You created the position.

**Hon Mr Clark:** Your House leader created this position. You can try to spin it any way you want, but the reality has happened. I sat here many times and watched negotiations go back and forth, and all of a sudden everything falls apart because one man gets his knickers in a twist. That one man happens to be the member for Niagara. I'm sorry, but I happen to believe our House leader and the House leader of the loyal opposition, who very clearly stated this thing fell apart and they were ready to go ahead. I would have been happy to debate Bill 77, and I would have been happy to vote for it. But now, no one will ever know how I was going to vote and no one will ever have the opportunity to debate it, because the House leader on that side played a game. Apparently, the game is called horse-trading. I'm still looking for the rules of this game; I haven't found them yet. I understand they're written as the game is played, but I'm learning.

I'm going to support this bill. I think it's a good bill. I think Julia Munro has done an honourable and passionate

thing by bringing forward a bill that will protect dogs and cats. My kids are pleased that I'm supporting this bill, and the House leader is pleased that I'm supporting this bill.

On that note, I'm pleased to have the opportunity to move the question.

**Ms Shelley Martel (Nickel Belt):** Point of order.

**The Deputy Speaker (Mr Bert Johnson):** Mr Clark has moved that the question be now put.

*Interjection.*

**The Deputy Speaker:** There are two of us standing. One of us is out of order, and it's not me.

*Interjections.*

**The Deputy Speaker:** Order. Mr Clark has moved that the question now be put.

*Interjection.*

**The Deputy Speaker:** The member for Timmins-James Bay will please take his seat.

I'm taking a 10-minute recess.

*The House recessed from 2105 to 2120.*

**The Deputy Speaker:** Thank you for that little bit of time. We will continue debate.

I just wanted to mention to the member for Timmins-James Bay that the kind of conduct we have witnessed is not acceptable. The Chair requires the dignity and respect of all members all of the time.

**Mr Bisson:** On a point of order, Mr Speaker: First of all, I want to offer you and other members of the House my apology. I got a little bit over the top in regard to not being heard on a point of order. I want to apologize for the tone. I respect the Chair, I respect you as an individual, and I was a little bit over the top.

**Mr Caplan:** On a point of order, Mr Speaker: Just so I could have some understanding about the rules and procedures in this House, I seek your advice. The member for Stoney Creek moved that the question be put. What is the threshold on third reading debate for the amount of time that is required in order for that question to be in order? I think that's very germane to the proceedings that have taken place in the House.

As I understand it, on Bill 30, which was dealt with yesterday, it was six hours. Prior to that, the precedents had been about 12 or 13 hours on third reading debate. I'd like your advice, Mr Speaker, if you could advise this House. What are the precedents that guide us in matters of this nature?

**The Deputy Speaker:** Thank you. That is not a point of order.

Further debate? The Chair recognizes the member for Don Valley East.

**Mr Caplan:** It's a pleasure to enter into this debate. I do think that private members' bills are important, that they ought to be debated in this House. On second reading, it is a mere one hour that members have to come to this place, sent by their constituents, to debate very important items.

I myself have brought several private member's bills. I brought Bill 37, An Act to create affordable housing. I know that I'm not unique and that all members in this

assembly have done so. They should be treated with the respect and seriousness they require, because these are important matters.

We're sent here by constituents to put forward ideas, to make good laws. One hour on second reading during private members' hour, Thursday mornings each week here in the House, is certainly not a considerable amount of time. There is a committee process that studies various private members' bills.

I would say, in reviewing the Orders and Notices paper, there are some 227 bills which have been dealt with by the House. Almost 60% are in fact private members' bills, items brought forward by members of this assembly on matters of primary importance to the constituents they represent. If that's not why we're sent here, I don't know what is; to talk about matters, to debate matters, to pass good laws. I'm pleased that we're having these kinds of debates.

I say that with some regret, because the only third reading debates and votes we've had have been on those which the government has been willing to call, and so far that's been only on government member private members' bills. It's unfair if members, representing their constituents, do not have an equal opportunity to have their bills heard—and it may go yea or nay. I'm not saying they should all be supported, but at least members of this assembly ought to have the opportunity to have their say.

I for one would be happy to sit next week or the week after or the month after and go through these bills and have reasoned debate, or reserve some time during the legislative calendar to do so. I think that would be entirely appropriate. I hope the members will consider that, because at this point, I wish to move adjournment of the debate.

**The Deputy Speaker:** Mr Caplan has moved adjournment of the debate. Is it the pleasure of the House the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 2125 to 2155.*

**The Speaker (Hon Gary Carr):** All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Deputy Clerk:** The ayes are 11; the nays are 30.

**The Speaker:** I declare the motion defeated.

**Hon Mr Baird:** On a point of order, Mr Speaker: Last night a member of the official opposition made some regrettable comments and withdrew them in a very classy way. One of the members from the third party did the same thing earlier. But the member for Beaches-East York made some very, very unfortunate comments. I know he'll want to withdraw them.

**The Speaker:** Members can do that at any time. I wasn't here and didn't hear it, but I'm sure all members will—

*Interjections.*

**The Speaker:** OK, folks. The temperature's up a little bit. Let's relax, please.

The member for Don Valley East, resuming the debate.

**Mr Caplan:** Like I was saying, I do think it's important that we have full debate of private members' bills. I think we should have a fair discussion of all the private members' bills that sit on the order paper. I would be very happy if the government House leader, if members of this assembly, would call us back next week, next month, and we could go through and have second and third reading debate of the private members' bills. I think they're critically important. We're here tonight to talk about—

*Interjections.*

**The Speaker:** Member, take your seat. We need to have a little more calm. We need to be able to hear the debates going on. Tempers are up. I would ask all members to please respect each other. The member for Don Valley East, will you continue, please.

2200

**Mr Caplan:** We're here to talk about Bill 129, a bill standing in the name of Ms Munro, from York North. It's important to cover some of the background of the bill. Back about a year or a year and a half ago, there were some very major headlines in newspapers: "Renewed Call for Animal Laws"; "Pet Laws Need Far More Bite"; "Second Puppy Mill Prompts New Calls for Harsher Penalties". What had happened was that up in Vaughan, just north of the city of Toronto, over the last 36 years a couple who were there breeding puppies had 340 animals removed from their care. Members remember that story. These animals were neglected, had been abused—untold horrors were going on there. There was a need to bring in legislation to have more power for the Ontario Society for the Prevention of Cruelty to Animals to protect these animals from this kind of inhumane treatment.

What is a puppy mill? They are multi-million dollar businesses here in Canada. They are breeding operations where dogs and other companion animals are abused and bred in unsanitary, inhumane conditions. The health and welfare of companion animals are disregarded and profit is the only motive. Puppy mill operators have little or no regard for the welfare of the animals they breed.

Reportedly, in one of the newspaper reports, some 90% of pet store puppies are from mass-production puppy farming. Conditions there are considered a cost saving only, with no attention to the puppies' immediate needs to be properly fed, for cleanliness or for medical attention. Poor breeding activities and unsanitary conditions lead to infections and parasites prior to the arrival from the breeding farm to the store, where unsuspecting moms and dads and loved ones buy them. When a puppy is raised in these kinds of adverse conditions, in many cases it leads to a much greater lifetime problem. Improper breeding and inadequate socialization leads to whole host of physical and behavioural problems, exacerbated by an unsuspecting owner who struggles with a mistreated animal.

What is in place to govern animal rights protection? In Ontario, animal protection is related by standards set down by the Ontario Society for the Prevention of Cruelty to Animals Act. Unfortunately, this act has been outdated. Federally, animal protection falls under the Criminal Code of Canada. In 2000, the federal justice minister introduced Bill C-15, which included amendments to the Criminal Code of Canada to change the current threshold under which cruelty to animals is punishable by fines up to \$2,000 and/or six months in jail. That law, as I am aware, has not passed. Sentences for violation would increase to a maximum of five years in jail and there would be no limit set on the fines which could be imposed by judges.

In Ontario—and this is what's very interesting—there is no regulation, with no standards and no inspection. Therefore, the Ontario Society for the Prevention of Cruelty to Animals cannot act until a tragedy has occurred, until it's too late. Furthermore, the OSPCA has no way of punishing the offenders other than removing the animals from the owner, so the damage can be done and all we can do is remove the animals from their care. Similar laws against animal cruelty do exist in other provinces. However, with the exception of Manitoba, animal cruelty laws are weak and outdated, as they are in Ontario.

So what do we need to do? Well, it's very simple. My colleague Mike Colle, the member from Eglinton-Lawrence, proposed several changes that would shut down puppy mills and give the OSPCA greater powers to inspect and regulate animal breeding for the purpose of commercial sale. These kinds of changes that my colleague proposed would regulate a multi-million dollar industry and would complement the proposed federal legislation. Together, they would outlaw the existence of puppy mills and punish animal cruelty in general.

That bill would have established a provincial registry and licensed all pet breeders and kennels. It would allow full inspection of breeders and kennel operators by the OSPCA, a right they do not have today. It would have made it a provincial offence to operate a puppy mill, with fines of up to \$50,000 and/or jail time. It would impose a lifetime ban on those individuals convicted of operating puppy mills, and I think this is especially important. For somebody who has done this and is a repeat offender, a lifetime ban is a reasonable kind of proposition. It would allow the OSPCA to impose fines on pet stores that knowingly buy or sell puppies from these puppy mills, because it's not just a question of regulating the behaviour of the people who breed but of the people who purchase the puppies from the puppy mills.

We need a strong provincial law, and my colleague Mike Colle brought in such a bill back in October 2001. It was Bill 100, the Puppy Mill Ban and Animal Cruelty Prevention Act. That was not acceptable to the government. Unfortunately, the government doesn't see this as very much of a priority, despite the fact—and I'm going to get into this a little bit more—that they have had recommendations from the then Solicitor General minis-

try to make these kinds of changes to give some teeth to the legislation the OSPCA is under.

So Mike Colle, to his credit, introduced a second bill, Bill 105, the Animal Cruelty Prevention Act, and it was modelled after the kinds of amendments that the folks of the Ontario Society for the Prevention of Cruelty to Animals brought forward to the ministry of the Solicitor General. It would make it an offence to cause an animal to be in a state of distress. It would make it an offence to train an animal to fight another animal. In fact, we had a media report quite recently that one of the major sports in the Collingwood area has been cockfighting, animals fighting one another for the amusement and entertainment of human beings.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** No.

**Mr Caplan:** Absolutely. The media reported just yesterday on that.

It would introduce standards of care for animal health and welfare, including adequate food.

**Mr Murdoch:** People were coming up from Toronto.

**Mr Caplan:** It was happening in Collingwood, but they were coming from all over. It's wrong. We agree that it's wrong. Well, there is no prohibition in Bill 129 to make this illegal at all, to allow the OSPCA to go in and stop this kind of activity from taking place. Mike Colle's Bill 105 would have done just that.

It would also allow a judge to impose a lifetime ban on puppy mill owners and operators from animal ownership. It would allow OSPCA investigators to act on animal cruelty in a more timely fashion. It would make it an offence not to comply with an OSPCA order or to obstruct OSPCA investigators. It would increase penalties for those found guilty of an offence to a maximum of \$100,000 and/or two years in jail for individuals, and a maximum of \$250,000 for corporations. It would allow judges to issue tele-warrants to inspectors for expeditious investigation and rescue. Most importantly, Bill 105 is supported by the OSPCA. Over 230 Ontarians signed petitions supporting these amendments.

We have Bill 129 in front of us today. What does Bill 129 do? It was introduced after Mike Colle's two efforts to bring this measure to public attention, to this House for debate and a vote. It applies only to dogs and cats raised by breeders. There are only fines for people who violate this provision. It allows for tele-warrants.

Bill 129 has been rejected by the OSPCA. Unfortunately, what's missing is the fact that it is only restricted to dogs and cats that are bred for sale. It excludes all other animals, like horses and birds, bred for commercial sale. Animals in distress, like Holly, the dog who was dragged by a car last year—you might remember that—would not be protected by this bill. The mutilation of cats and dogs and all other animals again is not covered in the bill. Animal fighting is still allowed under this proposed legislation. There is no new power for inspectors and they can be obstructed without penalty. There is no licensing for breeders in this bill. Anyone can breed animals in their backyard or basement without inspection or licensing.

In the spring of 2002, the government was set to introduce a comprehensive animal protection bill. The details were contained in a draft document approved by a cabinet committee on justice and intergovernmental policy. The proposed legislation would have included the amendment that the OSPCA had asked for. Ernie Eves, the Premier, and Bob Runciman, the Minister of Public Safety and Security, after a concentrated lobby effort by the puppy mill industry, suddenly withdrew the proposed legislation. Why? Because unfortunately the government is in the pocket of a very special interest and they are not willing to see real teeth in a law that would protect animals. That's a shame.

In September, earlier this year, there was a leaked cabinet document showing that the Premier and Minister Runciman had abandoned comprehensive legislation in favour of a soft, PR kind of approach and decided to put forth Julia Munro's Bill 129, which was rejected by the OSPCA and supported only by the puppy mill industry and their supporters.

**2210**

The purpose of the various bills ought to be to strengthen the OSPCA. In fact, I have several letters that have been received by the OSPCA calling on the government to bring in strong measures. It's the kind of legislation that we really should be dealing with, not this piece of fluff currently before us. I'm really surprised that a measure like Bill 129 is what's in front of us, rather than Bill 105 that was proposed by Mike Colle, the member for Eglinton-Lawrence.

In fact, I would say a number of other private members' bills are on the order paper that rightly should be debated. That doesn't mean they have to be supported, but they ought to be brought for debate and discussion and resolution—private members' bills which have been introduced by government, opposition or third party members. Those are the kinds of things which need to happen.

I seem to have a lot people handing me papers today.

**Mrs Margaret Marland (Mississauga South):** It makes you look very important.

**Mr Caplan:** It does, I guess.

I've got to say that what is going on here is amazing. The government is deciding, unfortunately, that only ideas that come from government members are worthy of any kind of consideration, any kind of debate, any kind of a vote in this House. I think that's wrong.

I have several bills on the order paper: bills dealing with affordable housing; bills dealing with the regulation of cellphones, pagers and wireless communication devices in schools; bills dealing with the protection of water and the ownership of water in public hands. I would very much like to see these bills debated in this House. I would very much like to see these bills have some resolution, a vote. What is the government afraid of? Why can't members of this assembly have bills, for which their constituents have them come to this assembly, voted on?

*Interjections.*



**Mr Caplan:** I hear members opposite nattering away, because they know this is the truth. They know that the only bills worthy of consideration, in their opinion, are government bills. I don't happen to believe that. I happen to believe that all members in this House have something to offer, obviously, since the people in their ridings have decided to vote for and support them. Every member brings something very special, a special perspective, into this House. I for one would very much like to see private members have the ability to have their constituents' wishes debated and voted on, to have real democracy in this Parliament.

I'm surprised that government members are the only ones who feel they have this right. That's wrong. It could be quite different. Unfortunately, that's not a view held by everybody else.

I can tell you that on this side of the House—and I don't think we're going to be here very long—we're committed to seeing some changes in the way this place works. We're committed to seeing that private members in this place have some ability to represent the views of their constituents. I want to say to the people of Ontario that this will change. In fact, it can't come too soon, because in my opinion this place is largely dysfunctional. It is about time we felt a breath of fresh air come through here. I'm looking forward to having the opportunity to—

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

**Mr Bisson:** On a point of order, Mr Speaker: I want to draw to your attention something I find most serious. It has been confirmed to me by two members of this House, Mr Murdoch and Mr Bradley, that the government House leader has threatened the Liberals with cutting their caucus budget on the basis of him not bringing—

**The Speaker:** Order. Take your seat. That's not a point of order.

Further debate?

**Ms Martel:** Here we are tonight debating Bill 129, which has been put forward by a private member. We as New Democrats are opposed. The Ontario SPCA is opposed. We are opposed because it doesn't deal with cruelty to other animals. But if you want to talk about cruelty—

*Interjections.*

**The Speaker:** Come to order, Minister of Energy. We're not going to continue with this. Sorry for the interruption, member for Nickel Belt.

**Ms Martel:** If you want to talk about cruelty—the member who is the mover of this bill mentioned that word a couple of times tonight this Conservative government knows all about cruelty, because they practise it every day. I want to deal first with this government's cruelty with respect to the clawback of the national children's benefit from Ontario families who are on social assistance. Think about this when you want to think about cruelty. The federal government's response to a 1989 NDP resolution to eradicate child poverty by the year 2000 was to give a benefit to the poorest Canadian families to try to get them out of poverty. It's worth pointing out that in 1989, child poverty affected one in 10

Canadian children. In the year 2000, child poverty hadn't been eradicated. Now we have one in five Canadian children living in poverty in this province.

**The Speaker:** I hate to interrupt the member, but we are speaking to Bill 129. I'm going to insist that you speak on that bill. If not, I will take into consideration, when it comes time for closure, whether you are speaking to the bill. I will be interrupting you every minute if you deviate from that topic. We are going to start to stick to the topic of the bill. If you start to wander, I'm going to get up and interrupt you and take as much time as it takes to do that. I'd ask co-operation from all members to stick to the topic we are doing.

**Ms Martel:** The member last night spoke a great deal about cruelty, and I agree with her: there's lots of cruelty being practised, but it's not just being practised against cats and dogs. We should be here tonight dealing with the cruelty that this government is practising against Ontario children, because that's far more important.

**The Speaker:** Order. I just finished saying that you need to speak to the topic. I will insist on it. I will interrupt you; I will stand up, and the time will tick down and you won't even speak on it, if that's what you want to do. I might add, if you continue to do that, I will name you and throw your entire caucus out. If you would like to do that, the Sergeant at Arms is prepared to do that. We're not going to get into a battle here tonight. You are going to calm down and you are going to behave like professionals in here, or I'm going to throw you all out.

**Mr Tony Martin (Sault Ste Marie):** On a point of order, Mr Speaker: I've been sitting here, minding my own business all night, listening to the debate and participating in the democratic process in this place, as I usually do. I'm just wondering on what basis you would throw the whole caucus out.

**The Speaker:** Based on the fact that we're going to stick to the topic. I've watched the anger go up in here, and it is not going to continue.

**Ms Martel:** If I can't talk about the cruelty this government practises against children, then I'm going to move adjournment of the House.

**The Speaker:** Fine, you can move adjournment of the House.

Ms Martel has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

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

*The division bells rang from 2219 to 2249.*

**The Speaker:** All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Deputy Clerk:** The ayes are 9; the nays are 30.

**The Speaker:** I declare the motion lost.

**Mr Michael Prue (Beaches-East York):** On a point of order, Mr Speaker: I wish to stand to apologize to the members opposite. I'm not trying to cover it in any way.

I honestly did not understand what umbrage was taken, but I thank the members from Bruce-Grey-Owen Sound and Mississauga Centre for explaining to me why my remarks may have been reacted to in the way they were. If I have offended anyone, I humbly apologize.

**The Speaker:** I thank the member for the honourable gesture.

**Hon Mr Clark:** I want to thank the honourable members from Beaches-East York and Timmins-James Bay for apologizing for their comments earlier. They were unfortunate and I think they simply got carried away.

**The Speaker:** I thank the members for their help.

**Hon Mr Stockwell:** On a point of order, Speaker: If I've said anything to anyone that they take offence to, I apologize.

**Ms Churley:** On a point of order, Speaker: It's been a rather horrible evening here, and perhaps everybody should apologize to everybody. I would ask for unanimous consent to call third reading for Bill 77, the adoption disclosure act.

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

The member for Nickel Belt had the floor.

**Ms Martel:** Speaker, before I begin my remarks, just to get it on the record, I'm going to also ask for unanimous consent for Bill 77, the adoption disclosure bill, to be called for third reading.

**The Speaker:** We just did it. We need a little bit more time.

**Ms Martel:** In the time I have, let me tell you why we're not going to be supporting this bill: because it's so weak-kneed and so ridiculous that it's going to do absolutely nothing to shut down those breeders who breed animals in situations that are inhumane and filthy and who treat their animals with a great deal of cruelty as well. It's really sad that the member for York North would purport to put forward a bill that's actually going to do something to protect cats and dogs when in fact the absolute opposite is true. This is going to continue to give those folks out there who run puppy mills and make lots of money off the breeding of puppies free rein to continue with the abuse and inhumanity they've practised against those animals. It's a sad state of affairs that we're spending any time this evening debating a bill that is so weak, so offensive and so ridiculous and that will do absolutely nothing to deal with what really is a very serious problem with respect to cruelty to animals.

Let me deal first with the concerns that have been raised with the government, especially during the committee, by the Ontario Society for the Prevention of Cruelty to Animals. It's interesting that the member for York North would try to tell people that this bill is somehow going to be helpful and that it has the support or endorsement of the humane society when the opposite is true. It's worth pointing out and having it on record again that the Ontario Society for the Prevention of Cruelty to Animals has said that this bill, if passed, is going to do

more harm than good with respect to dealing with those people who would perpetrate cruelty on animals.

In fact, if you go to the press release that the society put out publicly on March 13 under the name of their CEO, Vicky Earle, it says, "They," meaning the government, "have ignored these amendments that have been sitting on their desk since June 2001, and instead they," meaning government members, "have rallied behind Julia Munro's private member's bill, which is so problematic that the Ontario SPCA cannot support it."

Well, it can't be clearer than that. That says it all in terms of what the society says about this bill. Don't forget, the society's business is prevention of cruelty to animals. If any organization should know anything about what needs to be done to deal with cruelty to animals, the humane society is it, in my humble opinion. When the humane society says this ain't worth the paper it's printed on, then it probably isn't. That's a good enough reason for me to oppose it, and it's a good enough reason for my caucus to oppose.

I'm going to put on the record as well the many amendments that came before the committee when the bill was being discussed that would have, in the eyes of the humane society, actually made it a bill worth supporting. It's also really important to point out to you and to the people who are watching that every single one of those amendments was voted down by the Conservatives, voted down by the member who comes in here and tries to pretend that she cares so much about animals and dealing with cruelty to animals. Her government—herself, her friends—voted down every single amendment put forward by the SPCA to actually make it a bill that might be worth supporting. What are those amendments?

The first one was that the SPCA asked that all animals in a state of distress be treated, not just kittens and puppies, as the member's bill deals with, because of course we know we have horrendous cases of cruelty: people who breed birds that then fight against each other people who allow horses, for example, to undergo serious neglect; and all kinds of dogfighting that goes on in the province as well. We know it's not just an issue of dogs and cats in terms of breeding and what might happen. It's an issue of all animals that need to be protected and where we need to have laws in place to do that. The SPCA was really clear: "Look, if you care at all about animals, if you care at all about supporting us and the work we do, then don't just deal with dogs and cats, deal with all animals. Define that in the bill and put in place the protections necessary to combat cruelty against all animals." Well, Mrs Munro and the Conservatives rejected that amendment.

Second, Mrs Munro and the Conservatives also refused to support an amendment that would have made it possible for a judge to ban puppy mills owners from owning animals for the rest of their lives. It's important to note that the bill speaks about the ability of a court being able to do that, but only in the case of cats and dogs. So only in the case where there has been clear evidence of abuse and cruelty by an owner or someone

working in a puppy mill can they be banned from breeding again or from having puppy mills. But as to those people the SPCA takes to court because of cruelty with respect to other animals, nothing happens to them. Who cares about them? Let them continue to breed birds. Let them continue to allow farm animals to suffer neglect. Who cares? No problem. We'll allow them to keep doing that. The government voted that amendment down.

The government also voted down an amendment that would deal with the sale, through a number of pet stores across the province, of animals coming from puppy mills in the United States, for example. You have this scenario right now that you have all these pet stores that have cats and dogs with nice little bows, all kinds of great animals in the store, especially now, with Christmas on the way, and we have no idea where those animals are coming from. We have no idea if they're being bred in puppy mills in the US, and we're not doing anything about knowing about that in this bill. We've just turned a blind eye to the fact that that is happening and to the fact that every day thousands and thousands of pets that could be bred in mills across this province are being sold to unsuspecting Ontarians. The government refused an amendment that would have started to deal with the sale of these animals from the US, for example, and from puppy mills or whatever kind of mills dealing with animals where there are abuses going on.

The government and Mrs Munro also refused to make it an offence to train animals to fight other animals. Isn't that a sad state of affairs? All across the province, you've got people who train certain breeds of dogs, for example, pit bulls, just for the pleasure of seeing them fight and for people to bet on that. We know that happens in all kinds of dark places across this province, and the SPCA knows that. That's why they brought forward one of their amendments, because they wanted to make sure people couldn't train animals for the purposes of having them fight other animals, with all kinds of serious wounds leading to death etc. Did the government accept that? No, the government didn't accept that. Talk about a government that comes here and tries to pretend that they care about animals and cruelty against animals. That is a reasonable, logical amendment that the government, if it cared at all about this issue, would have accepted. But no, the government and Mrs Munro weren't interested in shutting down what goes on across this province, which is people training animals to fight each other, to kill each other, which is the most horrendous kind of cruelty there is.

**2300**

What else did the government reject? The government rejected the notion that you had to have a licence to be a breeder. You've got to have a licence to run a restaurant in this province. You've got to have a licence in most municipalities just to own a cat or a dog. You've got to have a licence to drive a car. You've got to have a licence to do just about anything in the province of Ontario. But can you imagine: if you want to breed animals and sell

them and make all kinds of money off that, and you want to be sure there's no inspection when you do that, then you just allow the situation to continue where you don't even have to have a licence.

I don't understand the logic of this. I don't understand why the government wouldn't even take that small step of forcing people in this industry to get a licence, because if people had to get a licence, you'd know where they were operating. You could do some surprise inspections to make sure they might actually be following regulations. You could track them; you could monitor what they were doing. But no. Can you imagine that an amendment like that came forward to the committee and the government voted that down? You don't even have to have a licence if you are a breeder.

What are some of the other problems with this bill that the government refused to address? This is the government, I remind you, that tried during the course of the debate to tell us how much they cared about cruelty and how this bill was going to do something to address cruelty.

Well, there's another concern. If you have an animal that you think has possibly been the product of a puppy mill, you have nowhere to go to complain about that. You can't take your concern anywhere. If you look in the paper, you see ads every day for people selling all kinds of animals. I think a lot of people respond to those ads in the paper and go and buy those animals. They get hold of an animal, see very serious signs of neglect, signs of cruelty, are worried about that, are concerned about that, and they hear some rumours about where that animal may have come from. Maybe it was bred under horrendous conditions—sold for a lot of money but bred under horrendous conditions. You've got nowhere to go to complain about that. You can't go to the Ministry of Consumer and Business Services. They don't have to have a licence, so I guess you can't go and complain to them, can you? You can't do anything, can you? You can't make any kind of complaint. You can't do anything to get the authorities to deal with that.

You can go to the SPCA. Thank God at least the SPCA is interested in doing something about this issue, because the government sure isn't. But we all know that the SPCA is grossly underresourced, and as a result is grossly understaffed. We know that. We see appeals on television, especially by the Toronto Humane Society, all the time encouraging people to adopt a pet, to give money so that their officers can go out and try to deal with some of the concerns that are raised.

There should be a formal process in place where you can go and raise a complaint, where you can have it inspected and dealt with, and that shouldn't have to depend on whether or not the SPCA has the money that day to have someone go out and investigate. If the government really took this issue seriously, the government itself would be ensuring there were some staff in place so that the government of Ontario assumed some responsibility for dealing with cruelty to animals and didn't just leave that to the goodwill of the SPCA and their ability to

do that if they have money on that particular day because they got enough donations the night before from the televised campaign, the direct-ask campaign that was going on. But no. The government didn't want to deal with that particular concern either.

What else, Speaker? What's interesting, of course, is that the government actually had some discussions at the cabinet level about what needed to be done with respect to protection of animals. It's interesting that the cabinet committee on justice and intergovernmental policy recommended that cabinet approve legislative amendments—government amendments, not backbench amendments—that essentially responded to the amendments that had been given to the government by the Ontario Society for the Prevention of Cruelty to Animals.

It's interesting that those amendments that the cabinet committee reviewed would have created a system of provincial offences for those folks who are engaged in cruelty to animals, so that failure to comply with duties of ownership, owner or person having custody, care or control of an animal causing or permitting an animal to continue to be in a state of distress would have suffered a provincial offence. They would have been doing a little bit of time maybe, if it could be shown very clearly that in fact they were engaged in cruelty to animals.

Another thing that the cabinet document talked about was really ensuring that a property owner suspected of running a puppy mill or suspected of continuing activities that were cruel to animals could not obstruct an inspector or an agent in the discharge of their duties or exercise of powers under the OSPCA Act and its regulations, and if they did that, the failure to comply would result in a fine.

Also, it's interesting to note that the cabinet documents and cabinet recommendations also were that it should be an offence for people who engage in the practice of training an animal to fight another animal—not just a fine, but an offence, which would really do something about shutting some of these people down. But do you know what? Did the government come forward with any of the amendments? No. Are the amendments appearing in the private member's bill? No. The sad part is that the amendments were moved at committee in hopes that they would be added to the bill. Were they accepted by the government, Mrs Munro? No.

So it's just a little hard to take to hear the member come forward and say how she is so concerned about cruelty to animals, and then didn't accept one single amendment that came forward from the Ontario humane society. I think that says it all; it's pretty clear to me that this bill is all show, a lot of show, and no opportunity for enforcement, because there really isn't any half decent law in place that's really going to deal with the pervasive problem of people's cruelty to animals. There's nothing in the bill that's going to do that. It's a sham. It's a lot of window dressing, a lot of public relations. Maybe she's going to get some good news about it back home, but it's not going to change a thing in terms of cracking down on those thousands and thousands of people who, every day, submit animals to just horrendous treatment, neglect and abuse.

On that note I would move adjournment of the debate.

**The Speaker:** Ms Martel has moved the adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour will please say aye.

All those opposed will please say nay.

In my opinion the nays have it.

Call in the members. This is a 30-minute bell.

*The division bells rang from 2307 to 2337.*

**The Speaker:** All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Deputy Clerk:** The ayes are 10; the nays are 29.

**The Speaker:** I declare the motion lost.

Further debate?

**Hon Mr Young:** I do appreciate having an opportunity to address this very important bill. I appreciate that it is late in the day, but I did want to take a few minutes to reference a press release that came to my attention earlier this day, a press release that was issued by the Ontario Society for the Prevention of Cruelty to Animals. They said of this bill the following: "We appreciate Julia Munro's support on the puppy mill issue." Later, it goes on to say, "We welcome any steps that will better protect abused and neglected animals in Ontario."

I think some of the honourable members may have referenced a similar release or statements from the very same organization, and I would suggest to you that they were less than clear. I know that they certainly didn't mean to mislead or leave the House with any false impression, so I certainly appreciate having an opportunity to set the record straight. Clearly, the Ontario Society for the Prevention of Cruelty to Animals supports the efforts of the member from York North, as do I. This is a bill that has been brought forward by an individual who sincerely believes that she can make a difference, and indeed is making a difference, by this initiative. I support the member from York North, as do many of my colleagues. I suspect every member of this Legislative Assembly will stand and speak up for those animals, those creatures on this earth, who cannot speak for themselves.

*Interjection.*

**Hon Mr Young:** Quite so. The House leader quite correctly identifies that it is an obligation that we have to stand up and speak for those creatures.

I will say to you that, as an individual who has the privilege of representing the riding of Willowdale, I have received literally hundreds of letters and e-mails from individuals who are concerned about this very issue, who are concerned about cruelty to animals and are asking their elected officials to act. So I am pleased to be here today and to take action to address this very important issue.

I move that the question now be put.

**The Speaker:** The Attorney General has moved that the question be put.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 2342 to 0012.*

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

#### Ayes

Arnott, Ted	Galt, Doug	Murdoch, Bill
Baird, John R.	Hardeman, Ernie	O'Toole, John
Beaubien, Marcel	Hastings, John	Sampson, Rob
Chudleigh, Ted	Johns, Helen	Spina, Joseph
Clark, Brad	Johnson, Bert	Sterling, Norman W.
Coburn, Brian	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Wettlaufer, Wayne
Elliott, Brenda	McDonald, AL	Wood, Bob
Flaherty, Jim	Munro, Julia	Young, David

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

#### Nays

Bisson, Gilles	Churley, Marilyn	Prue, Michael
Bradley, James J.	Martel, Shelley	Ruprecht, Tony
Christopherson, David	Martin, Tony	

**Deputy Clerk:** The ayes are 30; the nays are 8.

**The Speaker:** I declare the motion carried.

Mrs Munro has moved third reading of Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Pursuant to standing order 28(h), there has been a request that the vote on Bill 129 be deferred until December 12, 2002.

It now being past 12 o'clock, this House stands adjourned until 10 o'clock tomorrow morning.

*The House adjourned at 0015.*

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

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / sous-greffière: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hamilton West / -Ouest	Christopherson, David (ND)
Brant	Levac, Dave (L)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Burlington	Jackson, Cameron (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Cambridge	Martiniuk, Gerry (PC)		Gerretsen, John (L)
Chatham-Kent Essex	Hoy, Pat (L)	Kingston and the Islands / Kingston et les îles	Wetlaufer, Wayne (PC)
Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	Beaubien, Marcel (PC)
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lambton-Kent-Middlesex	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lanark-Carleton	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Durham	O'Toole, John R. (PC)	Leeds-Grenville	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Eglinton-Lawrence	Colle, Mike (L)	London North Centre / London-Centre-Nord	Wood, Bob (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London West / -Ouest	Mazzilli, Frank (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London-Fanshawe	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Essex	Crozier, Bruce (L)	Markham	Sampson, Rob (PC)
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Mississauga Centre / -Centre	
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Clearly, John C. (L)
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	<b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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

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

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