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of Ontario

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 5 April 2004**

**Lundi 5 avril 2004**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 5 April 2004

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 5 avril 2004

*The House met at 1330.  
Prayers.*

### DEATH OF MEMBER FOR HAMILTON EAST

**The Speaker (Hon Alvin Curling):** I beg to inform the House that as a result of the vacancy of membership in the House for the electoral district of Hamilton East arising from the death of Dominic Agostino Esq, I've issued my warrant to the Chief Election Officer for the issuing of a writ for a by-election.

### MEMBERS' STATEMENTS

#### GOVERNMENT'S RECORD

**Mr Garfield Dunlop (Simcoe North):** I rise today to remind the Liberals in this House that they actually made some promises during the election campaign, and when you make a promise you should keep it. They've broken so many promises in just six short months that it's really hard for anyone to keep track of them all.

For example, the Liberals did not stop development on the Oak Ridges moraine. The Liberals raised taxes. The Liberals have indicated they will not balance the budget. The Liberals lifted the cap on hydro rates. The Liberals lifted the commercial property tax cap. The Liberals did not lower car insurance rates. The Liberals did not roll back toll increases on Highway 407. The Liberals did not honour their de-amalgamation commitment to the city of Kawartha Lakes. The list goes on and on.

I also want to touch on the leadership style, or lack thereof, of the McGuinty government. I like to call it governing by trial balloon. Here's how it works. The government sends a trial balloon up, and if it floats they go with it—pretty simple. The latest trial balloon was retesting Ontario drivers, but that balloon was quickly deflated. He wanted to copy Ralph Klein, he thought for a while. Then there were other trial balloons like reinstating photo radar, restricting the drug plan for seniors, and even Highway 69 tolls.

So much for governing by keeping your promises. It becomes clearer and clearer with each passing day of the government's mandate that Dalton McGuinty said whatever he had to say during the campaign to get elected, and decided to deal with the consequences later. I can tell you what the consequences are right now: a short-lived, one-term government.

### SCHOOL CLOSURES

**Mrs Maria Van Bommel (Lambton-Kent-Middlesex):** I am very pleased that the Minister of Education is reviewing the school closing guidelines and the education funding formula that discriminates against small rural schools. I want to remind the minister that many communities across Ontario are anxiously awaiting the outcome of both policy reviews.

Several school boards have designated small rural schools for possible closure because of a one-size-fits-all formula. Their communities would be significantly damaged both economically and socially by these closures. Their students would find it difficult to participate in extracurricular activities or hold part-time jobs.

I also want to remind the minister of the educational value of these small rural schools. A research report authored by Dr Allan Lauzon and Ms Danielle Leahy of the University of Guelph examined school consolidation and the rural community as well as the importance of school size.

In the conclusions of the report are the following statements:

"There is little empirical evidence for cost savings that can be realized through consolidations and closures."

"The alleged savings that can be realized at this point have more to do with rhetoric and ideology than it has to do with empirical realities of what we currently know."

"This is particularly important given the preponderance of evidence supporting that small schools are more effective pedagogically than larger schools."

I urge the minister to consider these conclusions as he develops his new policies.

### PROPERTY TAXATION

**Ms Laurie Scott (Haliburton-Victoria-Brock):** I rise today on an issue which is important to many of the small businesses in my riding and, indeed, throughout rural Ontario. The issue that I'm referring to is the tax increases placed on rural Ontario businesses by the Municipal Property Assessment Corp. I noted with interest that after much protest from these various small business owners, the Ministry of Finance issued a press release on March 10 backing away from some of the more onerous aspects of these tax increases.

I also noticed that although the Minister of Finance has given trailer park operators and maple syrup producers a reprieve for this year, they are to negotiate with the ministry for the following years. I would like to

take this opportunity to point out that MPAC has had a negative impact on many more small business owners in a variety of sectors. Fruit and vegetable operations, grain and corn dryers, egg hatcheries, golf courses and woodlot owners are just some of the businesses which are having their taxes raised by this government.

You can be assured that our caucus and I will continue to work with small business groups and fight with this government to ensure that you will maintain lower taxes for all hard-working Ontarians.

### SMALL BUSINESS

**Mr Tony C. Wong (Markham):** Today I rise to recognize the incredible spirit of Ontario's entrepreneurs, who make our province one of the best places in the world to live and work. For the past few weeks, I've been representing the Honourable Joseph Cordiano at the regional Ontario Global Traders Awards and at the Chinese Canadian Entrepreneurs Awards in Markham.

In my own riding of Markham, the entrepreneurial spirit is alive and thriving. Of the 7,200 businesses, over 85% are small businesses. The growth of my community is directly related to Markham's ability to attract and retain these businesses. One such vehicle for inspiring and encouraging small business growth is the Markham Small Business Enterprise Centre, which provides accurate and timely assistance to aspiring and existing business entrepreneurs.

More unique is the Innovation Synergy Centre in Markham, ISCM, which assists thriving companies in realizing their growth potential in both the domestic and international marketplace. Currently, the ISCM is the only centre in Ontario that is designed to accelerate the development of thriving enterprises with 10 to 50 employees. One of its distinctive features is that it offers competitive intelligence and access to business expertise not generally available to growing enterprises.

By starting their own businesses and by developing their own products and services, Ontario's entrepreneurs are creating economic growth in every sector. There's no question that the success of Ontario's entrepreneurs makes a significant contribution to the high quality of life enjoyed by all residents of Ontario.

### SERVICES FOR ABUSED WOMEN

**Ms Marilyn Churley (Toronto-Danforth):** This morning I was privileged to sponsor the release of this report, *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System*. This is the result of tireless and critically important work. We heard a devastating report this morning that demonstrates, without a doubt, what many of us have known for some time and feared: that the social assistance provisions in the province, put in under the previous government, are simply grossly inadequate and are directly contributing to ongoing violence against women and children.

I was deeply troubled by the report's first-hand experiences of women. I wasn't the only one reduced to tears, hearing some of those stories. What is crystal clear is that the Liberal government needs to do more than just talk. It needs to keep its promises and even go beyond. It needs to walk the walk and commit to properly supporting abused women and their children in this province, and now.

Social assistance benefits have to be increased for these women. Real rent controls have got to be brought in. The Liberals promised to stop the clawback from the federal child benefits. That hasn't happened yet. We need to see the minimum wage raised even more. We need the social housing built that the government promised.

There are all kinds of things the government must move on now to help stop this wave of violence against women and children in this province.

1340

### AFFORDABLE HOUSING

**Mr Peter Fonseca (Mississauga East):** In the throne speech, our government committed to change. On February 26, we delivered through our commitment to growing strong communities with \$56 million given to affordable housing development.

In my riding of Mississauga East, which had not seen a single unit built under the previous government and which now faces waiting lists of five to seven years, the news was received with fanfare and pleasure.

The community of Mississauga East, and specifically the seniors from my community and those from Peel Senior Link, would like to thank our government for its commitment to providing seniors with crucial services they need, for on February 26 our government pledged \$1 million to the Twin Pines project. The funding for this growth will bring much-needed aid in the form of 136 units. This will allow for independent living that will open up beds in our hospitals and long-term-care facilities that may otherwise have been occupied by those who could not take advantage of projects such as Twin Pines.

Furthermore, independence to seniors will bring benefits in that they will now be able to receive the dignity and respect they deserve, leading to greater emotional and physical well-being.

We are committed to working together with our municipal and federal partners so as to bring strength to our communities through investment initiatives that will ultimately be beneficial to Ontarians. I'd like to thank Minister Caplan for the pledge to those seniors in need living in Mississauga East and other areas of Ontario.

### CONFLICT OF INTEREST

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** It has become increasingly clear that the Minister of Finance, Greg Sorbara, is not just the power behind the throne; he is, for all intents and purposes, the real Premier of Ontario.

How else can we explain his refusal to inform Mr McGuinty for over two months that a company of which he was a director and audit chair responsible for protecting shareholders' interests was under investigation by the Ontario Securities Commission, Revenue Canada and the RCMP?

How else can we explain the fact that Mr McGuinty sees nothing wrong with the Minister of Finance participating in the selection of a new vice-chair for the securities commission, someone who could ultimately sit as his judge and jury?

How else can we explain the fact that Mr McGuinty has removed responsibility from Mr Sorbara for the securities commission, the Toronto Stock Exchange, the Toronto Futures Exchange and the commodity futures exchange?

How else can we explain why six Liberal backbenchers broke the government's promise of openness and accountability at the standing committee on general government? Who were they protecting?

For some time, many people have suspected that Dalton McGuinty was not up to the job, that if elected he would be an empty vessel, a mirage, a figurehead Premier. For members of this assembly and increasingly for the people of Ontario, it is becoming patently obvious just who the real Premier of Ontario is. Stand up, Greg Sorbara.

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: I listened very carefully to the member who just spoke, and would I refer to our rules of debate, section 23:

"In debate, a member shall be called to order by the Speaker if he or she...

"(h) Makes allegations against another member.

"(i) Imputes false or unavowed motives to another member."

Speaker, I think that was an inappropriate use of our time in this House.

**The Speaker (Hon Alvin Curling):** I know that your point of order, your quote, is right, but the fact is that what he said was no allegation itself imputing any kind of motive to this individual or false allegations.

#### GOVERNMENT'S RECORD

**Mr John R. Baird (Nepean-Carleton):** The very first action that Dalton McGuinty took after putting his hand on the Bible and being sworn in as the Premier of Ontario was to increase by 800% the full ministers representing the city of Toronto. He also gave the key posts of Minister of Transportation and Minister of Finance to MPPs who bordered the city of Toronto. Boy, was that a sign of bad things to come.

Dalton McGuinty promised no more special deals for the city of Toronto and he said that he would treat communities like Ottawa and rural Ontario fairly. This is just another example of Dalton McGuinty breaking his promises, Dalton McGuinty not living up to his word.

Let's just look at one area. Let's look at public transit: on November 28, \$64 million for the TTC; on December 23, just about on Christmas Eve, under the cover of darkness when no one was looking, they slipped the Toronto Transit Commission another \$62.4 million; and last week more than \$350 million on one day and a few hundred million dollars the next day. At the same time, the city of Ottawa and its city council are slashing the OC Transpo budget by millions, and more than 1.5 million riders will be on the street next year with the cancellation of several routes. Dalton McGuinty promised to do things differently. Dalton McGuinty is the Premier only of Toronto.

#### INTRODUCTION OF BILLS

##### PETROLEUM PRODUCTS PRICE FREEZE ACT, 2004

LOI DE 2004

SUR LE GEL DU PRIX

DE CERTAINS PRODUITS PÉTROLIERS

Mr Tascona moved first reading of the following bill:

Bill 48, An Act to provide for an interim freeze in the price of certain petroleum products / Projet de loi 48, Loi prévoyant le gel provisoire du prix de certains produits pétroliers.

**The Speaker (Hon Alvin Curling):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** The bill's intent is to bring stability to the pricing of gasoline. The bill freezes the price of petroleum products at the price of those products on March 31. The freeze applies from the day the bill comes into force and lasts for 90 days. If the Legislative Assembly is not sitting when the freeze ends, the Lieutenant Governor in Council may by order impose a further freeze for no more than 60 days from the day of making the order.

##### ADAMS MINE LAKE ACT, 2004

LOI DE 2004

SUR LE LAC DE LA MINE ADAMS

Mrs Dombrowsky moved first reading of the following bill:

Bill 49, An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes / Projet de loi 49, Loi visant à empêcher l'élimination de déchets à la mine Adams et à modifier la Loi sur la protection de l'environnement en ce qui concerne l'élimination de déchets dans des lacs.

**The Speaker (Hon Alvin Curling):** Is it the pleasure of the House that the motion carry? Carried.

**Hon Leona Dombrowsky (Minister of the Environment):** The bill prohibits the disposal of waste at the

Adams mine site, an abandoned open pit mine located approximately 10 kilometres southeast of the town of Kirkland Lake. The bill revokes certain environmental approvals that have been issued in connection with the possible disposal of waste at the Adams mine site. It also renders of no force or effect certain agreements that have been entered into with the crown relating to lands described in the bill that are adjacent to the Adams mine site, as well as any letters patent that may be issued in respect of those lands. The bill extinguishes certain causes of action that may exist in respect of the Adams mine site or the adjacent lands. The bill entitles numbered company 1532382 Ontario Inc to compensation from the crown in respect of certain expenses. The bill amends the Environmental Protection Act to prohibit a person from operating a waste disposal site if any part of the site is located in a lake.

MEMBERS' INTEGRITY  
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI  
SUR L'INTÉGRITÉ DES DÉPUTÉS

Mr Runciman moved first reading of the following bill:

Bill 50, An Act to amend the Members' Integrity Act, 1994 / Projet de loi 50, Loi modifiant la Loi de 1994 sur l'intégrité des députés.

**The Speaker (Hon Alvin Curling):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Robert W. Runciman (Leeds-Grenville):** This bill seeks to amend the Members' Integrity Act to make it mandatory for cabinet ministers to declare all potential conflicts of interest to the Integrity Commissioner without delay. Essentially, the bill seeks to strengthen requirements to the members of Ontario's executive council to report any and all potential conflicts to the Integrity Commissioner so as to avoid any question of conflict-of-interest charges while serving in cabinet. The bill also seeks to give the Members' Integrity Act precedence over all other acts on issues of conflict of interest and integrity matters.

MOTIONS

HOUSE SITTINGS

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, April 5, 2004, for the purpose of considering government business.

**The Speaker (Hon Alvin Curling):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion, say "aye."

All those against? Did I hear a nay? I think the ayes have it.

Call in the members. There will be a five-minute bell.  
*The division bells rang from 1353 to 1358.*

**The Speaker:** All those in favour, please rise to be counted.

Ayes

|                        |                     |                     |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne         | Fonseca, Peter      | Parsons, Ernie      |
| Baird, John R.         | Hardeman, Ernie     | Peters, Steve       |
| Barrett, Toby          | Hoy, Pat            | Phillips, Gerry     |
| Bartolucci, Rick       | Hudak, Tim          | Pupatello, Sandra   |
| Bentley, Christopher   | Jeffrey, Linda      | Racco, Mario G.     |
| Berardinetti, Lorenzo  | Kennedy, Gerard     | Ramal, Khalil       |
| Bountrogianni, Marie   | Klees, Frank        | Rinaldi, Lou        |
| Bradley, James J.      | Kular, Kuldip       | Runciman, Robert W. |
| Broten, Laurel C.      | Kwinter, Monte      | Sandals, Liz        |
| Brown, Michael A.      | Levac, Dave         | Scott, Laurie       |
| Brownell, Jim          | Marsales, Judy      | Smith, Monique      |
| Cansfield, Donna H.    | Martiniuk, Gerry    | Smitherman, George  |
| Caplan, David          | Matthews, Deborah   | Sorbara, Greg       |
| Chambers, Mary Anne V. | Mauro, Bill         | Takhar, Harinder S. |
| Cordiano, Joseph       | McMeekin, Ted       | Tascona, Joseph N.  |
| Craiton, Kim           | McNeely, Phil       | Van Bommel, Maria   |
| Crozier, Bruce         | Meilleur, Madeleine | Watson, Jim         |
| Di Cocco, Caroline     | Milloy, John        | Wilkinson, John     |
| Dombrowsky, Leona      | Mitchell, Carol     | Witmer, Elizabeth   |
| Duguid, Brad           | Mossop, Jennifer F. | Wong, Tony C.       |
| Duncan, Dwight         | O'Toole, John       | Wynne, Kathleen O.  |
| Dunlop, Garfield       | Oraziotti, David    | Yakabuski, John     |
| Flynn, Kevin Daniel    | Ouellette, Jerry J. | Zimmer, David       |

**The Speaker:** All those against, please rise.

Nays

|                  |                 |                   |
|------------------|-----------------|-------------------|
| Bisson, Gilles   | Hampton, Howard | Marchese, Rosario |
| Churley, Marilyn | Kormos, Peter   | Martel, Shelley   |

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 69; the nays are 6.

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

STATEMENTS BY THE MINISTRY  
AND RESPONSES

WASTE DISPOSAL  
GESTION DES DÉCHETS

**Hon Leona Dombrowsky (Minister of the Environment):** The McGuinty government is delivering real, positive change to ensure that communities across Ontario are clean, safe and livable. Ontarians deserve a cleaner environment and cleaner communities that benefit the people who live in them. As part of our commitment to the environment, today I am introducing the Adams Mine Lake Act. If passed, the act would stop the Adams mine landfill proposal once and for all.

The key approvals for this proposal came before the Walkerton tragedy. That sad event raised our awareness of the need to safeguard our precious water resources. The proposed legislation would revoke all existing approvals for the Adams mine landfill and prevent the site from ever being used as a landfill. The endless proposals and challenges around the Adams mine have for

too long drained the energy and resources of local communities. For too long, it has created divisiveness. The local communities have repeatedly voiced concerns about the Adams mine landfill. For this government, the protection of our communities is of paramount concern. We have promised to address the situation, and today we are keeping that commitment. This is about protecting our environment and respecting our communities.

Today's legislation, if passed, would achieve the following: It would prohibit the disposal of waste at the Adams mine site. It would revoke all existing approvals dealing with the Adams mine site and would void any decision on a permit to take water and nullify any applications for permits under consideration. It would remove the ability of any party to take legal action against the government on these directions. It would outline a plan to provide reasonable compensation for the owner of the Adams mine site. And most notably, most importantly, today's legislation would amend the Environmental Protection Act to disallow the use of any lake larger than one hectare in area as a landfill site. Protection of our precious water resources is a hallmark of the McGuinty government. It would be totally inconsistent and unacceptable, given our priorities, to ever allow garbage to be dumped in a lake.

Today our government announced a new strategy to manage Ontario's waste and reduce the burden on landfills in the province. This far-reaching strategy will help us by setting targets for waste diversion and diversion over the next four years.

Just as importantly, we are addressing the issues within the environmental assessment process that have led to so much uncertainty for so long. Ontario is setting an ambitious new provincial goal: to divert 60% of waste from disposal by 2008. We will release a discussion paper this spring that explores options to divert 60% of waste from landfill, we will look at ways to allow the private sector to do more recycling and we will help industry find new markets that will allow the construction and demolition sectors to recycle their waste. Other issues to be considered in the discussion paper include increasing the diversion of organics and recyclables from disposal, the expansion of central composting facilities and the role of new technologies to help Ontario divert more waste from landfills.

This government is also acting on the need to improve the environmental assessments and approvals process. This is of particular importance for waste management facilities, provincial highways, transit initiatives and clean energy projects. We will set up an expert advisory panel to identify ways to improve the environmental assessment process to provide greater certainty and timeliness while maintaining a very high standard of environmental protection.

Our goal is to increase waste diversion, help find better ways to site landfills and make changes to the environmental assessment process that will give the public more confidence and input to the process. I will announce the membership of the panel soon. As well, we

will enter into a framework agreement with the federal government to coordinate the environmental assessment process for projects that are subject to both provincial and federal jurisdictions. A draft agreement will be posted on the Environmental Bill of Rights registry very soon, for a 30-day comment period.

Last week, at the Globe 2004 conference, I saw exciting examples of the benefits Ontario's environmental companies can offer as we move forward in this area. We want to work closely with the private sector and municipalities to achieve our goals. The action plan I have announced today is all about ensuring safe, clean, livable communities. Simply put, we are closing the door on uncertainty and moving forward with sustainable and responsible strategies for waste diversion. This is in keeping with our commitment to protect the environment and consistent with initiatives in other jurisdictions. The people of Ontario deserve no less.

**The Speaker (Hon Alvin Curling):** Responses?

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** This recent announcement, the so-called Adams Mine Lake Act, is, in my view, a power grab by this government, retroactively eliminating a person's right to legal action. Minister, I quote from your media backgrounder: "Any related legal action that may exist on the day the legislation comes into effect would be extinguished by this legislation." As you have just said, you would revoke all approvals, and there have been years of environmental approvals on this particular iron ore mine—I point out that it's not a lake, it's an iron ore mine.

This certainly does not sound like a government open to democratic renewal, in my view, and it raises questions. How much is this going to cost taxpayers? I did not hear the word "compensation." I don't hear any detailed description of compensation or reparation for this particular action. It raises a number of other questions. Who takes responsibility for the dams that are adjacent to this mine? Will this government take responsibility for the tailings from this mine?

You've announced the Adams Mine Lake Act revoking all existing approvals. I do point out that this is not a lake. This proposal does not refer to landfill in a lake. This is an iron ore mine, an open pit mine in Timiskaming, and does not meet any conventional definition of a lake—again, the heavy hand of government redefining what's a lake and what is not a lake. Minister, if you were to turn around at your recent press conference—

*Interjections.*

1410

**The Speaker:** The member for Haldimand-Norfolk-Brant is trying to respond, and I'm hearing heckling from all sides. Even his own team is heckling. I would appreciate it if we all gave him an opportunity to complete his response.

**Mr Barrett:** Thank you, Speaker. I would appreciate recouping the time lost.

Again, I do want to make this point: Very simply, this is not a lake. If the minister were to turn around and take a look at the picture behind her in the recent press conference, there was a picture of an iron ore mine. I

guess it raises again the question of the use of language, and it certainly raises questions in a lot of people's minds: Where are the future landfill sites? What happens if we get cut off in Michigan? Does it go to Nepean? Does it go to the Richmond Hill site?

I have raised the issue of compensation. It's irresponsible to not have a cost of compensation, not only for expenditures to date but also the cost of any lost future profits. What about lost jobs and lost economic activity in that part of rural northern Ontario? What kind of a message are you sending to business in the north by changing rules retroactively?

If I have the additional time, I wish to address the other shoe in this. Last fall, I asked the minister about the government's plan to deal with Toronto's trash if Michigan were to cut off the province of Ontario. I did not hear a specific plan at the time; I do not hear one now. Currently, the municipalities in the GTA have no viable long-term contingency plan. We're asking for a plan. We asked for a plan last year.

Last fall, you indicated you were "delighted to stand in this House" and talk about a "commitment to waste diversion... to divert fully 60% of municipal solid waste ... from landfills." You indicated last fall you had a plan to divert that waste by the year 2005. You were confident you would divert by 2005. Now we hear you're delaying to 2008. How confident are you in your plan?

**Ms Marilyn Churley (Toronto-Danforth):** First, let me say that I'm sure the people of Timiskaming, all of those First Nations, the small farmers and others are very happy today about the government's decision, and we applaud that decision. You did the right thing today. It's too bad that this went on for so long and we have to end up paying God knows how much compensation for a project that should never have been given the green light in the first place.

I would say that, on the other part of the announcement today, the announcement on diverting our waste, this is moving in the right direction. I was at the press conference, and I have to examine it more closely, but there are a number of concerns that came up today—there are always some concerns—one of which is that I'm not seeing a whole lot of difference between the previous government's waste diversion plan and yours. For instance, we've got a very big crisis, as we all agree, with waste management, especially here in Toronto but all over the province, with the diversion going to Michigan and the fact that the minister did not announce today an immediate program to stop pop bottles, liquor bottles and wine bottles from going into the waste stream. It's long past due, and I'm surprised the minister didn't announce that today.

The other thing is electronic waste. I have a private member's bill that has been before this House—Bill 29—to take back electronic waste, and I will be asking for unanimous consent to pass this bill later today. Those are the things that we should be doing right away.

I'm also concerned about talking about improving the Environmental Assessment Act. What does that mean? I always get nervous. The previous government so-called

improved it, and it was to the detriment, as you know, of communities. I'm concerned about the fact that there's nothing about intervenor funding, which the previous government also cancelled, so that communities can have meaningful involvement in that.

I have many more things to say about this, but I know that my colleague Gilles Bisson wants to say a few words as well. Perhaps we can have further discussions about this later.

**M. Gilles Bisson (Timmins-Baie James):** Merci beaucoup, monsieur le Président. Je voudrais dire que la victoire n'appartient pas au monde ici mais à ceux dans la région du nord-est de l'Ontario qui ont travaillé si fort pour si longtemps pour assurer qu'on peut finalement mettre fin à ce projet qui, franchement, n'avait ni l'appui du monde du nord-est de l'Ontario ni de celui de Toronto. Cela fait 14 années que le monde du nord-est, Public Concern Timiskaming, et autres ont travaillé pour arrêter ce projet. Cela fait 14 ans qu'on travaille très fort parce que ça n'a jamais fait de bon sens, dès le début. Finalement, je pense que la victoire, il faut le dire, appartient au monde du nord-est de l'Ontario et au monde de la ville de Toronto, qui ont lutté pour si longtemps pour assurer que ce projet est arrêté.

Si on veut revisiter l'histoire : premièrement, le projet a été accordé par le gouvernement Peterson, qui a dit que oui, on pouvait bâtir un dépotoir à la mine de Timiskaming. Le gouvernement de M. Rae a fait une législation telle qu'on a ici aujourd'hui qui a arrêté le processus complètement en rendant illégale la possibilité de mettre en place un tel dépotoir dans le nord de l'Ontario. Finalement, les Conservateurs ont pris le pouvoir en 1995 et ont jeté la loi de M. Rae hors de l'Assemblée, en disant que c'était encore possible. Finalement, la ville de Toronto a voté en majorité d'arrêter le projet, dans le sens qu'eux autres n'étaient pas pour envoyer leurs déchets au nord-est de l'Ontario. Aujourd'hui, le gouvernement libéral fait une virevolte de 180 degrés et accepte la proposition néo-démocratique, et la proposition du nord-est de l'Ontario, que ce n'est pas un bon projet, qu'on a besoin de l'arrêter et que, quand ça vient à l'environnement, cela ne faisait pas de bon sens du tout.

On veut applaudir ceux au gouvernement d'aujourd'hui qui ont pris la décision. On dit que c'est une bonne décision pour le monde du nord-est de l'Ontario aussi bien que pour celui de Toronto.

La deuxième partie de cette affaire-là est de s'assurer, à la fin de la journée, que la deuxième partie de l'annonce fait affaire avec ce qu'on va faire à partir de ce point-ci pour s'assurer que les déchets de la ville de Toronto et d'ailleurs n'ont pas besoin d'aller dans un dépotoir. Cela fait longtemps qu'on aurait dû se pencher sur cette question. Ça fait longtemps que ni le gouvernement provincial ni les gouvernements municipaux, je dois dire jusqu'à un certain point, n'ont voulu être capables de se pencher sur la question : si pas les dépotoirs, quoi? C'est là la vraie question. On va regarder au débat qui va venir et à la législation que la ministre a amenée à l'Assemblée aujourd'hui pour voir ce qu'on pourra faire en comité pour s'assurer que, si on met en



place un tel programme pour divertir des déchets au dépotoir, ça marche et qu'on n'aura jamais besoin de retourner à un projet tel que celui de la mine Adams.

## ORAL QUESTIONS

### CONFLICT OF INTEREST

**Mr John R. Baird (Nepean-Carleton):** My question is to my good friend the Acting Premier and Minister of Finance. I want to return to the scandal involving you and Royal Group Technologies, a company under a criminal probe, which is being investigated by the Ontario Securities Commission, a company that is being investigated by the Canada Revenue Agency, a company that you directed for 10 years.

On February 27, the Integrity Commissioner said that you should ensure you are in no way involved with the Canada Revenue Agency on this issue. Can you report to the House specifically what you've done to avoid any involvement?

**Hon Greg Sorbara (Minister of Finance):** It has now been, I guess, right from the day this House came back that the member from Nepean-Carleton has taken up question after question on this issue. I simply say to him that his tactics are his own, but the energy he has used in character assassination and slander is similar and recalls the same kind of attack ads that brought his party down during the last election.

In answer to his question, I'll tell my friend from Nepean-Carleton that I took every step required of me, out of an abundance of caution, to separate myself from the inquiry that is going on with the OSC.

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**Mr Baird:** I'll give this minister some credit. He has certainly got nerve, for the hectoring and lecturing that he gave when he sat on this side of the House to the members of the former government. If there's anything which is linked in the questions on this issue, it's the fact that the minister and his cabinet colleagues have refused day after day to give us some straight answers on what is a very important issue for the people of the province of Ontario.

I want to come back to it because he didn't answer the question. He talked about the OSC. I asked you very specifically what actions you have taken to separate yourself in this issue with involvement with the Canada Customs and Revenue Agency. You're the tax man in Ontario, and the Canada Customs and Revenue Agency is the chief tax collector for the province. How can you have any credibility day in and day out when you're negotiating on a myriad of issues with the federal government on this issue while that very same agency which you have to deal with is investigating a company which you personally directed for 10 years? Can you tell us that, Minister?

**Hon Mr Sorbara:** Well, once again, the member from Nepean-Carleton has a very quaint relationship with the

truth. I would invite him to look at Hansard from 2001 until the day that this Parliament was dissolved. I suggest to him that he will not see one comment from me as a member of opposition in this Parliament, taking the tactics, using the kind of language and making these kind of spurious allegations that he has been making in this House for the past two weeks.

I will reiterate that from the day the Ontario Securities Commission made its announcement about the investigation that it was carrying on, I took all steps necessary to give the public every single bit of confidence of the appropriate distance between myself as minister and the Ontario Securities Commission.

**Mr Baird:** Anything can come from the minister's mouth except for an answer to the serious questions that we're raising. I'll concede, perhaps, he was not the one, but he was president of a party that certainly had no inhibition about raising such issues against the previous government. Perhaps he had someone else do his dirty work for him, like the member opposite.

At every moment during this scandal, the government has misused its power to cover up this mess. On March 1 the government used its majority—every Liberal blocked us from reconsidering the appointment of the vice-chair of the Ontario Securities Commission. On March 24, the Liberals once again used their majority, every Liberal voting against a probe into the Ontario Securities Commission. Then once again last week, in a very scripted, partisan manner, every single member of the Liberal party stood lock, stock and barrel in helping cover up this scandal. Minister, if you have nothing to hide, if you have absolutely done nothing wrong, why are you so determined not to answer our questions and why are you so determined to block inquiries on the issue each and every time they're requested?

**Hon Mr Sorbara:** During the election campaign, that party decided that its only hope of survival was to attack the member for Ottawa South, the now Premier, to attack our party. That style of campaigning was utterly rejected by the people of Ontario. I'll tell you now that this style of questioning and the spurious allegations—

**Mr Baird:** What about an answer? You don't have the guts to give us the truth.

**The Speaker (Hon Alvin Curling):** The language is getting a little bit wild here, and I'm going to ask the member to withdraw your comment.

**Mr Baird:** I ask with great interest, which comment did I say?

**The Speaker:** When we speak of a cover-up—and that was the remark—I think it is working toward very unparliamentary language here. I just want you, if you like, to withdraw that comment you made.

**Mr Baird:** Speaker, if you are asking me whether I'd like to withdraw, I certainly would not.

**The Speaker:** New question.

### GOVERNMENT'S RECORD

**Mr Frank Klees (Oak Ridges):** My question is to the Minister of Finance. Minister, it's been about six months

now since you've been Minister of Finance, since you've been in government. Over that six months, you've attacked seniors. You've cancelled their property tax credit. You've attacked hard-working families retroactively. You've taken away their tax credit for tuition. You have broken promises at breakneck speed.

I'd like to ask you a question regarding your commitment to balance the budget in your platform on page 2. Your platform clearly states, "We will balance the budget...." Then it goes on to make another promise, and that is, "We will make sure the debt goes in one direction only: down." So you made two promises within two pages of your platform: One is that you will balance the budget; second, that you will not add to the provincial debt.

I'm going to ask the minister if he can stand in his place and, anticipating a budget, at least keep this promise to balance the budget when he presents the budget in this House coming up.

**Hon Greg Sorbara (Minister of Finance):** I can tell my friend from Oak Ridges that we are delighted to have kept our promise to cancel the private education tax credit and to invest in public education. I can tell my friend that we were delighted to keep our promise to roll back the corporate tax cuts that were going to bankrupt this province. I can tell my friend that we were delighted to keep our promise on auto insurance, to keep our promise on all the measures that we've taken in the short six months that we've been in power.

Our working agenda is to bring forward a balanced budget, but I want to tell my friend from Oak Ridges that the way in which the government that he was a part of abused the fiscal situation of this province will make that work much harder. But we are committed to working on a balanced budget and bringing a balanced budget forward when we bring forward a budget later this month.

**Mr Klees:** I want to ask the Minister of Finance if at any point in time as the Minister of Finance, in cabinet or in any other meeting, he directed his cabinet colleagues to do program reviews; and if, in order to maintain the integrity of his government and keep his fundamental promise to balance the budget, he ever gave any directions to his ministers through a program review to come in with a balanced budget so that he could stand in this House and do what they said they were going to do, namely, to balance the budget. Did he ever give that instruction?

**Hon Mr Sorbara:** Well, I think my friend from Oak Ridges knows full well that I am not about to bring to this House discussions that take place within the confines of cabinet.

But I will bring to this House discussions that I've had through hours and hours of pre-budget consultations with the people of Ontario. They said with one voice that the previous government's handling of this province's finances was an abomination. They said the \$5.6-billion deficit that government left this province will be a legacy that our government is going to have to come to grips with, and they are pleased with the work that we're doing.

The final thing that I'll say to my friend is, our working objective is to bring forward a balanced budget. But we will not do that at the risk of vital public services in this province.

**Mr Klees:** As I was saying earlier, it's been six months since this government took office. In six months, no other government has ever done more to undermine the credibility of government than this government. It doesn't matter where I go, it doesn't matter who I speak to, it doesn't matter which stakeholder it is that we speak to, they have lost confidence in this government to keep its word on any level. I'd like to know from—

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order.

*Interjections.*

**The Speaker:** Order. When I ask for order, I'd like the members to respect the Chair and also respect the individual who is speaking. I'm having difficulty, especially with the front row of the government side keeping quiet so we can hear the member.

The member for Oak Ridges.

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**Mr Klees:** I wonder why members of the government are so upset when we ask this very basic, fundamental question. The question is simply this: Why is it that every stakeholder group that was counting on you to do for them what you promised during the election campaign is now at odds with you? You've alienated every one of them. It doesn't matter if it's teachers, it doesn't matter if it's doctors, it doesn't matter if it's hospitals. Not one single promise has been kept. How can the Minister of Finance justify this continuous breaking of promises and the branding he has brought to his government: promise breakers? That's what they'll be known for. That's what they're known for now. That's what the minister is bringing to this government.

**Hon Mr Sorbara:** Honestly, I can hardly believe my ears. When you talk about energy in this province, and you talk with people who understand that environment, the things that sector says about the previous government and its handling of the energy brief would scorch your ears; social services, the same thing; health care, the same thing; education, the same thing; the environment, the same thing.

I tell my friend from Oak Ridges, I don't need to stand here and review the agenda of your government over its eight years. All I can say is, when it comes to labour, we raised the minimum wage, just as we said we were going to do; in the environment, we hired water inspectors; in the north, we did what we said we were going to do with the Ontario Northland transportation system; and I could go on and on. I just want to tell my friend from Oak Ridges that he is completely misguided in the question he just asked.

#### SOCIAL SERVICES

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Community and Social

Services. Two new reports released today say it's time to take action against poverty.

One report says that women are forced to stay in, or return to, abusive relationships because social assistance benefits are so low that they can't survive on their own. It points out that abusive male partners often threaten to make bogus reports of welfare fraud against women, as a means of controlling and intimidating them. The report says that the mean-spirited treatment that women often receive from the Ontario Works offices is another form of abuse. When are you going to increase social assistance benefits so abused women don't have to return to men who beat them?

**Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I appreciate the question from the member opposite. We had not a happy day in receiving a report called *Walking on Eggshells*, but we have to read this. We are a government that will be responsible to women, so that we can participate in a partnership with these women to get them out of domestic abuse at home. We're intent on doing that in a number of ways.

Today I also had a chance to meet with the group who forwarded this report to us. If we had to ask them what is the single, number one thing we can do, they said it is to raise the rates for those who are on welfare, because economic independence and being able to see some kind of light at the end of the tunnel that they would be able to make it on their own is what they often need to flee, and that's what they need, as well, to stay and not be convinced to go back somehow to an abusing partner. We're committed to doing that. As you know, the McGuinty government won the election on October 2, saying we will do that, and we will.

**Mr Hampton:** Minister, there was another report, by the United Way of Toronto. It says Toronto now has 120 higher poverty neighbourhoods compared to 30 in 1981. It says the biggest increase is in the suburbs: East York, North York, Scarborough, York, Etobicoke. Minister, these people are becoming poorer, and they asked us to ask you some questions. First, where is the affordable housing you promised? Second, where are the shelter allowances you promised for low-income working families? Third, what happened to your promise to stop the clawback of the national child benefit? Remember those promises? They remember them. What happened to those promises, Minister? Why haven't they seen any action?

**Hon Ms Pupatello:** As we enter our fifth month as a cabinet around the table and as a government, I can tell you that we have had some historic changes. Probably the signature feature of the last government was the lifetime ban from welfare for fraud. This government fixed that, and we fixed that before Christmas because we knew that in many, many circumstances fraud wasn't even being reported for fear that the penalty was so extremely severe that we just caused more problems for them and for society by going that route.

We are meeting on a regular basis with individuals who are advocates for the poor. We are partnering with

the United Way of Toronto on a number of fronts as well as United Ways across this province to say, "How can the Ontario government finally be a partner to help with solutions, not to assist in causing the problems?" We committed to the people of Ontario that we would have a significant change in the way this government is seen in helping advocate and in helping the poor. We intend to do that and we are committed to it.

#### DRIVER EXAMINATIONS

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Transportation. Every time Ontarians turn around, your government is hitting them with a new fee, a new charge, a new rate increase: a 30% increase in hydro rates, a 20% increase in auto insurance rates, double-digit increases in property taxes. Now we learn you are considering mandatory driver's licence retesting for Ontario's 8.1 million drivers. Minister, charging each driver a \$100 testing fee comes out to \$810 million. You told the media this is about highway safety. I'm saying, tell the truth. It's a cash grab, isn't it?

**Hon Harinder S. Takhar (Minister of Transportation):** I am not sure where this member got this information from. We have absolutely no plan to introduce retesting of drivers.

**Mr Hampton:** Minister, I think you, like your colleague the Minister of Northern Development and Mines, have realized that this isn't going to fly, that this is a lemon, that the drivers of Ontario are not going to fall for it, that it is a cash grab, that it is unfair, that it is regressive. So I'm going to ask you to say it and say it again: Mandatory driver retesting is not on. It's not on now; it's not on in the future. Say it so the drivers of Ontario can be clear and they won't hear you come back on your word. Say it so people can count on your word.

**Hon Mr Takhar:** I don't really understand what the member does not understand about "no." I already told him that we have no plans to introduce retesting of the drivers. If he's looking for publicity in the media, this is not the issue to do that on.

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#### ELECTRICITY SUPPLY

**Mr John O'Toole (Durham):** My question is to the Minister of Energy. Your time in the electricity chair is only beginning to warm up. Seniors and others on fixed incomes are angry. Reta Dutly, a vice-president of the board of directors of the Millennium condominium complex in Pickering, many of whom are seniors, presented their MPP, Wayne Arthurs, with a petition. And how did their MPP respond? I quote: "The increased costs are unfortunate, but they are a reality."

Minister, this simply isn't fair. Can you advise the people of Ontario what assistance, if any, you have planned to resolve this crisis that you've created?

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** The first thing we've done to help

people with electricity is get rid of that government's energy policy. It's like shooting fish in a barrel. For him to complain—we found out just on Friday that his government gave \$40 million in consultants' fees to a group of consultants that not only didn't live up to the measure, they failed at the measure. We have been left with a huge problem. My colleague Mr Arthurs is quite correct when he says that we had to take action to undo the mess that was caused by his government.

**Interjection:** Forty million dollars.

**Hon Mr Duncan:** That's \$40 million at OPG. And let's not forget the consultants at Hydro One: Paul Rhodes, Leslie Noble, and the list goes on and on and on. I suggest that the reason rates are going up isn't because of this government's misguided policies; it's because of that government's inability to manage the most basic of economic files. They left it a mess; we're cleaning it up. Mr. Arthurs is right; he's wrong.

**Mr O'Toole:** In fairness, that's not an answer for Mrs Dutly and the other seniors of this province. It's clear you're just like the member for Pickering-Ajax-Uxbridge: You don't really care about the consequences, not just for Mrs Dutly. The \$40 million you mentioned is what it's going to cost the hospitals of this province. You know the cost could actually increase the number of MRIs. School boards are either going to have to reduce the temperature or increase class sizes. Across all sectors you have no plans, you've acted hastily and you've broken a promise.

The people of Ontario have no confidence in your ability to solve not just the generation, but the whole issue on policy in energy. What faith should the people of Ontario have in you as we look to the next budget? Is your Minister of Finance going to pump in more money to subsidize the price that you had promised—another broken promise?

**Hon Mr Duncan:** The member's party's energy policy led to no new supply. It did not fix the problems at Pickering. It did not bring on new supply. It did not lower prices. It transferred prices from consumers back to consumers through almost \$1.7 billion gross into taxes. That party's policy hired a group of people for \$40 million at OPG. It saw to it that the former leader of that party got a consulting fee of \$18,000. It saw to it that Paul Rhodes billed \$335,000 for strategic communications advice.

The people of Ontario voted for change—real change. We're giving them real change in the energy sector. I predict that at the end of four years, we will have adequate supply, we will have affordable supply and we will have reliable supply. And one thing I know for certain: There will be no more abuse of the public trough by Tories, like went on under that government for almost eight pitiful years.

#### TORONTO TRANSIT COMMISSION

**Mr Brad Duguid (Scarborough Centre):** My question is to the Minister of Public Infrastructure Renewal.

Last Tuesday, an unprecedented allocation of over \$1 billion was announced in a three-way agreement between the federal, provincial and municipal governments, something that the other side never did. The next day, the McGuinty government announced another \$90 million in investment for the TTC. In light of these investments, Mr Minister, can you indicate how these investments will improve the funding for the TTC compared to last year?

**Hon David Caplan (Minister of Public Infrastructure Renewal):** I thank the member for the question. Last week was a landmark in this province's history: the largest ever joint federal-provincial investment in municipal transit in the history of this province. Thanks to this historical investment by the federal, municipal and provincial governments, the TTC will not have any fare hikes and there will be no service cuts. In fact, services will actually increase. But don't take my word for it. I'd like to read from a letter from chief general manager Rick Ducharme of the TTC where he says:

"Last year at this time we were forced to have a fare increase. This year we have no fare increase, no service cuts and money advanced for a ridership growth strategy, therefore, more service. In my books, that's as good as it gets." Rick Ducharme, general manager of the TTC.

I couldn't agree more. It's good news for this province and good news for the capital of our province. Dalton McGuinty and the Ontario government are delivering real, positive change.

**Mr Duguid:** It's great to have a Premier and a government that finally gets it when it comes to public transit. Over the weekend, I read articles speculating on possible service cuts and service shutdowns in certain areas. Some reported doomsday scenarios of subway closures and routes being shut down. Will this \$1.1-billion investment ensure the TTC will be adequately funded?

**Hon Mr Caplan:** To the Minister of Transportation.

**Hon Harinder S. Takhar (Minister of Transportation):** I'm very thankful to my colleague from Scarborough Centre. I can understand some of the concerns he had after reading these newspapers. I just want to assure him that the TTC is adequately funded, and I am very proud of our record for funding public transit.

Let me just read further from the same letter that my colleague read. It said, "To suggest that subway lines would really be closed is about as absurd as suggesting we shut down water supplies in parts of the city to reduce costs." These were the comments made by Mr Ducharme in his letter to us. Thanks to the events and us putting \$1.05 billion with the assistance of three levels of government and another \$90 million that we're giving to the TTC, I am really proud that the TTC is in good shape.

#### SMALL BUSINESS

**Mrs Elizabeth Witmer (Kitchener-Waterloo):** My question is to the Minister of Finance. As the minister knows, small businesses in this province are the backbone of economic growth and job creation. In fact,

they've created most of the one million jobs between 1995 and 2003. However, as Minister of Finance during the almost past six months, you have now put those new jobs and future job creation at risk.

I have recently heard from many small businesses in the hospitality industry, including an individual who operates an East Side Mario's who writes to me, "Policy decisions made during the first 100 days of our new government will cost employers thousands of additional dollars. Hydro increases, minimum wage increases, elimination of scheduled tax cuts, the introduction of a new recycling tax and skyrocketing insurance costs will place small businesses at risk and cost jobs."

I would ask the minister, why are you breaking your election promise to help small businesses grow and create jobs?

**Hon Greg Sorbara (Minister of Finance):** I'd like to tell my friend opposite that, contrary to the tone of her question, the steps we've taken even in our first six months have improved the environment for small businesses. Indeed, Bill 2, dealing with a number of revenue matters, expanded the exemption for small businesses so that the level of income tax they would pay would be less.

We are also looking province-wide at a small business category possibly for realty taxes so that the burden of realty tax on small business will be lower. Indeed, in every single policy measure we take, we look at the particular issues relating to small business because we agree with the member that small business is the backbone of this economy, and we will do nothing to weaken that backbone.

**Mrs Witmer:** I've checked the minister's Web site. There is nothing on there to indicate that this government is helping small business create jobs and help grow the economy. I would say to the minister, not only are your government's policies going to kill jobs in this province, but some possible new budget initiatives are going to further hurt the food service industry.

I received a letter from an individual who owns some McDonalds restaurants. He has written to tell me that he is strongly opposed to your proposed elimination of the retail sales tax exemption on meals under \$4 since it will have a devastating impact on his business. As you know, in your Liberal election platform you promised to protect low taxes for small businesses. Why are you now prepared to make the McHappy meal the McTaxMe meal and increase the tax burden on hard-working Ontarians?

1450

**Hon Mr Sorbara:** I want to tell my friend simply this: that among all the people in this House and this province, I am the one person who is not permitted to speculate on what might or might not be in the upcoming budget. I would simply say to her that if she would do us the courtesy of having a look at Bill 2, she will see measures in there that raise the small business exemption from \$320,000 to \$400,000. Hundreds and thousands of small businesses benefit from that exemption and will pay less corporate tax as a result of it.

All the way through she will see, if she follows along, that our interest is in creating a very strong small business sector, but without doing what that party did in the course of its eight years in government, and that is to almost bankrupt this province.

## WASTE DISPOSAL

**Ms Caroline Di Cocco (Sarnia-Lambton):** My question is for the Minister of the Environment. Minister, today your ministry announced plans to divert 60% of the province's waste by 2008. In my riding of Sarnia-Lambton, my constituents have to deal with over 160 trucks filled with garbage from the GTA driving through our community on a daily basis on their way to Michigan. How will this plan to divert 60% of Ontario's waste impact my community in terms of truck traffic and pollution from those trucks?

**Hon Leona Dombrowsky (Minister of the Environment):** That is a very important question, and I think the people of Ontario want to understand the waste plan that this government will put in place.

We believe, number one, that we need to embark on a comprehensive education program to have the people of Ontario understand how important it is that we divert as much waste as possible away from landfill sites. We also plan to assist municipalities and private sector investors as we review the environmental assessment process and identify those parts of the process that do not enable them to look for local solutions to their municipal solid waste in a timely way. This government has recognized that we have to develop sustainable policies for sustainable communities, and that is what the initiative that is underway and what the expert panel will bring to this Minister of the Environment and the government: an effective plan.

**Ms Di Cocco:** Along with today's waste diversion announcement, you have also announced the protection of the Adams mine lake. Ontario has been plagued for years with problems in environmental assessment review processes. This has been a particular problem in my riding, as has been the case with the Adams mine proposal. Minister, what are we doing to strengthen that environmental assessment process?

**Hon Mrs Dombrowsky:** I was very proud earlier today to introduce the Adams Mine Lake Act. I think it underlines to the people of Ontario this government's commitment to protecting source water.

But we also recognize that if we are going to assist municipalities and provide them with the tools they need to engage industry partners to ensure that our high standard for protecting the environment is intact, we need to have a better process, one that offers a more timely means for them to address their municipal solid waste needs. That is what we've identified. We will have an expert panel of all participants—environmentalists, scientists, industry and municipalities—to provide us with advice on how we can move forward and ensure that our environment is protected and that we have a plan for sustainable communities in the province of Ontario.

## AUTISM SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a question to the Acting Premier. Minister, on September 17, 2003, Dalton McGuinty wrote to Nancy Morrison and said, “I also believe that the lack of government-funded IBI treatment for autistic children over age six is unfair and discriminatory. The Ontario Liberals support extending autism treatment beyond”—

**The Speaker (Hon Alvin Curling):** Order. May I ask the member in the gallery to sit down, please, so the member can proceed with her question?

**Ms Martel:** Nancy Morrison is in the gallery today, and so are Cynthia, Brad and Jordan Boufford, of London. They came here today to demand that you live up to your promise.

You see, on May 5, five weeks from now, Jordan will turn six, and his medically necessary IBI treatment will be arbitrarily cut off and he will become another victim of your government’s discrimination against autistic children. Acting Premier, why is your government breaking its promise to Jordan and these families?

**Hon Greg Sorbara (Minister of Finance):** I know the Minister of Children and Youth Services will want to comment on this.

**Hon Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** I thank the member opposite for her question and her commitment to children with special needs.

Just last week, I made an announcement that the McGuinty government will support children right from preschool to the end of high school with respect to their needs, and we will be infusing \$10 million more for IBI therapy for preschool children and \$30 million a year more to train teachers and educational assistants on ABA. We will also be instituting a chair, with my colleague Minister Chambers, to research autism, its determinants and better therapies and educational programs. We are committed to these children, and we showed that 10 days ago with our announcement.

**Ms Martel:** Minister, the specific question was, why is your government breaking its promise to end discrimination against children who have autism who are over the age of six? That’s what this question is about. The Bouffords today brought 7,011 letters to Queen’s Park, signed by Ontarians who believe that your Premier should keep the promise he made, who believe that IBI should be provided to every autistic child who needs it. Without IBI, Jordan would never have learned to speak, to count, to read, to play with his peers, to play with puzzles, even to play with his family as he does today. With ongoing IBI, he might be able to understand about safety and safety rules, about how to play independently, about how to follow instructions, about how to tell his mom and dad how his day was. Your Premier made a specific promise to end the discrimination. Why are you breaking that promise?

**Hon Mrs Bountrogianni:** The McGuinty government acknowledges the use of IBI therapy for children. That is

why we are infusing another \$10 million a year for that therapy. As well, we are putting money into capacity building for the therapists, not only to increase the number of therapists but to improve their education from two weeks—presently it’s two weeks to train an IBI therapist—to one to two years.

When I first inherited this portfolio—

*Interjections.*

**The Speaker:** Are we going to allow the minister to respond?

Minister, would you complete your answer?

**Hon Mrs Bountrogianni:** When I first inherited this portfolio, I asked my ministry to consult, to forget everything else and to do what is right for the kids; to forget all the politics, leave all that aside, get expert consultation and do the right thing, which is what we have done. Dr Peter Szatmari, director of the Offord Centre for Child Studies, and the Autism Society of Ontario, representing the parents of children with autism, endorse this plan. The executive director of Surrey Place and Ron Scarfone, vice-president of the London chapter of the Autism Society of Ontario, say it’s absolutely the right thing to do. We are moving in the right direction.

## VOLUNTEER FIREFIGHTERS

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Minister of Community Safety and Correctional Services. Before I ask the question, I would like to say how pleased my wife and I were to see you, Minister, and many other elected officials at the Cecilia Zhang memorial service on Saturday. Sadly, events like these bring into perspective the realities of life we face each day.

Minister, since your party formed the government, numerous volunteer firefighters have been forced to resign from small rural fire departments. Last Wednesday, you mentioned in a response to the member from Simcoe-Grey a mediation process that you would like to have in place to resolve the double-hatter issue. Can you clarify exactly what you meant by “mediation,” or is this just another stalling tactic while we lose valuable volunteer firefighters in rural Ontario?

1500

**Hon Monte Kwinter (Minister of Community Safety and Correctional Services):** Members will know that there has been an ongoing dispute between the association of professional firefighters, the fire marshal’s office, the fire chiefs, AMO and all others who are concerned about the fact that volunteer firemen who are also professional firefighters are being prevented from responding to fires.

This is unacceptable. The idea that any citizen of Ontario would be put at risk because of a dispute between two factions that are in dispute is unacceptable.

Having said that, I have been meeting with all of the parties for some time and have told them that if we can’t mediate this, then I will bring in legislation. I stand by that statement. The mediation is being scoped so that

they know coming in exactly the direction we would like to go.

**Mr Dunlop:** Duplication mediation I don't believe is the answer. I understand that when my colleague Bob Runciman was the minister, he appointed the Honourable George W. Adams, a renowned mediation expert, to conduct talks with fire services stakeholder groups on this very delicate issue. He couldn't find a compromise, but he recommended a solution.

So I say to you that the answer is right before you in the form of the Adams report. I ask you, now that the safety of small-town Ontario is at risk—and believe me, it is at risk—when will you implement recommendations of the Adams report? I'd ask you to get on with this job and stop the loss of volunteer firefighters in rural Ontario. They're very important to our small communities, and I'd really appreciate a quick response to this.

**Hon Mr Kwinter:** There is common consensus that the Adams report was not acceptable and not the basis for any sort of resolution. As a result of that, I have decided that if we can get the parties together and give them some ground rules and some parameters so that they know what we're trying to accomplish, we can get them back to the table. Everybody has acknowledged that if we can get a mediated solution, that's the way to go; if we can't, then we will bring in legislation.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Community and Social Services. Recently I met with community representatives regarding services and quality of care for people with developmental disabilities in my riding of Stormont-Dundas-Charlottenburgh.

Under the past Tory government, there was a band-aid solution provided to agencies serving individuals with developmental disabilities. The funding announcement of September 2001 was disappointing and had no long-term goals.

Currently in my riding, there are 49 adults and 34 children with special needs on a waiting list for residential housing. I am told that this number is actually closer to 100, with families who have yet to formally contact agencies due to guilt of stating that they can no longer care for the members of their family or frustrations with the residential placement process and waiting lists.

Living spaces are much needed in my community. Can you tell me what your ministry's intentions are in rectifying the issues regarding housing placements for developmentally disabled individuals in eastern Ontario?

**Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I appreciate very much the question regarding developmental services that this government is determined to provide across the province.

I was very happy about a month ago to be at Reena's place, which is one of our agencies that does tremendous work with the developmental services being provided in

Ontario. That day, we were able to announce and actually begin work on more places to live in the community for those with developmental disabilities. On that day, we announced some \$14 million for creating places in the community.

In this individual region of eastern Ontario, we believe there is some \$900,000 being applied. I can certainly have a look into this member's riding specifically.

I can tell you that this is step 1. We have a long way to go. This is the first in two years of announcements that have never actually materialized in places to live for individuals with developmental disabilities.

**Mr Brownell:** I'm pleased to hear that you are taking this seriously, and I know that in my riding we are interested in hearing of your review and the placement allotment. I know that the close to 100 family members who are coping with this will be glad to hear it, and they thank you for your comments and reassurances.

Safe and stable group homes are important for individuals with developmental difficulties, allowing them healthier and more independent living arrangements. They're also a grave necessity for many families. Recently you announced an investment of \$24 million in capital and operating funding for 44 projects in 27 communities around the province. Can you inform this House what this funding means for Ontarians with developmental disabilities?

**Hon Ms Pupatello:** The member refers to the announcement that we just made, which will represent upwards of 180 places in the community for people to live—180 across Ontario. In eastern Ontario, that represents seven places. I will acknowledge, as will most people in the House, that we will not be able to do enough fast enough because there is such a growing demand for individuals to live independently so they can live happy, healthy lives in the community.

But the difference is this: Monies have been announced in the past, but we have gone two long years without a single space being created in the community. Let me tell this House today that we anticipate, from an announcement that was made last month, that the individuals will begin moving this June. This government is about action.

#### NUTRIENT MANAGEMENT

**Mr Ernie Hardeman (Oxford):** My question is to the Minister of Agriculture and Food. Minister, you have yet to announce promised funds to help farmers implement nutrient management regulations, which of course, you would be aware, was an election promise that the Liberals put forward. Farmers have to solidify their business plans right now to be ready for the next growing season. How are farmers supposed to make proper business decisions without all the information? Should they sell their livestock right now because of the uncertainty you have caused or should they go forward with their plans and possibly go bankrupt because the costs of nutrient management implementation are just too high?

**Hon Steve Peters (Minister of Agriculture and Food):** I thank the member for the question. Unlike the previous government, we are moving forward with working with the agricultural community. We have the nutrient management advisory committee in place, which is currently reviewing funding opportunities and funding options. They will soon be reporting to me. As well, we have commissioned the George Morris Centre to complete a report as to what the fiscal implications are of the nutrient management legislation. Our intent is to use that as part of the budget planning process, and you'll hear an announcement when the budget is announced.

**Mr Hardeman:** I gather from that answer that at this point you have not committed to any funding for the nutrient management plan implementation. I can see it is quickly becoming another broken promise of the Liberal government of Ontario.

Your colleague the Minister of the Environment said in the House that your government intends to implement every one of O'Connor's recommendations. How is it that recommendation 7—"The provincial government should ensure that sufficient funds are available to complete the planning and adoption of source protection plans"—isn't one of the promises you were going to keep? I ask again, when will our farmers get some funds, Mr Minister: when they go out of business waiting for the McGuinty government to keep one of their promises?

**Hon Mr Peters:** The McGuinty government is very committed to its promises and to this issue. The Premier reiterated three weeks ago at the Ontario Cattlemen's Association that there are societal benefits to clean water and the cost of the implementation of those regulations should not be borne on the backs of farmers alone.

But we're going to keep one more promise that this government didn't keep. This government commissioned a study. They commissioned the George Morris Centre and they had a purple-copied report done. Do you know what? They would not make that information public. They chose to hide from the farmers of Ontario the costs of their implementation. This government is going to be straightforward with the farmers of Ontario. When that report is completed and we've had it reviewed, it is going to be made public, not hidden away like this previous government did.

1510

#### HYDRO RATES

**Mrs Linda Jeffrey (Brampton Centre):** My question is for the Minister of Energy. The restructuring of energy pricing under Bill 4 took effect on April 1, 2004. My constituents have asked me questions on how the new pricing will affect their bill this month.

This week, I received a call from a constituent, Mrs Elaine Ellis. She has a question for you regarding pricing. She wants to ensure that she will be assessed fairly. Given that the more reasonable price of energy took place on April 1, how are homeowners in Brampton Centre going to be assessed on their next bill, given that

the change in pricing plan happened in the middle of a billing period?

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** The artificial price cap of the Tories was unsustainable. The 4.3% cap just could not work. We introduced legislation after we saw the books and saw that we had inherited a \$5.6-billion deficit from a government that routinely handed out contracts to people like Paul Rhodes and others.

With respect to the specific situation in Brampton, where April 1 falls in the middle of billing periods, we have empowered the local distribution company to assess the new price relative to the old price. I would suggest to the member for Brampton Centre that she can relay to her constituent that she will be paying the new rates effective April 1 only on that portion of the bill that those new rates fall into.

**Mrs Jeffrey:** I'll be sure to pass your response on to Mrs Ellis.

There's been a lot of talk recently about energy conservation and the introduction of energy-smart meters. My constituents have a lot of questions about the smart meters and their cost. They want to know when they'll be available and where they can get more information. Further, my constituents want to know, what are the government's plans to assist them in the conservation of energy?

**Hon Mr Duncan:** We intend to make smart meters readily available to electricity consumers throughout the province. By facilitating the shifting of demand, smart meters will not only benefit us but they will save consumers money on their electricity bills. The Tories never understood that. Those meters will be available soon.

I'd like to point out that a number of notable organizations in this province have endorsed our energy pricing policy. Why don't we review who those are? The Ontario Medical Association has endorsed our policy; the Ontario Public Health Association; the Clean Air Partnership has endorsed our policy; the environmental alliance has endorsed our policy; the Canadian Energy Efficiency Alliance has endorsed our policy; the Ontario Sustainable Energy Association has endorsed our policy; the Ontario Clean Air Alliance has endorsed our policy; Greenpeace Canada has endorsed our policy; the Association of Municipalities of Ontario has endorsed our policy; the Ontario Chamber of Commerce has endorsed our policy; the independent power producers' association has endorsed our policy; the electricity—

**The Speaker (Hon Alvin Curling):** Thank you.

**Hon Mr Duncan:** The Electricity Distributors Association has endorsed our policy; the Sierra Club of Canada has endorsed our policy.

I'm sorry, Mr Speaker; I do have a number of others to read.

**The Speaker:** Perhaps the minister would look at my side and speak through the Chair. Then he would see when I said, "Stop."



## HIGHWAY TOLLS

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Municipal Affairs. During the election campaign, Liberals told the people of Hamilton that you're all in favour of the Red Hill Creek Expressway. What you didn't tell them is that you were also all in favour of toll roads. You didn't tell them that the Red Hill Creek Expressway and the Lincoln Alexander Parkway might be targeted as toll roads.

The city of Hamilton is short about \$19.5 million because of the download of social assistance, so they're actually considering your scheme of new toll roads. Is this your government's answer to the hard-pressed people of Hamilton: Turn your toll roads and arterial roads into charge-every-time-you-drive?

**Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** I know that the Minister of Transportation is anxious to answer this question.

**Hon Harinder S. Takhar (Minister of Transportation):** I'm sure that the honourable member is not going to like what I have to say. We are absolutely committed to building safe and vital highways. We are very proud of our commitment to give \$106 million for building this highway. This highway is, in fact, being constructed by the city of Hamilton, and it is up to them to decide whether this highway is tolled or not tolled.

**Mr Hampton:** My question was, is this going to be a toll road? Since you and the Premier got all excited about toll roads, a consultant study has figured out that \$14 million could be pried from the pockets of Hamiltonians by turning these roads into toll roads. Once again, this is a regressive tax. It hits the hardest at people who have the lowest incomes.

The problem is that you aren't providing hard-pressed cities with the finances they need to look after the cost of all of the services that have been downloaded. Tell the people of Hamilton that the Lincoln Alexander Parkway won't be a toll road and that the Red Hill Creek Expressway won't be a toll road. Tell them now.

**Hon Mr Takhar:** I am really surprised that this member is asking us about toll roads when, in fact, they constructed Highway 407 and put the tolls on that highway. They are actually the authors of and experts on tolls.

## POLICE COMPLAINTS

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** My question is to the Acting Premier. I received a letter dated March 26 with respect to implementing a new police complaint system. The Attorney General stated in his letter, "I'm of the view that we need to restore the trust and confidence of the members of the community and the respect of the police." I ask the Acting Premier, why does the government feel that the confidence of the community needs to be restored? Who lost the people's confidence?

**Hon Greg Sorbara (Minister of Finance):** I think probably the best thing to do on this question would be to take it as notice. I'm sure that the Attorney General, when he returns to Parliament tomorrow, will be very happy to answer it. I would just say very, very briefly, we have every single confidence in the Attorney General's ability to restore the confidence that is so desperately needed by our police forces all across the province of Ontario.

**Ms Marilyn Churley (Toronto-Danforth):** On a point of order, Mr Speaker: I would ask for unanimous consent to pass second and third reading of Bill 29, An Act to ensure that the producers of electronic equipment retain responsibility when their products become waste. Can I have unanimous consent?

**The Speaker (Hon Alvin Curling):** Is it the pleasure of the House that the motion carry? I think I heard a no.

## UNPARLIAMENTARY LANGUAGE

**Mr Robert W. Runciman (Leeds-Grenville):** On a point of order, Mr Speaker: Today you indicated concern with respect to a comment made by the member for Nepean-Carleton and some terminology he used in posing a question.

I want to advise you, Speaker, that we did a very quick search of Hansard with respect to the wording that you were concerned about. We found numerous references and questions posed in the past by Mr Phillips, Mr Kennedy, Mr Cordiano, and Ms McLeod, just to mention a few. I will ask a page to deliver this to you and to the table.

What I'm really looking for is clarity with respect to the use of words, language, props, whatever you may describe. It's causing some confusion on this side of the House.

1520

**The Speaker (Hon Alvin Curling):** I want to thank the member for raising that point. The fact is that I was ruling at the time; I wasn't ruling on Ms McLeod or any other time that comment was made. I was ruling at the time when I heard the word and I asked with respect that the member recognize the Chair and withdraw that comment.

As I said earlier on in the Legislature, and as I have read in the Legislature, I will ask the member to withdraw comments like these, which are unparliamentary. Failing to do that, I may name the member or decide not to see the member, feeling that when he chooses to do so, then we can proceed with his engagement and involvement in the process today.

**Mr Runciman:** I very much appreciate those comments. Our concern is what is or is not parliamentary and how you reach those conclusions. We'd like to have some better understanding—

**The Speaker:** I don't intend today to tell you what words are parliamentary or not. I will rule as it comes about. Thank you.

We're at petitions now.

## PETITIONS

### DIALYSIS

**Mr Ernie Hardeman (Oxford):** I have here a petition that I have just one page of, but in fact 1,600 people signed the petition in one single day.

“To the Legislative Assembly of Ontario:

“Whereas the Tillsonburg District Memorial Hospital has asked for ministerial consent to make capital changes to its facility to accommodate the placement of a satellite dialysis unit; and

“Whereas the Ministry of Health and Long-Term Care has already given approval for the unit and committed operational dollars to it; and

“Whereas the community has already raised the funds for the equipment needed;

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

“That the Minister of Health and Long-Term Care give his final approval of the capital request change from the Tillsonburg District Memorial Hospital immediately, so those who are in need of these life-sustaining dialysis services can receive them locally, thereby enjoying a better quality of life without further delay.”

I present this on their behalf and sign it, as I totally agree with it.

### HEALTH CARE

**Mr Lorenzo Berardinetti (Scarborough Southwest):** I have a petition which I've signed my name to and I agree with. It's addressed to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the citizens of Ontario have asked for a better health care system which is focused on the quality of care and is accountable to the people;

“Whereas this system should be publicly controlled, publicly accountable and publicly owned,

“We, the undersigned, petition the Legislative Assembly of Ontario to support Bill 8 in order to ban two-tier health care and protect the future of medicare in this province.”

I submit this to the assembly.

### ONTARIO DRUG BENEFIT PROGRAM

**Mr Tim Hudak (Erie-Lincoln):** I'm pleased to present a petition signed by a number of seniors from Dunnville, Ontario, including Jay Haidon and Gerald Wile. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas during the election campaign the Dalton McGuinty Liberals said they would improve the Ontario drug benefit program but now are considering delisting drugs and imposing higher user fees; and

“Whereas the Liberal government has increased costs to seniors by taking away the seniors' property tax rebate and increased the price of hydro;

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

“The Dalton McGuinty Liberals should keep their campaign promise to improve the Ontario drug benefit program and abandon their plan to delist drugs or increase seniors' drug fees.”

In support, my signature is affixed.

### IMMIGRANTS' SKILLS

**Mr Kim Craiton (Niagara Falls):** I'm pleased to present to the Legislative Assembly of Ontario the following petition on behalf of my riding of Niagara Falls.

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their county of origin; and

“Whereas Ontario, its businesses, its people and its institutions badly need the professional, managerial and technical skills that many newcomers to Canada have and want to use;

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

“That the government of Ontario, through the Ministry of Training, Colleges and Universities and the other institutions and agencies of and within the government of Ontario, undertake specific and proactive measures to work with the bodies regulating access to Ontario's professions, trades and other occupations in order that newcomers to Canada gain fair, timely and cost-effective access to certification and other measures that facilitate the entry or re-entry of skilled workers and professionals trained outside Canada into the Canadian workforce.”

I'm pleased to affix my signature to this petition.

### ONTARIO DRUG BENEFIT PROGRAM

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm pleased to present a petition to the Legislative Assembly of Ontario, which reads as follows:

“Whereas the Liberal government has said in their election platform that they were committed to improving the Ontario drug benefit program for seniors and are now considering delisting drugs and imposing user fees on seniors;

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

“To halt the consideration of imposing an income test, delisting drugs for coverage under the Ontario drug benefit plan or putting in place user fees for seniors, and to maintain the present drug benefit plan for seniors to cover medications.”

I support this petition, and I affix my signature to about a thousand names.

#### LANDFILL

**Mr Garfield Dunlop (Simcoe North):** I have a petition to the Legislative Assembly of Ontario.

“Whereas the county of Simcoe proposes to construct a landfill at site 41 in the township of Tiny; and

“Whereas the county of Simcoe has received, over a period of time, the necessary approvals from the Ministry of the Environment to design and construct a landfill at site 41; and

“Whereas, as part of the landfill planning process, peer reviews of site 41 identified over 200 recommendations”—it’s been going on since 1978, Minister—“for improvements to the design, most of which are related to potential groundwater contamination; and

“Whereas the Minister of the Environment has on numerous occasions stated her passion for clean and safe water and the need for water source protection; and

“Whereas the Minister of the Environment has indicated her intention to introduce legislation on source water protection, which is a final and key recommendation to be implemented under Justice Dennis O’Connor’s report on the Walkerton inquiry; and

“Whereas the Minister of the Environment has announced expert panels that will make recommendations to the minister on water source protection legislation; and

“Whereas the Ministry of the Environment will now be responsible for policing nutrient management; and

“Whereas the citizens of Ontario will be expecting a standing committee of the Legislature to hold province-wide public hearings on water source protection legislation;

“We, the undersigned, call upon the government of Ontario and the Ministry of the Environment to immediately place a moratorium on the development of site 41 until the water source protection legislation is implemented in Ontario. We believe the legislation will definitely affect the design of site 41 and the nearby water sources.”

I’m pleased to sign this, and I hope the minister will listen to this like she did on the Adams mine.

#### HYDRO RATES

**Mr John O’Toole (Durham):** It is my distinct pleasure to present a petition to the Legislative Assembly on behalf of my constituents in the riding of Durham.

“Whereas the province of Ontario has experienced record levels of electricity consumption this” past

“summer, along with lower than expected generating capacity to meet the demand; and

“Whereas this has resulted in higher electricity bills for Ontario consumers; and

“Whereas short-term spikes in the cost of power are a particular hardship to persons on fixed incomes and a detriment to businesses in Ontario;

“Therefore we, the undersigned, request that the government of Ontario act immediately to develop a plan for protecting consumers against excessive short-term increases in the cost of electricity. We further request that the government of Ontario review the impact of charges other than wholesale electrical rates, the goods and services tax (GST) and the debt reduction charges appearing on electricity bill of Ontario consumers.”

I’m pleased to submit this on behalf of my constituents in the riding of Durham.

#### CHILDREN’S NUTRITION

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I’m pleased to present a petition to the Legislative Assembly of Ontario, which reads as follows:

“Whereas recent scientific research has proven there is a link between children’s nutrition and academic performance; and

“Whereas less than 25% of Canadian children eat in accordance with Canada’s food guidelines; and

“Whereas Breakfast for Learning, the Canadian Living Foundation, is the only national non-profit organization solely dedicated to supporting child nutrition programs in Canada; and

“Whereas the need for nutrition programs in schools has more than doubled, resulting in grant requests that far exceed the level of funding received from the Ontario provincial government;

“We, the undersigned, petition the Legislative Assembly of Ontario to commit government support to child nutrition programs by increasing funding to Breakfast for Learning, the Canadian Living Foundation, from \$4.5 million to \$9 million, as requested in their submitted proposal.”

I affix my signature because I support it.

1530

#### PROPERTY TAXATION

**Mr Ernie Hardeman (Oxford):** I have a petition here. It’s to the Legislative Assembly of Ontario:

“Whereas the Municipal Property Assessment Corp (MPAC) has chosen to assess sugar shacks as industrial properties; and

“Whereas sugar shacks are used for the production of maple syrup for only a small portion of the year; and

“Whereas the agriculture protection act clearly defines maple syrup as an agriculture product; and

“Whereas sugar shacks and maple syrup are an important part of the agri-tourism business in rural Ontario; and

“Whereas the province is promoting agri-tourism by small farmers; and

“Whereas, in many cases, the change in assessment will have sugar shack owners paying 10 to 20 times their former assessment rate, forcing the closure of some operations;

“We, the undersigned, request the Legislative Assembly of Ontario to hold assessment values at last year’s levels until a fairer method of assessment can be developed and implemented or a reclassification of sugar shack properties can be made.”

I sign this on behalf of my constituents.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have also received close to 600 names on petitions from customers of maple syrup shacks in my riding, including operations run by Marvin Chambers, who’s south of Villa Nova, and Gary Watt, who’s south of Waterford.

“Whereas the Municipal Property Assessment Corp (MPAC) has chosen to assess sugar shacks as industrial properties; and

“Whereas sugar shacks are used for the production of maple syrup for only a small portion of the year; and

“Whereas the agriculture protection act clearly defines maple syrup as an agriculture product; and

“Whereas sugar shacks and maple syrup are an important part of the agri-tourism business in rural Ontario; and

“Whereas the province is promoting agri-tourism by small farmers; and

“Whereas in many cases the change in assessment will have a sugar shack owner paying 10 to 20 times their former assessment rate, forcing the closure of some operations;

“We, the undersigned, request the Legislative Assembly of Ontario to hold assessment values at last year’s levels until a fairer method of assessment can be developed and implemented or a reclassification of sugar shack properties can be made.”

I support these petitions and affix my signature.

#### ONTARIO DRUG BENEFIT PROGRAM

**Mr Tim Hudak (Erie-Lincoln):** I’m pleased to present another petition from the folks at Black Creek Leisure Homes. This one’s signed by Marian Thompson and Mona and Thomas Mitchell, among others. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas during the election campaign the Dalton McGuinty Liberals said they would improve the Ontario drug benefit program but now are considering delisting drugs and imposing higher user fees; and

“Whereas the Liberal government has increased costs to seniors by taking away the seniors’ property tax rebate and have increased the price of hydro;

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

“The Dalton McGuinty Liberals should keep their campaign promise to improve the Ontario drug benefit

program and abandon their plan to delist drugs or increase seniors’ drug fees.”

In support, my signature.

#### ADOPTION DISCLOSURE

**Mr John O’Toole (Durham):** It’s a pleasure to present a petition from one of my constituents, Julie Jordan, of Courtice.

“To the Legislative Assembly of Ontario:

“Whereas in Ontario, adopted adults are denied a right available to all non-adoptees; that is, the unrestricted right to identify information concerning their family of origin;

“Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

“Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

“Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

“We, the undersigned, petition the Legislative Assembly of Ontario to enact revisions of the Child and Family Services Act and to other acts to:

“Permit adult adoptees unrestricted access to full personal identifying birth information;

“Permit birth parents, grandparents and siblings access to the adopted person’s amended birth certificate when the adopted person reaches age 18;

“Permit adoptive parents unrestricted access to identifying birth information of their minor children;

“Allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party;

“Replace mandatory reunion counselling with optional counselling.”

This is signed by many constituents from across Ontario. I’m pleased to present it to the House on behalf of Julie Jordan today.

#### LANDFILL

**Mr Garfield Dunlop (Simcoe North):** My petition is to the Legislative Assembly of Ontario.

“Whereas the county of Simcoe proposes to construct a landfill at site 41 in the township of Tiny; and

“Whereas the county of Simcoe has received, over a period of time, the necessary approvals from the Ministry of the Environment to design and construct a landfill at site 41; and

“Whereas as part of the landfill planning process, peer reviews of site 41 identified over 200 recommendations for improvements to the design, most of which are related to potential groundwater contamination; and

“Whereas the Minister of the Environment has on numerous occasions stated her passion for clean and safe water and the need for water source protection; and

“Whereas the Minister of the Environment has indicated her intention to introduce legislation on water source protection, which is a final and key recommendation to be implemented under Justice Dennis O’Connor’s report on the Walkerton inquiry; and

“Whereas the Minister of the Environment has announced expert panels that will make recommendations to the minister on water source protection legislation; and

“Whereas the Ministry of the Environment will now be responsible for policing nutrient management; and

“Whereas the citizens of Ontario will be expecting a standing committee of the Legislature to hold province-wide public hearings on water source protection legislation;

“We, the undersigned, call upon the government of Ontario and the Ministry of the Environment to immediately place a moratorium on the development of site 41 until the water source protection legislation is implemented in Ontario. We believe the legislation will definitely affect the design of site 41 and the nearby water sources.”

I’d like to sign my name to this as well and ask that the minister support this, as she did the Adams mine report.

## ORDERS OF THE DAY

### HEALTH INFORMATION PROTECTION ACT, 2004

#### LOI DE 2004 SUR LA PROTECTION DES RENSEIGNEMENTS SUR LA SANTÉ

Resuming the debate adjourned on March 30, 2004, on the motion for second reading of Bill 31, An Act to enact and amend various Acts with respect to the protection of health information / Projet de loi 31, Loi édictant et modifiant diverses lois en ce qui a trait à la protection des renseignements sur la santé.

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** Mr Speaker, as I call government order number G31, I’d like to inform the House of some urgent information. At the top of the seventh, it’s Detroit Tigers, 7; Toronto Blue Jays, 0.

**The Deputy Speaker (Mr Bruce Crozier):** Further debate? Oh, way up there. The member for Don Valley West.

**Ms Kathleen O. Wynne (Don Valley West):** I’m not going to comment on the—is that a baseball score?

I’m happy to speak to Bill 31. I had the privilege of travelling with the committee around Ontario to hear delegations on this bill, and I want to acknowledge especially the member from Kitchener-Waterloo and the member from Nickel Belt for their comments and

contributions. My experience as a new member on the committee was not so much learning from their partisan arguments but learning from their experience and their knowledge of the area, because, as you’ve heard them and other speakers say, this bill has been some time in the making. There’s been a lot of time for people to—I’m just noticing the clock, Mr Speaker. I think I had to say that I was sharing my time with another member. Did I have to say that at the beginning? I apologize.

**The Deputy Speaker:** You don’t really have to at the beginning, but at some time during, you do then have to say who you’re sharing it with.

**Ms Wynne:** I am going to share my time with the member from London-Fanshawe. I apologize for not stating that up front.

**The Deputy Speaker:** No apology required. Just continue.

**Ms Wynne:** OK. We are a generous-hearted party.

As I was saying, having been a member of the committee that travelled with Bill 31 and hearing the delegations and hearing the members who have had long experience with the development of this bill, it was clear to me that there’s been time for consensus to develop on this bill. That was a really useful and edifying experience for those of us on the committee, to listen to the refinement of a bill rather than to engage in partisan argument and rhetorical debate throughout the time on the road.

1540

The other thing that I wanted to say about this bill right up front is that it seems to me that this legislation is about dealing with complexity. It’s necessary because we have this complex technological world; we have volumes of information that we haven’t had in the past, so I think it’s really necessary that we have this bill.

The goal of this legislation is to balance the needs of that complex technology that exists now in the health system with the needs of individuals to control their own information. So that technologically advanced system, the plethora of caregivers that exists now to look after individuals, has to be able to do its job to diagnose and treat. But at the same time, individuals need to be able to have control over their own health information.

I know I often make allusions to the past, but it’s something about being in this historical place. When my grandfather was practising medicine in north Toronto between 1924 and 1950, I don’t think such complexity could have been imagined. I’m reminded of when you start to work out and all of a sudden you have pains where you didn’t know you had places. It’s almost like this legislation has to be put in place to deal with problems that we didn’t even know we had 50 years ago. I think that it’s very necessary, but it’s going to require intentional procedures. It’s going to require health care providers and agencies to be very intentional about how they put these procedures in place, and that’s going to take some doing.

The member from Nickel Belt talked about the implementation issue. I’m going to come back to that later in my remarks because I think it’s a very important point.

The relationship between the patient and the health care provider has drastically changed over the last decades. We assume now that it's in our best interests to be active participants in the management of our health care. In order for us to do that, we have to have rules and procedures in place that require health care providers to interact with us in particular ways. To a large extent, that's what this bill is about. Bill 31 sets a framework in place to facilitate the responsible information management that we all require.

Why do we need this health information privacy legislation? What is it going to do? First of all, currently there is a real lack of consistent rules governing what information can be collected and how that information can be disclosed. What this bill means is that personal health information will be protected in a clear and consistent manner. Ontarians will have a legislated right of access to their own health information. Privacy protection for personal health information is located in different statutes and professional standards, so the rules aren't consistent. This bill pulls that in and makes sure those are all located in one place.

There is also federal legislation in place. You've heard other speakers say this. The Personal Information Protection and Electronic Documents Act, or PIPEDA, as we called it on the committee, was not developed with health care information in mind. It's not clear on whom it applies to and when there is need for express consent for transfers of personal health information. So we need additional legislation to put those protections in place.

This legislation also specifies rules around the destruction of personal health information, because it's not just the production; it's what do you do with health information when it has to be destroyed? And finally, what does destruction of the information mean?

We need legislation that will allow doctors and other primary health care providers to share information with each other about an individual where that information is necessary.

Bill 31 addresses these issues. It sets out consistent rules on collection, use and disclosure of information; it brings health information privacy protection rules into one statute; it complements the federal legislation, which was not designed to deal with health information; it allows the flow of health information within the circle of care providers around an individual; and it restricts the flow of health information when that's the desire of the patient. All of those things are necessary to have in place. That's what Bill 31 does.

There were a few amendments that were asked for repeatedly in our travels. I wanted to mention two of them in particular that we have responded to in the amendments. I think they've gone a long way to making interested parties in the province feel that this is a piece of legislation that is going to work.

First of all, the change of date of enactment of the bill from July 1, 2004, as it was originally stated, to January 1, 2005: This change in the timing of the enactment will give health care providers the time they need. It will also

give the government the time it needs to implement the changes that need to be put into place.

The second amendment that was asked for repeatedly has to do with the fundraising issue. I know that other speakers have spoken to this, and I'm sure more will, but this was an issue that was raised over and over by hospitals and hospital foundations. In the case of the need for hospital fundraising, the OHA and hospital foundations from around the province argued that they need to be able to use and disclose limited personal health information, name and prescribed contact information only, for fundraising purposes. They need to use that with the implied consent of patients.

The argument they made was that if they were required to get express consent from every patient, every grateful patient who left their facility, their donations would drop dramatically. We were told that the projection was that up to 90% of the donations from that grateful patient group could be lost if they were required to get express consent from every patient who went through their doors.

So what has been done is that the amendment has been put in place that will allow those organizations to fundraise with implied consent. Of course, patients will always have the option to say, "I'm not interested in fundraising," they can opt out of that process, but hospitals will be allowed to act on implied consent. That amendment has gone a long way to making stakeholders feel comfortable with this legislation.

I want to give my time to the member for London-Fanshawe, but there are a couple of other things I wanted to say about this legislation.

I spoke this morning with the Canadian Mental Health Association, because one of the areas that was the most sensitive was that of personal health information among mental patients: how institutions can deal with that particularly sensitive issue and when and if it can be disclosed. So I wanted to follow up with the mental health association to see how they were feeling now that the bill has had the amendments put in place.

I'm happy to report that they are very happy with the state the legislation is in at this point. They stand by their statement in their deputation that they were particularly pleased about the inclusion of programs such as housing, employment supports and peer supports, which aren't normally defined as health care, being part of that definition because those are the things that are needed for mental health patients. Having those as part of the definition means that the whole spectrum of care that they provide is included in this legislation. They're ecstatic that this bill is going forward. I think that speaks volumes to the sensitivity with which the legislation has been written, but also to the amendments that have been put in place that have dealt with people's concerns.

The lockbox issue I think really epitomizes one of the issues that highlights the tension between the need to provide good health care—good diagnosis, good treatment—and the need for individuals to have control of their health information. What the lockbox does is it

allows individuals to hold back certain information, but practitioners will know, when they get information, that they're not getting the complete information. That's the balance that was struck. Although there were people who argued on both sides, we in the government felt that going forward with this legislation with the lockbox in place was the responsible thing to do.

The process of refining Bill 31 has been an illuminating one for all of us who had the opportunity to travel with the committee and respond to the interested parties who came forward to talk to us. This kind of collaborative consensus-building is not possible, I recognize, on every piece of legislation. Ideologies and philosophies will intervene. But wherever we can work together and wherever we can put the public good, the public interest, right at the centre of the debate and write legislation that speaks to that public interest, we're going to be serving the needs of Ontarians much better.

1550

**Mr Khalil Ramal (London-Fanshawe):** First, I would like to thank the member for Don Valley West for her details about Bill 31. I think she went with the committee more than me, travelled the whole province and listened to the many delegates from across Ontario talking about this bill. I had the privilege of listening to many people when the committee came to London.

I'm honoured today to support this bill, because one of the elements of the bill is that it is a true reflection of the commitment of Dalton McGuinty's government to protect the people of this province. This bill will protect patients who visit doctors, hospitals—protect their rights and protect their information concerning health care.

I think this bill is very important in enhancing health care in this province for many reasons. First, it will allow the many facilities in this province to share information with the consent of patients. Before, we didn't have anything in place to protect patients when they go to see doctors or go to the hospital or to any institution in this province, because we didn't have any clear bill to regulate and facilitate this issue. And it is very important to us to—

*Interjection.*

**Mr Ramal:** I guess the comment from the member from—is it Simcoe? I know they are always on the negative side. It doesn't matter what we do, they're always on the negative side. That's OK.

When the committee came to London, I listened to many people and I listened to their concerns. One of their concerns that got my attention was the right of institutions to use patient information in order to fundraise. As you know, many hospitals and health institutions in this province are facing difficult times financially. They use that right to call many people in order to generate money to keep their institution functioning. As the speaker from Don Valley stated, they amended this bill to allow some institutions to use names for fundraising.

Another very important thing is that some people were concerned about the Minister of Health having the right to get information about patients. As a matter of fact, the bill will never give permission to the Minister of Health

to be privy to any personal information about any patient without consent from the patient.

I was pleased to participate in some of the discussions on this matter and to talk to many delegates who came to London to see if the bill reflects the beliefs of people in this province or not. As I said, I was very pleased to listen. They were comfortable, very happy to see the government of Ontario, the Dalton McGuinty government, trying to consult with them on anything or seek their opinion on very important matters in their lives.

Also, it is very important too, when the patient goes to the doctor, that the patient has a right not to consent to allow the doctor to use their information for any reason unless the information would help eliminate some strange disease or protect the patient from any problem that might occur in the future.

Another important piece of this bill talks about using electronic equipment to receive information. As you know, our lives today are controlled by electronic devices. Some concerns from some delegates were brought up, because when the information goes into a computer, they're concerned about some people who may have access to it. This bill will protect that right. If the government or the commission feels this information is being moved or will be accessible by different sources, they'll have a right to destroy this information and protect the patient.

As we listened to many stakeholders in this province, the government, in conjunction with the institutions of health in this province, tried to hold many educational sessions to educate patients and educate the people in this province about their rights, about how the bill works and about how it can protect them from being exposed to many people in this province.

I think the importance of this bill is that for the first time it will organize health care and the secrecy of health care in this province. At the same time, it will allow the institution to share information in order to protect the patient and enhance the structure of the health care in this province. In the meantime, it will give the right to institutions, especially hospitals, to use some information to raise funds to continue to develop and maintain their existence in this province.

As I mentioned, between 50% and 60% of health institutions in this province continue functioning on fundraising. This bill and that concern, according to the people who went with the committee, and when I listened to my colleague from Don Valley—they added the amendment to absorb all the concerns and make it easier for all the stakeholders in this province to function in conjunction with the government of Ontario. So I believe we are on the right track. That's why I'm speaking today in support of this bill, and I hope all members from both sides will agree with us and move forward in order to make sure the bill will pass with the full co-operation of all the people in this Legislature.

**The Deputy Speaker:** Questions and comments?

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise today and make a few comments on Bill 8—I'm sorry, Bill 31.

Let me make it clear: I support Bill 31, and I believe a lot of our party will be supporting it as well. We think it's the right thing to do, and we think there's been enough debate on this bill. You have to remember that in one way or another this bill has been around, I believe, for the third or fourth time. Quite frankly, it's time to get on with this. I've mentioned before that I'll support it, and I will again.

Of course, Bill 8 is another story. We don't agree with that, and that's clear. I don't think anybody in our caucus will be supporting it in its present form. However, I think there's no question, as I listened to your democratic renewal plans, that there will be further committee hearings after second reading debate is completed on that. We fully expect that, and we think the citizens of Ontario and organizations like hospital boards, etc, are certainly looking forward to more comment on that as well.

As we said earlier, this bill has been around before. I know Minister Witmer worked on it previously and had come to our caucus at different times talking about her support of it. There have been a few little amendments made here and there, but it seems like the right thing to do at this time. Again, if there's a problem with it, we can go back. I don't know how long we're actually debating this, this time around. I believe we're having one or two more days on second reading, and then we should probably go to third reading fairly quickly.

Again, it's the right thing to do. It's not very often in this House, I believe, that we'll be supporting government bills. But I think, as a member of the opposition, I can stand here today and say congratulations to the government on their work on this and to Minister Smitherman. It's probably his first bill that will go through the House, and I'll be supporting it and hopefully work well with it.

**Mr Rosario Marchese (Trinity-Spadina):** I'll repeat what I said last week; that is, New Democrats are supporting Bill 31. There's certainly a great deal of agreement more than disagreement. There are concerns, and I will raise one or two as I speak in my responses to each speaker.

The first one I will raise in response to the members from London-Fanshawe and Don Valley West is the whole issue of the cost of implementation. Both of you, and many of the Liberals, know that in implementing such bills there are costs in order to comply, and those costs can be very, very high for many hospitals, long-term-care facilities and doctor's offices. We know the Canadian Mental Health Association told us that many of their branches are so small, they don't even have computer technology. We know that as we go, unless we find ways to deal with the issues of technology and training, which involve money, health sector organizations will have a difficult time complying.

**1600**

There's no disagreement with much of what's in Bill 31, unlike Bill 8 where we do strongly disagree, including many of your Liberal friends such as former

Liberal MPP Mr Bernard Grandmaître, who said of Bill 8, "As a Liberal, I have seen better days. This law, Bill 8, is not the product of the Liberal Party that I know. In fact, it is in flagrant contradiction to some of the most basic principles that inspire and have always inspired my party. This bill is a serious breach of confidence and of democratic principles, and like Mr Lalonde, it's hard for me to believe this is being done by a Liberal government."

Bill 8 is a different matter and you'll have New Democrats and Liberals attacking you, whereas in Bill 31 there are more areas of consensus. Again, I hope you'll be dealing with the issue of implementation costs.

**Mr John O'Toole (Durham):** It is a pleasure. I'll be speaking later on this afternoon on Bill 31 because I was parliamentary assistant to the Ministers of Health at the time, Elizabeth Witmer as well as Tony Clement. I only say that when we were in government, we did bring in two pieces of legislation, a consultation paper on the whole issue of privacy in health and patients' rights. The three key words, of course, are: collect, use and disclose. I don't think the problem has actually been solved. I think that most of this will show up in regulation, but when we were in government, the now-government, then in opposition, called this draconian, a Big Brother of the oversight that this issue has.

Out of respect in the few seconds that I have, I want to pay a great deal of respect to Gilbert Sharpe, who helped me during the consultations on the first draft of the health privacy legislation. Gilbert, of course, was the author of the Mental Health Act and an esteemed deputy minister—I think assistant deputy minister of health at one time—to Elizabeth Witmer and Tony Clement, who, both as Ministers of Health, tried to resolve this important piece of infrastructure to provide smart health.

If you look at the public accounts records, you'll find that this government spent in excess of \$2 billion setting up some of the examples which I'll speak of in great detail this afternoon. One of them is Smart Systems for Health, where they integrated the nine modules of health providers into one seamless system of proper patient information. Ann Cavoukian, the Information and Privacy Commissioner, was also part of the broader consultations on health privacy.

To the viewer today, the big issue, the one to watch for, is the issue of who is the custodian. The custodian of the records is absolutely the most critical thing for patient privacy. There are certain types of information, it has been argued, that should be in the lockbox or not available. I'll have more to say on this this afternoon, but in the general spirit of cooperation, we will be supporting this legislation.

**The Deputy Speaker:** The member for Don Valley West has two minutes to reply.

**Ms Wynne:** Thank you to the member for Simcoe North, the member for Trinity-Spadina and the member for Durham for your comments. To the member for Simcoe North, I would say, it is time to get on with it, and that's why we're doing this. Thank you for your



support on that. To the member for Durham, I would say that the procedures—I think I referred to this in my remarks—that we have to put in place, we couldn't have imagined 50 years ago. I think he would agree with that. They're very technical and complex.

I want to respond to the comments from the member for Trinity-Spadina about implementation. I know this is an issue that was raised by the member for Nickel Belt. In my conversations this morning with some of the stakeholders, it was made clear to me that this remains a concern, the issue of implementation, how it's going to be done and what the supports are going to be. What I wanted to say is that the ministry is in conversation with the OHA, the OMA and the Information and Privacy Commissioner to try to work out a coordinated way of supporting providers as they go about putting these procedures in place, because it's not going to be simple. It's a highly technical bill and, as I said before, it's going to take very intentional measures on the part of health care providers to put these provisions in place.

I'm happy to say that the information I have from the ministry is that they are talking with the OMA, the OHA and the Information and Privacy Commissioner to provide a coordinated response. Obviously, the detail of the implementation is going to be what's going to be relevant to the people on the ground delivering health care. So we can talk at a high level, but it's going to be when the rubber hits the road in terms of the provision of the information and what technology is needed, and that conversation is happening now.

**The Deputy Speaker:** Further debate?

I know who I'm not going to give the floor to now after that signal from the member from Durham. If I see that one more time—

**Mr O'Toole:** Oh, baloney. I didn't do anything.

**The Deputy Speaker:** The member for Barrie-Simcoe-Bradford.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join the debate with respect to Bill 31. I remember watching the hearings with respect to the debate and discussion on this bill, which is An Act to enact and amend various Acts with respect to the protection of health information. It certainly is a piece of legislation that deserves extensive review. I think it had a lot of consultation with respect to what was going on.

I'd like to start by paying tribute to the cooperative spirit and hard work on both sides of this House which has created this legislation.

It was the previous government that first had the vision and the courage to tackle the very difficult and controversial issue of the privacy of health care records. As my honourable friends across the floor have no doubt learned, this is an issue filled with special challenges.

First of all, anything to do with the privacy of personal information is going to be sensitive. This is simply human nature. Information about ourselves, particularly about our physical or mental health, our bodies and minds, is as personal as it gets.

Second, computers and other technology have dramatically changed the playing field. People are understandably concerned about the electronic storage of information. When a file is no longer a big, thick folder full of paper but a mere burst of electronic data, it opens up the potential for new threats to the security of health care records. New technologies have made extensive record-keeping and the transmission of information easier but have left security of that information more and more difficult to maintain.

The third reason that it is a difficult issue to tackle is the sheer number of stakeholders involved. Health care privacy not only directly affects every person and family in Ontario, it also is of intense interest to every organization and company involved in diagnostics, treatment, pharmaceuticals, chronic care, health insurance, and on and on. Each of these sectors has its concerns and its ideas.

It took tremendous courage to walk into that minefield and start addressing the many sensitive and complex issues involved. It took someone like my colleague the member for Kitchener-Waterloo to take those first fearless steps as Minister of Health. I think that all of the members of this House and the people of Ontario owe a debt of gratitude to Elizabeth Witmer for initiating action on this important issue. I know that my friend representing Kitchener-Waterloo has already spoken in the House on this bill and she has paid tribute to the current government for its cooperative and open mind in amending the legislation.

I would like to add my voice to the chorus of appreciation, particularly in light of the treatment we have seen over similar issues such as Bill 8. It is refreshing to receive the kind of positive reception to concerns and ideas we have seen with respect to Bill 31. Frankly, this House and this government could use more of this kind of positive, co-operative work. Too often we have seen this government fall into the trap of refusing to consider useful and even necessary amendments to its legislation simply because the changes are proposed by the opposition. There's a similar trap that opposition parties can fall into in which government bills are opposed simply for the sake of taking a stand contradictory to that of the government. Both these kinds of automatic responses should be avoided if we are to accomplish the genuine business of this place: debating and helping create useful laws for the people of Ontario.

For all these reasons I am very pleased to have the opportunity to speak about the Ontario Health Information Protection Act. As it now stands, Bill 31 is a much-improved piece of legislation compared to what we saw at first reading. As I said, this is due to some outstanding work and input from the member for Kitchener-Waterloo and others on this side of the House, and the very non-partisan and productive spirit on the other side.

**1610**

I believe this legislation holds together very well and will contribute significantly to its stated goals. That may not sound like much, but given the sorry state of some of

the legislation we've seen proposed by this government, it is very high praise indeed. My honourable friends opposite do not seem too happy, although I'm trying to pay them a compliment. What we now have with Bill 31 is legislation that will go a long way toward protecting the confidentiality of health care records. It is not perfect, it is full of compromises and there are a couple of unfinished corners that I will address in a few moments, but overall, it is a solid bill of legislation.

What I would like to speak about today is the challenge of implementing Bill 31, because the success or failure of these important initiatives is still very much up in the air. Solid legislation like we have here is not enough to ensure the privacy of health records. It will take care, dedication and ongoing attention from this government to make sure that the goals set out in Bill 31 are actually achieved.

First, it must recognize that this legislation will require adaptation and change on a very large scale. I'm very glad to see that the government heeded the concerns of many organizations about the short time limit before new regulations were imposed. By accepting the amendment put forward by members of the opposition to delay implementation until next January, you are at least giving these organizations the chance to get ready.

However, I think the granting of that delay is only the first step in helping medical professionals and organizations become prepared. There are two other key elements that must be present: continued consultation and amendment to resolve complex issues, such as the lockbox concept, and help with the sector in education and training. The six-month delay in implementing Bill 31 is not only important for the extra time it gives the sector to adapt to new rules, but it is also time needed to finish some of the details and find some compromises. I'm not about to go into the complexity of the lockbox issue, except to say that it is only one of some unresolved areas under this bill.

Another is the question of the regulatory powers granted the minister and the government by this legislation. This is an echo of the concerns we have heard about Bill 8. I would hope that the government is taking some lessons here about the dangers of pushing for new powers and of demanding more accountability without offering any in return. If you truly want the co-operation and active participation of people and organizations in a new way of doing things, you have to demonstrate mutual action and responsibility. Simply telling people what to do and demanding their co-operation because it is for their own goodwill will not suffice; in fact, it will likely backfire. You have to explain and show what you will be doing on your end of the bargain.

In a bill like this, where the regulatory powers are so broad, it is very important for the government to hold equally broad consultations. That means not only on the legislation, but on the regulations as well. Of course, it also means consultation which results in action, as well as listening and recognizing the concerns of stakeholders. This government must continue to be prepared to implement their suggestions.

I am concerned that this government appears to be blurring the lines between regulation and legislation. There are good reasons why we have two ways of granting authority for government action, and I think my friends across the floor need to remember this. The most important aspects of a law are supposed to be dealt with through legislation. That ensures that a government must bring its ideas before the Legislature for review by the representatives of the people. It's a simple core value of democracy. Regulations, on the other hand, are meant to deal with smaller, everyday aspects of the laws. They are meant to spare the entire Legislature the time and energy to debate non-controversial topics, or those that must be changed very frequently or very quickly. Regulations should not be used to make the fundamental changes in law, and each law should be written to prevent that from happening.

Unfortunately, in some cases, by accident or design, a law does not allow itself to be changed through regulation. That's very true when it comes to this bill, and to the new regulatory powers it grants. I would like to remind members opposite what the Ontario Medical Association had to say when it talked about the new regulatory powers under Bill 31. The OMA representative told the committee:

"I would like to note for this committee ... our concerns about the extensive regulation-making powers found in the bill. They are so wide-ranging that they allow the government to change virtually any aspect of the law by regulation. This is contrary to the traditional division of legislative and regulatory authority and represents an intrusion of the government's executive powers into the lawful powers of the Legislature. Not only does it create the power to completely undermine the content of the act, it undermines the democratic process of the Legislature. We recommend that this committee review the proposed regulatory-making powers closely with a view to significantly curtailing them."

I'm sure that, given this government's public record of speaking out so strongly in favour of open government and democratic responsibility, they would not wish to undermine democracy in the Legislature. I'm certain this government did not intend to take away from the democratic powers of the Legislature or to impose a non-democratic law on the people of Ontario. Certainly, the overpowering role of regulations in Bill 31 must have been the result of accident and not design. As a result, I look forward confidently to the further amendment of this bill to curtail the regulatory powers, as the OMA has quite rightly requested.

Yet another issue that demands more discussion before this bill is implemented is its impact on fundraising. I know there have been extensive amendments to the bill as a result of concerns raised in this area. However, I also know that many stakeholders continue to raise new ideas and questions about the legislation in this regard. I also know that this is an absolutely vital issue for hospitals and other organizations, and that we cannot be too careful in addressing their concerns.

I'm sure the Minister of Health does not need to be reminded of the rapidly mounting costs of the modern health care system, the impact of our aging population, the increasing demand for sophisticated diagnostics, treatments and preventatives, and the growing role that institutional fundraising has taken in meeting these challenges. Frankly, if it was not for the outstanding efforts of hospitals, foundations and other institutions across this province, we would not enjoy the high level of health care we have here in Ontario.

I can just note the hard work of the Royal Victoria Hospital foundation in my riding of Barrie-Simcoe-Bradford and also the Southlake Regional Health Centre in the southern part of my riding for the outstanding work they do with respect to foundation work to make sure that needed health care services do, in fact, come to the riding. I know that the foundation at RVH has done great work with respect to bringing about public awareness of cancer care in my riding with respect to the radiation treatment we're looking to come to Barrie-Simcoe-Bradford, to ensure that my constituents don't have to go down to Toronto, to Sunnybrook or Princess Margaret Hospital. I know the Ministry of Health is working with RVH in a constructive and positive way to bring about that cancer care centre to Barrie-Simcoe-Bradford.

Whenever we see a new hospital being built, a new wing being added or an old wing being renovated, in almost every instance the money for this work is coming from fundraising efforts, not the government. Quite simply, taxpayer money is not there. There cannot possibly be enough to meet the demand.

Our government saw this coming many years ago. We recognized the mounting pressures on the system and introduced the idea of using private funds to pay for the bricks and mortar of new hospitals. I'm glad to note that the current government, despite all of their high-flown rhetoric on this subject, has seen the sense in allowing two hospitals to go forward using this common sense funding method. My friends opposite are even musing about building more hospitals this way, and why not?

The point is that this government must recognize that fundraising is not a luxury for our health care institutions, it is a necessity. It has become one of the cornerstones of the system and a method of meeting increased demand with limited public resources. Hospitals and others must be able to raise funds directly, and the most effective way they can do that is to appeal to former patients. Unreasonable limitations on health records that threaten the ability to raise funds are also a threat to the quality and availability of health care in this province. Without the ability to raise funds, our health care system will not be able to do its job, period.

**1620**

It is time to recognize the simple fact that government cannot meet the health care challenge alone. Public administration and funding of health care services are more than enough for the government to handle. You can't do that and come up with the money for all the bricks and mortar too. No government can. So it's vital that no

legislation impedes the ability of our hospitals and other institutions to be effective fundraisers and partners in health care.

I've mentioned three areas where ongoing work will be required: the lockbox, regulatory powers and fundraising. Those are the three major areas, but there are other points in this legislation that still need work. Just to cite a couple of examples, section 15 should be amended so that the health information custodian can delegate some duties to a contact person, and subsection 46(2) needs to be clarified so that a patient's chart is also protected from disclosure. There are several more points like this which were made in committee and brought to the attention of the minister and his staff.

In short, there's plenty of work still to be done before this act becomes a law of this province. I urge this government to make good use of the extra six months before Bill 31 kicks in. This is your opportunity to listen carefully, consult broadly and act as fairly as possible. Please take advantage of it.

Finally, I would like to bring up the question of education. Bill 31 will require a new, complex and important system of handling information. There will be yet another new normal in health care in Ontario. For this to happen efficiently and effectively, all the people and organizations involved must have a clear understanding of the law's requirements. There will need to be brochures, manuals, Web sites, seminars, staff training, consultations and more. As government is imposing these requirements on the health care system, it will only be fair that the government help to provide the resources needed, including educational materials and funding.

This is where that concept of mutual responsibility comes in. This is where accountability must become a two-way street. As much as I support the aims of this government in protecting the privacy of people's health care records, as much as I appreciate their co-operative attitude in reforming this bill and as much as this legislation builds on initiatives begun by us in government, the current government must take responsibility for its failure or success.

Whether or not Bill 31 meets its objectives in the resulting safety and security of confidential health care records will depend on the government's dedication to consulting, amending, supporting and funding their new system. I sincerely wish them luck in taking on this important task.

In closing, as I have a few minutes left, I just want to comment on a couple of things. I'm here in the Legislature this afternoon speaking on the bill, and quite frankly, I'm quite disappointed that I'm here specifically at this time. I was supposed to have a meeting with the Minister of Education's staff with respect to the closure of a school in my riding, the Prince of Wales Public School, on the chopping block with respect to the Simcoe County District School Board. I was supposed to be meeting today, but the meeting was cancelled by ministry staff at the last moment. I've been trying to get a meeting with that staff for weeks on end now. I'm very dis-

appointed that once again the Minister of Education has seen fit to make a member of this House almost unimportant, if not irrelevant, with respect to trying to represent the interests of their constituents in terms of a school closing when last fall he made the statement that school closings would be reviewed and would not happen until a full consultation had happened.

Trying to get a meeting with the Minister of Education is an exercise in—I wouldn't call it frustration, but I would say I'm at a dead end in trying to get a meeting. They say they're going to give me a meeting maybe next week, but we'll have to see. I'll be back next Monday speaking about that again—

**Mr Dunlop:** We won't be here next Monday.

**Mr Tascona:** That's true. Next Tuesday.

I also want to mention that I am very thankful to the Minister of Consumer and Business Services. Last week I spoke about birth certificates, and what did I get today? I was speaking about bulletin number 9 last week, and today I got bulletin number 10. I'm very appreciative to get that from the minister. I know he's working diligently with respect to birth certificates, but as I said last week, are we going to be getting up to bulletin number 30? The issue is, get this problem solved. I don't need to get bulletins. But I really do appreciate getting bulletin number 10. I guess number 11—we're going to get a weekly update. One can only hope this gets fixed. I know the minister is working hard. I certainly respect his good-faith efforts in this matter, but quite frankly, I can only handle so much paper in the office. We've got number 10, and I appreciate that. I got it today in the mail. I'm going to see what's in there.

On another matter before I close, I got a letter from the Toronto Association of Law Libraries, which states, "Over the past few months, a worrying trend on government Web sites has alarmed the law library community. Access to many documents such as press releases and government background papers has disappeared from ministry Web sites as new government ministers overhauled department Web sites." They want me to look into this, and I certainly will. Perhaps we'll have discussion at the Speaker's meeting this week.

**The Deputy Speaker:** Questions and comments?

**Mr Marchese:** New Democrats support Bill 31. We stated some concerns. I wanted to state another one and wondered whether the member from Barrie-Simcoe-Bradford has the same concern, and that's subsection 72(11). This section deals with the fact that the regulation-making process will now be an open process, and we think it's a good idea. But the concern that our member from Nickel Belt raised about it is that subsection (11) says that if the minister makes a decision that a regulation will not be part of a public process—ie, that it would just go to cabinet—there won't be notice and there won't be any ability for the public to participate. Here you have a regulation-making process that will be public, and we think it's good; then there is a section that says, "But the minister may decide that whatever he wants to deal with will go directly to cabinet," and as

such, there will be no oversight. So we thought, go the extra mile and make that process somewhat public as well.

So there are some concerns about this bill, which doesn't take away from the fact that we support it—unlike Bill 8, where even lawyer Michael Watts says he has a number of concerns. He says the following are concerns:

"(1) the shift of control from the voluntary board to the minister; and

"(2) the resulting increased likelihood of arbitrary political interference in the governance and management of the hospital operations....

"With the shift of control, our health care system will become less accountable, not more accountable, because the communities will eventually lose the advocacy voice that volunteer boards and their CEOs, to this day, have been able to provide for them."

I wondered whether the member from Barrie-Simcoe-Bradford has a comment on subsection 72(11) and the other matter of Bill 8 that another lawyer raises. I wonder whether you could speak to both.

**Mr Wayne Arthurs (Pickering-Ajax-Uxbridge):** I'm pleased to add some comments, particularly to the member from Barrie-Simcoe-Bradford. I tell you, on this side of the House we very much appreciated your early compliments in your opening address, although you must have felt that you were a little spurned by us because you weren't continuing to do that.

Clearly, though, any bill that is likely, potentially, to receive the support of all three parties in the House is one that should be hailed. That's a unique situation. Our compliments to those who have worked on this bill or related bills in the past in moving that agenda along. Certainly members opposite have been applauded for their efforts.

The bill really is obviously a lot about protecting the rights of individuals to their medical history, to protect the opportunities, so that their health care is their business where it's appropriate, and not shared with others. That's the essence of the bill. But I think it is going to present some interesting challenges nonetheless, and thus providing the timeline to the end of this year will be helpful for the agencies and organizations involved in getting themselves ready for when the bill does become law.

I want to talk very briefly in the few seconds left about one of those types of agencies: children's aid. They're going to face some very unique situations, particularly in light of the fact that they have to deal with a number of other agencies and organizations, not the least of which would include schools, potentially housing organizations, custody care organizations, the families of the young people involved, therapists and doctors, hospitals, the police. When you have to integrate all of the information that you might have on a young person and find out how you're going to be able have the ability to disseminate that to all of the various organizations that might want a piece or pieces of that, it will present some unique

challenges that I'm sure these organizations can meet, but it is going to take an awful lot of effort on their part.

**1630**

**Mr O'Toole:** With respect to the member for Barrie-Simcoe-Bradford, who as a practising lawyer knows much about how technical this bill is, I still raise his disappointment today with the Minister of Education and his staff failing to meet at a pre-arranged meeting on the closing of the Prince of Wales school in his community of Barrie. I know just how important fulfilling your promises can be. This could arguably be another broken promise.

In this bill, the three principal words with respect to personal information are "collecting," "using" and "disclosing." There's no question this is a controversial piece.

I think people have mentioned section 11. If you want to take a look at that, it's talking about the health information custodian; that's the person who keeps the record. If you look at section 11 and go on to section 12, you'll see just how sensitive—I'll just read a little section here, subsections 14(2) and (3):

"A health care practitioner may keep a record of personal information about an individual in another place as permitted under section 2"—which is the regulatory section that says, basically, in their home.

On the ability to change or correct a record, if there's some wrong information, very sensitive and personal health information, if we were government—perhaps it's a matter of style as opposed to substance. They criticized us, saying it was Big Brother encroaching on personal confidentiality. I know it is the right thing to do, and that's why I'm extending the hand of trust to the government in the hope that the professionals—and I know the professionals want to get this right—will connect up the nine modules of health information providers.

But I think if we keep an eye on it, there has to be some review period, and that to me is a process that's missing in this bill. I'll be speaking at some length about it afterwards, but there should be a customary review of complaints through the Ombudsman or that type of office. But, in general nature, I will be supporting the bill.

**Mr Peter Kormos (Niagara Centre):** I paid rapt attention to the comments by the member from Barrie-Simcoe-Bradford. It was a riveting effort on his part that captivated my attention, and I found myself moved and excited by his analysis of Bill 31. It's rare that we have that kind of excitement generated in this Legislature, where members of all three caucuses feel compelled to focus in on an address like the one given by the member from Barrie-Simcoe-Bradford. So I relished this afternoon. It will be a part of my fond recollections of this place, as they say, for many years, long after I'm gone. I can't think of any other single event that has been so thoroughly etched in my memory as the speech by the member from Barrie-Simcoe-Bradford.

In fact, I found myself having some concern about Bill 31, and with the thorough and exhaustive analysis by the

member from Barrie-Simcoe-Bradford, I find myself even more reluctant to support the bill than I was initially. But at the end of the day, taking Ms Martel's say—so, it's something that New Democrats clearly are prepared to live with. New Democrats were constructively critical of this bill during the course of committee hearings, and of course Shelley Martel, bless her, from Nickel Belt, was an active and enthusiastic member of that committee. So I'm just grateful for the opportunity to have heard the address by the member from Barrie-Simcoe-Bradford, as I'm sure you are, Speaker.

**The Deputy Speaker:** The member for Barrie-Simcoe-Bradford has two minutes to reply.

**Mr Tascona:** I'm really touched by those comments by the member for Niagara Centre. I'd like to say I'm prepared to live with those comments.

I'd just like to say, on a more serious note, that the member from Trinity-Spadina, making his comments about subsection 72(11) of the act—the way it reads, it says, "No action, decision, failure to take action or failure to make a decision by the Lieutenant Governor in Council or the minister under this section shall be reviewed in any court or by the commissioner." So in essence, there's no review.

**Mr O'Toole:** The minister will have total authority.

**Mr Tascona:** Member from Durham, you've had the floor. I'll keep the floor for the moment.

**Mr O'Toole:** How about the Prince of Wales school?

**Mr Tascona:** Yes, we'll go back to the Prince of Wales school shortly.

That's a very interesting feature of this bill, and quite frankly, when you couple it with the power of temporary regulation, which I haven't seen too often in any bill, if at all, there are certainly broad powers here. I think it's probably a recognition by the government that this is going to be a very cumbersome bill to implement and maintain control over.

Certainly, the comments from the member from Pickering-Ajax-Uxbridge, with the children's aid society, should be noted, and obviously he'll be giving his input to his party on that. The member from Durham, with respect to a review period for complaints: certainly I think that's going to be great input that we need to have with respect to a bill of this magnitude, because when you look at it, it's just an incredibly lengthy bill—115 pages—with a lot of amendments in terms of the work that's gone into it. It's going to be a challenge for implementation. It's going to be a challenge in terms of how to balance the needs of foundations and organizations to do their fundraising, because let's face it, that's going to be the core to keep the system moving the way it should, and certainly a fundamental part of our system.

**The Deputy Speaker:** Further debate?

**Mr John Milloy (Kitchener Centre):** At the outset, I'd like to notify you that I'll be sharing my time with the member for Lambton-Kent-Middlesex.

I want to begin by saying it's a pleasure to speak in favour of this bill, joining with my colleagues on all sides of the House. I think it's an important piece in this

government's new approach to health care, one that's based on co-operation, one that's based on working with stakeholders, and most importantly, it's about getting rid of the silos—to use a favourite term of the Minister of Health—that exist in our health care system.

During the recent election campaign, I'm sure I experienced the same as many other members when I heard many concerns about health care. Voters were concerned about doctor shortages, about long lines in the emergency rooms and just about the sustainability of the system, especially as our population gets older.

This government and, in particular, this new Minister of Health have made getting rid of these silos a big priority in addressing these concerns, because when you look at the way the system works right now and the way it's set up, oftentimes there seems to be competition between different aspects of the system, and the only way we're going to save it and the only way we're going to make it sustainable is by getting rid of these silos, getting rid of this competition and making sure that all these aspects of the health care system work together. I want to congratulate the minister for moving forward on this.

What's one of the ways we can get rid of these silos? The obvious answer is technology. It allows for the collection and dissemination of data in a way that we couldn't even have imagined a few years ago when we simply went to our family doctor, who held our files in a filing cabinet. In an increasingly busy and complex world, it's not uncommon for patients to visit different doctors, specialists and even different hospitals over the course of a short period of time. The ability to share information between health care officials is crucial to ensuring a patient's well-being.

At the same time, I would argue, it creates a tremendous challenge. Our ability to create electronic files and records with detailed information on a patient raises real questions about security, and I don't think anyone here in this Legislature could think of a more important category of information than an individual's health care file.

Doctors and other health care professionals will tell you that one of their top priorities is to keep any discussions with patients confidential. Some have even told me that they would use the analogy of a priest who's hearing a confession. So this bill is about doing this. It's about protecting this health care information.

What does the bill do specifically? Well, I would argue that it addresses a lack of clarity surrounding rules concerning health information. Right now in Ontario there's a lack of consistent rules covering what health information can be collected and how that information can be used and disclosed. Existing laws dealing with health information apply in some health care settings but not in others.

#### 1640

This bill provides clear and consistent rules for the privacy and security of personal health information. It puts consistent rules in place that balance the need for health care providers to access sensitive medical information and also the rights of patients to protect their

privacy. Under this bill, Ontarians would have access to their personal health information and a right to require the correction of incorrect or incomplete information in their files.

What is good about this bill, and a number of people have spoken about it, is that it has been strengthened through the committee process. Although I don't sit on the committee, I understand that there were numerous delegations from health care providers and interested stakeholders who came forward and said, "How can we work with the government to make this a better bill?"

The committee has passed a number of key amendments which I feel strengthen the bill. Many stakeholders, for example, were concerned that the proposed July 1, 2004, time frame would not give them enough time to prepare for the legislation's coming into force. A number of members have mentioned in their comments how technical this bill would be and the challenges that all the health care providers will face. The committee has amended the bill, I'm pleased to say, to change the date to January 1, 2005, to give them the time to implement the legislation.

One area that was of particular concern, I understand, was that of fundraising. As members know, most hospitals have large and active foundations that raise funds. I have two hospitals in my riding: St Mary's hospital, which is located in the centre of my riding, and Grand River Hospital, which, although based on the border of a neighbouring riding, does have a facility in my riding. The foundations that are associated with these hospitals do amazing things, and I'd be remiss if I didn't mention how these two hospital foundations joined with the neighbouring Cambridge Memorial Hospital to create a fundraising campaign entitled One Voice, One Vision. Working together, this campaign has worked to address region-wide health care priorities at each individual hospital in the Waterloo region. At Grand River, they've concentrated on a new regional cancer centre; at St Mary's, on the new regional cardiac care centre; and at Cambridge Memorial Hospital, on enhanced mental health care services, among others.

As the members know, many hospital foundations contact former patients to seek funds. Under the original version of this bill, basic information would not be available to foundations without specifically asking patients. Amendments have been passed that would permit public hospitals to use and disclose limited personal information about a patient, obviously just name and contact information. I think this is an important step forward to address these fundraising concerns of many of the foundations. I applaud the amendment and feel that it strikes the appropriate balance.

Another issue that should be mentioned and put on the public record is research. Patient information is of course vital to medical research. In most cases, researchers don't need to know the specific identities of patients. Sometimes, though, information is needed that can't remain anonymous. They need to know about the specific background of patients in order to do the types of analyses

that are going to have a lot more background than would be done in an anonymous case. Patient consent can sometimes be impossible in this situation due to the large size of the research work that's being undertaken. In this situation, researchers, according to the bill, will have to go to a research ethics board to gain approval. I think all members would agree that this is an appropriate safeguard to make sure that this very sensitive, confidential information is protected.

In closing, I'd like to say that Bill 31 is an important piece of this government's health care policy, one that's intent upon blowing up these silos that I spoke about at the beginning, one that recognizes that technology is going to be a way for us to bring together hospitals, home care providers, people who are engaged in the administration of drugs and other health care providers. If we can get rid of these silos, if we can use technology so that we work together and do not enter into this ridiculous situation where at times we're competing, I think we're going to see a movement forward in our health care system.

This piece of legislation, Bill 31, provides consistent rules for the collection and use of personal health information, which I think will be welcomed by Ontarians, will be welcomed by patients. After much consultation, I believe that it has been strengthened by the committee through a series of amendments that I spoke about today. I think we have to applaud the members of the committee for the work they've done, for the fact that they've gone out. Much has been said about Bill 8, but I had a chance one day to sub in on the committee that was at that point looking at Bill 8. I guess what impressed me the most was the willingness of many of the health care providers and health care institutions to come forward. The Ontario Hospital Association, the Ontario Medical Association and individual hospitals put forward their concerns for the committee to engage in a dialogue with them and try to come out with what they felt was an appropriate response.

I don't believe that health care is necessarily a partisan issue. I don't believe it should be a partisan issue. I think that all of us want a strong, publicly funded accessible health care system. We have to move forward, we have to embrace these technologies, and something like Bill 31 provides the type of safeguard that's needed to ensure that our health care system will always remain one of the best in the world.

**Mrs Maria Van Bommel (Lambton-Kent-Middlesex):** I'd like to thank the member for Kitchener Centre for sharing his time with me as well. I am happy to stand here in support of Bill 31.

We live in a world where information exchange is very quick and very easy, sometimes almost too easy, and it makes many people very anxious about the privacy of the information that they have. We hear frequently about things such as identity theft and we learn how quickly and easily someone can access very important, very critical information of our own identities. We also are very conscious of our financial information. In an age

of computerization, we recognize that people have access to financial information that they normally wouldn't have been able to get. So we've become very conscious of privacy in that respect.

I think the discussion around Bill 31 has increased the public awareness of the issue of privacy around health information. Health information is uniquely sensitive and is intimately linked to the dignity of the patient. Patients in hospitals are particularly vulnerable. When you're visiting a doctor or a health care provider, you feel you're at their mercy and you trust them to treat your information with the utmost confidentiality. Most patients don't think about what's happening to their information at the time that they are seeking health care, but they do think about it after they leave the doctor's office or after they leave the hospital. So now we can say to people, with the proposed Bill 31, that they have assurances that there are strong and standardized rules for how health care information will be treated. Ontarians have a right to know how and when their health care information will be used.

I was also listening to previous speakers who mentioned issues about enforcement. The Information and Privacy Commissioner will be doing enforcement. The commissioner will be taking complaints, doing investigations and taking specific action so that if there's a complaint from a patient that their information has somehow been used inappropriately, there is recourse. Patients also now have a right to access their own records, and if they feel that there is incorrect information in their records, they have the right to request that it be corrected. It is often, for most patients, a question in their minds because they see doctors or health care providers walking about with a file and they're never really sure what's in that file. Now they have an opportunity to ask what's in their file, and if there's something in there that they feel is incorrect, they have the opportunity to ask for correction.

All of this applies to all health care providers, and I just want to list some of them. That includes doctors, health care practitioners, including nurse practitioners, hospitals, long-term-care facilities, health care clinics, laboratories, pharmacies, the Ministry of Health and Long-Term Care itself and others. But the bill also applies to others outside of health care, and that includes things such as insurance companies, employers and schools. Many people have been concerned about what happens to their health care information once it leaves their doctor's office. We've all had the experience of having a physical done in order to get insurance, and we wonder what happens to the information once the insurance company has access to it. Bill 31 will ensure that that information stays confidential. I welcome that to a great extent, because most of us have things in our files that we feel are personal, and we would like them to stay that way.

**1650**

One of the things the health care information custodian needs to do is inform patients when information

has been disclosed that is outside the written scope of the statement that the custodian will be giving to the patients when they first visit. Unless a patient requests otherwise, health care providers have the implied consent that allows them to give information to other health care providers. As was said earlier, many of us move from one health care provider to another, from our family doctors to surgeons, to nurse practitioners. Information flows back and forth to a great extent, so it is difficult for health care providers to ask for ongoing consent. The implied consent is an important part of what Bill 31 will do. But if those health care providers give that information to anyone who is not a health care provider, express permission must be obtained from the patients, and that's an important thing too. We want to make sure that the information stays within the circle of care, that it doesn't go beyond that without our knowledge and express permission.

There is still always the concern about what happens in a situation where there is reportable or communicable disease. Under the Health Protection and Promotion Act, health care providers are still required to report incidents of reportable and communicable diseases to their local medical officer of health.

One of the things that I have experienced in terms of the amendments that we have gone through in Bill 31 actually relates to foundations. I know that many have spoken to that whole issue of fundraising and the impact of Bill 31 on fundraising for foundations. I want to thank the Strathroy Middlesex General Hospital Foundation for making a presentation to the standing committee when it travelled to London. I have had the honour of being a member of that foundation and I understand only too well the difficulties that small and rural hospitals experience when they are trying to raise monies. We don't have the corporate headquarters that we can go to try to solicit funds and so, therefore, we need to deal very extensively with our information in terms of grateful patients. Patients who have had a positive outcome with their stay at the hospital often look for ways to express their gratitude. Under this bill, the foundation will have access to name and contact information. Quite frankly, that's all foundations are looking for. That's all they need. Once they've made that initial contact, the patient has the opportunity to let the foundation know that they no longer want to hear from them, or, what is more often the case, they will continue to be ongoing donors. They will make donations year after year, because they remembered a good stay with their local hospital.

I also want to speak to the issue of enforcement. As I said earlier, the Information and Privacy Commissioner will be doing the enforcement and the follow-up to complaints on this whole thing. There is also the issue of penalties. We wanted to make sure, under this bill, that people had the opportunity and were told very specifically that violations of the bill would be followed by strong penalties. The penalties include things such as a \$50,000 fine for individuals or a \$250,000 fine for organizations who violate the bill. This is very important,

because people need the assurance that if their information is given out, there is some recourse to them and that there are also repercussions to the individuals who gave out that information.

I'd also like to speak to the issue of the lockbox. Individuals and patients have a right to be able to control what information is given out. Under Bill 31, they have that provision. They can very specifically let a health care provider know that they do not want certain information disclosed.

There was some concern expressed during the hearings about what would happen to other health care providers, who would get that information and that there was information missing from the file. Under Bill 31, the person who was transferring the information can let it be known that the file is incomplete. That allows a subsequent health care provider to know that something is wrong and that they need to either ask the individual about what information it is or proceed without that full information and disclosure. This allows those individuals to work without liability, because they will be working in good faith and in a reasonable fashion.

As a new MPP, I have to say that my experience with the Bill 31 hearings was very positive. I'm looking forward to moving forward with this very positive change.

**The Deputy Speaker:** Questions and comments?

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** I appreciate the comments of the member from Kitchener Centre and also from Lambton-Kent-Middlesex. It's certainly rare to have this kind of unanimity on a particular piece of legislation. Certainly the member from Lambton-Kent-Middlesex has a very good understanding of the bill and the hearings that went into seeing those amendments made. In balance, we are supporting that bill. While it's not perfect—there are some things that could be improved—at the end of the day, we accept that it's a piece of legislation that most of the stakeholders have indicated that they're satisfied with the amendments that have been made.

I wish that the government would be as co-operative when it comes to some of the issues affecting rural Ontario, ridings like mine, Renfrew-Nipissing-Pembroke, such as the hydro rate increase and how it's going to affect seniors and small business in my riding in Renfrew-Nipissing-Pembroke.

I received a letter from a gentleman up in Deux-Rivières about how that hydro rate increase which the government is characterizing as a 6% to 8% increase in fact is more like a 25% increase. Small business has been hit with so many different burdens since this government took office—new taxes and new ways of getting into their pockets—that they're having difficulty as it is. If this government continues to proceed in that vein—and now we've got environmental legislation that is going to hurt tourist operators in my riding on water issues—we just don't know where we're going to end up next.

**Mr Marchese:** There's really very little to disagree with the members from Lambton-Kent-Middlesex and Kitchener Centre on with respect to the remarks they



made, because New Democrats agree largely with the bill, largely with what they've said. Mercifully, they've fixed some of the problems connected to fundraising, because if they hadn't—the committee, including all three political parties—it would have meant the loss of millions and millions of dollars. Thank you for solving that one collectively.

We do have some concerns, and we stated them. One of them has to do with the costs of compliance. For a lot of groups, this is going to be very, very difficult. We believe the member from Don Valley West, that they understand the difficulty. The question is always in the implementation and whether the money will flow. We raised concerns around section 72, where again the government does something that is very good and makes the regulation process open. That is laudable because rarely did we ever see anything like that in the previous regime. So that was good. But simultaneously, the minister can decide that a certain regulation will not be part of the public process and, if he or she decides that, then it doesn't become part of the public process. So on the one hand, public process, except when the minister decides it isn't.

1700

In spite of these concerns, New Democrats are supporting Bill 31, unlike Bill 8, where even folks like Miss Janet Kasperski, the executive director of the Ontario College of Family Physicians, says, "The preamble" to Bill 8 "gives lip service to primary health care, but the bill is silent on how primary health care will be strengthened." She also says:

"We read Bill 8 with a heavy heart. This bill is aimed at provider accountabilities but is silent on government and public accountabilities. It is hard to read the various sections in the act without feeling that once again providers are left with all the accountabilities and none of the supports needed to meet those accountabilities."

**Ms Caroline Di Cocco (Sarnia-Lambton):** It's a pleasure to be able to speak to this bill, and I want to commend the members from Kitchener Centre and Lambton-Kent-Middlesex for speaking eloquently to this bill. It is not often I've seen in the past where we actually had a bill with amendments. It speaks to a better democratic process, a better participation by the stakeholders, and consultation and co-operation. In the end, you get legislation that is meant to ameliorate the situation in the province.

This bill has a number of sections that balance the sharing of information with respecting privacy. The first part sets out the purposes of the act, of course, and provides definitions and rules, because as we move forward with our technology, we need to set those parameters in place. Part II sets out the duties of the health information custodians with respect to professional health information. Part III sets out rules concerning consent to the collecting and use and disclosure of personal health information. Under part IV, no health information custodian is permitted to collect, use or disclose personal health information about an individual

without that person's consent. Part V provides that an individual is entitled to access to a record of personal health information, so you can access it.

So this bill basically provides the needed balance as we move forward with modern technology and are able to use that technology more effectively in the health system.

**Mr Jerry J. Ouellette (Oshawa):** It's a pleasure to rise to comment on some of the comments here. I happened to be one of the members of the committee, and it was very good the way Mr Lalonde handled the committee happenings. Some areas were a bit concerning, though. I think that the sharing of information is very good in the ordering of tests. I know a lot of individuals coming forward who go through the emergency room process and then go back to their regular doctor have difficulty utilizing the same test information and ensuring it's what individuals need. I think that will help the system quite a bit.

I was happy to hear we were able to get the delay in the implementation. As the member from the third party mentioned, the cost to a number of groups and organizations is yet undefined. There are certain groups, such as the dental hygienists, who hadn't taken into consideration how it would impact them, how they would take care of that and the storage of that information. Once the information comes in, where is it to be stored and how is it centrally stored?

I think there possibly could be an aspect of a new business being developed for information or medical or health care professionals who would be able to provide secure services and lockbox services for agencies and groups and organizations to make sure that, whether it's the physiotherapists or acupuncturists or dental hygienists, they would have a place where they would be able to make sure their information is secure.

Also, I think the ability to see your own records is very important, to make sure they are correct. I know I've had some problems in the past personally with that, where there would be a misdiagnosis or showing up for the wrong tests at the wrong time. So I think that's important as well. I think the one thing—I know my time is limited—is the fact that we have all-party agreement on that, and if that's the case, then let's get on with the vote.

**The Deputy Speaker:** The member for Lambton-Kent-Middlesex has two minutes to reply.

**Mrs Van Bommel:** I want to thank the members for Renfrew-Nipissing-Pembroke, Trinity-Spadina, Sarnia-Lambton, and Oshawa for contributing to the discussion. One of the nice things about speaking to Bill 31 is that there is general consensus on this issue. Certainly that has made it a very encouraging process for a rookie like myself to be going through this. One of the things I noticed was that, as a government, we are now going out and doing public consultations, not just here at Queen's Park but throughout the province. In doing that, I learned a great deal from the people who presented themselves at these hearings. There were issues that I hadn't thought

about until we went out to the hearings and heard from the stakeholders about how this bill would impact upon them. I appreciate their participation.

The members for Trinity-Spadina and Oshawa mentioned the costs of implementation and the costs of compliance. We certainly as a government recognize that there are going to be costs associated with this particular bill, but quite frankly, and as is indicated by the fact that we're all in agreement that this is a necessary bill, anything that is worth doing is sometimes going to cost some money to do. I think we need to move forward and do just that.

Privacy is a deeply personal issue for all Ontarians. Earlier, someone mentioned Big Brother—

*Interjection.*

**Mrs Van Bommel:** —or Big Sister. This bill is one way we can ensure that Ontarians have privacy, that there is not going to be Big Brother looking over their shoulder and having knowledge. If they feel there is, they are given recourse under this bill to make sure that it doesn't happen.

**The Deputy Speaker:** Further debate.

**Mr O'Toole:** I'd like to rise this afternoon and address this very important bill, Bill 31. As I said in one of my earlier remarks when the member for Barrie-Simcoe-Bradford was speaking, I gave some indication, not taking personal credit for anything, that I did have the privilege of working with one of the drafters of the early health care privacy debate, Gilbert Sharpe. Gilbert Sharpe, as I said earlier, was the author, the drafter, the legislative counsel who drafted many of the bills that dealt with the Mental Health Act, and we did consult broadly.

I just want to read through a small bit of history for those viewing and for the new members here. This bill, in fact the whole concept, is not new. This whole health privacy debate has been on the legislative table for almost a decade. In fairness, I think that's why, for newer members specifically, you've worn us out in terms of our ability to resist any longer, because this has been around since the late 1970s.

I'm going to give you that recorded history. In 1989, the Peterson government's Ministry of Health formally recognized the need to integrate the health system with ministry information technology in their strategic plan for health.

The next milestone, for the record here, was in 1990, introducing the change in Ontario health card systems, from family- to individual-based. That was all part of preparing the landscape, if you will, providing access to consolidated health information.

In 1992, the NDP government established the Ontario drug benefit program, integrating information, as we all know, through the pharmacists. In 1994, another NDP initiative, the Ontario Health Providers Alliance, OHPA, which some of you may be familiar with, created an information technology committee. In 1995 we were elected, the Mike Harris government was elected. The government of Ontario declared that it would replace

Ontario's outdated health information system with a smart system integrated across the province.

**1710**

So really, that was the genesis, if you will, of the necessity to build the IT infrastructure and put in place some of the infrastructure connecting up all of the health care providers, which I'll speak more on shortly.

The evolution to Smart Systems paper was published in 1995. That's indeed where I first became engaged. I should say for the viewers that most of my background working with General Motors was in the information sector, first as a programmer and latterly as sort of a manager. All things today basically are integrated systems.

In 1996, the Harris government accepted the Smart Systems vision and the program management office accepted the concept, and the concept was then established. In 1996, the interim program management office was staffed by all three partners—the OHPA, that's the professions; the Information Technology Association of Canada, ITAC; and the Ministry of Health. In 1997, Smart Systems developed a plan and it was approved. In 1997, the program management office was set up and equipped. In 1997, Smart Systems for Health worked through stages of strategic plans to build and, in 2001, deploy an Internet-based solution for six e-health initiatives to permit secure sharing of health information among providers. The trusted third party infrastructure, which focused on a public interest framework, remained the guiding principle.

Again, all through this was the anxiety that the information that was being shared—the three principles that were discussed, and probably still are, are informed consent, implied consent—that is, the patient, if you will, giving consent, and we could get into a whole litany of concerns there. If the person enters the hospital on a stretcher, is that implied or informed consent? It's a hugely complex issue in terms of protecting the individual's right to privacy.

In 2001, the business plan for Smart Systems for Health was approved by the government. In fact, I should tell you, if you look at the public accounts, you'll see there have been literally billions of dollars spent building the infrastructure now referred to very commonly as Smart Systems for Health.

In 2002, regulations to establish the agency to which I've just referred; in 2002, the chair and board of directors. In fact, I had the privilege of bringing greetings from the minister, Minister Clement at the time, to the inaugural meeting of the board of Smart Systems. It's not to compliment any involvement. We all have the privilege of being here and the privilege that role brings with being informed by experts. I would be remiss if I didn't acknowledge some of the experts whom I believe it was a privilege to work with. I have mentioned Gilbert Sharpe, who, as I said before, helped me during the consultations. But another guy I met, another Ministry of Health person whom I have a lot of respect for, is Michael Connolly, who is interim chief executive officer for Smart Systems

for Health. They've just published this booklet, "From Ideas To Reality: Smart Systems for Health Agency, 2003 Report." It's a pretty decent, very objective outline of the goals and objectives of the infrastructure side.

Building the infrastructure, that's the hardware, primarily, and application software, is absolutely necessary to connect up the modules of health care. Bill 31 doesn't deal with this specifically, but this is why they need the health privacy legislation, which allows or facilitates the sharing of information. Then I talked about the system side of it and the application side of it, and I'll get into a little bit more of that. If you look through and you want to know who is sharing the data—and it's everything from the health care provider; that's the doctor, the pharmacist—in fact, any regulated health profession can be connected to the system. The labs of Ontario are connected to the system under a system called OLIS, the Ontario Laboratory Information System.

There's no magic here. Most of these modules are up and running today. In fact, there are six modules that we had actually working and connecting and sharing that information. I'm just going to list a couple of those because it's important to see the reality of what I'm talking about.

In the few moments here, the initiatives that I talked about—I had a real privilege during my term as parliamentary assistant to the Minister of Health—and from all the experts, from doctors to front-line nursing professionals like Doris Grinspun and people working with the community care access centres—they kept me informed. In fact, it certainly lessened my concern about privacy of information. I hope we can go slowly and solve it, and some of Bill 31 allows me to have that confidence.

But the six initiatives that the people of Ontario should know about are absolutely critical. In fact, they're common to what our government was doing, and the new government, the Liberal government, will continue to do. I commend them for imitating or copying all of the initiatives that we started, because really, let's be honest, these initiatives start with the people who actually run things, who are the permanent staff within the Ministry of Health and other ministries.

The first project was the Ontario family health networks, and the e-physician project. I had the privilege of visiting the first pilot project with Dr Gamble. Dr Gamble was kind enough to allow us into his office to see how he used the new wireless tablet, which allowed him to record, very simply, patient information while discussing it with the patient. That data would be collected on a little laptop computer and that information could be shared wirelessly with his server and the server, with his permission, could be uploaded to the main custodian, which would be the databank managed and administered by Smart Systems.

The issue that will come up latterly in my comments will be the systems and systems integration and systems security. These are really the essence of the question.

But community care access centres, which was called Community Care Connect or the C3 project, that project

connected the 43 community care access centres, which set up basically community care, home care, home supports. That system, with 42 offices, is up and running in all regards.

Again, you have to realize that that was part of the almost \$28 billion we were spending in health care. All of them were important investments to provide the platform where we are today, because everyone knows—and it has been said by previous speakers. Respectfully, the earlier speakers from Don Valley West etc did acknowledge that times have changed, and information-sharing and information technology should make for better patient access, more consistent and comprehensive information for the health provider. The health provider should have the record in front of them, wherever they are in Ontario.

The third project I witnessed was integrated services for children. The children's information system is already up and running. Some of the government members who are doctors would know that this system is important for integrating children's services, whether it's learning difficulties or just physical problems, and is probably the leader in health services right here in Toronto.

Number four is the Ontario Laboratory Information System, which I talked about before, where all the labs of Ontario, whether it's operated by MDS or others, have the ability to make information digital and transfer that information to be part of the patient record.

The fifth system was the health network system. The health network system is modernizing and managing private networks in access sharing. That's probably the big point where I would depart: access. Who has access to what information? Access to information is really what this bill's about. Should every anaesthetist have access to your full record? Should every psychologist or psychiatrist or general surgeon or the nurse at the nursing station have access to the entire record of everything about you and your life?

This really becomes a huge decision of layering access security rules. I have some knowledge of this, having worked in systems access security, which is like a maze. It's the metrics of who gets in based on their level of security clearance. It's very complicated. It isn't for those working in it. But to explain it, it just means not all people can see all the record. That's the simplest definition.

The HIV information project sharing is a good example that is up and running today. It's an IT system to improve treatment and care and outcomes for Ontarians living with HIV.

That's only six of the modules. There are nine actually which at the end of time will connect up long-term care, doctors' offices right to children's hospitals—so all levels, all ages and all needs. I can log on—and that becomes the issue in practical terms—or scan your health card and, bingo, up comes the data. It's incredible. You talk about Yahoo and some of these search engines; this is a profound piece of current technology that is going to allow the attending health care provider, under certain

security levels, to access information: what drugs you're on, what general surgery you've had, what medications could be in conflict. Some of the newer doctors will be very comfortable with this, but some people who are just not comfortable with systems will probably have a little problem.

1720

I'm going to slip to Bill 31 because, as I said, Bill 31 has three elementary pieces to it: permission to collect the data, to use the data, and then to disclose the data.

If you talk to the new federal health council, they're going to do baseline studies. They're going to know what the outcomes for treatment for certain medications are in Ontario, Quebec and other places. They're going to do research based on information—outcomes, hopefully.

I guess the point here is, what if I say I don't want to be involved in a baseline study? What if I say I don't want people to know that I have a certain blood type or I've had certain tests that reveal certain things about my particular blood profile? This is where the thing, in practical application terms, becomes problematic.

I'm going to read a couple of sections that are specific to Bill 31, and with what I've given you as background and what I'm giving you as a current application instance, you're going to find that this becomes somewhat more challenging than just everyone's smug and happy agreement with Bill 31. We've talked about it, and I know we need it to make it work. My advice to the minister is: Go slowly, very, very slowly.

Some of the information here is that if individuals do not wish to participate, they should be allowed to withdraw from the information base. They might be exposing themselves to some risk, because if you're in an automobile accident or some situation where you have a stroke or whatever, you may want to be off the database but you might wish you had been on it, because you could be on a medication that the attending physician at the automobile accident situation may not know about and needs to know to intervene appropriately.

Section 11 gives you some questions to ask. The point that I think is important is to always monitor government activity, whoever is government. I'll read section 11 for you—this is under the subsection on accuracy:

"A health information custodian that uses personal health information about an individual shall take reasonable steps," whatever that means, "to ensure that information is as accurate, complete and up-to-date as is necessary," whatever that means, "for the purposes for which it uses the information."

Fairly vague: "as accurate and up-to-date" as possible. Subsection (2):

"A health information custodian that discloses personal health information about an individual shall:

"(a) take reasonable steps to ensure that the information is as accurate, complete and up-to-date as is necessary for the purposes of disclosure that are known to the custodian at the time of the disclosure."

The point I'm making, first of all, is that the patient is first. In my view, they should be informed of what is on

the record, have the right to edit what's on the record and indeed change what's on the record, or, as has been said earlier, have some information put in a lockbox at their discretion.

You should know that there's a long history with this whole debate, this whole policy. It's actually been to the Supreme Court. The Supreme Court has ruled, technically, that the health care professional actually owns the physical record—here's all the scoop. The patient owns the information. If you've been to a doctor and tried to acquire some of that information, you might find that maybe you can't read it or maybe it isn't accessible. It might vary.

How secure? I wouldn't want to leave the viewer today thinking that information today is absolutely secure. In fact, if you want to know where your health information is today, and you and your family have been attending with a family physician for many years, if you are so disposed—and I do not recommend or support this—you could go into the office, and if your name ended with a "W," you could go to the bottom right-hand drawer of the filing cabinet, pull it open, reach in and pull out the "W" file. That's how secure it is. It's not like you need some security access to get into it. You might have to do something untoward, but that's how secure it is today.

In fact, I would say to you that if we begin this discussion by presuming today's system is ultimately secure, I put to you that it really isn't. The information I've tried to present today is that we need to integrate, we need to give patients their rights first and we need to make sure there are levels of security for access to the custodian, and the patient always comes first.

But I think there are other sections in here—and I'm not trying to cast any aspersions on the bill. I do commend Minister Smitherman for listening. There's a huge number of amendments, thank goodness—and move slowly. I don't think we should be in a rush to solve this. As we begin to invest in computers, I hope there's no loss of investment in people, because computers, as we all know, and systems are going to take up a powerful lot of administrative IT money, both administering the hardware and the software. These are big money suckers, let me tell you. I worked in it for years, and this technology solution: Every computer is outdated the moment you buy it.

This stuff here could integrate the MRI record right on to the digital storage. There's no transfer; it's all digitally transferred automatically, uploaded at night. The lab technician results, all the tests, pharmaceuticals, all of it can be integrated and available instantly.

Who's going to be screening and editing those thousands of the 12 million people in Ontario? There are many unanswered questions. My advice, I repeat, is that you have to go slowly and implement one application at a time, review it with the people of Ontario and build up confidence. As you move forward, the system will work, it will give us more comprehensive case management for health care, but I believe the most important thing is

making sure that we get it right before the people of Ontario lose confidence and the investment will be for naught. Thank you for the opportunity to speak.

**The Deputy Speaker:** Questions and comments?

**Mr Kormos:** As you know, I've got just a couple of minutes now to respond, to compliment, if I choose—I'm not going to—to speak well of his contribution to the debate. I haven't got enough time. I just want to let folks know I'm going to be speaking to this in my own right in around 20 minutes' time. I've got a couple of areas in the bill.

Look, New Democrats are going to support the bill. Are we overjoyed and are we ecstatic? No. The bill is problematic, and I'm going to point out a couple of the areas where I join our critic, Ms Martel, in letting you know where the problems are. It's regrettable that the government doesn't see fit to make this bill the bill it could have been, because everybody agrees in principle with the bill. You know what I'm saying, Ms Mossop?

*Interjection.*

**Mr Kormos:** That's right. But again, for everybody to have agreed in principle with the bill, and for the government to have sloppily, negligently allowed—you'd think there was almost a cover-up in the way the government allowed—the nasty little business; nasty little pieces cover up the negligence on the government's part in leaving in the bill what I presume were some serious oversights, unless the government is trying to cover up the inadvertence or the negligent inadvertence of either the drafters of the bill or perhaps their own policy people.

So, lo and behold, a cover-up? I'm not sure, but I do say that I'll be speaking to it in a couple of areas: (1) around the ability of especially volunteer organizations that are involved in the health care sector in costing and affording the technology that's going to be required of them; (2) this faith in the technology—I know that Mr O'Toole has this faith in technology that I don't necessarily share; and (3) the extent to which health care providers, hospitals, are allowed to give out information as indicated in subsection 37(3), as I recall.

1730

**Mr Peter Fonseca (Mississauga East):** I am addressing the member for Niagara Centre. This bill is nothing but open and transparent. It was a great pleasure to be able to join the committee as it travelled around the province and meet with so many stakeholders, as they just improved this bill and made it so much better. Although, from the opposition's point of view, many of them did not want to travel around the province, did not want to consult with the people of Ontario, what's keeping us going in the right direction as a government is that we listen to 12 million Ontarians and work for 12 million Ontarians.

This bill was about being democratic, being parliamentary, using the committee the way it's supposed to be used, unlike the previous government, which wanted to do things behind closed doors and delivered their budget in the Magna plant. It was very difficult for Ontarians to trust such a government. But trust is the foundation of

this bill. That's why it is working for the people of Ontario and that's why we have come here together to make sure that it works. We're making sure that the rules are consistent when it comes to personal health information, the way it's collected and how that information is used, disclosed and distributed.

Amendments have been made, yes, but this bill has brought in measures to transform our health care system: things like the lockbox, making sure that the individual, the patient, the customer has the right to lockbox, to enclose information that they do not want disclosed to anybody else.

Once again, this bill is a great bill, and I look forward to it becoming the next act.

**Mr Yakabuski:** I want to thank my colleague the member from Durham for his measured and wise comments on the bill. He has a great deal of experience in the technology field, so we'd be wise to listen to his sage advice on this and any other pieces of legislation that come before this chamber.

The member for Mississauga East wanted to talk about the government's commitment to openness and transparency—I find that kind of odd, considering what's been going on in the House in the last couple of weeks—when it suits this government.

This bill, as the member for Durham indicated, had its genesis in previous governments, so a lot of work had been done in this regard in the past. This government did a good job of bringing back the bill to the House so that we could fine-tune it, make the final amendments and have a piece of legislation that, I might add, is not working yet because it has not been enacted, contrary to what the member for Mississauga East says. But I believe it will work, and the stakeholders will be watching to see how it does work and if there are any other changes that will be necessary down the road.

Getting back to the government's commitment to openness and transparency, I take it from the member for Mississauga East that we're going to have a new epiphany happening over there, that there's going to be an awakening. They're going to understand that the people of Ontario do want openness and transparency, and maybe the government is going to reinvent the commitment that they swore they'd uphold in their election campaign. We're looking forward to that, this new openness and transparency on the part of the government.

**Mr Dave Levac (Brant):** As I look at my watch, I know it's sundown, so I wish to offer my respect in honour of Passover at this time, just to offer the people who are watching and the people in the House who have that in their hearts my best wishes on Passover.

I would also suggest that I believe there's an anniversary—that could be corrected—of the Sikh holy scriptures being presented as well. I would like to make comment about that, just to say thank you, and in the near future, a holy and happy Easter to everyone.

When we talk about a bill like this, I think what's important to say is that we do have agreement. Contrary to some of the comments that we hear in this House from

time to time, in terms of the theatrics that are expected of us, and also the party line, I would suggest very strongly that we are working collectively on this particular piece of legislation for the betterment of the people of Ontario.

In terms of their privacy, modern-day technology has become an important part of our society; it has become an important part of our society for the good. Obviously, whenever there's something that's designed for the benefit of all, there are people who know how to take advantage and use it for the bad. So I would suggest to you that the people in this place today are speaking for the good.

There have been some recommendations. There have been hearings. There have been people stepping forward. There have been members from the opposition suggesting clearly that there are ways to improve the bill, and that's great news. But I would suggest to you very clearly that no matter who wants to talk about who gets credit for whatever direction is headed in this bill, respectfully, let's not be the rooster taking credit for the rising of the sun. So the reality that we must be remembering here is that we're working toward the legislation that's going to improve the lot of the people of the province of Ontario, particularly those who are vulnerable to abuses inside a system that requires us to ensure that their information—because we know the bad has taken place—that it's done right. So my congratulations to all for the hard work that they've done.

**The Deputy Speaker:** The member for Durham has two minutes to reply.

**Mr O'Toole:** Just to comment on each, I do want to thank the member for Niagara Centre. He did speak about a very important contributing group, the volunteers. Bill 8 speaks to the volunteers. It actually eliminates them.

Actually, the Canadian Institute for Health Information is another concerned constituent whom I would advise you to speak with.

The member for Mississauga East—basically, his patronizing kind of diatribe of broken promises doesn't deserve a response.

The member for Renfrew-Nipissing-Pembroke had most of what I had to say.

The member for Brant had a very comprehensive, inclusive response, which is completely acceptable to us—and understandable as well.

I just want to mention one more section. In the preamble, it would be important for members opposite—those who may not have read the bill; there could be some here—it's in part VIII. In fact, you should read it. Part VIII, number 4 in the preamble says, "The schedule amends the Mental Health Act to allow the officer in charge of a psychiatric facility to collect, use and disclose personal health information about a patient, with or without the patient's consent, for the purposes of examining, assessing, observing or detaining the patient in accordance with the act or complying with an order or disposition made pursuant to the" act. So I think if you read the detail in application, theoretically I agree 100%

with personal health information and the integration. I'm going to repeat very deliberately, having worked for many years in the systems side, get it right. Go slowly. There are a lot of permissions.

I'm going to put one more thing before you. If I'm a patient—or, as the member for Mississauga East discouragingly said, a "client" or a "customer." I think "patient" is the proper term—and the patient believes there's a record or a piece of the record they don't know about that's on there, what assurance do I have from the minister that that information will be corrected without a bunch of red tape and litigation?

Thank you for the time to speak on this important bill.

**The Deputy Speaker:** Further debate?

**Mr Kormos:** Oh, I should mention that I'm so pleased because here I am, and my neighbour, Khalil Ramal, who represents London-Fanshawe, was in his constituency office, as he should be Friday after he got home from his exhausting week here at Queen's Park, and one of his constituents, Scott Thompson, was visiting him in his office. Mr Thompson was dealing with a constituency matter with Mr Ramal, and Scott Thompson gave Mr Ramal my own—it's got my name inscribed on it—NDP yo-yo. Now, that could well be a political statement from somebody who's not a fan of the New Democratic Party, because I've been inclined to refer to people and institutions as yo-yos myself. I want to thank Mr Ramal for bringing this over to Queen's Park, and I want to thank Scott Thompson for his thoughtfulness. It's a hand-made sort of item and it's a really clever sort of thing, and I thank him. I just thank him for thinking of that. Lord knows he's not watching this afternoon, because anybody who was watching clicked off around an hour and a half ago.

1740

**Mr O'Toole:** Oh, come on.

**Mr Kormos:** Well, not while you were speaking, John; while people before you were speaking. Nobody got a chance to click off while John O'Toole was speaking—they would have.

*Interjection.*

**Mr Kormos:** That's right. There are a whole lot of Ontario families that burned out the batteries on the remote control this afternoon, just trying to get through to the Queen's Park channel.

I want to thank Scott Thompson. I hope my friend Mr Ramal will take the transcript back to Scott Thompson and say thank you. I know everybody else is very envious, green with envy. They are; they're all green with envy, Mr Thompson. I can see them turning green before my eyes because they didn't get a personalized yo-yo from you. So I thank you for that very much.

Ms Martel, the member from Nickel Belt, spent a whole lot of time on this committee. I've already indicated during those two-minute interventions that the New Democrats are going to support this, because in principle it's sound.

Three things, I suppose. First of all is this still ongoing fascination with technology. Please, I'm not the Luddite

that some would have me appear, that I perhaps would misrepresent myself as. There, I said it: "misrepresent." It's sort of like "cover-up," isn't it? I remember, and some of you weren't here yet, the whole folly of the last government with the integrated justice system, the computerization in the justice system. Millions upon millions of dollars spent—misspent, blown—on computer software. Private sector partners, of course—bank robbers that they are—laughing all the way to the bank with taxpayers' money.

Mr Levac remembers that. The probation/parole offices still couldn't overcome the most fundamental security controls over accessing desktop PC kinds of computers. It was just incredible. So I have to tell you, I have some real caveats about this reliance upon computerized record keeping and maintaining any semblance of integrity of the record.

Two things are particularly dangerous, and I raised these at the onset of the integrated justice program—a total failure and an extremely costly one: (1) the integrity of the information and (2) the security of it. Two very different things.

Some of you folks have kids or grandkids who can hack their way—and have—into some pretty high-level and supposedly pretty secure computer records systems. The tales are notorious. Before we can even consider legislation like this having a meaningful impact, we have to be concerned about ensuring that the investment in technology is there so as to secure the information and to maintain its integrity. I suppose the only thing that could be considered worse than somebody accessing private information would be somebody accessing it and altering it. Do you understand what I'm saying? Either deleting information or in fact tweaking it, changing it, altering it.

So I've got to tell you, I remain incredibly apprehensive about these sorts of systems. The errors range from low tech—it was a couple of years ago that Marilyn Churley and I dealt with one of her constituents who had received somebody else's OHIP records because of the billing process—low-tech sloppiness, slovenliness in errors—out of OHIP offices, had received other people's medical records. Again, the sadness around it is that her constituent was a young man who had HIV and his records that somebody else received reflected the diagnosis and the treatment that was being undergone for his HIV status. That was a low-tech foul-up. The prospect, the potential, for high-tech foul-ups is significant.

A couple of things struck me, things of course that Ms Martel raised but that she has certainly impressed upon me. One is subsection 37(3). For the life of me, I'd like to hear an explanation from some of the government members who are not prepared to accept this bill as being the yet imperfect bill that it is, why the legislation would permit disclosure, and these are the three things: confirmation that an individual is a patient or a resident in a health care facility; the individual's general health status, and mind you, it indicates that it's restricted to identifying the health status as critical, poor, stable, satisfactory or in terms indicating similar conditions; and the

location of the individual in that facility, especially when representations were made to the committee by organizations like the Canadian Mental Health Association. Obviously, their interests are with respect to persons having mental illnesses or similar disorders, diseases or conditions.

You see, the onus is upon the patient to say, "I don't want this information divulged." The solution for me is just to reverse where the onus lies. The onus should be upon the patient to say, "Yes, I authorize this institution to divulge this information about me." It would be so simple. Somebody calls the switchboard, and the switchboard says, "Oh, let me check. No, sorry, we can't confirm whether or not that person is even a patient here." End of story.

Again, the Canadian Mental Health Association focused on persons with mental illness in hospitals, presumably where they're being treated for mental illness. What if the capacity of that person isn't such that they can meaningfully say, "Don't divulge my presence here"? As members of the committee have been wont to note, the stigma that attaches to any number of diseases, conditions, disorders—two that jump out, I suppose, in this particular climate are HIV/AIDS and mental illness. Sadly, regrettably—quite frankly, for good reason, because of the way that any number of employers, among others, deal with mental illness. There's a stigma attached to it.

I really am interested in understanding why this bill couldn't have been amended so that subsection 37(3) would require that the institution in which a person was a patient or a resident receive that patient's or resident's approval, permission, to divulge that information; if they didn't, that would deal with the cases where the person was either too distracted, just simply didn't address their mind to it—heck, the last time I was in a hospital as a patient I was three years old or something. But people who go into hospitals are distracted. People are thinking about other things than the prospect of somebody calling and making inquiries about their condition.

So I put to you, here we are at second reading. There's still a chance for the government—it would be delightful to put this into the committee of the whole House, wouldn't it? It would be. I've always enjoyed committee of the whole House. There's still a chance for the government to move amendments. I really would applaud this government, were it to amend subsection 37(3). It seems to me a much healthier, a much more consistent approach if in fact this is about the protection of privacy.

Heck, if you go to a half-decent hotel, they're not going to give information about where your room is. You've got somebody staying over at the Courtyard Marriott, a unionized hotel, or over at Sutton Place, another unionized hotel here in town—they are; they're both unionized hotels, and I urge people to patronize places that have unionized workers working in them. But if you call and want so-and-so, they're not going to tell you what the room number is. But here, under this legislation, the hospital is actually authorized to disclose

the location of the patient or resident in that hospital or institution, admittedly unless the patient or resident says otherwise, but I think we should reverse it. People are distracted, people are suffering from mental illnesses, people may be medicated, they may be addressing other things than this. You could well say, "Oh, well, the hospital would have a series of forms." Undoubtedly there's a plethora of forms that people have to sign, and they're going to just sign them where they're told because, again, they're addressing their broader health needs and health interests.

The other area that really jumped out, and other people have addressed it, was the cost of implementation. You had organizations appearing before the committee. You had organizations like, once again, the Canadian Mental Health Association talking about having branches so small that the cost of acquiring the hardware and the software is going to be prohibitive. Surely, if this bill becomes law, every person in this province, every Ontarian, has to be entitled to avail himself or herself of the provisions of the bill. You can't say: "Oh, well, the law applies in the city of Toronto. Only the people of Toronto are going to have protection regarding privacy of health information, to the extent there is protection in the bill, but folks out in more remote areas aren't going to have it."

1750

*Interruption.*

**Mr Kormos:** Are these BlackBerries legal in the chamber, or are they still being seized by the Sergeant at Arms, even if they're buzzing and vibrating on people's desks? There's one over here in this area, Sergeant at Arms, that's vibrating and buzzing. You might want to investigate and do a seizure, a confiscation, and destroy it, stomp on it. Just take it out to the parking lot and drive over it.

**Mr Mario G. Racco (Thornhill):** Isn't there anything better to say?

**Mr Kormos:** Wait a minute. Mr Racco is getting irritated now, because it was probably his BlackBerry that was buzzing. Is that a smile on his face? I don't know. It's a BlackBerry vibrating, Mr Racco. Be careful: This technology is going to bury you. You know that, don't you? It's going to be the end of you yet. No matter how hard you try, Mr Racco, this technology is going to throw you for a loop.

*Interjection:* Come on, Peter, get back to the subject.

**Mr Kormos:** I was distracted by Mr Racco over here, who seemed to have woken up for the briefest of moments when I mentioned his BlackBerry. I was just distracted for the briefest of moments.

The cost of implementation—Ms Martel raised this in the strongest way. This government, other governments, provincial governments do this all the time: Not inappropriately, they impose standards on municipalities, but those standards more often than not have price tags attached to them. I've got to tell you, organizations like the CMHA, out there doing their best, working with meagre resources to begin with, have expressed concern

about the prospect not only of the initial cost but, quite frankly, about updating as time goes by, because they're going to have synchronize and coordinate.

Don't forget, this is a government whose Minister of Transportation a few weeks ago was contemplating using biometric information on drivers' licences. I mentioned at the time to any number of folks: "Give your heads a shake. What are you guys thinking?" That type of biometric information, first of all, being gathered and, second, being recorded, is so antithetical to Canadians—Canadians will just dig in their heels and say no. It was impolitic of the minister, but then this is the same minister who last week was courting the Klein exercise in retesting every driver in the province. How many? Eight million? Eight million drivers' licences—retesting them all? What a score for the private driver-testing centres, at the same time recognizing of course the lineups down where I come from and, I suspect, where you come from too. People are waiting four, five and six months to be tested in the first instance, never mind retesting 8.1 million.

This government, of course, maintains the privatized driver centres. Mr Levac might be interested, because I remember many an occasion when Mr Levac stood side by side with me out there with public sector workers, Mr Levac committing himself—and I know he was sincere—to restoration to the public sector of those things that had been privatized. I trust Mr Levac is using all his influence in his caucus and on his cabinet colleagues to return the privatized driver-testing centres to the public sector.

The last government was obsessed with urine testing. Remember that? They were. It was scatological in the breadth of it. I had these images of big tanker trucks criss-crossing the province going to labs. Don't you remember the debate about that? The Liberals were up in arms about that.

*Interjection.*

**Mr Kormos:** Yes. There's no accounting for the schemes ministers will concoct when they want to appear to be on top of an issue—so, you know, sloshy urine testing. Now we've got a minister who campaigned on change delivering more of the same: He wants to record biometric information. I think back to some criminology 101 class. There's a whole history of using calipers to measure people's skulls and determine criminality and all that. Of course, people had to be dead. Well, not all of them. Some got elected who had their brains removed so you could slice up the brains and expose them to—well, think about it.

So now we've got a government that on the one hand wants to talk about preserving or protecting privacy yet is so hell-bent on invading privacy, on acquiring this biometric information to put on drivers' licences, on submitting all those good drivers—we haven't even got the drunk drivers off the road yet and this government wants to start submitting good drivers to retesting, at a huge cost to them and an enormous profit potential for the private driver-testing centres. So I suppose it's no wonder—



**Mrs Liz Sandals (Guelph-Wellington):** What's this got to do with the bill?

**Mr Kormos:** This may have absolutely nothing to do with the bill, and if you're interested, stand up on a point of order and let the Speaker rule. He may go with you. You may be one of the few government members to actually make a point of order that's valid. Feel free.

*Interjection.*

**Mr Kormos:** We're wrapping up in two minutes. You're right, I'm bored to tears. You haven't been at all helpful, Mr Racco.

**The Deputy Speaker:** It would be helpful if the member would direct his comments through the Chair rather than carrying on a conversation.

**Mr Kormos:** I've got to talk these two minutes and 20 seconds out. Mr Racco is playing with his BlackBerry. The smile is gone. I don't know what kind of messages he's reading now. People should know that the taxpayer is picking up the tab for the BlackBerry—not inappropriately; everybody gets one.

**Hon Steve Peters (Minister of Agriculture and Food):** I don't have one.

**Mr Kormos:** Neither do I, Peters. I won't even carry a cellphone with me. It stays in the truck.

So here we are at second reading. I invite the government to put this bill into committee of the whole House. Again, New Democrats are supporting the bill on principle and have identified a number of areas—in my case, I'm concerned about the cost of the implementation of this, especially for smaller and non-profit agencies that are already up against the wall in terms of raising money, and the incredible way in which the government allows some very fundamental health care information to be divulged with respect to patients in hospitals or residents

of hospitals or other treatment centres. It can be addressed very quickly.

So that's it. Here it is: day 2. I'm surprised this bill is going to last beyond two days, but here it is; it will. People are going to talk this bill out today. It will go into a third sessional day. The government may have to bring a time allocation motion to get it passed.

*Interjection.*

**Mr Kormos:** Well, it may.

**Mrs Sandals:** On all-party agreement.

**Mr Kormos:** No. Some wisecracker back here from the Liberal rump backbench is talking about all-party agreement. Not bloody likely.

**Mrs Sandals:** You just said you were going to support it.

**Mr Kormos:** We'll support it, but we'll let it take its course, quite frankly. But if you were to commit yourselves to committee of the whole and amendments in the areas that New Democrats have identified as problematic, you may well find yourselves expediting the bill in a manner that you never, ever anticipated.

So I want to spank you—thank you, Speaker, for the opportunity. We won't spank the Speaker today. That generates another punch line I'll save for another occasion. I want to thank you for the chance to participate in this lively, enthusiastic debate. I've been thrilled to be involved in this exchange of wits—a battle of wits, as one said, between unarmed men—and I look forward to the next exciting, stimulating debate in this chamber.

**The Deputy Speaker:** It being almost 6 of the clock, this House is adjourned until 6:45 of the clock.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*

## ERRATUM

| No. | Page | Column | Line(s) | Should read:   |
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| 25  | 1215 | 1      | 12-13   | Projet de loi 47, Loi visant à protéger les personnes recevant des soins contre les mauvais traitements. |

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

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| Kormos, Peter (ND)                               | Niagara Centre / -Centre                                  |   |
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| Lalonde, Jean-Marc (L)                           | Glengarry-Prescott-Russell                                |   |
| Leal, Jeff (L)                                   | Peterborough  |   |
| Levac, Dave (L)                                  | Brant   | Chief government whip / whip en chef du gouvernement  |
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| Miller, Norm (PC)                                | Parry Sound-Muskoka                       |  |
| Milloy, John (L)                                 | Kitchener Centre / -Centre                | Parliamentary assistant to the Minister of Intergovernmental Affairs / adjoint parlementaire au ministre des Affaires intergouvernementales  |
| Mitchell, Carol (L)                              | Huron-Bruce                               | Parliamentary assistant to the Minister of Agriculture and Food / adjointe parlementaire au ministre de l'Agriculture et de l'Alimentation   |
| Mossop, Jennifer F.(L)                           | Stoney Creek                              | Parliamentary assistant to the Minister of Culture / adjointe parlementaire à la ministre de la Culture  |
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| <b>Peters, Hon / L'hon Steve (L)</b>             | Elgin-Middlesex-London                    | Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation  |
| Peterson, Tim (L)                                | Mississauga South / -Sud                  | Parliamentary assistant to the Minister of Tourism and Recreation / adjoint parlementaire au ministre du Tourisme et des Loisirs   |
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| <b>Watson, Hon / L'hon Jim</b> (L)               | Ottawa West-Nepean /<br>Ottawa-Ouest-Nepean          | Minister of Consumer and Business Services /<br>ministre des Services aux consommateurs et aux entreprises  |
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| Witmer, Elizabeth (PC)                           | Kitchener-Waterloo                                   |   |
| Wong, Tony C. (L)                                | Markham  | Parliamentary assistant to the Minister of Economic<br>Development and Trade / adjoint parlementaire au ministre du<br>Développement économique et du Commerce                      |
| Wynne, Kathleen O. (L)                           | Don Valley West / -Ouest                             | Parliamentary assistant to the Minister of Training, Colleges and<br>Universities / adjointe parlementaire à la ministre<br>de la Formation et des Collèges et Universités          |
| Yakabuski, John (PC)                             | Renfrew-Nipissing-Pembroke                           |   |
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